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LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

MEETING OF THE  
PROVISION FOR THE DELIVERY  
OF LEGAL SERVICES COMMITTEE  
OPEN SESSION

Friday, April 27, 2007

1:54 p.m.

The Peabody Hotel  
Three Statehouse Plaza  
Little Rock, Arkansas

COMMITTEE MEMBERS PRESENT:

- David Hall, Chairman
- Jonann Chiles
- Thomas A. Fuentes (by telephone)
- Herbert S. Garten
- Bernice Phillips
- Sarah Singleton
- Frank B. Strickland, ex officio

OTHER BOARD MEMBERS PRESENT:

- Lillian R. BeVier
- Michael D. McKay
- Thomas R. Meites

1 STAFF AND PUBLIC PRESENT:

2 David L. Richardson, Treasurer and Comptroller

Patricia D. Batie, Manager of Board Operations

3 Karen M. Dozier, Executive Assistant to the President

Karen Sarjeant, Vice President for Programs and

4 Compliance

Victor M. Fortuno, Vice President for Legal Affairs,

5 General Counsel, and Corporate Secretary

Mattie Cohan, Senior Assistant General Counsel

6 Charles Jeffress, Chief Administrative Officer

Richard (Kirt) West, Inspector General

7 Laurie Tarantowicz, Assistant Inspector General and

Legal Counsel

8 Ronald (Dutch) Merryman, Office of the Inspector

General

9 John Constance, Incoming LSC GRPA Director

Deborah Hankinson, Chairman, SCLAID Committee, American

10 Bar Association (ABA)

Julie M. Strandlie, Director, Grassroots Operations/

Legislative Counsel, ABA

11 Linda Perle, Center for Law & Social Policy (CLASP)

Don Saunders, National Legal Aid and Defenders

12 Association (NLADA)

Chalk Mitchell, Board President, Legal Aid of Arkansas

13 Lee Richardson, Legal Aid of Arkansas

Teresa Franklin, Legal Aid of Arkansas

14 Jean Turner Carter, Executive Director, Center for Arkansas

15 Legal Services

Charles W. Goldner, Jury., Dean and Professor of Law,

16 University of Arkansas at Little Rock William H.

Bowen School of Law

17 Bill Allen, Allen Law Firm

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

2 CHAIRMAN HALL: I'd like to call to order the  
3 Provisions Committee meeting. We have our committee  
4 members who are present. Jonann Chiles is here, Tom  
5 Fuentes, who's on the phone, Bernice Phillips, Sarah  
6 Singleton, and myself, David Hall. I do believe that  
7 Herb Garten will be joining us, but he is not here for  
8 this time.

9 And so I'd like to welcome all of our  
10 committee members and those who are not on the  
11 committee, other board members who are present, to this  
12 Provisions Committee meeting.

13 And the first order of business is to seek an  
14 approval of the agenda, which is in your board book.  
15 Could I get a motion?

16 M O T I O N

17 MR. FUENTES: Move approval.

18 CHAIRMAN HALL: Is there a second?

19 MS. PHILLIPS: Second.

20 CHAIRMAN HALL: I assume all are in favor of  
21 the agenda as so stated.

22 (A chorus of ayes.)

1           CHAIRMAN HALL: Hearing no objections, we  
2 should move forward.

3           There is also in your board book the minutes  
4 from our January meeting of January 19, 2007. If there  
5 are no objections or concerns, I would seek a motion to  
6 approve the minutes from January's meeting.

7                           M O T I O N

8           MR. FUENTES: Move approval as presented.

9           CHAIRMAN HALL: Is there a second?

10          MS. PHILLIPS: Second.

11          CHAIRMAN HALL: All in favor, could you please  
12 say aye.

13          (A chorus of ayes.)

14          CHAIRMAN HALL: Any opposed?

15          (No response.)

16          CHAIRMAN HALL: The minutes are approved.

17          As you know, we have been spending quite a bit  
18 of time in Provisions looking at the whole issue of  
19 private attorney investment and how we can initiate  
20 more private attorney involvement in the delivery of  
21 legal services to the poor.

22          The committee members should see and remember

1 that last time, we approved a private attorney  
2 involvement action plan. The final version of that,  
3 with the changes from not only this committee but the  
4 board, have been included in this. So you have that in  
5 front of you.

6 Once we approved that plan, there were some  
7 follow-up actions that we agreed we would engage in.  
8 And are now going to at least pursue some of those  
9 particular items.

10 Karen Sarjeant is here to give us an update on  
11 the work that management has been doing in that regard,  
12 and will also have some other items to bring before us.  
13 So at this point, I will turn it over to Karen.

14 MS. SARJEANT: Thank you, Chairman Hall. I'm  
15 Karen Sarjeant, vice president of programs and  
16 compliance at the Legal Services Corporation.

17 During the January 2007 LSC board meeting, the  
18 board adopted the strategic work plan entitled "LSC  
19 Action Plan for Private Attorney Involvement: Help  
20 Close the Justice Gap, Unleash the Power of Pro Bono."  
21 And as Chairman Hall has mentioned, the final copy of  
22 that, the final version, has been provided to you

1 today.

2 As you will recall, the action plan highlights  
3 the benefits of using private attorneys to assist  
4 clients of LSC-FUNDED programs. It contains several  
5 different activities for both the LSC board and the LSC  
6 staff. The action plan recognizes that the LSC board  
7 has a national voice that should be used in the quest  
8 to close the justice gap.

9 Today I am pleased to present for your  
10 consideration the results of our efforts at  
11 implementing the action plan, our first efforts at  
12 implementing the action plan. And that is a draft  
13 board resolution, and it is found at page 11 of your  
14 board book. And that resolution is in support of  
15 private attorney involvement.

16 It is our hope that the Provisions Committee  
17 will recommend this resolution to the full LSC board  
18 for adoption. This resolution demonstrates the LSC  
19 board's support for private attorney involvement with  
20 LSC-FUNDED legal services programs.

21 If after consideration the full board adopts  
22 the resolution, we will then work closely with the LSC

1 board chairman to develop a letter of transmittal to  
2 our 138 LSC-FUNDED programs and their board leadership.  
3 We believe that the LSC board resolution will be an  
4 effective impetus to encouraging our local program  
5 boards to take similar action.

6 To support local program boards in taking that  
7 similar action, we have provided a draft resolution to  
8 be used by LSC-FUNDED program boards with their local  
9 bar associations and other entities. And that is also  
10 found at page 13 of your board books.

11 As you can see, this draft resolution -- and  
12 this would be the one that goes to the local program  
13 boards -- is crafted in a way to allow the insertion of  
14 information specific to their service area.

15 Additionally, we have developed talking points to be  
16 used by the local board leadership in support of their  
17 local resolution. And those talking points are at  
18 page 15.

19 In terms of the resolution that we have  
20 submitted to you for consideration for the LSC board,  
21 to be recommended to the LSC board for adoption, we  
22 hope that each of you will also, as LSC board members,



1 take the resolution and work within your own community  
2 to increase private attorney involvement with LSC-  
3 FUNDED programs. The prepared talking points can be  
4 used by you also.

5 At this time what I will do, with Chairman  
6 Hall's permission, is actually read to you the board  
7 resolution for the LSC board that we're asking that the  
8 committee recommend to the full board.

9 "Resolution: In Support of Enhanced Private  
10 Attorney Involvement with LSC-FUNDED Programs:

11 "Whereas, the Legal Services Corporation has  
12 long recognized that the overarching values of private  
13 attorney involvement to LSC-FUNDED programs are  
14 increased access, increased human and capital  
15 resources, and increased pro bono commitment; and

16 "Whereas, the LSC report, Documenting the  
17 Justice Gap in America: The Current Unmet Civil Legal  
18 Needs of Low-Income Americans, found that 50 percent of  
19 the potential clients requesting assistance from an LSC  
20 grantee were turned away for lack of resources on the  
21 part of the program; and

22 "Whereas, the LSC Strategic Directions

1 2006-2010 calls upon LSC to increase public awareness  
2 of and support for legal services to low-income persons  
3 in order to respond appropriately to more of their  
4 legal needs; and

5 "Whereas, the LSC Performance Criteria  
6 consider, in evaluating a program's legal  
7 representation and other activities intended to benefit  
8 the low-income population in its service area, whether  
9 that program effectively integrates private attorneys  
10 into its work in order to supplement the amount and  
11 effectiveness of its representation and other services;  
12 and

13 "Whereas the Provision for the Delivery of  
14 Legal Services Committee of the LSC Board of Directors  
15 focused its 2006 meetings on highlighting the  
16 potential, opportunities, and challenges of private  
17 attorney involvement and on determining ways in which  
18 this critical resource can be used more effectively by  
19 LSC-FUNDED programs as a means to help close the  
20 justice gap; and

21 "Whereas, at its January 2007 meeting, the LSC  
22 Board of Directors unanimously adopted a strategic work

1 plan entitled 'Action Plan for Private Attorney  
2 Involvement: Help Close the Justice Gap, Unleash the  
3 Power of Pro Bono,' which highlights the benefits of  
4 engaging private attorneys to help represent clients of  
5 LSC-FUNDED programs and describes ways in which the LSC  
6 board and staff will work to expand private attorney  
7 involvement;

8 "Now, Therefore, Be It Resolved that the Legal  
9 Services Corporation Board of Directors, in its efforts  
10 to help close the justice gap, supports and encourages  
11 private attorney involvement with LSC-FUNDED programs  
12 and urges governing boards of LSC-FUNDED programs to:

13 "Collaborate with other organizations and  
14 entities in their service areas to develop effective  
15 strategies for engaging lawyers in pro bono  
16 representation and other services that benefit low-  
17 income persons;

18 "Consider including in that collaboration  
19 organizations and entities such as state and local bar  
20 associations, law firms and corporate law departments,  
21 law schools and clinics, government and military law  
22 offices, and state and federal courts; and

1           "Develop strategies that encourage pro bono,  
2 including creative recruitment methods and delivery  
3 models, attorney practice and continuing legal  
4 education rules, and training, mentoring, support, and  
5 recognition of volunteers.

6           "Be It Further Resolved that the Legal  
7 Services Corporation Board of Directors in its national  
8 leadership position, will promote, support, and  
9 encourage private attorney involvement initiatives by  
10 publicizing and recognizing private attorney  
11 involvement in the work of LSC-FUNDED programs and by  
12 collaborating with national, state, and letter of  
13 counseling organizations to create opportunities for  
14 such publicity and recognition."

15           CHAIRMAN HALL: Thank you very much. And  
16 though it was long, I believe the significance of  
17 reading it is this is an important resolution on the  
18 part of this board, and something that not only the  
19 words but the spirit of it is something we should  
20 embrace.

21           So before moving to discussion of the  
22 resolution, is there a motion for the Provisions

1 Committee to approve the resolution?

2 M O T I O N

3 MS. SINGLETON: I move that we recommend to  
4 the board that they approve the resolution.

5 CHAIRMAN HALL: Is there a second to that  
6 motion?

7 MS. PHILLIPS: Second.

8 CHAIRMAN HALL: Discussion. Are there any  
9 comments from any board members? Changes to the  
10 resolution? Other concerns?

11 MR. FUENTES: I would like to offer a few  
12 comments, if I may.

13 CHAIRMAN HALL: Sure, Tom.

14 MR. FUENTES: I think it's a splendid  
15 resolution. The only concern that I have, and maybe it  
16 could be tweaked or grown a bit, in the action items  
17 under the "Be It Resolved" paragraph, I don't see a  
18 specific encouragement there of educational efforts to  
19 the general community.

20 I see in the "Further Resolved" the LSC  
21 Washington organization is going to promote and  
22 recognize such effort. But I think along with

1 delivering services and providing the encouragement of  
2 the actual pro bono private attorneys in the  
3 communities served by the various agencies which we  
4 fund, I think that the agencies need to be involved in  
5 educating the public and, in turn, the legal community  
6 of the need.

7           As the Lord said, we shall always have the  
8 poor. But unless we have a recognition of the problem,  
9 I don't know that we ever get at it. And so I see a  
10 need to do the work, as very well-stated here. But I  
11 would like another paragraph sentence encouraging  
12 educational effort by the several agencies in their  
13 communities to tell the story of the need for private  
14 effort to serve the poor.

15           CHAIRMAN HALL: I think an excellent addition.  
16 Just so that we're clear, is that effort something you  
17 are asking that the grantees take on, that is, our  
18 grantees take one?

19           MR. FUENTES: That's right.

20           CHAIRMAN HALL: All right. Karen, do you want  
21 to respond to that?

22           MS. SARJEANT: I was just going to say,

1 Mr. Fuentes, did you also read the draft resolution for  
2 the local boards to use? Because I think we put more  
3 of that into that resolution. And so if what you're  
4 saying is we could transfer or copy some of that into  
5 the board's actual resolution, we can certainly do  
6 that.

7 MR. FUENTES: I wasn't specifically taking  
8 from any other document. But I think that as a  
9 specific directive action point of the intent of our  
10 funding, the intent of our work, just as much as it is  
11 to do these three things here stated, a fourth and  
12 maybe a first of those four should be to facilitate  
13 educational efforts within the communities to educate  
14 the public, and in particular, the private lawyers of  
15 the need to serve the poor. And I'm sure you can do a  
16 much better job of crafting that language than I  
17 offered to you here.

18 MS. SARJEANT: Might I suggest that what we  
19 could do so that the board can go ahead and consider  
20 the adoption of this is that we could make those  
21 revisions and provide them to you prior to the board  
22 meeting tomorrow morning?

1           MR. FUENTES: Fine by me. That's exactly what  
2 I'm suggesting.

3           CHAIRMAN HALL: Sarah?

4           MS. SINGLETON: I would like to also suggest,  
5 based on some of the things that we heard at lunch  
6 today, that in the list of groups with which we're  
7 suggesting there should be collaboration, we  
8 specifically add access to justice commissions or  
9 committees.

10          CHAIRMAN HALL: Yes. I think that's a good  
11 idea.

12          Other comments? Reactions to the resolution?  
13 Yes, Tom?

14          MR. MEITES: This may be too heavy-handed, and  
15 if it is, ignore it. But I was impressed with the  
16 speaker's comments, at least his parsing, of the  
17 ethical obligations provision of the Arkansas code,  
18 which I assume are the same as every other code.

19          I think you may consider a direct reference to  
20 6.1. Use the stick as well as the carrot. And if we  
21 agree on our speaker's reading that it is not hortatory  
22 but mandatory, it might be nice to at least make a



1 passing reference to ethical obligations as imposed by  
2 our state supreme courts.

3 CHAIRMAN HALL: Well, certainly in the  
4 "Whereas" section, I think one would be appropriate to  
5 mention that there is this aspirational part of the  
6 code that talks about lawyers' involvement. This is  
7 not something we are created, I don't think. Though I  
8 certainly see it as mandatory, I don't know if most  
9 states interpret it as being mandatory. But I do think  
10 some reference to that is not inconsistent with this  
11 resolution at all.

12 MR. GARTEN: I might add that I don't believe  
13 that every state has adopted the model rule intact, and  
14 that there will have to be a reference to the ABA Model  
15 Rules.

16 CHAIRMAN HALL: Right. Exactly. Which would  
17 be the best place because that is the broad umbrella.  
18 But it's 6.1 of the ABA Model Rules.

19 Others? If the person who moved the  
20 resolution would see all of these suggestions as  
21 friendly amendments, and if the seconder does so as  
22 well, I think we can move to a vote on the resolution

1 with the understanding that the exact language will be  
2 added hopefully by the time we take it to the board.

3 MS. SINGLETON: The movant will accept all of  
4 those as friendly amendments.

5 MS. PHILLIPS: Second.

6 CHAIRMAN HALL: So if we are ready to vote,  
7 all of those in favor of the resolution that is  
8 contained in your book -- it's Resolution 2007-003 --  
9 if I could hear your sign or aye if you approve.

10 (A chorus of ayes.)

11 CHAIRMAN HALL: Opposed?

12 (No response.)

13 CHAIRMAN HALL: Any abstentions?

14 (No response.)

15 CHAIRMAN HALL: The resolution is approved.

16 Karen, could you talk a little bit about -- I  
17 mean, you mentioned in your report about Frank  
18 submitting it to our board of directors, grantees. I  
19 would ask us to talk a little bit more about other  
20 possible constituencies to whom we would communicate  
21 this resolution. Do you have some other ideas in that  
22 regard? And I'd like to open it up to committee

1 members and other board members, see if they have some  
2 ideas about that as well.

3 MS. SARJEANT: Certainly. What we contemplate  
4 happening next is that once the full board approves the  
5 resolution, we would then work with Chairman Strickland  
6 to develop a cover letter that would go out to all 138  
7 of our programs sending the board chairs this  
8 resolution and sending them the resolution that they  
9 could use on the local level with the talking points.

10 It would be our expectation that they would  
11 use that with any number of -- that their boards would  
12 then pass the resolution, and they would then send that  
13 and use that with any number of organizations and  
14 entities in their service area, some of which are  
15 listed, and in some areas they work with other types of  
16 organizations.

17 So we would be asking them to send it out,  
18 give it a broad coverage in their community, not just  
19 to the bar associations. And part of it would be to  
20 address just the issue that Mr. Fuentes was mentioning,  
21 and that is the broader public educational effort,  
22 taking it to the business communities, taking it to the

1 legal communities, taking it to the health care  
2 communities, the whole range, and talking about the  
3 need in the communities and the need to help close the  
4 justice gap by getting this private attorney  
5 involvement.

6 CHAIRMAN HALL: Yes. I'm just wondering if --  
7 though I do believe the grantees can do a very good job  
8 and should do a very good job of connecting with many  
9 of those constituencies, I'm just wondering if this  
10 national board might have an even greater impact if we  
11 identified certain constituencies that we would want  
12 the resolution to go to as well, even though the  
13 grantees might follow up on it in their local area.

14 But the fact that, for example, law school  
15 deans have received it or bar presidents have received  
16 it from our chairman, would that maybe even have a  
17 greater impact when the local grantee then reaches out  
18 to that same entity? So, I mean, at least some  
19 discussion, and I'd certainly be interested in other  
20 board members' or committee members' reaction to kind  
21 of broadening who we send this to.

22 MR. GARTEN: I have a --

1           CHAIRMAN HALL: I saw Sarah first. Then I'll  
2 come back, Herb.

3           MS. SINGLETON: Again, I'd like to go back to  
4 the access to justice commission. I think that there  
5 are over 35 states that now have an access to justice  
6 commission. I know in New Mexico, our access to  
7 justice commission encouraged our supreme court to form  
8 local pro bono committees.

9           And I think if you would send one of these to  
10 the chairs of each state's access to justice  
11 commission, they in turn could work with their court  
12 and with their providers to modify this for their own  
13 use as a resolution also. So I would suggest  
14 definitely putting them on the list.

15           The dean mentioned that meeting he went to.  
16 We can get the list through the ABA of every chair for  
17 every state, and I think it would be a good thing to  
18 do.

19           CHAIRMAN HALL: Okay. Herb?

20           MR. GARTEN: Yes. This is a question, Karen.  
21 Different programs are utilizing these funds in  
22 different ways.

1 MS. SARJEANT: Yes.

2 MR. GARTEN: So if you send me a draft sample  
3 resolution, shouldn't there be some reference to what  
4 exactly is being utilized at this time in this area by  
5 the specific programs?

6 MS. SARJEANT: In the draft resolution, we  
7 actually did not include any reference, a fill-in, for  
8 how the funds are being used locally. But in terms of  
9 how a local program could do that as they talk to  
10 groups, they could explain how they're using the funds.  
11 You're talking about the 12-1/2 percent?

12 MR. GARTEN: Yes.

13 MS. SARJEANT: Of the LSC funds. Yes. We  
14 could certainly encourage that they do that, unless  
15 you're suggesting that we put into their draft  
16 resolution a provision where they explain how they're  
17 using it.

18 MR. GARTEN: I think it would be very helpful.

19 CHAIRMAN HALL: Other? Yes, Lillian.

20 MS. BeVIER: David, I'm not a member of this  
21 committee, so this may be out of order. And it may be  
22 not a timely even question or suggestion.

1           But it does occur to me that it's important to  
2 suggest that the 12-1/2 percent of our money that goes  
3 to private attorney involvement should be considered by  
4 the grantees not to be a maximum but rather a minimum  
5 in terms of representing their efforts to engage this  
6 particular issue and to engage the private bar.

7           I don't know how to phrase that, but it's sort  
8 of easy to say, well, now we've gotten our 12.5  
9 percent. We can stop. I think the important thing is  
10 this should be a continuing effort. We should keep it  
11 up and encourage them to keep it up.

12           MS. SARJEANT: Right. And we would definitely  
13 agree with you on that. And I think the appropriate  
14 place for us to give that kind of discussion and  
15 attention to it would probably be in the program letter  
16 that we are doing as another part of the action plan.  
17 And in fact, there are programs now that spend over the  
18 12-1/2 percent to engage private attorneys in the  
19 delivery of legal services.

20           In our program letter, we could certainly talk  
21 about that as a value that isn't limited necessarily to  
22 that. But I think it would probably fit in the

1 guidance and the discussion of the program letter  
2 better than in the resolution.

3 CHAIRMAN HALL: Okay. Are there any other  
4 suggestions about the distribution of it? If not, and  
5 unless there's some objection, I think as we present  
6 this to the full board, I would like to present it with  
7 the understanding that we try to add additional  
8 constituencies that we might send this to, like the  
9 equal justice commission chairs and maybe law school  
10 deans or bar association chairs, et cetera.

11 Frank?

12 MR. STRICKLAND: One comment that's not right  
13 on the point that we're discussing now. But following  
14 on Tom Meites' suggestion and Herb's comment on the ABA  
15 Model Rule 6.1, I don't think we should limit the  
16 comment in the resolution just to the ABA Model Rule  
17 because many states do have in their own state bar  
18 rules a similar rule.

19 So we perhaps could add a phrase that says,  
20 "and similar state bar rules," so that we're sending a  
21 message to include that.

22 CHAIRMAN HALL: Sure. That's fine.



1           MR. STRICKLAND: That's really a drafting  
2 comment moreso than distribution. I apologize for the  
3 untimeliness of it.

4           CHAIRMAN HALL: That's fine. We'll take it  
5 anyhow.

6           Yes?

7           MR. MCKAY: Mr. Chairman, clearly certainly  
8 over this past year this committee has worked very hard  
9 on this subject. And you could really sense a passion  
10 on the part of many members of the board on this  
11 subject.

12           And an additional thought, not necessarily to  
13 amend anything here, but to make sure this doesn't  
14 become another document that floats out to the grantees  
15 that sometimes do not receive the kind of attention  
16 that they should receive -- clearly, that wouldn't  
17 happen here in Arkansas because we heard they're very  
18 vigorous in this area -- but I'm wondering if we could  
19 make sure that there's follow-up.

20           Perhaps as a suggestion, when we have the  
21 compliance visits, we doublecheck and see how we're  
22 doing in this regard, not just on the PAI issue as we

1 have in the past, but the execution of this particular  
2 resolution once it's sent out to the grantees.

3 But execution, it seems to me, is really  
4 important since it is something that we've decided is a  
5 very important issue, that is, leveraging the limited  
6 resources that we have to try to get more private  
7 attorneys involved in this important effort.

8 CHAIRMAN HALL: Karen, you want to address  
9 that?

10 MS. SARJEANT: I think we will definitely  
11 think of ways that we can continue the emphasis on  
12 this. And I'm not sure it would become part of our  
13 compliance visits, but it would become -- it can become  
14 part of our overall conversations with programs and  
15 visits that we do. Because our staff actually do  
16 participate in some of their statewide meetings and  
17 things like that.

18 But it is definitely our vision that this does  
19 not become just another -- something that we send out  
20 and then we never follow up on. So thank you.

21 CHAIRMAN HALL: And I guess I would follow up  
22 on that to also say that part of the plan requires us

1 as a board not to let this rest as well. And there are  
2 some activities that we have agreed on that are in the  
3 plan that suggest that at each of our meetings, as we  
4 will do tonight at the reception, try to recognize  
5 people who are doing this and try to encourage others.

6 So I do believe it's something that we are  
7 trying to embed into the culture of the board, and  
8 certainly management as well.

9 MS. SINGLETON: Chairman Hall, this is a  
10 technical point, but I think if it can be sent out in a  
11 word processing format to make it easy for people to  
12 use when they're trying to put in their local  
13 statistics --

14 MS. SARJEANT: It will be. It will be.

15 MS. SINGLETON: Thank you.

16 MS. SARJEANT: And if I could -- I mean, we  
17 would be happy to report back to the committee at the  
18 next meeting kind of what we've done in order of  
19 getting this out and the kind of follow-up that we have  
20 put in place and will continue to do.

21 CHAIRMAN HALL: All right. Unless there are  
22 any other comments in regards to this, I'd like to

1       thank Karen for following up on this and drafting the  
2       resolution and getting this in front of us. And we  
3       will raise these issues with the full board tomorrow.

4               Is there anything else on the action plan that  
5       you need to mention or raise with us?

6               MS. SARJEANT: Just to let you know that we  
7       are continuing to work on the program letter, and as  
8       you will recall, the due date on that is the end of  
9       June. It will be a very substantial guidance document,  
10      and staff are working very hard on that.

11              And we are working on several other parts of  
12      the action plan. And I believe you will probably hear  
13      about it either in Board Member Garten's report in  
14      terms of the work he's been doing, or there's some  
15      information in the President's report about the  
16      activities that are being undertaken in the action  
17      plan.

18              CHAIRMAN HALL: And this pilot program for law  
19      professors on sabbatical, how is that coming?

20              MS. SARJEANT: That's one of them. We're  
21      working on it. We're working on it.

22              CHAIRMAN HALL: Thank you.

1           Our next agenda item, which I'm going to ask  
2           Karen to introduce for us, is that as we move around,  
3           Provisions is always trying to get a better sense of  
4           what are some of the challenges and issues that local  
5           programs are struggling with.

6           And certainly the recruitment and retention of  
7           lawyers who can do this work and do it with passion is  
8           always something that we want to find out more about,  
9           and to find out if there are some things that can be  
10          done at this level to address those.

11          And so we have some presenters who are going  
12          to come and address some aspects of those issues. And  
13          so, Karen, if you could introduce our presenters for  
14          us, please.

15          MS. SARJEANT: I will. Chairman Hall, I have  
16          a very short introduction I'd like to give, and then I  
17          would like to bring the panel up here and let them sit  
18          and talk with the committee. So if I could just go  
19          through the introduction and then --

20          CHAIRMAN HALL: Sure. That's fine.

21          MS. SARJEANT: Thank you. When President  
22          Barnett came to the Legal Services Corporation in 2004,

1 she announced and implemented a multifaceted LSC  
2 quality initiative. Quality was and is the core of her  
3 vision for supporting, building, and institutionalizing  
4 capacity for the delivery of quality legal services  
5 within the national legal services community.

6 In support of that vision, over the past three  
7 years LSC has undertaken a number of activities, all  
8 focused on quality. Two of those activities, the LSC  
9 pilot Loan Repayment Assistance Program and the LSC  
10 Leadership Mentoring Pilot Program, led us to engage in  
11 numerous conversations about several important issues  
12 currently facing LSC-FUNDED programs. One of these  
13 issues is recruitment and retention of high quality,  
14 diverse, and committed staff.

15 Recruitment and retention is a multi-pronged  
16 issue. Within any conversation about this issue,  
17 concerns will surface about legal services salaries  
18 that have not kept pace with other public interest  
19 salaries; debt burdens that new advocates are taking on  
20 because of the high cost of legal education; leadership  
21 development and professional training and skills  
22 development of advocates; succession planning by boards

1 of directors; and quality of work/life balance.

2 All of these topics, and the many different  
3 ways in which programs handle these topics, are of  
4 significant importance to the future of high quality  
5 LSC-FUNDED legal services.

6 We know from our own data collected from  
7 programs that the average starting salary for legal  
8 services advocates is just over \$37,000. Very  
9 preliminary data in the pilot Loan Repayment Assistance  
10 Program indicates that for programs, having the ability  
11 to offer an LRAP is an important inducement, especially  
12 for rural offices. We also know from that data that  
13 for new staff attorneys, an LRAP can make the  
14 difference in their decision to work in LSC.

15 We know that advocates are coming into legal  
16 services today, and they are looking for training,  
17 skills development, leadership opportunities, and  
18 again, a definite balance in the work/life equation.

19 In 2006, the Chicago Bar Foundation and the  
20 Illinois Coalition for Equal Justice released a  
21 critical study entitled "Investing in Justice: A  
22 Framework for Effective Recruitment and Retention of

1 Illinois Legal Aid Attorneys." This report contains a  
2 number of important findings and recommendations that  
3 are undoubtedly applicable beyond the state of  
4 Illinois.

5 For example, the study documented and  
6 quantified in dollars the high cost of turnover to  
7 legal aid programs when they repeatedly lose staff  
8 after a few years. The study quantified how in  
9 Illinois, a 10 percent attorney turnover in one year  
10 can result in over 9200 fewer clients being served in  
11 that one year.

12 And the study demonstrated that LRAP is not  
13 enough, that low salaries are just as big a program.  
14 The study also documented that training and  
15 professional development and support are key to  
16 retaining staff.

17 One of the most alarming findings of the study  
18 was that 42 percent of legal aid attorneys plan to  
19 leave their positions within the next three years.  
20 However, the study notes that there are ways to lessen  
21 this exodus, but the need to act is urgent. Without  
22 question, these issues are significant factors in all



1 states in our efforts to close the justice gap.

2 Today I am pleased to have an excellent panel  
3 to share with the Provisions Committee their thoughts  
4 and perspectives on the issues of recruitment and  
5 retention, and their experiences here in Arkansas.

6 Coming to the table as I step away will be  
7 Jean Turner Carter, executive director of the Center  
8 for Arkansas Legal Services; Lee Richardson, the  
9 executive director of the Legal Aid of Arkansas; Teresa  
10 Franklin, a staff attorney at Legal Aid of Arkansas who  
11 is actually participating in the pilot LSC LRAP; and  
12 Dean Charles Goldner, the dean of the University of  
13 Arkansas at Little Rock William H. Bowen School of Law.  
14 And I'm sure they will all bring to you important  
15 perspectives for the committee to consider on this very  
16 critical issue.

17 CHAIRMAN HALL: Thank you, Karen. And will  
18 our presenters please come forward?

19 Welcome. Glad to have all of you. On behalf  
20 of Provisions, we are looking forward to hearing your  
21 remarks on this topic.

22 MR. RICHARDSON: I'm Lee Richardson, the

1 executive director of Legal Aid of Arkansas. I want to  
2 thank Chairman Hall for allowing us this opportunity,  
3 and President Barnett, and Vice President Sargent for  
4 the introduction. We're here to talk about recruitment  
5 and retention. And I thank you on behalf of the Access  
6 to Justice Commission in both our programs as well.

7 I've outlined myself, to start off with, just  
8 a few of the problems we're seeing here in Arkansas  
9 that you're probably seeing nationwide, and a few of  
10 the solutions.

11 Salary has already been mentioned, obviously,  
12 as a problem. A starting legal aid attorney at Legal  
13 Aid of Arkansas makes \$33,600 a year. The national  
14 average is around \$37,000, as you've heard. According  
15 to NALP, which is the association for legal career  
16 professionals, a starting first year associate in a  
17 small law firm will make \$67,000. Even a starting  
18 attorney for the Arkansas Department of Human Services  
19 or a public defenders office in the state of Arkansas  
20 will make nearly \$38,000.

21 So we're well behind in the salaries that we  
22 can offer, and that's one issue that we need to be able

1 to address. We've had no adjustments for inflation  
2 since 2001, basically, on our salary schedules, and  
3 there's been probably -- I think I calculated 14.29  
4 percent inflation since that time.

5 At some point we have to buckle down and do an  
6 equalization of salaries and update our schedules, but  
7 at the same time, whenever you get new resources, you  
8 have to determine whether you want to try to increase  
9 services or try to increase the benefits to your  
10 current staff. So that's one of the problems we're  
11 dealing with, is our entry-level salaries.

12 Another problem in a rural state like Arkansas  
13 is the locales that you're trying to recruit young  
14 professionals to work in. In my particular program, I  
15 have four offices in locations where the -- one  
16 location, the population is 2800, and it goes all the  
17 way up to 15,000 in another location. But we have four  
18 offices out of seven in locations of 15,000 people or  
19 less.

20 Young professionals simply don't want to move  
21 to those areas, and you have to give them some kind of  
22 an incentive to do so. Not unusual to post a job

1 opening in one of those locations and have no  
2 applicants.

3 Or you may -- for example, in my Helena/West  
4 Helena office recently, we had a job opening. We have  
5 several good applicants. We had interviewed those  
6 applicants here in Little Rock, I believe most of  
7 them -- a couple of them on site at Helena. And we  
8 always made the people promise -- we had at least three  
9 we were going to offer the job to, but we made them  
10 promise to go to the community, spend a weekend in the  
11 community, look over the community, look at the  
12 housing, look at the schools.

13 And the reason we're doing that now is because  
14 we were hiring people sight unseen, and they would come  
15 and they would be gone in six months or a year. And  
16 we've already heard about how that ends up costing us  
17 more than it helps us.

18 So all three of these went to the community,  
19 come back, and declined the job. And there's really  
20 not a lot you can do. You can't change the community  
21 overnight. So you just have to keep plugging away and  
22 get some new incentives in there, which we'll talk

1 about in a minute with the LRAP.

2 There's been other rural locations that we've  
3 had problems recruiting in as well. I wanted to give  
4 you more examples, but I think I'll move on on that.  
5 The point is, it's just hard to recruit to the rural  
6 locations.

7 Minority recruitment: Right now we have six  
8 African American attorneys on our staff, which is a  
9 third of our legal staff, and that's probably the  
10 highest rate we've had. That's a higher rate than we  
11 actually have African American clients eligible in our  
12 community.

13 But that's been a long road to get to that  
14 point. Teresa Franklin, who's sitting here beside  
15 me -- I started working for Legal Aid of Arkansas in  
16 Jonesboro in 1991. It's probably the fifth most  
17 populous city in our state. There's 180 attorneys in  
18 the county. And she's the first practicing African  
19 American attorney in that county in those 17 years,  
20 16 years. And there's a population in that county.  
21 It's not like there's not an African American  
22 population. And she travels to probably three or four

1 counties where she's the only African American attorney  
2 that they see.

3 So that's been a problem, diversity has. It's  
4 also a problem within the Hispanic community. We  
5 simply can't find a Spanish-speaking attorney. The  
6 local Hispanic population is fairly new to Arkansas.  
7 Although it's booming, it's fairly new.

8 So children have not yet made it to law school  
9 age to be graduating from our local law schools. What  
10 few people are graduating from the local law schools,  
11 there's fierce competition to hire those people. And  
12 then whenever you start trying to recruit nationally,  
13 you always have the problem with competitive salaries,  
14 waiting on bar passage and hoping someone you expend  
15 all this time and effort and money into comes in and  
16 actually is able to pass the bar and go to work. And  
17 that's just something that we're not really able to  
18 invest in at this time.

19 Among the African American population coming  
20 out of the law schools -- I hope the dean can address  
21 this somewhat -- we've had a low bar passage rate.  
22 I've hired some that didn't pass the bar. And these

1 were certainly people that knew the law, that were  
2 well-qualified. And I think the law schools may be  
3 doing some things now to try to reverse that.

4 Retention, student loan debts: Right now in  
5 our program, all the staff attorneys and one senior  
6 attorney have student loan debts. I believe that's  
7 10 of 18 attorneys. And the average debt is \$60,000.  
8 This has been an ongoing problem, obviously, for  
9 several years as regards recruitment and retention.

10 In 2005, when LSC announced the LRAP pilot  
11 project, we had five attorneys at that time -- we've  
12 been able to grow our staff some. At that time we had  
13 five attorneys with an average student loan debt of  
14 about \$64,000 that actually owed money. Their payments  
15 ranged from \$141 a month to \$779 a month.

16 And we applied and were ultimately successful  
17 in getting some of those slots. Unfortunately, in the  
18 meantime we lost several attorneys that just had to  
19 move on because they could not wait. They would get  
20 deferments, and then their payments become due and they  
21 start having to make the payments.

22 One attorney, for example -- I won't read what

1 he said, but basically he had a payment of -- he  
2 consolidated his loans and the payment was around \$800  
3 a month. He wasn't going to be able to pay it off till  
4 he was 65 years old. It was a 30-year payment plan.  
5 And he finally had to move on. He wanted to stay with  
6 Legal Aid, but he couldn't stay with Legal Aid.

7           And sometimes the debt may be frivolous, but  
8 in most situations we're seeing it's because people are  
9 going to law school, and they are not coming from  
10 wealthy families, and they need every penny of that  
11 money they borrow in order to make it through their  
12 education.

13           But we were successful in having the LRAP.  
14 And since that time, we've not -- all the attorneys  
15 that qualified for that program are still with our  
16 program. There's four attorneys in our program that  
17 are getting the -- within the pilot project, and each  
18 of those attorneys are in their second year now.

19           And none of them, to my knowledge, have any  
20 plans to leave. And I think I told somebody this  
21 morning our staff attorneys average a little less than  
22 two years' experience. That's about to change in



1 direct result of this LRAP problem, I do believe.

2           It allows the attorneys to concentrate on  
3 working and learning to do the job and helping people  
4 without having to worry about how they're going to make  
5 their payments because that is usually their biggest  
6 payment when they're coming out of law school, or  
7 without having to defer it and build up more and more  
8 interest.

9           It also helped us recruit to some of these  
10 areas like I was talking about, Helena/West Helena,  
11 before where we were unable to recruit someone to come  
12 live. It's allowed us to come recruit minority  
13 attorneys to come live in those areas. They now can  
14 see a benefit for doing so.

15           That's what they wanted to do in the first  
16 place; when you interview them, you find that out. But  
17 then if you make it a little more plausible for them by  
18 offering this extra incentive, you're able to hire  
19 some. And we've been able to do that and retain them.

20           We also implemented internally an LRAP in  
21 2005. We started it out at \$50 a month, and now it's  
22 expanded to \$100 a month. And that's helped some of

1 the attorneys, staff attorneys, that didn't otherwise  
2 qualify for the assistance from Legal Services  
3 Corporation.

4 That's helping ease their burden, and I  
5 believe it's helped us with retention in that regard.  
6 I think we've had three attorneys leave the program in  
7 the last 12 months, which is probably the least amount  
8 since we had murders in 2002.

9 And only one of those attorneys cited student  
10 loan debt as the reason for leaving. And his debt was  
11 around \$100,000, and he didn't qualify for any of the  
12 repayment programs other than our \$100 monthly. And he  
13 stayed with us for over four years, so it wasn't like  
14 we didn't get our money's worth out of him.

15 We've also seen a renewed interest and focus  
16 on public interest law in the law schools, I believe,  
17 partly because of the ABA standards for approval of law  
18 schools requiring pro bono activities, and just partly  
19 because the swell of access to justice awareness in the  
20 country now.

21 We've been invited -- for the first time this  
22 year, I believe, I was invited to the University of

1 Arkansas to speak to a public interest law group, and  
2 had about 40 students showed up. We were able to show  
3 them the DVD that many of you saw earlier today, and  
4 that generated even more interest in our program.

5 The next day we interviewed summer interns.  
6 The Arkansas IOLTA Foundation had given us the money to  
7 hire five summer interns. And we had, I think, 18  
8 interview slots and each one of them were filled, which  
9 was very surprising to me. And the pool of  
10 interviewees, many of them were in the top 10 percent  
11 of the class.

12 We currently have on staff, I believe, three  
13 attorneys who finished in the top ten in their class,  
14 and that's the first time that we've seen that since  
15 I've been working for Legal Services.

16 And this all leads me to the point that we're  
17 seeing a renewed interest in public interest law and  
18 attorneys wanting to come out and do this type work and  
19 try to bring about systematic change in the community.  
20 And we need to make it easier on them to be able to do  
21 so if they want to do this. But they're grounded in  
22 economic realities. So if we can find ways to ease

1 their financial burden, then I think we're going to be  
2 able to hire some of the best and the brightest over  
3 the next few years to do the work that we need done,  
4 and retain some of these people.

5 And of course, I know most of you are probably  
6 aware, Senator Harkin recently filed the Civil Loan  
7 Repayment Bill, which will provide up to \$6,000 a year  
8 and \$40,000 over a lifetime. So if we could get that  
9 bill passed, that would really be beneficial.

10 Finally, I'll close out just talking about  
11 some of the things that we offer traditionally that  
12 other programs might not offer to young attorneys.  
13 Number one, we usually offer a little bit more  
14 flexibility. We see ourselves as a very professional  
15 law firm, but at the same time, we're a bit more  
16 flexible. And that's sometimes attractive to  
17 attorneys.

18 We offer better training opportunities,  
19 probably, than they're going to see in the private  
20 sector. We can send new attorneys to NITA training,  
21 National Institute of Trial Advocacy. We can send them  
22 to the NLADA Substantive Law Conference, the Equal

1 Justice Conference, National Consumer Law Center  
2 conferences, all these things that we have available  
3 that are just outstanding training opportunities.

4 One of the main selling points to young  
5 attorneys that I make is that they're going to be able  
6 to go to court almost immediately, and they're going to  
7 be able to get so much more experience than their peers  
8 by the time they've been one or two years out of law  
9 school.

10 They may go to court a hundred times in their  
11 first year if they go to work for Legal Aid of  
12 Arkansas, and one of their peers may go to a firm and  
13 go to court once at the end of that first year and  
14 second chair. That makes them much more marketable  
15 three to five years down the road, obviously, if they  
16 choose to move on.

17 You do need a balance, I believe, of senior  
18 and junior attorneys, and you're going to always need  
19 some type of turnover or your budget is going to be  
20 completely taxed. But ideally, you're going to get  
21 somebody into the office, keep them three to five  
22 years. Some of them are going to become lifers.

1           Some of them are going to move on, but then  
2 they're going to be ambassadors for you out in the  
3 community and continue to do the work from the other  
4 side and be your spokesman. And at the same time,  
5 that's going to give you the opportunity to add new  
6 attorneys that are interested in public service.

7           And I'll pass it on to Teresa.

8           MS. FRANKLIN: Chairman Hall, other members of  
9 the board --

10          MR. MEITES: David, tell her to pull the  
11 microphone closer.

12          CHAIRMAN HALL: Could you pull your microphone  
13 closer, please?

14          MS. FRANKLIN: For me, the Loan Repayment  
15 Assistance Program was a major factor in coming to work  
16 for Legal Aid.

17          When I looked at the salary compared to how  
18 much debt I had, I was thinking, well, my debt-to-  
19 salary ratio wasn't great. And the loan repayment  
20 was -- like I said, it was very instrumental because I  
21 didn't have to worry about if I'm going to be able to  
22 pay my law school loans, my other expenses that I

1 already have, and find a place to live on the salary  
2 that I had.

3 So that was one worry that I didn't have to  
4 have. And like Lee mentioned, I could focus more on my  
5 clients and the cases that I was handling for them  
6 instead of worrying about how I'm going to survive.

7 As far as the retention, it does help to keep  
8 qualified attorneys with Legal Aid because they don't  
9 have to worry about, okay, I can stay here for a couple  
10 of years and then, well, I've got to get out because  
11 I'm not making enough money to pay my loans. That for  
12 me has been a very big factor in deciding to stay.

13 Now that I'm in the program, I love the work  
14 that I'm doing and the people that I'm helping. So the  
15 loan repayment was, like I said, a major, major, major  
16 factor to get me to even come to Legal Aid. And now  
17 that I'm here, it's a great thing to keep me to stay.

18 CHAIRMAN HALL: Thank you.

19 MS. CARTER: My name is Jean Carter, and I'm  
20 the executive director of Center for Arkansas Legal  
21 Services. Thank you very much for inviting us to  
22 address your committee this afternoon.

1           The Center for Arkansas Legal Services has had  
2 a loan repayment assistance program since 1995. It is  
3 a reimbursable program. We provide up to \$2,000 per  
4 year toward loan assistance, repayment of law school  
5 loans. The attorneys that are on this program will  
6 submit to us their payments that they make on a monthly  
7 basis, and we will assist them up to \$2,000 a year.

8           We've had very good success with this program.  
9 We've had as many as five attorneys at a time being on  
10 this program, and currently we have three attorneys on  
11 staff that are participating in this.

12           Despite having an LRAP, which obviously,  
13 considering some of the debts that students are facing,  
14 it's not enough. But in addition to that, I'd like to  
15 mention some other difficulties that we experience in  
16 recruiting.

17           One of those things is not having the funding  
18 and increased funding on a year-in-year-out basis to  
19 create new jobs. And that's a very difficult thing  
20 when you're trying to recruit on an as-needed basis  
21 rather than being an employer or a law firm that  
22 annually or every other year is hiring new associates



1 or, in our case, new lawyers.

2 And so therefore, that applicant pool out  
3 there of law students or experienced attorneys that are  
4 thinking about careers in legal services is not out  
5 there with any expectation because we do not recruit on  
6 any regular basis.

7 We've also experienced, due to funding losses  
8 or you have a grant that only lasts two years, frequent  
9 periods when you have to have attrition of attorneys to  
10 be able to meet your budgets, or in some cases, with  
11 very drastic funding decreases -- for example, as we  
12 cited today, something like the decennial census  
13 decrease in funding where you have to have large  
14 layoffs of staff.

15 And so that's also something that makes it  
16 very difficult to recruit because you are looking at  
17 downturns from time to time, and so not only are you  
18 not regularly recruiting, sometimes you're in a  
19 position where you have such downturns and attritions  
20 as being the only way you can meet your budget that  
21 again, you're not regularly recruiting and therefore  
22 it's discouraging to law students or other attorneys

1       that might seek jobs in legal services that we aren't  
2       hiring and don't hire very regularly.

3               The other thing that has been very important  
4       to us in terms of our services to clients is that in  
5       many of our offices and in many areas, depending on the  
6       attorney that has just departed us -- possibly for  
7       another job -- is the need for experienced attorneys.  
8       In fact, more often than not, we are not recruiting for  
9       attorneys that are straight out of law school simply  
10      because we don't have the other additional staff to  
11      mentor those brand-new attorneys, but we are looking  
12      for attorneys that have a minimum of three to five  
13      years' experience.

14              And so, one, in order to meet the demands and  
15      the needs the clients have, they need attorneys who can  
16      come in and know how to handle their problems right  
17      away. And so that is a difficult group to recruit,  
18      with experienced attorneys as well.

19              Those are some of the additional difficulties  
20      that we face. On the one hand, with our LRAP and  
21      reputation in the community for public service, we have  
22      been very blessed with our particular program in terms

1 of the longevity of the employment of our attorneys.  
2 On average, we have attorneys who have been with our  
3 program -- 13 years is our average.

4 Forty percent of our attorney staff has been  
5 with us 20 years or more. Another 40 percent of our  
6 attorneys have been with the program between 5 years  
7 and 20 years. And only 20 percent our legal staff has  
8 been with us 5 years or less. So we feel that we have  
9 been very successful in retaining the attorneys that  
10 have gone to work for our program and their commitment.

11 I would say that ultimately, that retention of  
12 those attorneys has boiled down to creating a culture  
13 within our program of commitment and vision to the work  
14 of legal services and achieving results for our  
15 clients. And I think once those attorneys get bit by  
16 that bug of being able to be an effective advocate for  
17 clients and help empower clients to solve their legal  
18 problems and achieve life-changing results, that that  
19 is probably the most effective way of retaining  
20 attorneys. Thank you.

21 CHAIRMAN HALL: Thank you.

22 Dean?

1           DEAN GOLDNER: Chairman Hall and committee  
2 members, I thank you for the opportunity to speak with  
3 you today. I'm wearing invisible hats, and I've  
4 switched my invisible hat as chair of the Access to  
5 Justice Commission to my regular full-time job, which  
6 is dean of the law school here at the University of  
7 Arkansas at Little Rock.

8           I want to say at the beginning that some of  
9 the things I'm going to talk about are specific to the  
10 law school here in Little Rock. I know that my very  
11 good friend and colleague, Dean Cynthia Nance, at the  
12 University of Arkansas Fayetteville School of Law, is  
13 also doing a number of things, but rather than speak on  
14 her behalf and perhaps get some things wrong, I'm just  
15 going to be mentioning specifics about what we're doing  
16 here in Little Rock.

17           I'm also going to speak in what will appear to  
18 you as very broad generalizations of what I see as a  
19 dean as a problem from the side of legal education  
20 simply because of the amount of time that I want to  
21 take of the committee.

22           But I think that the issues can fall broadly,

1 from my perspective, into three categories as we're  
2 looking at the ability of our legal services providers  
3 to recruit and retain a highly qualified and diverse  
4 staff of attorneys for our providers.

5 First thing would be the choices that law  
6 schools make in raising revenue and deciding how to  
7 expend the revenues available to the law school. And  
8 I'll say a little bit about each of these.

9 The second thing would be choices that law  
10 students make and how they live while they are in law  
11 school.

12 And the third would be how legal education  
13 changes the aspirations expressed by students as they  
14 enter law school and as they exit law school three to  
15 four and a half years later.

16 On the question of choices schools make in  
17 raising revenues and in expenditures, I won't speak  
18 officially on behalf of all deans, but I'll tell you I  
19 visit all the time with all the deans. We have  
20 meetings a couple times a year, and we communicate  
21 otherwise. I don't think there's a law school dean  
22 that isn't very sensitive to the cost of legal

1 education.

2 But I will go on and say that I think there  
3 are very few law school deans who think specifically  
4 about the impact of that cost on the ability of their  
5 graduates to engage in public service careers.

6 There's talk about it, but when it actually  
7 comes to making those decisions on whether you're going  
8 to raise tuition, how much you're going to raise  
9 tuition, how much you're going to raise tuition, where  
10 you're going to apply revenues, I think that it would  
11 be fair to say as a generalization that most of us in  
12 legal education who can make those decisions do not  
13 have as a priority concern about the future of public  
14 service attorneys in this country.

15 I'm not saying we don't believe in it. I'm  
16 not saying that we don't do things. But it's all a  
17 question of where you set priorities. And I know, for  
18 instance, in my own tenure, in my seventh year now as  
19 dean, what I saw as priorities the day I became dean  
20 and what I see as priorities now -- and I'm just  
21 working on completing the budget for this next fiscal  
22 year -- has certainly changed.

1           And one thing that I believe that this  
2       committee and the board might consider is methods that  
3       they might keep the deans more focused on this question  
4       and this issue. It's not that we're not aware of it.  
5       It's that, like all of us, we have many competing  
6       demands, and something that would help move this  
7       concern higher up in the priorities I think could be of  
8       benefit.

9           The second thing I mentioned -- and don't hear  
10      my message wrong; I am not blaming our students when I  
11      say this. However, you hear this phrase so much in  
12      legal education conferences and deans conferences that  
13      it's becoming kind of trite and hackneyed, but it  
14      doesn't change the truth of the statement.

15           Students have a choice of living like a  
16      student while they're a student and then living like a  
17      professional once they graduate, or they can live the  
18      life that they think they're going to live as a  
19      student, and they do it through borrowing money, and  
20      then be saddled with very high debt loads upon  
21      graduation.

22           I think that we need much better counseling

1 for our students on the significance of what they are  
2 doing. I will just tell you, my law school is nine  
3 blocks from here, ten blocks on the other side of  
4 downtown. If you drove over there and looked in our  
5 parking lot, you would see that many of the students  
6 drive a newer and better car than I do as dean of the  
7 law school.

8           It's not that I couldn't afford a new car. My  
9 ten-year-old car is servicing me just fine, and it runs  
10 every day. There are very few ten-year-old automobiles  
11 in our parking lot at any time. The students are  
12 getting the money somewhere to have these automobiles.

13           There are differences in housing options in  
14 Little Rock. Many of our students live in what are  
15 very, very nice apartments that young professionals  
16 live in. That's fine if they want to make that  
17 decision. I don't think that we in legal education,  
18 and I don't think that the lenders who provide the  
19 loans to our students, are doing a very effective job  
20 of helping them understand and appreciate the extent to  
21 which they are mortgaging their future lifestyle to  
22 have three or three and a half years of living, for a



1 student, I would say very well. I'm showing my age  
2 here. I mean, I went to college back in the '60s, and  
3 we didn't have anything. Right? That's what we tell  
4 everybody.

5 But I think this is a serious issue, and one  
6 that if there's anything that your board, your  
7 organization, can do in terms of keeping this in front  
8 of the deans, keeping this in front of the lenders who  
9 do the private loans for legal education, perhaps  
10 keeping it in front of the section of legal education  
11 and admissions to the bar of the American Bar  
12 Association, which requires that all students be  
13 counseled.

14 I'm on the accreditation committee. I know  
15 the significance of that standard. And I'm a dean, and  
16 I know which things to pay attention to when I'm  
17 thinking about accreditation. So I think that we could  
18 do a much better job of counseling students on the  
19 impact of the lifestyle decisions they make while they  
20 are in law school.

21 Now, the third thing and something that I am  
22 concerned about -- but you see different people coming

1 to different conclusions -- but how many of our  
2 students come to law school truly with a public  
3 service, I want to do good, I want to go out there and  
4 do well in my life by doing good, by serving the  
5 public? And what percentage of those students would  
6 say the same thing if you interviewed them upon their  
7 exit at graduation of law school?

8 This is an area where I think that law schools  
9 actually have made tremendous strides in the last few  
10 years. And Lee alluded to this with his experience up  
11 in Fayetteville. I think there are several reasons for  
12 this.

13 One is that I believe that we are in legal  
14 education doing a better job of paying attention to  
15 what it means to be a professional and what it means to  
16 be a happy and fulfilled professional. And all the  
17 studies show that public interest, public service, pro  
18 bono, is an important part of the success level of all  
19 lawyers regardless of what career path that lawyer  
20 happens to take.

21 And so we are paying more attention to it in  
22 legal education. For instance, at our school, I guess

1 now eight years ago -- because it was right before I  
2 became dean -- we adopted something we called the  
3 Dean's Certificate of Service and the Dean's  
4 Certificate of Distinguished Service.

5           And a law student who during an academic  
6 year -- well, actually, calendar year -- performs at  
7 least 100 hours of public service -- we don't limit it  
8 to pro bono because particularly for first-year  
9 students, there's not really many pro bono  
10 opportunities for a non-lawyer who doesn't know much  
11 law anyway. So we make it community service. But any  
12 student who does 100 hours of community service in a  
13 year we award the Dean's Certificate of Service.

14           We recognize this at the awards banquet that  
15 the student bar has every year. But I think even more  
16 importantly, we put it on the transcript because we  
17 view this as an academic and professional  
18 accomplishment as part of the legal education.

19           If they accumulate 300 hours or more during  
20 their time at the law school, they get the Dean's  
21 Certificate of Distinguished Service, which also goes  
22 on their transcript. And we have more students who are

1 getting this every year. It's certainly not a  
2 majority. It's more than a tiny minority. I'm glad to  
3 say it's gone up in number every single year.

4 And I think this has to do with getting  
5 students either interested in a public service career  
6 path or at least interested in a life of service  
7 through pro bono once they graduate from law school.

8 Of course, as mentioned, the ABA has a  
9 relatively new standard that requires law schools to  
10 provide substantial opportunities for student  
11 participation in pro bono activities. A number of law  
12 schools were already doing this. A number of law  
13 schools were not doing this.

14 As a member of the accreditation committee, I  
15 can tell you that we look at every standard when we're  
16 reviewing a school for accreditation. And I believe  
17 that this will in fact make a difference in the  
18 attitude and the views of students as they graduate  
19 from law school.

20 We are undertaking service learning projects.  
21 Our school obtained a grant, and right now we're doing  
22 things in Little Rock, but ultimately we're going to

1 send our students to the delta area of this state to  
2 engage in summer externships working on serving and  
3 solving the problems of the poor and the working poor.  
4 And the delta area of Arkansas contains some of the  
5 poorest counties in the nation. There certainly is a  
6 need there. And I know other law schools are doing  
7 similar things.

8 I think that the Legal Services Corporation --  
9 and I must admit ignorance on how much is being done,  
10 and so forgive me if I'm saying something that's  
11 already happening to a great extent -- to the extent  
12 the Legal Services Corporation can engage the career  
13 services offices at law schools, maybe through NALP,  
14 the National Association of Law Placement, or in some  
15 other manners. But for instance, at our school we do  
16 things for public interest and to generate interest and  
17 interviews. But I'm quite sure we're not doing  
18 everything that we could.

19 Finally, in closing, I would just point out --  
20 and I know that you all are aware of these things --  
21 but two other organizations that can be of tremendous  
22 help in effecting the behavior of law schools and of

1 law school faculty and of law school deans.

2           And one, of course, is the American Bar  
3 Association through its accreditation function. I have  
4 been very proud of the section of legal education in  
5 the ABA for the manner in which they have insisted that  
6 Standard 212 on diversity in legal education is in fact  
7 both legal and necessary. And it's a continuing  
8 struggle with the Department of Education.

9           To the extent Legal Services Corporation has  
10 any opinion on this and wants to weigh in on the  
11 continuing status of the ABA as the accrediting body, I  
12 think that that is something that could be useful.

13           And then the Law School Admission Council, I  
14 mentioned earlier that I serve on the national board of  
15 trustees for the Law School Admission Council, which  
16 has worked long and hard and perhaps more successfully  
17 than any organization that I know of in increasing the  
18 diversity of students entering law schools, and is now  
19 paying more attention to the success of those students  
20 upon graduation, in passing the bar, and entering  
21 successfully into a life in the law.

22           We can do things in the law schools. I talk

1 about deans sometimes get to allocate resources; I have  
2 that luxury. And this past year, I created a new  
3 position in our law school. So we have a person who is  
4 devoting full-time to academic support for students who  
5 need extra assistance. And for the first time, we're  
6 also this year having a program to help prepare  
7 students to pass the bar examination.

8 And so there are things that can be done in  
9 legal education. We're working on some of them. And  
10 just speaking now as an individual, I want you to know  
11 that I would welcome the opportunity to work with your  
12 committee, with your organization, and find ways to be  
13 part of the solution.

14 So thank you for your time, Chairman.

15 CHAIRMAN HALL: Thank you. And thanks to all  
16 the panelists for your insightful presentations.

17 I'd like to open it up for questions. Tom?

18 MR. MEITES: Dean Goldner, let me ask you to  
19 put your access to justice hat back on. Our grantees  
20 are not allowed to lobby in a political sense.  
21 However, the access to justice committees are.

22 DEAN GOLDNER: Yes.

1           MR. MEITES: At lunch I was very impressed  
2           that your committee was able to get four congressmen to  
3           actually show up for a town hall meeting. And I urge  
4           you to cultivate contacts with your congressmen and  
5           your senators because local contacts that you do here  
6           are golden, and whatever you do here pays dividends for  
7           us in Washington.

8           In particular, I urge you to bring to your  
9           congressional representatives the testimony we heard  
10          just this afternoon about how important loan repayment  
11          assistance is to recruitment and retention. As you  
12          know, there are several bills in Congress right now  
13          which unfortunately have a possibility of being lost in  
14          one of the many shuffles in Washington. But if the  
15          congressmen from Arkansas and your two senators are  
16          aware of how important that bill is -- not to the  
17          nation, but to Arkansas -- it'll make a difference.

18          DEAN GOLDNER: Thank you, sir. And as chair  
19          of the commission, I tell you that we will make those  
20          contacts and follow through.

21          MR. MEITES: Thank you.

22          CHAIRMAN HALL: Sarah?



1 MS. SINGLETON: I have a few questions,  
2 Mr. Chairman. And I think the first one is probably  
3 for Ms. Franklin.

4 Perhaps I don't understand the loan repayment  
5 assistance programs. But why does it make a difference  
6 to you if you get loan repayment assistance versus you  
7 get an increased salary?

8 MS. FRANKLIN: Well, the loan repayment  
9 assistance is on top of my salary.

10 MS. SINGLETON: But let's just say you're an  
11 entry level person and you get \$35,000 a year. What if  
12 they gave you \$37,000, or however much you get in loan  
13 repayment, as your salary?

14 MS. FRANKLIN: Well, it makes a difference  
15 because, like I say, it's on top of. And I can use the  
16 money specifically from the loan repayment to pay my  
17 loans, whereas if it's just on my salary, then I have  
18 other bills that I pay, other expenses, plus my loan  
19 repayments. But the loan repayment is just for that.

20 MS. SINGLETON: It forces you to use the money  
21 for loan repayment.

22 MS. FRANKLIN: Right.

1 MS. SINGLETON: I guess that's -- I can see  
2 that.

3 Yes, Dean?

4 DEAN GOLDNER: If I may make a comment on  
5 that, and this is only by analogy so I can't be sure  
6 that this is the case. But a salary plus something  
7 oftentimes strikes people as more attractive than a  
8 higher salary. I think it's just human nature. I know  
9 this when I am trying to recruit faculty. But I also  
10 know it when we're trying to recruit students.

11 And the problem we have is we're often  
12 competing with a private law school. And the private  
13 law school tuition may be \$27,000 a year and they're  
14 offering the student a \$10,000 scholarship, which means  
15 their net cost is \$17,000. Our tuition and fees are  
16 \$9,000 a year, we typically don't offer very many  
17 scholarships other than for special reasons.

18 And I can't tell you the number of  
19 conversations I've had with students who say, well,  
20 School X is offering me \$10,000. And I say, but it's  
21 still going to cost you twice as much to go there. And  
22 the response is always, but the fact they will give me

1       this money shows that they want me more than you want  
2       me.

3                   And if this was a one-off thing, I'd just  
4       ignore it. But I have these conversations at least a  
5       couple or three times every admissions season. And so  
6       I think that it looks like you're going that extra  
7       mile; even though the dollars total up to the same,  
8       that there is in fact a psychological recruiting  
9       benefit in the loan repayment rather than a higher  
10      salary. Of course, both would be nice.

11                   MS. SINGLETON: And I think then,  
12      Mr. Richardson, you did mention higher salaries. You  
13      need to have higher salaries. And I want to ask you,  
14      do you think it would be fair if you got money and you  
15      decided to use it for higher salaries to expect more  
16      productivity from the lawyers who are getting the  
17      higher salary?

18                   MR. RICHARDSON: I don't think that would be  
19      fair because I think we're getting the same  
20      productivity. I think they're all working at  
21      100 percent at this point and they can't do much more.  
22      They're there on the weekends. They're there at

1       nights. Our work week is 37-1/2 hours, but many of the  
2       attorneys put in 50 or 60 hours.

3               So no, I believe they're going to work just as  
4       hard no matter what their salary is; they're dedicated  
5       to the job. It just becomes an economic burden at some  
6       point in their career that they have to try to support  
7       their families, for one thing, and move on.

8               MS. SINGLETON: If that's the case, then  
9       explain to me how I can sell increased funding as a way  
10      to close the justice gap.

11              MR. RICHARDSON: Well, we can hire more  
12      attorneys, for one thing, and --

13              MS. SINGLETON: Well, not if you're going to  
14      use the money to increase the salaries of the people  
15      who are already there who aren't going to work any more  
16      efficiently.

17              MR. RICHARDSON: We haven't done that. That's  
18      a choice that we have to make but we haven't made. We  
19      haven't done cost of living increases. We stay with  
20      our same salary schedule. Obviously, we need to at  
21      some point be fair to the people working on our staff  
22      and say, well, we've got to adjust for inflation at

1 this point.

2 We need quite a bit of money, obviously, to do  
3 that and hire more staff. But ideally, we'll get to  
4 the point someday where we have one attorney again for  
5 every 5,000 eligible clients out in the community  
6 instead of one for nearly 14 that we have now.

7 I don't know if that's responsive. One thing  
8 that I wanted to respond, the \$5,000 Teresa Franklin  
9 gets from LSC with the LRAP, that is not taxable. So  
10 that money is --

11 MS. SINGLETON: All right. So if it doesn't  
12 come from her employer, it's not counted as income?

13 MR. RICHARDSON: That's correct.

14 MS. SINGLETON: So that is a benefit provided  
15 you can find somebody else to give you the loan  
16 repayment money. Thank you.

17 CHAIRMAN HALL: Other questions that board  
18 members have? Tom, do you have any?

19 MR. FUENTES: Well, no. I would just perhaps  
20 offer a comment of appreciation for all those comments  
21 that were made, especially from the dean. My own  
22 background as the chairman of the board for some years

1 of Whittier Law School here in California -- Whittier  
2 being a law school in the Orange County community  
3 adjunct to Whittier College, President Nixon's alma  
4 mater -- I must say that I think the candor of the  
5 dean's comments about student utilization of funds and  
6 lifestyle in the community, and then ending up with  
7 enormous debt is just dealing with reality.

8           And that reality here, from what I have seen,  
9 we had an average of \$100,000 of student loans for  
10 99 percent of the students going out the door from the  
11 law school. And I think we have a moral responsibility  
12 as national leaders to give a sense of accountability  
13 and a sense of realistic financial management. They do  
14 such a poor job in the schools systems today in  
15 teaching financial management.

16           Most kids get out of high school or, in many  
17 cases, colleges knowing how to balance their checkbook.  
18 And my God, when they get to law school, perhaps we can  
19 infuse that, a little less of the entitlement mentality  
20 and a little more personal responsibility. And I  
21 commend the dean for his comments. Thank you.

22           CHAIRMAN HALL: Herb?

1           MR. GARTEN: Dean, this morning we heard from  
2 a young lawyer -- I think he was out two or three  
3 years -- but during his law school career, he got  
4 involved with public service -- I think he said he  
5 might have spent 20 hours a week -- and loved the work  
6 he was doing. And he knew that the experience he was  
7 getting while doing this, while going to law school,  
8 put him way ahead of other members of his class.

9           You told us you're encouraging this by putting  
10 on the transcript and recognizing this kind of work, if  
11 I understood your testimony. Why don't you give credit  
12 on the number of hours needed to graduate from the  
13 school? I know some schools have it as part of the  
14 clinical training, and they receive academic credit for  
15 it. Are you doing that at your school?

16           DEAN GOLDNER: Yes, sir. The reason we don't  
17 give credit for the hours they do for the Dean's  
18 Certificate of Service -- I mean, the cheap and easy  
19 answer, but it's the accurate answer, is it would be in  
20 violation of the ABA accreditation standards.

21           We run several in-house live clinic programs  
22 in our school in which students can earn anywhere from

1 two hours to six hours in a semester. And all of those  
2 are directed toward public interest and public service.  
3 In fact, we take a number of -- in fact, I think maybe  
4 all of our referrals for our litigation clinic from the  
5 Center for Arkansas Legal Services, the law school pays  
6 the salary of a clinic director and a supervising  
7 attorney to run that litigation program.

8 We also have -- and a number of law schools  
9 have this as well -- we have an externship program  
10 where students go out in what we call field placements  
11 and, because of how it's structured and because there's  
12 a classroom component, they receive academic credit for  
13 doing, like you say, maybe as much as 20 hours of work  
14 a week in a public interest placement.

15 We have limited our externship only to public  
16 interest, government, and nonprofit. I mean, there are  
17 law schools where you can do externships at private  
18 firms or incorporations, and there's nothing wrong with  
19 that. It's just that we wanted our students to be  
20 focused on public interest and public service.

21 So both in our live in-house clinics and  
22 through our externship program, our students do earn



1 academic credit, sir.

2 MR. GARTEN: Thank you.

3 CHAIRMAN HALL: Well, on behalf of Provisions,  
4 I want to thank all of you for coming and providing us  
5 with some very important information. There are many  
6 takeaway points, but certainly one of them for me is  
7 that this board supported the notion of creating the  
8 LRAP. And we did it on certainly some evidence, but I  
9 think in part on faith that it would make a difference.

10 And so to hear the executive directors  
11 indicating that it makes a difference, but I think,  
12 even more importantly, hearing Attorney Franklin be  
13 here as living proof that it makes a difference, I  
14 think says something to us as a board, that there are  
15 decisions that we can make at this level that has a  
16 tremendous impact on the ground.

17 So your presence here has certainly sent that  
18 message and confirmed that for us. So thank you for  
19 your time, and I will certainly report out to the  
20 entire board a summary of the excellent comments that  
21 you have shared with us.

22 So unless there are some concluding words, we

1 thank you for your presentation.

2 (Applause.)

3 CHAIRMAN HALL: We have run over, as often is  
4 the case. But we have on our agenda public comment.

5 Is there any public comment to come before Provisions?

6 (No response.)

7 CHAIRMAN HALL: Consider and act on any other  
8 business to come before the committee?

9 (No response.)

10 CHAIRMAN HALL: I will entertain a motion to  
11 adjourn the Provisions Committee.

12 M O T I O N

13 MS. PHILLIPS: So moved.

14 MR. FUENTES: So moved.

15 CHAIRMAN HALL: Meeting adjourned.

16 (Whereupon, at 3:21 p.m., the committee  
17 meeting was adjourned.)

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