

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

PROVISION FOR THE DELIVERY
OF LEGAL SERVICES COMMITTEE

OPEN SESSION

Friday, November 10, 2000

2:00 p.m.

Marriott at Metro Center
12th and H Street, N.W.
Washington, D.C. 20002

COMMITTEE MEMBERS PRESENT:

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

BOARD MEMBERS PRESENT:

John N. Erlenborn
John T. Broderick, Jr.
Thomas F. Smegal, Jr.
Hulett H. Askew
Nancy H. Rogers
Edna Fairbanks-Williams

STAFF AND PUBLIC PRESENT:

John McKay, President
Victor M. Fortuno, VP for Legal Affairs
Randi Youells, VP for Programs
James Hogan, VP for Administration
Michael Genz, Director, Office of Program Performance

STAFF AND PUBLIC PRESENT (con'd):

Mauricio Vivero, VP for Governmental Relations and
Public Relations
Esther Lardent, ABA's Standing Committee on Legal Aid and
Indigent Defendants
Danilo Cardona, Director, Office of Compliance and
Enforcement
Cynthia Schneider, Program Counsel, OPP
John Idleman Program Counsel, OPP
Christopher Sundseth, Budget Officer, Office of the
Comptroller

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

2 CHAIR WATLINGTON: I'd like to begin the meeting of
3 the committee for the provision of legal services. It's 2:00
4 p.m.

5 I'd like to introduce the two -- the committee
6 persons, I think, as called, with an incomplete -- and --
7 never said your name right -- and I think we have Maria, and
8 we have our John McKay, president of the corporation, and we
9 have board member John Erlenborn, and Nancy Rogers, and Bill
10 McCalpin, Edna Fairbanks, and here comes Bucky Askew.

11 M O T I O N

12 CHAIR WATLINGTON: I'd like to start off with the
13 approval of the agenda.

14 MR. SMEGAL: So moved.

15 MR. MCCALPIN: Second.

16 CHAIR WATLINGTON: And it's been moved and
17 seconded. Everybody who approves say aye.

18 (Chorus of ayes.)

19 CHAIR WATLINGTON: Nay?

20 (No response.)

21 CHAIR WATLINGTON: Motion carried. Last time I
22 forgot the approval of the minutes, this time I'm not.

1 M O T I O N

2 MR. SMEGAL: Let's do that. I'll move the approval
3 of the minutes.

4 MR. MCCALPIN: Second.

5 CHAIR WATLINGTON: The minutes for the committee
6 meeting of the 17th, signify by saying aye.

7 (Chorus of ayes.)

8 CHAIR WATLINGTON: Nay saying?

9 (No response.)

10 CHAIR WATLINGTON: Okay, ayes carry. At this time,
11 I'll have the staff presentation on LSC efforts to define,
12 measure and ensure quality in service provided by LSC
13 grantees and state justice communities. We have Mike Genz,
14 and he'll introduce his panel.

15 MR. GENZ: Thank you, Madam Chair and the
16 committee. With me are Cynthia Schneider and John Eidleman,
17 members of the office of program performance.

18 Good afternoon, again. Ensuring high quality
19 representation to the client community has always been
20 essential to the Legal Services Corporation's role and
21 function and mission.

22 Now, the Act charges the corporation with that

1 directly and immediately. And you, as a board, have lifted
2 that up and put emphasis on it in your strategic directions,
3 by making it one of the two crucial goals that we're to aim
4 all of our work towards addressing.

5 When we were talking about this, just in the
6 office, about how we would be discussing this, folks
7 mentioned to me that -- to also emphasize that the staff,
8 your staff, has this as their essential commitment. That's
9 why we're here, those of us who come from programs, those of
10 us who have made the corporation our career, are also
11 committed to this function.

12 The purpose of this presentation is to show how our
13 work in the three programmatic areas, in competition, and
14 compliance, and state planning further the goal of assuring
15 quality.

16 We do this by recognizing in those three functions
17 possible problem areas, places to look at further, by
18 visiting them, and if necessary, by help for them.

19 In the competition area, poor applications trigger
20 further consideration. The competition evaluator looking at
21 all the documents that he or she has in front of him saying,
22 "We need to visit this place to make sure, to see if there

1 are problems that need to be addressed and can be taken care
2 of."

3 In the area of office of compliance and
4 enforcement, some complaints of course go straight to
5 regulations, and others are to specific incidents.

6 But there are some situations where complaints
7 might suggest to those people in the staff that what you have
8 is a situation where there may be some management function,
9 some overall programmatic issue that needs to be addressed
10 that the complaint would be an indication of.

11 Similarly with state planning, we're getting into
12 states, we're working with all of our partners, and a major
13 function in the state planning is to address quality, see
14 what we have throughout the state, and to make sure that it's
15 even. So in that process also, we're looking at and
16 addressing quality.

17 In the last year, in the office of OPP, we made
18 several visits. In the area of those competition-type
19 situations that I addressed, there were 10 visits to look at
20 quality issues. There were three further issues that were
21 brought about by complaints that came in, where we went with
22 the office of compliance enforcement to look at that

1 situation.

2 We went to three further places in the post-merger
3 situation to check out how those things were going. We made
4 48 visits in connection to state planning, where we felt it
5 was essential to go and see programs states were working in,
6 to get a better idea of how those things were working.

7 So all together, in the last year, we made 64
8 visits addressed to these topics, in 25 states. These visits
9 don't include state planning visits that were just to go to
10 meetings of state planners. It doesn't include OCE visits
11 that weren't on this topic, and it doesn't include field
12 technology visits.

13 So that's the what of this presentation. What
14 we're going to do now is discuss, by two interviews, the
15 hows. The first one, with Cindy, will be -- she'll be
16 addressing what happens in your typical visit that comes out
17 of a competition process, where there's been questions of
18 quality, and what's done on the ground, and look at that.

19 John will be focusing on a situation that came out
20 of a complaint, and he'll be talking about what they found,
21 and how they addressed it.

22 Okay, I'll turn now to Cindy. Good afternoon.

1 MS. SCHNEIDER: Mike.

2 MR. GENZ: Let's talk about the competition
3 process. When you've got a situation where it's just one
4 applicant and this is a current grantee, what do we do to
5 look at that application? How do we review it?

6 MS. SCHNEIDER: Well, even in situations where we
7 have only one applicant in the competition process, we do a
8 full examination of that application, as we are required to
9 do, under the regulations and under the Act, because the Act
10 says that even though a program may have received funding in
11 the past, that does not give them any preference for the
12 continuation of their funding under future competitions.

13 So we take the application, and they have submitted
14 a narrative as well as provided us a lot of statistical
15 information as to budget, their cases closed, cases opened,
16 staffing in forms that we require. And we review all of that
17 written information as part of the review process.

18 We also look at any information we have in the
19 office about the program, such as complaints which may have
20 come in about the program, and any other reviews we have done
21 about the program in the last six years.

22 We also ask the program to submit with their grant

1 application any reviews done by other organizations within
2 the last six years. And all that information, that written
3 material, is evaluated then.

4 MR. GENZ: What are the standards used in the
5 evaluation?

6 MS. SCHNEIDER: Well, to assess quality, we use
7 both the LSC performance criteria, as well as the ABA
8 standards for the provision of civil legal services to the
9 poor.

10 MR. GENZ: Can you talk about who does the
11 evaluation and what their backgrounds are?

12 MS. SCHNEIDER: Okay. The evaluations are either
13 done by program staff or the initial evaluation is done by a
14 consultant. Both program staff and the consultants that we
15 use have had a lot of experience with either working in a
16 legal services program. That's the first piece, the first
17 part of the evaluation process is this review done by either
18 the consultant or by internal staff.

19 When a consultant does the initial review, the
20 staff person responsible, typically for that state, will also
21 do a review.

22 Then there is a secondary review done by staff to

1 ensure that everything was reviewed by the initial reviewer,
2 that all the steps were followed.

3 After that, there is a recommendation made to
4 yourself, as the director of the office of program
5 performance. Then the recommendation goes to the vice
6 president for programs, who may review this information. And
7 then finally, the recommendation goes to the president of the
8 corporation.

9 MR. GENZ: Before it gets that high, what if the
10 initial reviewers have significant concerns about the overall
11 quality?

12 MS. SCHNEIDER: If the initial reviewers have
13 significant concerns about a program, it'll be handled in two
14 ways, depending on what the concern is.

15 If it is something that we may characterize as
16 minor, for example, in the grant application process, one
17 thing we ask the applicant to explain is their tickler
18 system, so they don't meet (sic) any important deadlines for
19 filing of briefs, attending court hearings, attending
20 administrative hearings, or trial dates. So we ask what
21 their tickler system is.

22 If the program, in their narrative, does not

1 explain what their tickler system is, in my mind this is not
2 a reason to go out and do a full-fledged capability
3 assessment visit. In those instances, we probably -- we'd
4 call the program and ask them to explain this. And if the
5 program satisfactorily provides, you know, the explanation of
6 what their system is, and it meets the standards, then we'll
7 give them a pass on it.

8 But if they explain the system -- again, using the
9 example of the tickler system -- in such a way that it
10 appears they don't have a decent system, this may be an
11 indication of further problems with the program that deal
12 with the supervision of the legal work. In that case, we may
13 then go in and do the program visit.

14 Often times, before we do the visit, if we see
15 weaknesses within the narrative and all of the other paper
16 that we evaluate, we often times within OPP sit down as a
17 unit and discuss the case.

18 We have -- everyone on staff within OPP has, I
19 think, 20-years-plus experience working with programs, or
20 even working in legal services, that we bring our experience
21 to the table, and as a group, will decide how to go on this.

22 And if the weaknesses are such that give rise to

1 the need to do a capability assessment visit, we'll begin to
2 schedule that.

3 MR. EIDLEMAN: Mike, can I just add something?

4 MR. GENZ: Sure.

5 MR. EIDLEMAN: Let's say -- you talked about
6 calling programs and getting additional information we do do
7 -- some regularities, for example, from the narrative, we can
8 tell whether there is a good procedure for legal work, for
9 example.

10 If you call a program up and they may have a
11 written policy in place, they can mail that to us and that
12 will satisfy the need we have, or we may ask for some
13 supplementation of the narrative.

14 MR. GENZ: I forgot to mention to please feel free
15 to jump in with your own questions at this point, or any
16 point -- the process and examination -- so tell us about that
17 typical visit when it does happen, the rare times that we do
18 have to go that far.

19 MS. SCHNEIDER: Well, when we do a visit, prior to
20 announcing our arrival, we will send a letter to the program
21 asking them to submit a variety of documents, such as staff
22 rosters, any legal work management manuals, their intake

1 protocols, written intake protocols, we may ask for personnel
2 policies.

3 We will ask for the names of groups, community
4 groups, which they work with, the names of judges that they
5 practice before, the names of private attorneys that
6 volunteer for the program.

7 We'll also ask for such information as client legal
8 education presentations they've made within the past 13
9 months. So it's a variety of material that we ask them to
10 submit to us prior to the visit.

11 And then when we go on the visit, the actual visit,
12 we will spend our time interviewing the executive director,
13 staff, both paralegal and attorney staff, we will -- we may
14 also interview other members of staff such as support staff,
15 if they have an office administrator, they have a resource
16 development person, and we will interview people typically
17 outside the program.

18 If we do have the time, we do like to talk to
19 judges, to members of the private bar, and to community
20 groups in an attempt to assess the quality of this program.

21 MR. GENZ: What are the topics covered when you're
22 questioning people?

1 MS. SCHNEIDER: It depends. We like to focus on
2 the reason why we're doing the visit.

3 For example, if one of the reasons we're there is
4 weaknesses in their intake system, we will spend a lot of
5 time on examining the intake system by having various people
6 explain to us how it works.

7 But most often, when we do find weaknesses in a
8 program based on our paper review, we feel the need to look
9 at their entire operation, from intake to their PAI system,
10 to their resource development program. And so we will
11 question and review while we're on site, all those areas.

12 I forgot to mention that this isn't -- when we go
13 in to do a visit, it's not a one-person operation. Depending
14 on the size of the program, we will send either two people or
15 sometimes it can be up to four members of the team.

16 We use a lot of consultants in this work. It is
17 very time consuming, because we, again, depending on the size
18 of the program, we're on site anywhere from two-and-a-half to
19 five working days.

20 But we have found that these program visits, on
21 site, are the best way to assess quality.

22 MR. GENZ: One of the aspects of quality that might

1 be of considerable interest is in legal work. Can you speak
2 to how you go about evaluating the legal work?

3 MS. SCHNEIDER: Sure. We often times will ask for
4 writing samples, legal work writing samples from their legal
5 staff, including paralegals, because in most offices, the
6 paralegals do a lot of the public benefits work and memoranda
7 to the various agencies in the context of hearings.

8 So we will ask for these writing samples, and we
9 will have reviewed them prior to the visit. On site, when we
10 are interviewing an attorney or a paralegal, we will either
11 ask them, engage them in a discussion of a case that they are
12 particularly proud about, where we will ask them about their
13 strategy in the case, how -- whether they thought that they
14 achieved an outcome that the client wanted, how did they
15 determine what the client wanted in this, in the case. We
16 will ask about the discovery they did, we may ask to see
17 additional pleadings.

18 So it's through this discussion about a particular
19 case. We will also, besides asking about one of their
20 significant cases, we ask for case lists of open cases
21 without any, of course, identifying information on it, such
22 as the name of the client. And we will ask them to pull that

1 file, and then just talk about that case. What is the
2 problem in it? What is their strategy? What -- have they
3 done any discovery? And we ask they talk from the file.

4 We may ask them to pull certain documents and give
5 us a copy, again, without the identifying information of the
6 client.

7 But it's through this discussion of specific cases
8 that we attempt to assess the quality of their legal work.
9 And then we also attempt to assess quality of legal work by
10 our interviews with judges that they've practiced before, and
11 sometimes the opposing counsel, we'll ask them to give a list
12 of private attorneys that they've worked with.

13 CHAIR WATLINGTON: Maria has a question.

14 MS. MERCADO: Yes. I know what you're talking
15 about right now specifically is actual legal cases where
16 litigation is involved, but I wonder what kind of review do
17 you do as far as to client-oriented results that -- let's say
18 housing, for example, and it really has been a coordinated
19 effort between the legal services attorney, maybe the housing
20 authority, maybe, I don't know, the Good Shepherd, or some
21 churches, or whatever, to maybe increase the housing or maybe
22 to work with some procedures, or whatever.

1 There may not have been litigation, but I mean, you
2 know, how do you evaluate that kind of creative legal work
3 and problem-solving that doesn't necessarily mean litigation
4 but nevertheless, still entailed time by either an attorney
5 or paralegal, or a combination of those?

6 MS. SCHNEIDER: Well actually, I just ran into
7 that. Recently, when I was in Yonkers, New York, talking to
8 the managing attorney of the Yonkers office of the
9 Westchester Putnam legal services program, and I was chatting
10 with him about his housing cases, and specifically asking
11 about a particular case, and then in that discussion he said,
12 "You know, what we did with this case, this case showed a
13 pattern in practice and I took it a step beyond, and we did
14 go to the housing authority to ask about this particular
15 policy."

16 And he then volunteered a letter that he sent
17 laying out the issue to the housing authority, where the
18 legal argument was presented. And so that's, you know, an
19 example that wasn't particularly -- actually in this
20 particular case, there are -- no litigation had been filed.

21 Another example in more of the, let's say
22 developing housing area, if programs are involved in that,

1 that is something that they're very proud about, and love to
2 discuss. So my experience has been that they will volunteer
3 that information to you, or else you will learn about it if
4 you -- if we go and talk to any of the community groups.

5 But once we learn about that they have been
6 involved in that work, then we can, you know, delve deeper on
7 what was all involved, and try to assess the quality of their
8 work in that area through those discussions.

9 MR. EIDLEMAN: And when we ask for a list of
10 significant organizations the program works with, very often
11 there are highlighted organizations. We will ask the
12 question, "Well, what do you do with this organization, how
13 often do you meet with them, what kind of activities --"
14 What gets flushed out in these conversations?

15 MR. GENZ: Any other questions? How do you
16 determine whether the -- or, the extent to which the program
17 is doing work --

18 MS. SCHNEIDER: Yes, this is one area that we are
19 really concerned about, because we look at not just the
20 direct services, legal services, to individual clients, but
21 we are very concerned with how the program works with the
22 client community, with community organizations.

1 So what we do in this area, we will look at how --
2 first of all, how did they assess their most critical legal
3 needs, their needs assessment process? From that comes their
4 program's priorities.

5 From program's priorities, then we will look at
6 their -- just -- we'll look at the CSR data. What areas are
7 they litigating, or are they involved in? What cases are
8 they involved in?

9 If -- sometimes we find, for example, that their --
10 they may have found that a critical legal need in their area
11 could be in the area of health care. We look at the CSR data
12 and we find that they're not doing any health cases. And so,
13 you know, this raises the flag, well, there's a problem here.
14 And we will explore that further.

15 But it's generally by looking at that type of
16 information that we try to assess what their involvement is.

17 MR. GENZ: That's certainly possible in the case of
18 a health care example. They may not have the cases, but they
19 may be interested in other types of activities.

20 MS. SCHNEIDER: That's right. And hopefully, if
21 they have engaged in other activities that is not reflected
22 in our CSR data, that that would come out then in further

1 discussions within the program.

2 MR. GENZ: So you've got all this information,
3 you've been there for three or four days. What happens at
4 the end of the day?

5 MS. SCHNEIDER: At the end of every visit, we do an
6 exit interview with the executive director. Often times, we
7 will ask the executive director to invite their board chair,
8 and invite anyone else they may wish to sit in on the
9 meeting.

10 We then will discuss with those people present the
11 strengths and weaknesses of the program that we've found
12 during the visit. And at that point, we will be -- we will
13 recommend some changes.

14 When the team from LSC does these exit interviews,
15 we're not just winging it the morning of our -- or, the
16 afternoon of the exit interview. We will have spent the
17 night before, as a team, discussing what each team member
18 found, and coming out with our recommendations that we will
19 be presenting to the program the next day.

20 And we make it clear with -- to the program that
21 these are just preliminary recommendations, because we need
22 to go back to our office and, you know, think about this a

1 bit further. So we have that exit interview.

2 Once we're back in the office, think about it
3 further, have some further discussions among the team, then
4 we will do a letter to the program where we again lay out
5 strengths, weaknesses, our findings, and our recommendations,
6 as well as if we find problem areas, we will lay out the time
7 table for corrective action and we will ask in the letter for
8 the program to report back to us by a certain date what they
9 have done to correct weaknesses.

10 MR. GENZ: There are times that we've found that
11 things were a lot better than they looked on the paper.

12 MS. SCHNEIDER: Yes. Fortunately, often times,
13 that's exactly what we find. We go in, thinking that there
14 is all these pending problem areas, and we find that the
15 program is much better than they appeared on paper. And the
16 problem often is just, you know, poor or weak grant-writing
17 abilities.

18 So -- and that's -- we feel good about that, when
19 we go into a program and find that things are really much
20 better. And sometimes we're even astonished by what we find,
21 because they're so much better than what they appeared on
22 paper. So that's how we do it.

1 MR. GENZ: Thank you, Cynthia. Anything else on
2 that?

3 MS. SCHNEIDER: Are there any questions?

4 MR. EAKELEY: I had one on engagement, or
5 involvement of clients in site visits and in appraisals. And
6 if you've covered it before, forgive me.

7 MS. SCHNEIDER: Yes. No, we do not contact clients
8 directly. We do ask whether the program -- how do they assess
9 client satisfaction, and we may, if they do surveys -- and a
10 lot of programs do, because we feel that's a good practice --
11 we will look at, you know, what clients have said.

12 But because of our concern for client
13 confidentiality, we do not directly contact clients. But
14 again, we do contact community groups, organizations, and
15 from that you can sometimes get an assessment of the client.

16 MR. EAKELEY: What -- do you suggest or recommend
17 to programs that do not have them that they adopt client
18 satisfaction surveys?

19 MS. SCHNEIDER: Oh, we definitely do, that there
20 has to be, you know, some attempt made to assess client
21 satisfaction in their work, yes.

22 MR. EIDLEMAN: Also, when we were on sites, it's

1 sometimes very interesting just to look at the waiting room,
2 see who is sitting in the waiting room, see how clients are
3 treated. We're visiting in offices, clients come down the
4 hall, you pick up a lot of information that way.

5 CHAIR WATLINGTON: Are there any more questions?
6 We've had a committee member, Maria, join us since the
7 introduction of everyone, and our president of the board,
8 Doug Eakeley. There are no more --

9 MR. GENZ: Thank you. Thank you, Cindy, for the
10 very helpful --

11 CHAIR WATLINGTON: Thank all three of you.

12 MR. GENZ: Well, we've got one more to go, we've
13 got John. So now we're turning to a particular scenario.
14 The facts that have been changed, so that there's no
15 identification of the program. Jack, you want to talk about
16 the visit and how you went there?

17 MR. EIDLEMAN: Sure. This visit was a little bit
18 different, because it came to us actually through the office
19 of compliance. That office had received approximately a
20 dozen complaints from some former staff members of the
21 program, clients and former clients, alleging that one of the
22 staff members who was in a managerial position was acting

1 inappropriately, and was acting, actually, in a -- I'm sorry
2 -- acting in a racially biased way, the way he was treating
3 clients.

4 So this caused us to have a lot of concern. We do
5 -- did realize, after getting an opinion from our office of
6 legal affairs, that we cannot enforce the civil rights law,
7 but that we do have an obligation to look and see whether
8 programs comply with the grant assurances, which says that
9 every program must have an anti-discrimination policy and
10 must enforce it.

11 So what the office of compliance and enforcement
12 did is contact the responsible person in the office of
13 program performance, and we decided that we would do a joint
14 visit to look at the policies that were place and see if they
15 were in place and being enforced, and if there were some
16 managerial or administrative problems that may have existed
17 that may still be there that could cause the situation to
18 continue.

19 In this particular situation, the alleged
20 perpetrator of these actions had left the program, had been
21 asked to leave, and did voluntarily leave. So we weren't
22 facing on ongoing situation, we were facing a situation that

1 had already ended.

2 MR. GENZ: Just give us a little background on the
3 trip, how many offices the program had, and how many folks
4 were on the team, and how long it was, that kind of stuff.

5 MR. EIDLEMAN: Well, it was the entire week, it was
6 a five-day visit. The team consisted of four members, two
7 from OPP and two from enforcement. And this program had
8 three offices, it had a main office and two satellite
9 offices.

10 MR. GENZ: In addition to the sort of general
11 things that Cindy described about preparing for a visit, what
12 steps did you take for this one?

13 MR. EIDLEMAN: Well, in this particular situation,
14 because of the sensitive nature of the issue, we did meet as
15 a team and our team leader was someone from compliance and
16 enforcement who did a work plan for us.

17 We entered this period very carefully, I think,
18 both offices, and our supervisors joined in along with other
19 members of the staff to talk about the issues.

20 The team leader contacted the complainants, talked
21 to them, and got more information from them. We also
22 solicited various materials that Cindy talked about,

1 including things like their discrimination policy, their case
2 acceptance policy.

3 We discovered they had no legal work management
4 written policy and we did get basically a whole myriad of
5 information that Cindy mentioned, including we also had a
6 copy of the evaluation that had been done by a state funding
7 organization, so we were able to look at that.

8 MR. GENZ: So what did you do on site, and who did
9 you interview?

10 MR. EIDLEMAN: On site, I think Cindy mentioned
11 that we usually start off by having the entire team interview
12 the executive director, which we did, to lay out what we
13 intended to do, and how long we would be there, and the kind
14 of topics we wanted to discuss.

15 Then we broke up, and the compliance and
16 enforcement staff basically looked at what they do during
17 their compliance work, and the other team member and myself
18 interviewed staff members, and actually we interviewed
19 everyone on staff except one person I think was out that
20 week.

21 We interviewed judges, members of the bar, we
22 interviewed one complainant who was still living in the area

1 but no longer with the program. We interviewed a former -- I
2 said complainant, well they were a complainant, but there
3 also was a staff member who had complained, had actually been
4 fired from the program. So we did speak with them. And we
5 interviewed community -- members of community organizations
6 and other leaders.

7 MR. GENZ: And what did you find, through all this
8 process?

9 MR. EIDLEMAN: Well, first of all, there were some
10 positive things that we found. We found that the staff
11 really was working hard and cared very deeply about the
12 clients, and was engaged in the work, even though this had
13 been a distraction for them.

14 We found that they thought a lot about the
15 executive director of the program as a person and a friend,
16 and we actually found that the program had brought in a
17 teacher from a local college to do some training on issues of
18 discrimination.

19 But we did find that there were some issues that
20 needed to be addressed and dealt with. First of all, this
21 had been a tremendous distraction, and very troubling for the
22 program. It was a difficult topic, because the -- even

1 though there was a written policy dealing with
2 discrimination, it really wasn't well laid out, nor did the
3 staff know what to do about this issue. They had trouble
4 bringing it to the executive director's attention.

5 And because the alleged perpetrator in this case
6 was liked by colleagues, there was some feeling that they
7 would be betraying this individual if they brought issues
8 that they had observed to the executive director's knowledge.

9 And actually, one person did bring information to the
10 executive director, and nothing was immediately done. So
11 that sort of undermined the whole situation also.

12 So it wasn't a good situation, and I think what we
13 saw -- what can happen with difficult issues if they're not
14 dealt with forcefully and immediately.

15 We also found that there were some management
16 issues, that the legal work management system was set up in
17 such a way that the managers, even though there were three
18 managers, one for each office, they were not allowed to
19 manage, because all the legal work had to go through the
20 executive director.

21 So if someone had an ongoing open case and they
22 wanted to discuss the legal work, they would have to contact

1 the executive director. There was no system whereby there
2 would be a systematic review of open cases, either.

3 Also, even though we -- when we saw written
4 documents concerning their case acceptance policy, we thought
5 it was good, because it was a weekly case acceptance meeting.

6 What had happened is that those meetings were run by the
7 executive director, and the managers felt that they had no
8 input in deciding what cases would be taken, and the director
9 had the veto power over selecting cases.

10 So they felt marginalized, they felt like their
11 opinion was not valued in the program. So, that was
12 troubling.

13 And also, there wasn't good communication. Even
14 though they had these case acceptance meetings, the only
15 thing they discussed there were new cases, and not ongoing
16 cases. Other staff members didn't participate, and there
17 were no overall staff meetings.

18 And they -- there was no client satisfaction
19 information being gathered, no questionnaires being sent out,
20 so they had no real idea about how the clients felt about the
21 kind of services they were getting.

22 MR. GENZ: So basically you found that what you

1 went there to see had been pretty well taken care of, but
2 that there were several other things that needed to be dealt
3 with?

4 MR. EIDLEMAN: That's correct, and I think some of
5 the policies about administration that were in place really
6 probably exacerbated the situation. Had there been some
7 better communication, ongoing contact between members of the
8 staff, perhaps there would have been a greater feeling that
9 this issue could have been brought to the surface and dealt
10 with quickly.

11 MR. GENZ: So did you meet with the executive
12 director at the end of the visit and go over recommendations?

13 MR. EIDLEMAN: That's correct. We did have a
14 meeting with the director and made several suggestions,
15 things like allowing the managers to manage, changing the way
16 they had the case acceptance meetings.

17 We also suggested that they do some additional
18 training on discrimination, because in talking to the staff
19 members, we found out that the staff felt that the individual
20 who did the training wasn't very experienced, and the
21 training wasn't very good. We also recommended they try
22 using satisfaction questionnaires for clients.

1 And then after that, when we left, we sent a letter
2 to the program laying out what the issues were.

3 MR. GENZ: So what follow-up was there after that
4 letter?

5 MR. EIDLEMAN: Well, once the program got the
6 letter, they had some issues with us about things that we
7 found, and we had some negotiation back and forth about what
8 needed to be done, and finally we came to a point where we
9 sent a letter saying -- put them on a corrective action plan.

10 In this particular situation, we did have an
11 opportunity to go back about a year later. And that's a
12 little bit unusual, usually, we don't have the resources to
13 do that.

14 MR. GENZ: But in this case you felt like it was
15 important?

16 MR. EIDLEMAN: We felt -- yes, we thought it was
17 very important, so we did follow up, and when we went back,
18 we were really pleased by what we found. We found that the -
19 - there had been new training, and they had brought in EOC
20 officers, four members of the local office, including the
21 litigation director, and the staff was very satisfied about
22 the kind of training they got that time.

1 We found out that the executive director really had
2 sort of cut ties -- not cut ties -- but it had let go of some
3 of the obligations and was allowing the managers to actually
4 manage.

5 And they had put in place a written legal work
6 management manual, they were -- still had weekly case
7 meetings, but those meetings were being run by the managers,
8 and they had a policy in place where ongoing cases had to be
9 reviewed on a regular basis.

10 We also found that there were weekly staff meetings
11 within each office, and there were quarterly all-staff
12 meetings, so everyone had an opportunity to meet and talk
13 about issues that were important to the program.

14 MR. GENZ: So the communications was better. I
15 think you had also mentioned before there was a morale issue
16 within the program. What was it like that second visit a
17 year later?

18 MR. EIDLEMAN: Well, we heard very positive
19 statements being made, things like these changes were
20 necessary and important, people felt like their opinions were
21 being listened to, they were valued, the managers felt
22 better, they felt like they were doing the job that they were

1 supposed to be doing, and they felt they had an opportunity
2 to really make the program a better program.

3 CHAIR WATLINGTON: So do you -- after you leave a
4 working plan for improvement, you think or work with them to
5 -- how long a time do you usually give them, based on what
6 you find, working through with them on the things you -- the
7 corrective action that you think should happen?

8 MR. EIDLEMAN: Well there, it really does vary
9 depending on what the issues are. Some things could be put
10 in place pretty easily, like the written legal work
11 management policy. There are a lot of them in existence, the
12 program probably does things in a certain way, except they
13 haven't memorialized it. So we can ask them to do that in a
14 month or so.

15 Other issues, like the training, in this particular
16 case they needed more time because they had to find
17 expertise, people with expertise, and bring them in.

18 In this particular case I think it varied. We had
19 some things we wanted in a month, some things in three
20 months, some things in six months. But basically, we gave
21 them about nine months to complete the things we asked them
22 to do.

1 CHAIR WATLINGTON: And you could see the
2 improvement?

3 MR. EIDLEMAN: Yes. As far as I'm concerned, it
4 was pretty drastic improvement. And I must say that I think
5 the program, the director of the program, and the staff
6 deserve a tremendous amount of credit.

7 I would like to think that we made a difference,
8 but this happened to be the right time where people were
9 willing to make a change, they had a director who had been
10 doing things the same way for 20 years, and was able to let
11 go, so it took a lot of maturity on that persons's part. So
12 this was really a coalescing of a lot of good things at the
13 same time.

14 MR. GENZ: What about client satisfaction, John,
15 were they dealing with that?

16 MR. EIDLEMAN: Well, what we heard is that there
17 were client satisfaction forms being sent out and they were
18 coming back now. And the results from the client
19 satisfaction questionnaires were uniformly positive. So this
20 reinforced for the program what they were doing. They felt
21 good about the services, they felt the clients were happy
22 with the services, so this really was lifting up the program

1 in a very positive way.

2 MR. GENZ: When you went back there, what sort of
3 role did this program have in state planning?

4 MR. EIDLEMAN: I guess an additional benefit of all
5 this is that the executive director, because he was no longer
6 spending as much time sort of micromanaging the program, and
7 giving authority to, what he now had was a team of people to
8 operate the program. He had more time to be involved in
9 state planning.

10 But not only did he involve himself in state
11 planning, but other staff members were on task forces. In
12 addition to that, there were collaborative efforts with
13 programs that were contiguous to them, they were working
14 together on major substantive issues in the area of education
15 and housing, and because of that, the staff felt that they
16 were gaining greater expertise, and felt that they were doing
17 a better job for their clients.

18 And another benefit we saw, because of these
19 meetings that were taking place on a regular basis, and
20 talking about important issues of law and important issues
21 for the program, the front line individuals who saw the
22 clients when they first came in the door, did the intake,

1 felt that they had more knowledge and they were able to
2 better serve clients and spot issues better.

3 MR. GENZ: Thank you, John. Anything else that you
4 have, or any questions?

5 MR. EIDLEMAN: I guess the last statement I would
6 make is that when we make these visits, we really don't feel
7 like we are the end-all and be-all and all-knowledgeable. We
8 do have people who have a lot of experience, but we really
9 that because of lack of resources, programs can't do
10 everything that they should aspire to.

11 And so we try to take all of this with some reality
12 testing, and I think in this particular case we saw what the
13 circumstances were, we saw the potential, and this program
14 lived up to its potential.

15 CHAIR WATLINGTON: Thank you, all three of you this
16 time. Is there any questions from the board members?

17 MR. ASKEW: How big is your staff, Mike?

18 MR. GENZ: We have 11 program counsel.

19 MR. ASKEW: These are the same folks that are
20 responsible for state planning, as well?

21 MR. GENZ: That's right.

22 MR. ASKEW: They have enough to do?

1 MR. GENZ: Yes, they do. They're also involved in
2 the technology --

3 MR. EIDLEMAN: Where are the other nine?

4 (Laughter.)

5 MR. GENZ: Some of them are back there.

6 MS. SCHNEIDER: You want to introduce them?

7 MR. GENZ: Oh, yes. Let me finish with that. We've got
8 Carolyn Worrell, Nancy Hayward. Have I missed anybody?
9 Thank you, very much.

10 CHAIR WATLINGTON: Thank you. That was quite
11 informative. Next we'll have -- how do you -- is Danilo
12 Cardona, director of the office of compliance and
13 enforcement, and Mike Genz again, on the progress of the LSC
14 Results Project.

15 MR. GENZ: Also, we have here our budget analyst,
16 new budget analyst. I think we have the introduction, Danilo
17 Cardona.

18 MR. CARDONA: Thank you very much for the
19 opportunity to report on this particular matter.

20 The results project is a staff working group. Its
21 members are Michael Genz, Robert Gross, from the office of
22 compliance -- office of program performance, Bert Thomas and

1 myself, from the office of compliance and enforcement, John
2 Mayer, from the office of information management, Christopher
3 Sundseth, from the comptroller's office, Randi Youells and
4 Mauricio Vivero, vice presidents for programs and government
5 affairs, respectively.

6 The committee is charged with coming up with a
7 system for collecting information about the direct service
8 work of programs that do in addition to cases. This includes
9 referrals, community legal education, community legal
10 education materials, articles, and website, pro se clinics,
11 and the distribution of pro se materials.

12 The corporation reported to Congress in February of
13 this year that we would begin to collect this information in
14 2001 as part of the overall retooling of our measurement
15 system.

16 The goal of this effort is to be able to gauge the
17 type and volume of this important work that our programs
18 engage in. We have long noted that our programs provide
19 referrals and community legal education of many types.

20 Now, it would be a much more powerful statement to
21 be able to describe the volume and variety of this effort.
22 In pursuing this, we are committed to setting up a system

1 that requires as little extra work for programs as possible.

2 In order to further the work of a committee, the
3 results project committee, we've hired a consultant, Ken
4 Smith. Mr. Smith is a director of IOLTA information
5 services, and has considerable expertise in measuring
6 outcomes of legal services work.

7 Now, we have here the schedule for this project, as
8 follows. By December the 15th of this year, there will be a
9 draft collection instrument in protocol for internal and
10 external review. The instrument in protocol will be revised
11 in response to the review by February the 1st.

12 In February and March, LSC will test the data
13 collection instrument with 25 LSC recipients. In April, LSC
14 will refine the instrument further, in response to the test,
15 and inform LSC recipients of a final product.

16 Starting July the 1st, all recipients should
17 collect matter information for reporting to LSC on an annual
18 basis. And that's the schedule for the results project
19 committee.

20 CHAIR WATLINGTON: Doug has a question, here.

21 MR. EAKELEY: Danilo, how does the -- if it does --
22 how does the work of the results committee dovetail with the

1 new, improved case statistic reporting system that we are now
2 using and/or with the performance measures that are under
3 development?

4 MR. CARDONA: This is a completely separate
5 project. It is only for reporting of matters. Later on,
6 there will be another committee that is formed in order to
7 use performance measures. And there is going to be another
8 committee that is going to look into the new CSR system.

9 This is in addition to the actual system that is in
10 place. We have had no time to do both the review of the
11 actual CSR reporting and initiate this new matter reporting
12 system.

13 MR. EAKELEY: But the matters that we aspire to
14 report are tied up in proofs, case statistic reports, as well
15 as in performance measures, I imagine.

16 MR. GENZ: That's correct. And in another way,
17 this can be seen as part of the overall effort. As you
18 mentioned, the CSR review, and modifying that -- the case
19 measurement itself is underway.

20 This is adding the second component, where we're
21 looking at all the other work that we hadn't done before.

22 And the third component is the measures of

1 performance and effectiveness that will make an overall new
2 system.

3 CHAIR WATLINGTON: Randi?

4 MS. YOUELLS: The board will remember, I think, in
5 September in San Francisco, I talked about performance
6 measures and results committee and I said that the results
7 committee and the performance measure project would be
8 bifurcated so we could move on two parallel schedules.

9 So the results committee is an attempt to do a
10 short-term fix and measure other, non-case related work of
11 our grantees.

12 Simultaneously, in just a short amount of time, we
13 will be kicking off our much larger and more expansive
14 project to develop a new system to measure performance of our
15 grantees across the board. So this is just that small part
16 that I talked to you about in September.

17 CHAIR WATLINGTON: Any more questions?

18 MS. MERCADO: Will there be, at some point, I don't
19 know, some outlining of components, categories of matters
20 that we would view at some point, as to how to identify the
21 different kinds of legal services or services that grantees
22 provide?

1 MR. GENZ: Danilo read the list that we're looking
2 at now, but we're keeping that very open for our consultant,
3 and he's --

4 MS. MERCADO: Well, yes --

5 MR. GENZ: -- in the process --

6 MS. MERCADO: -- and the reason I asked you is
7 because in hearing his list, I was trying to figure out
8 exactly where the example of -- my gosh, let me see, who was
9 it that made that comment?

10 In the panel just before, we were talking about, in
11 this particular case, where legal services worked at various
12 agencies and community groups in doing some substantive due
13 process measures in housing cases, for example. And I don't
14 necessarily know that that's community ed, and I don't think
15 it's in the other categories.

16 And how would you identify that category, where you
17 do do substantive work, where there is, you know, this
18 measure that changes the way the housing authority deals on
19 an issue, but it's not litigation, it's not community ed, and
20 negotiate it with a variety of different parties and entities
21 to change the way in which that agency works or that
22 particular entity works? But it's also not community ed,

1 either.

2 MR. GENZ: As of now, the way we're defining this
3 is as aspects that are direct service to clients that aren't
4 cases, such as the community education work or referrals or
5 brief information, and we're not now attempting to capture
6 the indirect work, the work with community groups that would
7 have that other effect.

8 We're certainly open to a reviewing of that, but
9 that was a decision that --

10 MS. MERCADO: Yes, because I just didn't
11 see --

12 MR. GENZ: -- we made at this point --

13 MS. MERCADO: -- where, you know, when Ms.
14 Schneider was giving that example of that particular work
15 that was being done, where that would be categorized in the
16 categorized that Mr. Cardona just outlined.

17 And so I didn't know if you had another area in
18 which that would be categorized, because that's a huge amount
19 of work that a lot of our grantees -- sort of preventative
20 legal work that doesn't necessarily mean litigation, but that
21 you are either, you know, providing more resources to the
22 client community or changing the due process in particular

1 areas for client community.

2 It does not entail litigation, but also does not
3 entail community education. It is negotiating and
4 collaborative work with the different entities to change
5 something or to provide something. So I don't know how you
6 categorize that.

7 MR. GENZ: We will continue to take under
8 advisement the possibility of expanding our mission from what
9 we initially defined as sort of client service counting what
10 we were going to do, you know, and see if it -- if we can --
11 how we can address that, either in this or in the next step.

12 CHAIR WATLINGTON: Randi, then Edna.

13 MS. YOUELLS: And certainly, Maria Luisa, the
14 bigger project that will more completely measure the
15 performance of our grantees across the board, completely
16 measure comprehensive, integrated state-wide deliverance of
17 services will most assuredly address that point.

18 We'll try to take it up at this point and see if
19 there's a way we can do it, but this is -- could be more
20 clearly thought of as a short-term fix to meet the promises
21 that we made to Congress, and we will be moving from this to
22 a longer-term fix.

1 MS. MERCADO: Right. And I'm just saying that as
2 part of the short-term response to Congress, it ought to
3 include that category, or whatever you want to call it, you
4 know, because it isn't litigation and it isn't a community
5 legal education, and it's not a referral either, because it's
6 actually the attorneys or the staff working on a way to
7 resolve an issue, in this case the one that, you know, Cindy
8 just described a minute ago about the due processing and the
9 housing authority that required neither of those categories.

10 And I'm saying that in the short-term fix, there
11 ought to be some way of categorizing -- I cannot right now
12 think of the term or what you have that would define that.

13 MR. SUNDSETH: One of --

14 MS. MERCADO: And I'm just saying that we ought to
15 look at how do we categorize that, because a significant
16 amount of work for grantees goes into that area.

17 MR. SUNDSETH: One of the issues that we've had to
18 deal with, and we found somewhat restrictive, is the
19 necessity to come up with categories that have a certain
20 uniformity across programs that are identifiable, easy to
21 keep track of for grantees, and are of some comparative value
22 to whoever the end user of the data is, the congress or the

1 corporation.

2 And in some of our deliberations, certain instances
3 where clearly everybody in this room recognizes that there's
4 a benefit to the client community, the vehicle for delivering
5 that benefit is not one that neatly fits into something that
6 can be uniform and quantified, and so on.

7 So there may be a need for a part on this
8 collection instrument where -- we need to talk to the
9 consultant about this as well, he's going to be doing
10 interviews with field directors, and so on -- where in
11 narrative form, they can describe perhaps in issues they've
12 undertaken that represent a substantial benefit to the
13 community, but that are not reflected in the statistical part
14 of the instrument.

15 CHAIR WATLINGTON: Edna?

16 MS. FAIRBANKS-WILLIAMS: That's somewhere near
17 where I was going to question. The old north end in
18 Burlington is being revitalized, and so on, and they got some
19 money from numerous places and in that money they got a
20 lawyer for, I don't know, a year-and-a-half or something like
21 that, and with this lawyer working with our old legal aid and
22 our new law line, and so on and so forth, Detroit has

1 streamlined all of that business with the housing and things.

2 Now, where would that come under your category? What would
3 you put it under?

4 MR. CARDONA: Well, I have no idea, but --

5 (Laughter.)

6 MS. MERCADO: What are you talking about?

7 MS. FAIRBANKS-WILLIAMS: Well, I'm not doing that -
8 - I'm giving him an exact --

9 MR. GENZ: That might be in the same interest that
10 we need to address either at this point or in the broader
11 project.

12 MS. FAIRBANKS-WILLIAMS: Because there was a lot of
13 poor people, and there was a lot of housing, and there was a
14 lot of work there.

15 MR. GENZ: And there's no doubt that there's
16 extraordinary benefit can come of those projects.

17 MR. EAKELEY: I just think -- sorry.

18 CHAIR WATLINGTON: You said --

19 MR. EAKELEY: I just think, to follow up on what
20 Chris just said, to reinforce the -- my sense that while it's
21 important to capture in a statistically reportable way as
22 much information about as many other matters and services,

1 nonetheless, there needs to be some opportunity to provide
2 qualitative information.

3 And whether it's new initiatives, or innovative
4 approaches, or great results, I think if you give programs
5 that opportunity to tell you what they've done that they
6 think is important, I think that is likely to be important to
7 us and to the congress.

8 MR. CARDONA: At this point in the committee, we
9 are discussing among ourselves and with the consultant the
10 possibility that -- not only of reporting numbers on this
11 particular categories of matters, but also putting in place a
12 way for programs to report narrative --

13 MR. EAKELEY: Mm-hmm, yes, that's right. That's
14 what I'm trying to reinforce.

15 MR. CARDONA: And we are looking at that.

16 MR. EAKELEY: And if -- I don't want to really lay
17 this on you too thickly, but I would love to see, at some
18 point, some incorporation into these reports of the results
19 of the client satisfaction surveys.

20 Now, maybe that's long-term where we're going with
21 performance measures, because there will be some of that in
22 the performance measures part, but I think that that's

1 another body of information that is highly relevant to
2 assessing what we're doing and how well we're doing it.

3 CHAIR WATLINGTON: And with this --

4 MR. GENZ: We will work on that. I don't see why
5 that can't be done.

6 I also want to mention that there is a place where
7 we're now getting some of this wonderful information in
8 narrative form, and unfortunately, so far we're keeping that
9 light under a bushel.

10 In the competition application there are many
11 sections that address these projects, this coordinated work,
12 and what have you, and we get good descriptions. We probably
13 need to --

14 MS. MERCADO: We need to be able to capture that so
15 that --

16 MR. GENZ: -- work on capturing it.

17 MS. MERCADO: -- reporting their data of how our
18 grantees spend their time, which is not only litigation or
19 referral or legal education, but that big category which
20 takes a great amount of time from our grantees, and actually
21 provides some results in the client community in bettering
22 their lives.

1 MR. GENZ: Absolutely. Thank you.

2 CHAIR WATLINGTON: Is there any other question?

3 Well, that, what you're discussing, is really very good for
4 the next agenda, because this is where all this can be really
5 benefit.

6 And Randi will be -- and her panel -- will be
7 giving us information report on the client-centered state
8 conference.

9 MS. YOUELLS: This is the point where we get to
10 talk about why we really are in the business of legal
11 services. I'm fond of saying, as many of you have heard,
12 that in the end, if we don't think and talk and act and worry
13 about clients at all times, whatever we do, then we're not
14 doing our jobs.

15 Sometimes it's hard to remember, that the client is
16 at the source of everything that we do. But with this
17 conference, this is a visceral reminder that the client is
18 not only central to our work, but central to what we're going
19 to talk about now.

20 I'd like to introduce Reginald Healey, who is with
21 the office of program support, and Regina Derzon, who is a
22 consultant to LSC on this conference. Regina formerly worked

1 for NLADA and then prior to that she was in the Tennessee
2 state support center, organizing conferences. So we asked
3 her to come on and help us put this together.

4 Some months ago you will remember that President
5 McKay announced that the conference that he would like to
6 see, the major conference he would like us to see in 2001
7 would be a conference on clients, and how we center our
8 services around our clients.

9 Since that time, the three of us have been working
10 closely with Ernestine, with Edna, to try to bring this
11 conference into conceptual being, and I think we finally have
12 gotten there. It's taken us a while to reach agreement among
13 ourselves about what we're trying to do here.

14 I'm going to talk just a little bit about the
15 purpose of the conference, and then Regina will talk some,
16 and Reggie, about the logistics. We'll make this quick, and
17 then you can ask questions.

18 The conference is entitled, "Creating Client-
19 Centered State Communities of Justice." So the whole
20 conference will be devoted to that idea, that thought. It
21 will be a working conference, and we will be spending our
22 three days together exploring topics central to how we center

1 the services we provide to clients.

2 It will be a small group of people, it will be
3 composed of client advocates, community advocates, and legal
4 services advocates who will be chosen from throughout the
5 nation on a competitive basis.

6 And we will spend, as I said, three days actually
7 exploring such interesting topics as what do we mean when we
8 say we are client-centered legal services? How do we take
9 that concept of client-centered legal services and apply it
10 to our casework, apply it to our community legal education,
11 apply it to our community economic development?

12 How do we choose priorities that truly reflect
13 what's going on in the client community? How do we adjust
14 and adapt to changing needs in the client community? How do
15 we assure that the diverse needs of the client community are
16 uppermost in our minds?

17 Does the definition of client-centered legal
18 services differ, depending on if you're talking about urban
19 African American clients in Camden, or rural poor in Iowa, or
20 the elderly in Ohio, or the domestic violence victim in
21 California? Is there a difference? Do we approach our work
22 differently? Should we approach our work differently?

1 On the last day of the conference, we will be
2 bringing that all together, and we will be talking about what
3 do we mean when we talk about creating client-centered state
4 communities of justice, and what is the nexus between
5 centering the work of our -- that we do on clients, and
6 centering the work that we do in state planning to develop
7 client-centered communities of justice.

8 Making some assumptions, making some definitions,
9 and finally, making some recommendations back to LSC. When
10 the conference ends -- and as I said, it will be a working
11 conference -- we plan to issue a report with recommendations
12 to our grantees and to our state communities of justice that
13 reflects our work.

14 We will be involving, as I said, people from
15 throughout the nation who are familiar with this type of
16 concept, or who are leaders in this type of concept.
17 Certainly those of us sitting here today know people who do a
18 wonderful job in community economic development.

19 There's a woman I can think of right now in Doug's
20 home state, Ulga Pomar, in the Camden regional legal services
21 program who can tell us probably very quickly what it means
22 to ground community economic development in the lives of

1 clients.

2 Similarly, there are people who ground their
3 casework in the lives of clients, who ground their community
4 legal education in the lives of clients. Those are the
5 people we want, because not only will we be exploring those
6 topics, we will be trying to figure out best practices, we
7 will be trying to figure out who is doing it well, is it
8 replicable, and do we get it out and replicate it to other
9 people so that they can take what people have learned in
10 Camden or other places, and apply it in their locales.

11 I think it's a real exciting conference. As I said
12 before, if you're not in here because you care about the
13 clients, then you better find another way to make a living,
14 but this is an opportunity to remind ourselves and spend
15 three days of reminding ourselves that it is indeed about the
16 client, and we will spend three days talking about what we
17 mean when we use that buzz word, client-centered legal
18 services.

19 MS. DERZON: The logistics are exciting, too. I'm
20 sure I don't have to get too much support from Ms. Watlington
21 and Randi about Hershey, Pennsylvania. Hershey is a
22 wonderful place, if you've never been there, and most of you

1 will get an opportunity to go soon.

2 The dates are set for April 25th through the 28th,
3 inclusive, 2001, and that's arrival on a Wednesday with an
4 evening reception. Meetings all day, basically Thursday,
5 Friday, and up to noon or so on Saturday, with people
6 departing on Saturday.

7 And I'm not sure how much detail Randi wants me to
8 get into on this, but the Hotel Hershey is a small hotel, but
9 compared but to the convention center, it's a much more
10 intimate location than a lot of other facilities, sort of
11 like this one would be. It is a terrific location,
12 especially that time of year, although a lot of the
13 facilities aren't open yet, including the park there.

14 It is -- it's going to be wonderful as far as
15 weather, I hope, and the ease of getting in and out of
16 Harrisburg actually isn't bad at all. One of the big
17 considerations -- and I know John McKay had asked us to
18 consider this -- is actually how easy it is for people to get
19 there.

20 And you think of Harrisburg, Pennsylvania, and you
21 don't normally think of the hub of the world, but it's an
22 international airport, and also it's only about probably 9 to

1 12 miles from Hershey, so the -- I think the logistics will
2 be pretty -- actually, I think a lot of people are going to
3 end up driving, which will help a lot cost-wise, and also it
4 gives us some cars, even though the location itself is fairly
5 contained, it kind of sits up on a hill and out of the -- off
6 the beaten path.

7 Hershey is a very small town, there aren't a lot of
8 other options as far as different places to go, so I think
9 folks will really enjoy the facility. It's absolutely
10 beautiful.

11 And I talked to almost it seems like everyone in
12 the hotel when I was there about, you know, how they liked
13 working there, and sort of saw how people were treated and
14 just the way they treated the folks who were there, and it
15 felt really good. That was one of my big concerns, was that
16 the location felt right for the group. And we want to foster
17 folks staying together and wanting to stay together and
18 actually spending some time talking outside of the meetings
19 themselves.

20 I don't know how much detail you --

21 MS. YOUELLS: Are there any questions?

22 MR. HEALEY: Why don't we take questions. I was

1 going to do an overlay of the schedule in an attempt to
2 follow up, but why don't we start with questions, and I may
3 find myself responding to the question and answer process, so
4 --

5 MS. YOUELLS: The other thing --

6 CHAIR WATLINGTON: Maria?

7 MS. MERCADO: Oh, just a couple of questions. I
8 know that when you all had talked about this conference
9 earlier, I guess one of the things that I was looking at, of
10 course, coming from the southwest, was whether or not we were
11 going to try and centralize the conference, where it wouldn't
12 be as difficult for people from the west coast, and the
13 southwest, and Midwest traveling into, you know, just one --
14 either one end or the other one.

15 Of course, I mean, obviously you've already made
16 the decision to be there, so that's a mute issue in trying to
17 centralize it.

18 But the other issue I wondered about was whether,
19 in part of your logistics and planning, I know that a lot of
20 the client representatives that are real active in some of
21 the legal services programs in the southwest, are primarily
22 Spanish-speaking, and whether you're going to have bilingual

1 translators available, you know have the equipment for them
2 so that that is covered?

3 MS. YOUELLS: The first way I'll answer that, Maria
4 Luisa, is to say that Regina and Reggie did a wonderful job
5 doing the most complex chart I've ever seen in my entire
6 life. They factored 50 locations, took airports, took costs
7 of lodging, took cost of transportation, took hours, and then
8 ranked each location according to all of those factors, in
9 terms of cost efficiency and effectiveness, travel efficiency
10 and effectiveness, and much to our surprise, this location
11 came out towards the top. It certainly wasn't the top, and
12 we certainly did analyze efficiency in this.

13 And the other thing I'll say -- and then maybe
14 Ernestine would like to talk about this -- believe it or not,
15 because it is Hershey, Pennsylvania it's hard to think about
16 this, but believe it or not, this is a very cosmopolitan
17 hotel. They do have translators on staff of the hotel. In
18 fact, it's where the congress went to conduct their civility
19 workshops several years ago, when they all weren't getting
20 along, and they
21 took --

22 MR. EAKELEY: Let's hope this conference will be

1 more successful.

2 (Laughter.)

3 MS. YOUELLS: They took them off -- we will be
4 checking that to make sure that the languages that our
5 clients are most comfortable in who come to this conference,
6 that we have, if necessary, the interpreters for that, but I
7 don't believe it's going to be a problem.

8 Harrisburg is really -- Hershey/Harrisburg are
9 really part of the same metro area, and Harrisburg is the
10 capital of Pennsylvania, so I don't think it'll be a problem.

11 The other nice thing is they just opened up a
12 wonderful spa, where you can be dipped in lukewarm chocolate,
13 so I'm really, really looking forward to that.

14 (Laughter.)

15 CHAIR WATLINGTON: The other thing you talk about
16 Lancaster, which is another bigger place that's very close
17 by, and Reading is a lot of Hispanic. And then that's the
18 Pennsylvania Dutch area. So there are a lot of things, it's
19 so diverse there that it's really interesting.

20 MS. MERCADO: No, no, I mean, I was just thinking,
21 you know, when we had one, like, about four years ago --

22 CHAIR WATLINGTON: And that was in Detroit, yes.

1 MS. MERCADO: You know, just -- again, and I think
2 that one of the --

3 CHAIR WATLINGTON: Which is the middle.

4 MS. MERCADO: -- complaints we had from the
5 grantees in the field was that, at least from the southwest
6 and the west, you didn't have as much participation because
7 it was so far away.

8 CHAIR WATLINGTON: We had more than we wanted.

9 MS. MERCADO: Yes, and we had --

10 CHAIR WATLINGTON: I mean, we had to turn people
11 away.

12 MS. MERCADO: No, I understand. But I'm saying
13 there was also an issue of language as well. And maybe I get
14 it, because I'm the one that speaks it, you know.

15 MS. YOUELLS: Sure. The other thing I think you
16 should know is Ernestine put a lot of pressure on us to look
17 at Hershey, and we were biased against it. When I told
18 Regina and Reggie they had to go look at Hershey so that we
19 could tell her why it wouldn't work, it was much to our
20 surprise, Regina came back and said, "It will work very
21 well."

22 So we -- it was -- we started out as, well, let's

1 keep Ernestine happy and content, and it turned out that
2 Ernestine was right all along.

3 MR. EAKELEY: Go ahead, Bucky.

4 MR. ASKEW: Ernestine is a wise person.

5 MS. YOUELLS: She is, she is.

6 MR. ASKEW: You mentioned you'd selected the
7 clients, or the participants, through nominations. How is
8 that going to work?

9 MS. YOUELLS: We are going to actually solicit
10 nominations from each state planning entity, or state
11 planning coordinating counsel, or equal justice committee
12 that exists in each state. We're going to ask those entities
13 to nominate two, three, or four people. We will have an
14 application process, but we will actually -- people will have
15 to go through that process first. They will have to be
16 people who are considered leaders in the state planning
17 process.

18 Then -- I'm assuming we're going to get more
19 nominations, we're going to try to make this so attractive,
20 people will really, really want to come -- then we're going
21 to have a committee composed of the three of us and Ernestine
22 and Edna, and we will go over those applications, keeping in

1 mind the need for geographical diversity, gender diversity,
2 racial/ethnic national origin diversity, large program/small
3 program diversity, large state/small state diversity, so all
4 of those things will be factored in as we pick out.

5 And try to keep a balance in terms of leadership.
6 You wouldn't want a conference of 50 people whose speciality
7 was community legal education, or community economic
8 development, you'd want a balance.

9 So it could be we'll have to create one of those
10 mega-charts again, I'm sure.

11 CHAIR WATLINGTON: Doug?

12 MR. EAKELEY: That was my question. Bucky and I
13 had the same question.

14 CHAIR WATLINGTON: Okay.

15 MS. YOUELLS: Any other questions? I think it's
16 going to be a great conference, and if you'd like to come,
17 you can apply and we'll consider you as part of the
18 application process.

19 (Laughter.)

20 CHAIR WATLINGTON: Well, I know Edna and I really
21 was pleased with the last one we had in Detroit, and so many
22 good ideas came out of that, that if the money wasn't cut, it

1 would have been really great to follow through.

2 And everyone just enjoyed it, and they were --
3 everyone participated, so I mean, it was really -- if Edna
4 and I didn't contribute anything to the client community, we
5 can go away saying we hope the second one will be even
6 greater, the way we have left the clients of the nation. So
7 I am very pleased with it.

8 MS. YOUELLS: And you've been very helpful during
9 the planning.

10 I did e-mail or fax this out to you earlier, we
11 have some extra copies of the working agenda. We're still
12 working on the agenda, so as you go back, if you have ideas
13 or thoughts about things that you think we ought -- we have
14 missed, or we need to consider, please e-mail or fax either
15 of the three of us. We would be very interested in your
16 comments. Thank you.

17 CHAIR WATLINGTON: Next, we -- I don't know if we
18 want a break now, or do we want to keep on, trying to finish.

19 MR. SMEGAL: Keep going.

20 CHAIR WATLINGTON: Keep going? Okay. Overruled.
21 We have a presentation from Esther Lardent, on behalf of the
22 ABA standing committee on pro bono. How are you?

1 MS. LARDENT: Hi, how are you? Actually, I'm here
2 -- I think I've confused the staff quite a bit, because I'm
3 at -- here at this meeting wearing two hats.

4 The first is, I'm representing the ABA standing
5 committee on legal aid indigent defendants, and so I'm here
6 at the meeting just to see what's going on so I can report
7 back. And Julie Strandlie, who is on the ABA staff, is also
8 here. She's with the Washington office, the ABA's
9 legislative affairs office.

10 But I also was asked to talk about something that
11 my organization, which is the Pro Bono Institute at
12 Georgetown University Law Center is doing with respect to pro
13 bono that's something, I think, quite new and we hope will be
14 of great benefit to Legal Services Corporation grantees and
15 to low-income people, ultimately.

16 So -- and scheduled for both this meeting and the
17 board meetings, so I think what I'll do is perhaps is to do
18 the presentation now, and if people -- I'll try to be brief,
19 because I know you've got a full schedule -- is if people
20 want to hear more about it, I'm happy to talk about it again
21 tomorrow.

22 But 20 years ago, Bill McCalpin did something very

1 controversial, and I think ultimately something that probably
2 did more to help legal services for the poor than almost
3 anything else you can imagine, and that is he determined that
4 it was essential that Legal Services Corporation grantees
5 involve private attorneys in the delivery of legal services
6 to low-income clients.

7 That step -- and I remember that it was not a
8 popular action at the time -- that step, I think, led to a
9 new kind of partnership between the private bar and legal
10 services programs and to a far greater understanding of the
11 lives and the issues faced by low-income people among lawyers
12 in private practice.

13 And we've seen a real growth in the number of
14 lawyers doing pro bono work, and a real growth, I think, in
15 the level of support of all kinds, political, financial, and
16 otherwise from the private bar because of that.

17 The one group that has not been particularly
18 terribly engaged in this area -- and for some very good
19 reasons -- is the in-house corporate bar. There are --
20 nobody seems to know exactly how many corporate lawyers there
21 are in-house, but there are approximately 50,000 of them.

22 And as people on the board, I think know, and in

1 this room, but particularly lawyers who are in private
2 practice, they have grown in stature and influence
3 significantly over the last several decades. But they, for a
4 variety of reasons, have not become involved in pro bono
5 work. There are some exceptions and some notable exceptions,
6 but for the most part, that hasn't occurred.

7 And that is, I think, an important gap, and a gap
8 that has an impact, not only because we're losing a lot of
9 lawyers who should be working in this area, but we're also
10 losing the opportunity to educate these lawyers who are in
11 the nexus between law and business, and the corporations with
12 whom they work, about what it is like to be a low-income
13 person in this country, what happens to your legal rights,
14 how inadequate the funding for legal services is, all of
15 those very, very important issues.

16 So what has happened, as a result of a number of
17 interesting developments, is that my organization, in
18 partnership -- and it is very much a full partnership -- with
19 the American Corporate Counsel Association -- and people may
20 know the American Corporation Counsel Association is the
21 trade association for in-house lawyers, has about 13,000 or
22 so members, and has active chapters in 42 cities and now

1 overseas as well.

2 The American Corporate Counsel Association, ACCA,
3 as it's known, decided that it wanted to make corporate pro
4 bono one of it's highest priorities, that was a decision by
5 the board and the leadership of the organization. And they
6 decided that a partnership with the Pro Bono Institute, since
7 we have the background in working with particular segments of
8 the legal community, and encouraging and broadening the
9 support of those segments in pro bono, would work well.

10 So we've come together, and we've created a -- this
11 new project called coporateprobono.org, and it is named as it
12 is, because it is, in fact, a project that very much focuses
13 on the use of technology to have its effect, and because it
14 is -- it involves and is focused on a community that is very
15 much technologically functioning in its work.

16 And there are several aspects of CPBO, as we call
17 it, and I'll just tell you about them very briefly.

18 The first, and perhaps most important to LSC
19 grantees, is that CPBO is, as its name implies, in part a
20 website. And I encourage people to take a look at the
21 website, which you can get to by either www.cpbo.org, or
22 www.corporateprobono.org. The website was launched. It's

1 still in soft-launch, but it was launched in early October at
2 the ACCA annual meeting.

3 And the purpose of the website is to bridge the
4 information and contact gap between providers of legal
5 services and in-house counsel who want to do pro bono work
6 with them.

7 And so it is a website that permits legal services
8 programs to post information about themselves, their
9 opportunities, the kind of pro bono work they may be looking
10 for, when that -- when those opportunities would come up,
11 what special needs they have, what kinds of training and
12 support -- very important for this corporate community, since
13 much of the work they do is very, very different from work,
14 you know, typical problems faced by low-income people, the
15 kind of support that will be available.

16 And for programs that are Legal Services
17 Corporation grantees, and that maintain the kind of quality
18 control mechanisms that are important, that is, training,
19 mentoring, screening, and that sort of thing, they actually
20 will have the capacity not only to post on the site -- and it
21 really -- I've done it, and I am not a technological person,
22 it takes about two minutes to post -- but not only can they

1 post, but they -- we will give them the back-office capacity
2 to update their postings, to review them, to amend them, to
3 change them, based on information that we're going to provide
4 them about what particular postings are getting more
5 attention on this site.

6 We'll also have -- and that's not in place yet, but
7 will be soon -- the reverse capacity. That is, corporate
8 counsel and corporate legal departments themselves will be
9 able to post and say, "We want to do a project that involves
10 the elderly, and we would like to do it in this location, and
11 we're looking for this kind of assistance and support. Is
12 there a public service group out there, legal services
13 program, willing to help us?"

14 And so we see ourselves as sort of an electronic
15 introduction service. We -- you know, once people meet each
16 other, they will go off and do this face-to-face, for the
17 most part, with each other. But this is a way for people to
18 bridge a gap, because many in-house lawyers are not active in
19 their bar associations, their offices are located -- they're
20 typically suburban offices, so they're not located where
21 legal services offices are located.

22 The two groups often don't come together, absent

1 some unusual circumstances. This is a way for them to sort
2 of, if you will, pre-identify each other as interested, get
3 over that shyness, and begin to work together.

4 And in addition, what we have on this site as well
5 will be information on mentors that are available to in-house
6 counsel. There will be information on issues -- and we know
7 now, because we've spent a lot of time talking to people --
8 the issues that in-house lawyers always -- and legal
9 departments -- always raise.

10 What about malpractice insurance, since we're
11 covered only by principles of indemnification? What about
12 the fact that we're not licensed to practice in the
13 jurisdiction? What about the fact that our work is as
14 intellectual property lawyers, and we've never been in a
15 court room in this state in our lives?

16 All of those sorts of things will be up on the
17 site, as well as best practices of different corporations,
18 and that sort of thing.

19 So we think what this is going to do is to really
20 break the ice and break the law jam that's occurred that
21 won't allow people to participate.

22 A couple of other -- and we'll be going out and

1 working with legal services programs, working with ACCA
2 chapters, bringing them together in cities as we go out to do
3 meetings, so we'll actually be doing -- we'll also be the on-
4 site introduction service, if you will, working to get these
5 groups together.

6 The second thing is that in order to give
7 credibility and visibility to this effort, we've put together
8 an advisory board that is composed of corporate general
9 counsel, COOs and CEOs of major corporations and we have --
10 it's a very diverse group in every sense of the word. It's
11 diverse in terms of demographics, it's diverse in terms of
12 size of law department, and it's also diverse in terms of
13 industry, because that's the way the corporate world sort of
14 views itself, they think within certain industries and relate
15 to peers within certain industries.

16 It's an extraordinary group of people. I have a
17 list for you and some materials on CPBO. No one we talked to
18 said no to us, and the level of enthusiasm in the corporate
19 world was quite amazing. We, both at the ACCA conference and
20 as we were talking to people and getting information, are
21 hearing from people who say, "I am so happy you're doing
22 this. I am so excited that you're doing this, because I felt

1 for years that I've gotten very far away from what led me to
2 go to law school in the first place, and I didn't know how to
3 do this, I didn't know how to accomplish it, and I feel as
4 though I have a road map, I have information that shows that
5 my peers are doing it successfully."

6 And so we've really -- I think that this is an
7 important moment in time, when people are really ready to
8 hear this.

9 The final thing that we've done -- oh, and I should
10 mention one other thing about the site that I think is
11 important. The site also has a section that I think -- we,
12 as I say, we're in soft-launch, so all of this may change a
13 little bit -- but we've called it Sound-off. And the ideas
14 that that section, along with calendars of events,
15 information about training programs, people who are willing
16 to mentor, people who want a partner with corporate counsel,
17 that section can be there for information.

18 For example, we can use that to update the
19 corporate counsel who visits the site about what's going on
20 with Legal Services Corporation issues and funding. If,
21 within a state, somebody is working on a corporate
22 involvement effort, they can post that information.

1 And in fact, we have access and we regularly have
2 information about CPBO in the ACCA docket, which goes out to
3 all the ACCA membership, but also, in something called
4 Chapter and Verse, which is an e-mail update that goes to
5 every ACCA chapter every month. There will always be
6 something -- and this is why I say ACCA is a true partner in
7 this -- there will always be something on corporate pro bono,
8 and often many mentions of it there.

9 And what that means is, that if NLADA, for example,
10 wants to seek more members for that list of corporate counsel
11 who have indicated their support for legal services funding,
12 this is a good vehicle to reach people. And when I say it's
13 a good vehicle, this website is integrated, obviously, into
14 our website, but more importantly, into the ACCA website,
15 which gets currently 2.5 million hits a month -- a month.

16 In-house lawyers go to ACCA, it is a credible
17 source for information, for networking, for materials, and
18 every time they do, they will get a little indicator that
19 suggests that they should take a look at relevant issues in
20 CPBO, and advises them of what's new there.

21 So it is, I think, a very powerful vehicle to get
22 that group of people much more involved, much more educated,

1 much more aware of the issues around legal services.

2 And finally, we've developed, at the urging of our
3 advisory board, a corporate pledge, which has now been signed
4 by more than 50 corporate general counsel. And that pledge
5 indicates that the individual, on behalf of their company and
6 their legal department, will encourage their staffs to do pro
7 bono work, will put in place best practices to make sure that
8 that legal -- that the pro bono work is done effectively, and
9 -- and I think this is important -- will advise the outside
10 law firms with whom they work of their commitment to pro
11 bono, will inquire about -- among those firms about those
12 firms' interest in pro bono, and about the fact that the
13 legal department is going to appraise the law firms'
14 performance on pro bono.

15 That's not as far as some members of our advisory
16 committee wanted to go, but further than others. So it's a
17 compromise thing, and I've brought you a copy of that as
18 well.

19 So that's it. It's the new kid on the block, and
20 the new player, and I think it has some potentially
21 enormously positive consequences for Legal Services
22 Corporation grantees, and most importantly, for clients,

1 which is why we in ACCA did this.

2 CHAIR WATLINGTON: Thank you.

3 MS. LARDENT: I'd be happy to answer any questions
4 people may have.

5 CHAIR WATLINGTON: Questions? Bucky.

6 MR. ASKEW: I know a little bit about the system,
7 and your counterpart in ACCA is Susan Hackett, is just as
8 hard working -- the two of them together are a force not to
9 be stopped, I think.

10 I was going to ask you, the thing you mentioned at
11 the end. Are you aware of any corporate legal departments
12 that say to the law firms that they retain, "We expect you to
13 do pro bono work," that make it sort of a criteria for using
14 those law firms in terms of, you know, there's some law firms
15 that essentially don't do any pro bono work.

16 MS. LARDENT: Yes, right.

17 MR. ASKEW: And I think if Coca Cola said to them,
18 "We expect you to do pro bono work," it would happen over
19 night.

20 MS. LARDENT: Mm-hmm, mm-hmm.

21 MR. ASKEW: And I'm sort of wondering if you know
22 if that's going on, and where?

1 MS. LARDENT: There are some things that are close.
2 For example, First Union, which is based as every bank in
3 America these days, in Charlotte, has a very strong written
4 pro bono policy, and essentially doesn't mandate, but it
5 strongly encourages all of their attorneys to contribute 50
6 hours a year to do pro bono work.

7 And what First Union has done -- some people have
8 viewed it as a mandate, if you look at the language it isn't
9 actually that -- but what they did do, and what we're
10 encouraging other people to do as well, is to -- they've
11 written to all the law firms with whom they work, all their
12 outside counsel, and sent them the First Union corporate
13 policy, which is signed off on both by the general counsel
14 and the First Union CEO, and indicated that they would
15 certainly be very interested in partnering with those law
16 firms on any pro bono matters in the cities in which First
17 Union has counsel.

18 And I can tell you, when that letter hit, since we
19 also work with large law firms, we got calls from 15 law
20 firms saying, "What do we do, and how do we answer them?"

21 So certainly we've seen some of that, we've seen
22 in-house counsel raising that issue at beauty contests, where

1 there is a competitive process to determine which law firm
2 will represent a corporate legal department on particular
3 issues. We've seen some legal departments use it as their
4 shrinking down their list of participating firms, and some
5 use it in retention discussions.

6 So it's coming up far more, and I think our feeling
7 was -- and this is why we think this project is so important,
8 and we've been told this by in-house counsel -- until the
9 legal departments themselves actually do more hands-on pro
10 bono work, we're not going to see that kind of request,
11 because they almost feel it's hypocritical for them.

12 But once they -- once we get them more engaged, I
13 think we'll see much more of that level of activity. And
14 First Union first had to, if you will, create its bona fides
15 internally before it could go to the law firms and say,
16 "We're doing it, why don't you do it with us?"

17 And I think the more in-house departments we have
18 who say, "We're doing it," the more we'll see that.

19 MR. EAKELEY: Well, the other advantage to that is
20 that the more corporate pro bono activity there is, the more
21 opportunities for working relationship to develop with
22 private attorney pro bono activities.

1 MS. LARDENT: Mm-hmm.

2 MR. EAKELEY: And when you get that kind of teaming
3 and working relationship, again, that fosters the attorney-
4 client relationship as well. We've seen that in a variety of
5 contexts.

6 I just have one -- I had a wonderful opportunity to
7 get a preview of this program at the NLADA corporate advisory
8 counsel meeting -- July maybe, Esther? But it's --

9 MS. LARDENT: Or June, I think, yes.

10 MR. EAKELEY: But it really is exciting, and your
11 leadership is greatly appreciated and I can't wait for those
12 2.5 million hits a month to have some legal services content
13 with it.

14 CHAIR WATLINGTON: And as a client who is involved
15 with the non-profit, those corporate pro bonos from those
16 attorneys on the board and everywhere is just really a big
17 help.

18 MS. LARDENT: It's very important. And let me say
19 one of the things that we are hearing a lot is that while
20 some people in legal departments want to do individual client
21 work, a number of them are interested in doing pro bono that
22 fits their -- I'm learning corporate lingo now --

1 CHAIR WATLINGTON: Right.

2 MS. LARDENT: -- I say at value-added metrics and
3 skill sets. So things that will fit their skill sets. And
4 those skill sets, obviously, for the most part, are not
5 litigation-based.

6 And while we see some pretty amazing things
7 happening in New Jersey, for example, I think one of the real
8 models for the country is the partnership between Merck &
9 Company and Legal Services New Jersey, where their patent and
10 IP attorneys are doing tenant work and domestic relations
11 work, and that sort of thing, and doing a wonderful job at it
12 with a lot of training and support.

13 There are people who want to do exactly what you've
14 talked about, Ernestine, and that is to do work for non-
15 profit groups. And I think if we think about the legal
16 services programs as the programs that are, you know, in the
17 field, who know the community organizations, who know the
18 problems in the neighborhoods, who know some of the key
19 players in the client groups, they can actually be the bridge
20 for these corporate people, who can then work with that
21 church that has decided that it really wants to become a
22 builder of affordable housing, and they can become the

1 general counsel for that church. So I think --

2 CHAIR WATLINGTON: And they will call you too, and
3 ask, you know, they need the service of -- especially your
4 younger attorneys who want to learn.

5 MS. LARDENT: Absolutely. Well, one of the very
6 interesting things, since I've now done a lot of reading on
7 sort of the corporate side, is there is a very strong
8 movement in the corporate world, focused on corporate good-
9 citizenship.

10 And it is a combination of -- in light of -- it's
11 enlightened self-interest, essentially. And what it
12 essentially says is a corporation can't be successful unless
13 the community in which it's involved is successful.

14 And so more and more on the non-legal side, you see
15 funding, you see volunteerism, you see participation and
16 community non-profit group boards. And somehow that hasn't
17 hooked into the legal side.

18 And so what this project is doing is, I think,
19 using something that's going on in the corporate side,
20 something that's been going on in the legal community, and
21 bridging them together. And I think that's why we're really
22 seeing -- it's not easy. If it were easy, it would have

1 happened. But I think what we see is a tremendous amount of
2 interest and enthusiasm for this.

3 CHAIR WATLINGTON: Nancy?

4 MS. ROGERS: Esther, I wonder if you have partnered
5 at all with your law school? I say that because we have a
6 small program in which if lawyers will do pro bono work, they
7 can call the law school if they want a law clerk. And we put
8 out a notice, and a law student will volunteer to be the law
9 clerk pro bono on a pro bono case. And law students enjoy
10 that as a way to meet lawyers from all different parts of
11 practice. Have you systematized that at all?

12 MS. LARDENT: We haven't, although I think it's a
13 terrific suggestion. And while I'm looking at you, let me
14 also say that one of the interesting things is that a couple
15 of our model projects, best practices projects, involve in-
16 house lawyers doing mediation work, community mediation work,
17 because as I say, an awful lot of their work is essentially
18 negotiation.

19 And while they need to learn more about the forum
20 and the problems faced by individual people, that is a very
21 exciting project that they came to, really, on their own, and
22 that we're trying to expand the word about.

1 But I think your point is very well taken, that
2 obviously, law students would like to get to know those
3 employers, and frankly, in a very competitive market for new
4 talent, corporate legal departments and law firms would like
5 a way to present themselves differently to students that
6 they'd like to attract. So, we'll look into that.

7 CHAIR WATLINGTON: Thank you again. Are there any
8 more questions? If not, we'll have Randi talk to us briefly
9 about competition in state planning, and also John Idleman
10 will be --

11 MS. YOUELLS: Did everybody hear the emphasis on
12 briefly that Ernestine just said? I will be brief. Most of
13 this I'll be talking about with you tomorrow, during the
14 breakfast briefing, but I wanted to at least alert you to the
15 fact that on Monday, our 2001 grant decisions will be public,
16 we'll be making those announcement public.

17 They will include the results of the competition
18 this year for Fiscal Year 2001, and we will be making
19 announcements about grant term duration.

20 As I think the board knows, we first make the
21 decision as to whether or not we are going to fund a
22 particular applicant for a particular service area. That's

1 the first threshold decision, as Cindy and John and Mike
2 talked earlier today.

3 The second decision is how long is the grant term
4 going to be, and we have a grant term window, from one to
5 three years. We tie those, the grant term decision, to state
6 planning. And we tie it to the progress that has been made
7 in the state towards the building of state justice
8 communities.

9 Tomorrow, during the confidential breakfast
10 briefing, I will be giving you information that tells you
11 about the results of the competition and grant term duration.

12 On Monday I will be briefing leadership from the national
13 community that includes NLADA, CLASP, the people who usually
14 attend those meetings. They've been invited to come over at
15 3:00 on Monday, and I will publicly announce the grant
16 decisions at that time with my staff.

17 We, immediately after that meeting, will be making
18 calls to all of the states and to leadership in the states,
19 IOLTA leadership, private bar leadership, telling them what
20 the decisions are, and we will issue a public announcement in
21 a press release the following day. As I said, tomorrow I
22 will be telling you in a confidential session, what the

1 results of those are.

2 The other thing that I wanted to alert you to is,
3 as you know, the state planning initiative was kicked off by
4 what we call program letters. Those program letters were
5 issued in January of 1998 and I guess it would have been in
6 June of 1998.

7 We are acutely aware that in the development of
8 state justice communities, we've learned a lot, our states
9 have learned a lot, and we're not at the same place we were
10 when we published 98-1 and 98-6, and that it's time to offer
11 more information to our grantees and to our states as to what
12 we mean when we define state justice communities.

13 We are in the process to developing a program
14 letter that will more clearly articulate our current thinking
15 as to how we define state justice communities. That program
16 letter actually went out this morning at 3:30 a.m. from my
17 home computer, because I was up sending it out to a larger
18 community of people who I am asking to help me with the
19 program letter.

20 It was developed internally, it was run by our
21 president, and at this point we are vetting it to the larger
22 community for review and comment before it becomes the policy

1 of the corporation.

2 Our timetable at this point is to ask for comments
3 by November 30th, to revise the document pursuant to those
4 comments, and to issue it at the end of December of this
5 year, or at the very earliest (sic) early January, so that we
6 kick-off our fourth year of state planning with a new program
7 letter.

8 Because it's not public yet, I did not bring it to
9 the board meeting. But I do, of course, welcome board
10 involvement. If you would be interested in joining that
11 larger group of people who are vetting the program letter and
12 offering comments to me, I would be more than interested in
13 having those comments. Just let me know today or tomorrow,
14 and I will either bring you a paper copy of the document, or
15 I will e-mail it to you next week. And then you would be
16 under the same time lines. Of course, you're the board, you
17 can be under any time lines you want. But the operative time
18 lines are November 30th.

19 So grant decisions to be announced publicly on
20 Monday, with a preview to you tomorrow, and the program
21 letter by the end of the year. That was easy.

22 CHAIR WATLINGTON: Thank you.

1 MS. YOUELLS: Thank you.

2 CHAIR WATLINGTON: John? Briefly.

3 MR. EIDLEMAN: Well, I won't say brief, because
4 every lawyer knows when they -- a lawyer says brief, they
5 don't mean brief. But I will be short.

6 What I'd like to do is to bring you up to date on
7 the hotline outcome assessment study. If you remember last
8 September in Seattle, in my presentation I told you that
9 there was a study being conducted, and it was going to be in
10 two phases.

11 The first phase was to look at information
12 concerning newly created hotlines to see whether more cases
13 and more clients were helped, and the second phase was to try
14 to find out what the outcomes were and what the clients
15 thought of the service that they were receiving.

16 And the first survey, just the thumbnail sketch of
17 what the first part of the survey found is that, indeed, for
18 programs that created hotlines, if you look at statistical
19 information from two years before and two years after they
20 were created, that more clients were being served.

21 Overall, there is a significant increase in the
22 number of cases that were brief service, and for most

1 programs, extended service increased, also.

2 The larger programs, programs that have budgets of
3 more than \$1 million, were more successful in increasing the
4 extended service, and maintaining that increase.

5 Smaller programs were more challenged, and some of
6 those programs actually had a decrease in extended service
7 because they took their resources and put them more and more
8 into the intake system, and therefore that harmed the
9 extended service system.

10 In doing that survey, managers and directors of
11 intake systems were interviewed and they all felt,
12 categorically, that these were good systems, more and more
13 clients were helped, and that more individuals were helped
14 with greater speed and more convenience.

15 Now, the second part of the study is to see what
16 clients think about the services, and see what the outcomes
17 are. The -- there has been a pre-survey done with the small
18 group, and that pre-test consisted of speaking directly with
19 66 clients that had been served by intake systems, by hotline
20 systems.

21 The -- two programs were looked at. The Clear
22 program in Washington State, and the statewide legal services

1 in Connecticut. The pre-test indicated -- and I'm going to
2 read some of the statistical information, and I hope I don't
3 bore you, but I think they're pretty interesting, even though
4 a small number of clients were talked to, the results, I
5 think, were rather incredible.

6 For those clients who were given advice on self-
7 representation in a court proceeding, 59 percent of them felt
8 that that advice helped and the case went well, 67 percent of
9 clients felt that they had a favorable outcome after they got
10 advice. Only in 15 percent of those interviewed feel that
11 the outcomes were not successful.

12 Seventy percent of those interviewed felt that the
13 hotlines were helpful. Eighty percent felt that the hotlines
14 -- they would call the hotlines again if they had another
15 problem. Fifty-seven percent of the clients interviewed
16 stated that they were better able to understand their legal
17 problem after they talked with the hotlines. Sixty-four
18 percent felt that they were better able to understand the
19 legal system better, and sixty-six percent said that they
20 were able to make a better decision after speaking with
21 someone on the hotline.

22 Now, the -- there is a proposal to the Open Society

1 Institute for funding to do a complete phase two study, and
2 that would consist of speaking with 400 clients from 5
3 different programs. It's hoped that these positive results
4 will be seen again when a more in-depth analysis is done.

5 And for me, some of the important things about the
6 survey indicate that clients are feeling that they're getting
7 some significant help which, when you think about it, is very
8 important, because you would think most clients calling the
9 program, they're looking for a lawyer, they're looking for
10 representation, they're looking for someone to go to court
11 with them, and they're being given information and advice,
12 and told how to represent themselves.

13 So I think it's rather remarkable that clients find
14 this to be positive, find it to be helpful, and find that
15 they are able to successfully proceed in the court area.
16 Thank you.

17 CHAIR WATLINGTON: Thank you. That was -- Nancy
18 has a question?

19 MS. ROGERS: John, is that a report that's written
20 up some place?

21 MR. EIDLEMAN: Yes. I have an electronic copy, so
22 I'd be more than happy to e-mail you a copy.

1 MS. MERCADO: For everybody --

2 MR. EIDLEMAN: Yes, I have a hard copy here, I have
3 one, an extra copy with me, if you want it right now, I'd be
4 happy to give it to you.

5 MS. FAIRBANKS-WILLIAMS: You can mail it.

6 MS. MERCADO: E-mail is good.

7 MR. EIDLEMAN: Okay, everyone?

8 MS. FAIRBANKS-WILLIAMS: Mail me a hard copy,
9 please.

10 MR. EIDLEMAN: You want a copy now, or you want me
11 to mail it?

12 MS. FAIRBANKS-WILLIAMS: I don't care.

13 MS. MERCADO: Bird in hand, Edna.

14 CHAIR WATLINGTON: Next is consider and act on
15 other business. Is there any?

16 (No response.)

17 CHAIR WATLINGTON: Public comment?

18 (No response.)

19 CHAIR WATLINGTON: There being none --

20 M O T I O N

21 MS. MERCADO: I move that we adjourn.

22 MR. EAKELEY: Second.

1 CHAIR WATLINGTON: It has been moved and seconded
2 that this meeting be adjourned. All in favor, state by
3 saying aye.

4 (Chorus of ayes.)

5 CHAIR WATLINGTON: Nays?

6 (No response.)

7 CHAIR WATLINGTON: Meeting is adjourned.

8 (Whereupon, at 3:52 p.m., the meeting was
9 adjourned.)

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