

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

COMMITTEE ON PROVISION FOR
THE DELIVERY OF LEGAL SERVICES

Sunday, June 25, 2000

9:35 a.m.

Radisson Plaza Hotel Minneapolis
35 South 7th Street
Minneapolis, MN 55402

BOARD MEMBERS PRESENT:

Hulett H. Askew
LaVeeda Morgan Battle
John N. Erlenborn
Edna Fairbanks-Williams
F. William McCalpin
Maria Luisa Mercado
Nancy Rogers
Thomas F. Smegal, Jr.
Ernestine Watlington

ALSO ATTENDING:

John McKay, President
Victor Fortuno, Vice President for Legal Affairs,
General Counsel and Corporate Secretary
David L. Richardson, Treasurer and Comptroller
Edouard Quatrevaux, Inspector General
Randi Youells, Vice President for Programs
Michael Genz, Director, Program Performance
James Hogan, Vice President for Administration
Reggie Haley, Office of Program Performance

Jerry Lane
Daniel Jongeling, Director, Anishinabe Legal Services
Anita Fineday, Chief Tribal Court Judge,
White Earth Band, Chippewa Tribe
David Kuduk, Managing Attorney, LASNM
Patricia Schultz, Paralegal, LASNM
Mary Deutsch Schneider, Director, LSNM
Jan Werness, SMRLS Attorney for Domestic Violence
Barbara Dudley, Family Service Manager,
Ain Dah Yung Center
Alicia Rodriguez, Social Work Studies Graduate
Bruce Beneke, Director, SMRLS
Janine Marie Andreasen, Minnesota Family
Farm Law Project
David Hesse, Farm Advocate
Nancy Kleeman, Access to Justice Director,
Minnesota SBA
Linda Perle, CLASP

C O N T E N T S

	PAGE
Approval of agenda	4
Approval of the minutes of the committee's meeting of April 14, 2000	5
Field presentations on legal services to Native Americans, farmers and victims of domestic violence in Minnesota	
Jerry Lane	9
Daniel Jongeling, Director, Anishinabe Legal Services	26
Anita Fineday, Chief Tribal Court Judge, White Earth Band, Chippewa Tribe	28
David Kuduk, Managing Attorney, LASNM	32
Patricia Schultz, Paralegal, LASNM	35
Mary Deutsch Schneider, Director, LSM	48
Jan Werness, SMRLS Attorney for Domestic Violence	56
Barbara Dudley, Family Service Manager, Ain Dah Yung Center	63
Alicia Rodriguez, Social Work Studies Graduate	66
Bruce Beneke, Director, SMRLS	74
Janine Marie Andreasen, Minnesota Family Farm Law Project	78
David Hesse, Farm Advocate	83
Staff report on the status of the development of new performance guidelines to measure outcomes in casework, community education and outreach	102
Staff report, plans and preparation for 2001 conference on client-centered legal services	102
Staff report on Native American funding	108

MOTIONS: 5, 7, 116

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

2 MS. WATLINGTON: Good morning. I'd like to start
3 the Committee on Provision for the Delivery of Legal Services
4 committee meeting.

5 We are very honored to be in Minneapolis,
6 Minnesota. There are so many guests, I would just welcome
7 everybody here today. We have been having the panels and
8 Jerry Lane will be introducing those later.

9 We have the full committee here, board members
10 Maria Mercado and Bill McCalpin and Tom just came in. We
11 have other board members present, John Erlenborn and LaVeeda
12 Morgan Battle and Edna Fairbanks-Williams. So we have a full
13 quorum in other board members present.

14 The first thing on the agenda is the approval of
15 the agenda and we'd like to move that around a bit, if the
16 members want to check it here.

17 Where we have the staff report on 3 and 4, we'd
18 like to have that after the field presentations, the panels.

19 MS. MERCADO: So you're making item 5 item 3?

20 MS. WATLINGTON: Right.

21 MR. SMEGAL: Everything else stays in the order --

1 MS. WATLINGTON: Right, 3 and 4, and then 5 goes
2 over top of that.

3 I'll entertain a motion.

4 M O T I O N

5 MR. ASKEW: So moved.

6 MS. MERCADO: Second.

7 MS. WATLINGTON: It has been moved and seconded.
8 Everybody signify by the word aye.

9 (Chorus of ayes.)

10 MS. WATLINGTON: Opposed, the same.

11 (No response.)

12 MS. WATLINGTON: We have changed the agenda.

13 Next on the agenda is approval of the minutes of
14 the committee meeting April 4th.

15 Is there any correction?

16 (No response.)

17 MS. MERCADO: I move that the minutes be approved
18 as presented.

19 MS. WATLINGTON: Is there a second?

20 MR. McCALPIN: I suggest to you on page 3, it looks
21 like Maria both made and seconded the motion.

1 MS. MERCADO: Where is this?

2 MR. ERLNBORN: She probably did.

3 MS. WATLINGTON: I think it was just the two of us
4 in the beginning.

5 MS. MERCADO: Actually, I think that at the
6 beginning of that committee meeting, the only committee
7 members that were present were Ernestine and I and so it's
8 sort of a weird way of doing Robert's Rules of Order. You do
9 have a quorum, but you don't have a person to give you a
10 second. So I don't know.

11 I think Doug was there as ex officio, but he was
12 not voting.

13 MS. WATLINGTON: So we have to change that to Doug?

14 MR. McKAY: Change it to Doug.

15 MS. WATLINGTON: We'll change that.

16 With that correction made?

17 MR. McCALPIN: If I could just say, I think all you
18 need to say is the motion was made and approved.

19 MS. WATLINGTON: Okay.

20 MS. MERCADO: I think that we said something about
21 being approved by consensus.

1 MR. McCALPIN: Whatever.

2 MS. WATLINGTON: Is there any other correction?

3 (No response.)

4 MS. WATLINGTON: If not, I'll entertain a motion
5 with the necessary correction.

6 M O T I O N

7 MR. SMEGAL: So moved.

8 MS. WATLINGTON: Who'll second this time so we get
9 it right?

10 MS. MERCADO: Second.

11 MS. WATLINGTON: It's been moved and seconded that
12 the minutes be approved.

13 All in favor?

14 (Chorus of ayes.)

15 MS. WATLINGTON: Opposed?

16 (No response.)

17 MS. WATLINGTON: Motion carried.

18 Now we'll go to number 5 and I will ask Reggie of
19 the staff to introduce Jerry and the panels.

20 MR. HALEY: Thank you.

21 Madam Chair, members of the committee, it is indeed

1 a pleasure and an honor to appear before you to serve as the
2 introductory act, if you will, to introduce a number of
3 individuals that will come before you to talk about the
4 Minnesota delivery system.

5 For the record, my name is Reginald Haley. I am
6 with the Office of Program Performance at Legal Services
7 Corporation.

8 As you are aware, LSC has made a significant
9 investment as well as significant strides in a process to
10 integrate delivery systems statewide as well as across the
11 country. We call that process state planning.

12 Stripped to its most fundamental components, state
13 planning is about leadership, committed support and the
14 capacity to network throughout the delivery system. Of equal
15 importance to those ingredients or those essential components
16 is the right balance and, of course, the key to the planning
17 process is collaboration.

18 Minnesota has found that balance, a balance that
19 works, and has institutionalized a system that breathes,
20 lives and grows through collaboration.

21 During this morning's presentation as well as

1 tomorrow's site visit, I am sure you will be impressed by the
2 collaborative spirit of the legal services programs in the
3 state of Minnesota.

4 With that, I would like to call the moderator to
5 the panel table, Mr. Jerry Lane, who will serve as the
6 moderator for each of the three panels that will be making
7 presentations to you this morning.

8 MR. LANE: Good morning, panel members. Welcome to
9 Minnesota. Since it's not winter, it must be road
10 construction season, so I hope you don't get hung up on any
11 one-lane sections of our highway system.

12 I am Jerry Lane and I will be moderating the
13 panels. My view of moderating is for me to say as little as
14 possible because the people who will be sitting here beside
15 me know a lot more about what they will be talking about than
16 I do and I think that's the whole point of having them here
17 and I think that's part of why you're here, is to hear from
18 the people who are delivering this service out there on a
19 day-to-day basis.

20 Before saying anything further, I would like to
21 thank Reggie Haley for his great assistance in helping us to

1 get ready for this morning and for tomorrow. We've really
2 appreciated that.

3 I would also like to thank Nancy Kleeman who is
4 sitting right there, the Minnesota State Bar Association's
5 Access to Justice director, who has also spent a great deal
6 of time and effort in helping us all get ready, as she has
7 spent a great deal of time and effort over the last -- I
8 don't know, 16 years helping to make equal access to justice
9 more of a reality in Minnesota.

10 I have had the pleasure of working with this board
11 to some extent. I was on the NLADA board for some years. I
12 also had some prior experience with this board in an earlier
13 incarnation when it wasn't quite so much of a pleasure back
14 in the '80s when a client representative from north central
15 Minnesota was appointed to that board having absolutely no
16 history with, knowledge of legal services, and so I engaged
17 in sort of a one-on-one client education project which I
18 don't think was ever fully successful and it's a very great
19 pleasure to see client representative here who know what our
20 mission is and what it's all about.

21 I am a 30-year veteran in Minnesota. I came here

1 in 1970 for a couple of years and stuck with Legal Services.

2 I've been the executive director of my program for 19 years,
3 first as the director of CMLS, Central Minnesota Legal
4 Services, which is the LSC grantee for 20 counties in central
5 Minnesota. And then Mid Minnesota Legal Assistance, which
6 is a non-LSC grantee. It was a subgrantee for a number of
7 years and is now a non-grantee but working closely with
8 Central Minnesota Legal Services and the other LSC grantees.

9 There are several themes that I think are
10 consistent throughout the over 90-year history of Minnesota
11 Legal Services: a focus on client needs, client empowerment
12 and law reform; innovation and collaboration; and the third
13 theme is that there is almost nothing new under the sun.

14 In 1905, a legal aid committee was formed in
15 Hennepin County by private lawyers and other community
16 leaders.

17 In 1907, as far as I have been able to tell, the
18 first case was placed. It was a pro bono divorce, which is a
19 theme which has never gone away.

20 In 1908, I think the first attorney was hired in
21 Minnesota for legal aid and that was in St. Paul.

1 In 1910, a part-time attorney, a woman, was hired
2 in Minneapolis.

3 One of the values of legal aid to the community is
4 reflected in a 1913 report from the Minneapolis legal aid
5 attorney and it is no less true today and his report said "It
6 creates in the mind of those susceptible to political and
7 social unrest a feeling that justice is not the birthright of
8 the well to do alone."

9 The value of client empowerment is also not a new
10 insight, as reflected in that same 1913 report, where the
11 director said -- he was the director, he was the staff, he
12 was the organization. He said, "Punishment of a dissolute or
13 improvident husband often makes him a better husband and, in
14 many instances, arouses in the wife a sufficient faith in
15 militancy to prevent a recurrence of family troubles."

16 Law reform as integral to the mission of legal aid
17 was also recognized from the beginning. That same report
18 stated legal aid's mission as "To render legal assistance
19 gratuitously to those who are unable to procure assistance
20 elsewhere and to promote measures for the protection of such
21 persons."

1 That important theme is also seen more formally in
2 correspondence to the Minneapolis organizers of legal aid
3 from the Legal Aid Society of Chicago, which was somewhat
4 farther along in its organization status, they had letterhead
5 by then, and that organization's letterhead listed the three
6 objectives of the organization and one of them was, and I'm
7 quoting, "To propose new and better laws, to make efforts
8 toward securing their enactment."

9 I would hope you might find that little piece of
10 history useful in your discussions with those in Congress and
11 elsewhere who are laboring under the false impression that
12 legislative advocacy has been a recent digression from the
13 historic mission of legal aid. It is not.

14 Concern for the unrepresented is also not new. A
15 Minneapolis legal aid attorney drafted and successfully
16 lobbied for the passage of the Conciliation Court Act which
17 is Minnesota's small claims court created for unrepresented
18 litigants.

19 Interprogram collaboration has a long history. In
20 the 1920s, St. Paul and Minneapolis legal aid lawyers jointly
21 drafted and lobbied successfully for the passage of the Small

1 Loan Act to combat loan sharking in Minnesota.

2 The use of law students to enhance the capacity of
3 legal aid offices is also present from the beginning. In
4 1913, University of Minnesota third year law students were
5 required to spend 36 hours working at a legal aid office as a
6 condition of graduation. Student involvement continues and
7 grows. Minnesota's Law Student Public Service Program at the
8 three Minnesota law schools sponsored by the
9 student-controlled Minnesota Justice Foundation is recruiting
10 and placing students even faster than expected. Nancy
11 Kleeman can tell you more about that if you would like to
12 know it.

13 The goal of that program is to have 80 percent of
14 all students doing 50 hours of law-related public service
15 during their student time. We believe it is unique in that
16 it is the only fully collaborative program in the country.

17 Minnesota law students through MJF created what may
18 be a unique loan repayment assistance program in Minnesota,
19 which is now an independent 501(c)(3) corporation helping
20 public interest lawyers pay their loans. And I can certainly
21 say from my personal experience that there are a number of

1 lawyers in my program who would not be in my program but for
2 loan repayment assistance.

3 Complaints about our work are not new. In 1947,
4 board minutes discussed the severe housing shortage and legal
5 aid's aggressive representation of tenants.

6 And I'm quoting from those minutes, "In view of the
7 hot personal animosity in some of these cases, the staff has
8 tried to make it clear to all concerned that representation
9 of a client by staff of legal aid will be carried on in the
10 same way as if the party were represented by private counsel.

11 Certain lawyers and landlords have been bitterly critical
12 when the society has offered a successful or vigorous
13 defense, it seeming to be their attitude that the society
14 should put up only token resistance on behalf of persons
15 unable to pay a fee. It was the consensus of the board that
16 the staff has been executing a proper attitude and that this
17 type of criticism is unjust."

18 Organized delivery of pro bono services in
19 Minnesota took a major step forward in 1966 when the Hennepin
20 County Bar Association created the legal advice clinics,
21 which has been since then a free-standing incorporated pro

1 bono program serving the Hennepin County area.

2 Client empowerment has continued to be a focus of
3 efforts in Minnesota. Central Minnesota Legal Services set
4 up a dedicated client-community legal education unit in 1977.

5 Its materials have always been available statewide and, in
6 fact, have been sent to other parts of the country over the
7 years.

8 The commitment to full service goes back many
9 years. As far as I have been able to tell, the first legal
10 aid class action was filed in 1966 and it was, in the nothing
11 ever changes category, a challenge to durational residency
12 requirements for welfare. We have now fought this fight
13 successfully three times in Minnesota in 34 years.

14 The demand by our funding sources for that access
15 to full service led to the creation of Mid Minnesota Legal
16 Assistance in 1981 and that commitment to full service
17 continues to pay dividends.

18 My friends in Duluth were nice enough to bring
19 along a Deluth newspaper from the other day telling the story
20 of what could have been but did not turn out to be a class
21 action, a case that my program was involved in for a couple

1 of years negotiating with the state of Minnesota over its
2 illegal withholding of child support assistance from families
3 who were not receiving cash welfare benefits.

4 In Minnesota, it is called the Minnesota Family
5 Investment Program or MFIP. Child support had to be
6 assigned, of course, and the state was keeping those funds
7 even when no cash assistance was being paid.

8 The ability to remind the state that if this wasn't
9 resolved there would be a class action ultimately led to a
10 settlement and over 3000 low income families will receive
11 child support which was illegally withheld. And I would just
12 like to pass this around for your edification.

13 That collaboration and commitment to full service
14 continued in the 1970s and let me add, by the way, that one
15 of the two lawyers working on this effort was funded by the
16 McKnight Foundation as part of its statewide grant to Legal
17 Services to improve the systems responding to child support
18 needs and domestic violence, a very successful, multi-year
19 effort.

20 SMRLS became in the 1970 the migrant funding
21 grantee. Central Minnesota Legal Services and later Mid

1 Minnesota Legal Assistance hosted the legislative advocacy
2 effort, supported originally by the programs in Minneapolis
3 and St. Paul but later by all of the programs in the state as
4 long as they were permitted to do so. That is now supported
5 by IOLTA funds and foundation grants, as well as United Way
6 funds in Minneapolis.

7 So state planning goes back in a fairly formal way
8 at least to the 1970s in Minnesota, although we perhaps
9 didn't use that label for it. It took on a more formal role
10 later in the 1970s with the creation of the Minnesota Legal
11 Services Coalition, a non-incorporated entity in which all of
12 the regional legal services programs in the state jointly
13 oversee coalition efforts. As a result, everyone was already
14 at a preexisting table when it became time to respond to the
15 1981 cuts in federal funding.

16 State support funding has been hosted by SMRLS but
17 oversight was carried out then, as it is now, by way of
18 bimonthly meetings of the regional program directors.
19 Minnesota Legal Services Coalition efforts focus on training,
20 communication on substantive issues of common concern,
21 creation and dissemination of client legal education

1 materials and fundraising.

2 It was state planning through the coalition that
3 led to the joint approach in partnership with the MSBA to the
4 legislature and to foundations to respond to federal funding
5 cuts. The regional programs have made a practice of working
6 out plans and initiatives and of speaking with one voice
7 statewide to funders, thus avoiding turf battles and
8 geographical sensitivities that often derail legislative
9 efforts.

10 As part of that planning process in the very early
11 1980s, organized pro bono program development spread to cover
12 every county in Minnesota, which it has continued to do up to
13 the present. Volunteer attorneys are always welcome at any
14 Minnesota Legal Services Coalition training events around the
15 state.

16 The private bar partnership, which was present from
17 the creation of legal aid in Minnesota, has only grown
18 stronger. The Minnesota State Bar Association led the
19 successful effort to create IOLTA in Minnesota. It was the
20 second program in the country and the first mandatory model
21 and one which has been widely, if not almost universally,

1 emulated.

2 The state bar association created an access to
3 justice position on staff jointly funded by the coalition
4 programs and the MSBA, focused on expanding pro bono in
5 Minnesota and also in strengthening funding for legal
6 services.

7 MSBA efforts especially those of Nancy Kleeman have
8 played a major role in successful foundation fundraising
9 efforts.

10 MSBA leaders co-chaired the Supreme Court's
11 Committee on Legal Services Access and Funding in Minnesota
12 which produced a far reaching planning document which I
13 believe you have which has served as a blueprint for ongoing
14 planning efforts over the last five years and will continue
15 to serve as such a blueprint in the future.

16 The MSBA most recently has made a commitment to
17 support Minnesota being one of the first -- in fact, the
18 first statewide model for pro bono net. That will be
19 launched in July here in Minnesota and we are very excited
20 about that.

21 The MSBA has been a strong voice at the

1 legislature, with the judiciary and with national elected
2 officials in support of legal services.

3 It was the MSBA's strong support heard from every
4 corner of the profession, including the County Attorney's
5 Association, the Corporate Counsel Association, the Trial
6 Lawyers and Defense Lawyers, among others, as well as
7 Minnesota Women Lawyers, that helped convince the Minnesota
8 Supreme Court to adopt the first attorney registration fee in
9 the country to support legal services.

10 And I might add it was the organized bar led by
11 Minnesota lawyer David Brink, then president of the ABA, that
12 led the lawyers march on Washington in 1981 that many credit
13 with saving legal services nationally.

14 State planning efforts and coalition work have
15 always emphasized client interests ahead of individual
16 program interests and we think that is critical to our
17 success. Examples include the fact that SMRLS has
18 consistently and significantly undercharged its fellow
19 programs for the cost of administering the coalition funding
20 state supported effort.

21 When earmarked funding to assist distressed family

1 farmers was made available by the state legislature, the
2 state legislature in Minnesota, the programs agreed to a
3 revised distribution formula reflecting the specialized
4 population to be served rather than the general poverty
5 population in Minnesota.

6 When a second cycle of statewide McKnight
7 Foundation funding was sought, the programs agreed to give
8 Anishinabe Legal Services, the smallest program in the state,
9 a disproportionate share reflecting recognition of the
10 special access problems for the small but highly vulnerable
11 population served by Anishinabe.

12 When technology funding was sought from the Bush
13 Foundation, the state planning process identified the goal as
14 bringing all the programs up to a common baseline level to
15 enhance sharing of information and joint case work and this
16 had the effect of providing relatively less technology
17 funding to the programs which had invested more heavily in
18 technology and could have been a very divisive issue, except
19 for the fact that the consensus was the focus had to be what
20 was best for all clients in Minnesota and not what might be
21 best for any one program.

1 These themes of client focus and collaboration and
2 adaptation to specialized circumstances of different client
3 populations are reflected in the efforts that different
4 panels will be telling you about this morning.

5 The first one I would like to bring up is the one
6 dealing with Indian legal services within the Minnesota
7 delivery system.

8 And if the folks would come on up?

9 I would like to introduce, starting with my
10 immediate right, Dan Jongeling, the executive director of
11 Anishinabe Legal Services of Northern Minnesota. He's been
12 in Indian legal services for 15 years, beginning in 1985 on
13 the Pine Ridge Indian Reservation in South Dakota.

14 He later transferred to Dakota Plains Legal
15 Services, where he continued to provide direct services and
16 became a managing attorney as well. In 1996, he was promoted
17 to litigation director of that program and we were delighted
18 to have him move to Minnesota to assume his current position
19 at Anishinabe in January 1999.

20 Anita Fineday is a member of the White Earth Band
21 of Ojibwa Indian, an attorney licensed by the state of

1 Minnesota and Chief Judge of the White Earth Tribal Court.
2 Judge Fineday is a former staff attorney with Anishinabe
3 Legal Services and is currently a member of the ALS board of
4 directors. She is the former executive director of the
5 Indian Child Welfare Office in Minneapolis which advocated in
6 the metro-wide area courts for various tribes in Indian Child
7 Welfare Act cases and accepted her current appointment in
8 1999.

9 Patricia Schultz is a member of the Leech Lake Band
10 of Ojibwa Indians. She is a paralegal in the Grand Rapids
11 office of Legal Aid Service of Northeast Minnesota, a
12 position she has held for four years. Her prior legal
13 experience includes working for the Bureau of Indian Affairs
14 in the probate division. Grand Rapids is located just to the
15 east of the Leech Lake Indian Reservation. Many tribal
16 members from that part of the reservation tend to seek legal
17 aid in Grand Rapids rather than contacting Anishinabe.

18 And to my left, Dave Kuduk is the managing attorney
19 of the Grand Rapids office of LASNEM and is Patricia
20 Schultz's supervisor. He has been in legal services since
21 1992. Prior to joining Legal Services, Dave was in private

1 practice for 20 years. In addition to his private practice,
2 Dave was an administrative law judge, a district court
3 referee, and a teacher of lawyering skills at Hamlin
4 University Law School.

5 An active community member, he has served on
6 numerous public and private boards. He is currently the
7 chair of the Community Action Agency for Itasca County. Dave
8 is a former recipient of the Don Carlson Award from the
9 Minnesota Legal Services Coalition for outstanding family law
10 advocacy.

11 And I think Dan will be sort of submoderating this
12 group.

13 MR. JONGELING: Thank you, Jerry.

14 Good morning. I am Dan Jongeling, the director of
15 Anishinabe Legal Services. I would like to thank the
16 committee for allowing us to make this presentation this
17 morning.

18 Madam Chair, I'm glad to meet you.

19 Mr. President, glad to see you again.

20 Edna, we met each other down in Estes Park,
21 Colorado last year when a meeting was called of the Indian

1 Legal Services programs.

2 I do have a map. Mr. Haley suggested I bring a map
3 and try and indicate where our various reservations in this
4 state are. We tried to put one together at the last minute.

5 The entire state isn't represented on the map, but it is
6 like the upper half or upper third of the state of Minnesota.

7 Our program in Anishinabe Legal Services covers the
8 three big reservations as indicated on the map. First of
9 all, let me say Anishinabe is an Ojibwa word meaning "the
10 people" or "the original people" and so I think we have a
11 very honored name of our program that we need to try to live
12 up to.

13 We do cover these three reservations. We receive
14 just Native American funding -- we don't receive basic field
15 funding, that's received by several other program, one of
16 which is represented here at the table -- to provide basic
17 services to residents of the reservation as well as our
18 program providing services. So we certainly work together
19 with the other legal services programs to provide services to
20 the residents of the reservations and I am just pleased when
21 I came to Minnesota a year and a half ago that the coalition

1 was in place.

2 As Mr. Lane indicated, our program is the smallest
3 program in the state and yet I am invited to sit at the table
4 of the coalition directors along with the leaders and the
5 directors of the large recipients and the large programs as
6 an equal partner at the table and for that we are very
7 appreciative.

8 I am going to turn the presentation over now to
9 some folks who are more knowledgeable about Minnesota and the
10 delivery system, even more so than myself, because they have
11 been here a lot longer than I have.

12 I am going to turn it over to Judge Fineday, who is
13 one of our most active board members. We are just pleased to
14 have her on our board. She appeared in a video that was made
15 on behalf of Minnesota Legal Services. I believe that video
16 will be part of tomorrow's presentation and Judge Fineday
17 consented to appear in the making of that video. She is
18 giving up her Sunday to come down and make a presentation to
19 you this morning and we are very happy to have her on our
20 board.

21 MS. FINEDAY: Thank you, Dan.

1 Good morning, Madam Chair, and members of the
2 committee. My name is Anita Fineday. Currently, I work as
3 the chief judge on the White Earth Indian Reservation. I
4 started out my legal career as a staff attorney at Anishinabe
5 Legal Services about 12 years ago and I have worked for
6 several of the different tribes in Minnesota and currently I
7 serve on the board of directors for Anishinabe Legal
8 Services.

9 I just wanted to point out a few things about the
10 Indian population in Minnesota that I think that some of you
11 may not be aware of and talk about the work that Anishinabe
12 Legal Services does very briefly.

13 We are a very rural part of the state. There are
14 11 tribes in Minnesota, but in northern Minnesota, it is a
15 very rural population and the issues that create obstacles to
16 justice for many Indian people are very different than the
17 obstacles that you might find here in the metropolitan area.

18 For example, I know that Minnesota is well known as
19 a state that has done well in our new economy, but a lot of
20 the new economy has not yet arrived in northern Minnesota, so
21 many of our tribal members still live well below the poverty

1 line. So poverty is still a very serious issue in northern
2 Minnesota for tribal members.

3 Many of our residents do not have reliable
4 transportation and many do not have telephones. So access to
5 services such as health care or legal services are very
6 difficult to obtain for many tribal members. So having
7 Anishinabe Legal Services available with an 800 number and
8 with paralegals and attorneys who will come to see
9 individuals who need services and who need assistance is a
10 very critical part of Anishinabe's program.

11 As I said, I'm the judge in White Earth tribal
12 court and we have a very young tribal court system. We've
13 had a court system that has handled treaty-related matters
14 for 25 years, but we have only in the past three or four
15 years begun to expand our jurisdiction. The bulk of our case
16 load right now is made up of housing matters, child
17 protection matters and domestic violence cases. Those are
18 making up the bulk of our case load in the White Earth tribal
19 court.

20 Now, that case load is growing. In 1997, we
21 handled about 150 cases in the year of 1997. In the year

1 2000, we are estimating that we will hear about 750 cases.
2 So our case load is expanding greatly and very rapidly as we
3 assert jurisdiction over other areas.

4 Anishinabe Legal Services has stepped in to fill a
5 void. The majority of our tribal members would have no
6 access to any legal representation whatsoever and they are
7 facing very serious issues, issues involving housing for
8 them, issues involving the loss of their housing, and so it
9 is critical for our tribal members to have access to legal
10 representation. It doesn't always mean that they are
11 actually represented by Legal Services in tribal court, but
12 they can call, they can ask questions, they can find out if
13 the proper rules and procedures have been followed.

14 They have someone that they can call and ask
15 questions and find out what their rights are and if they have
16 a chance of retaining their housing through the Indian
17 Housing Authority. So it is critical that Anishinabe Legal
18 Services be there to present this kind of representation for
19 tribal members.

20 I would be glad to answer questions if you have
21 questions about the other kinds of services that Anishinabe

1 Legal Services does provide in northern Minnesota, but I
2 think I will stop there and turn it over to Dave Kuduk.

3 MR. KUDUK: Thank you, Anita.

4 Madam Chair and members, thank you for inviting us
5 today. I am Dave Kuduk. I am the managing attorney of the
6 Legal Aid Service Office in Grand Rapids, Minnesota. I know
7 time is short, so I will be very brief and then turn you over
8 to Pat Schultz, who is a member of the Leech Lake Tribe and
9 is our real story here today.

10 I wanted to share with you just a couple of things.

11 When I started at Legal Services, which is only about a
12 little over eight years ago, the first year that I was at the
13 Grand Rapids office, we had ten total Native American
14 clients. This year, we will go over well over 200 Native
15 American clients. The difference is the work that Pat and
16 our staff have been doing.

17 I'll just tell you a couple of things about the
18 clients that we deal with and what has happened over the past
19 year.

20 We recently did a survey with McKnight funding to
21 evaluate the project and to see ways that we could make it

1 better and actually we have done both. Over 90 percent of
2 the respondents of the Native American respondents knew about
3 Legal Aid and I think that is pretty amazing, given the
4 history.

5 Of that number, less than 20 percent had any kind
6 of negative opinion about legal services and that is in a
7 community where more than double the white population fears
8 legal consequences and has had a negative experience in the
9 legal system.

10 Their problems are somewhat different, more than
11 twice the white statistics on health, landlord/tenant,
12 concern about children and child support and child care, and
13 so there is a tremendous need and I think we are doing a
14 decent job of meeting that need.

15 I just want to say one thing about how we work with
16 Anishinabe. Anishinabe has the skills to address issues that
17 affect Indian law specifically. Now, I have some, but I
18 don't come close to them in terms of their detailed
19 knowledge. We regularly consult with them. We regularly
20 make cross referrals and our staff has started doing
21 educational programs with their staff in the reservation

1 communities. There has been one recently in that regard.

2 This survey indicated that one of the things the
3 native population, again, by more than twice the factor of
4 the white population, wants us to do is public education.

5 The final comment I want to make is that I want to
6 mention a recent McKnight grant that we've been fortunate to
7 receive that is going to expand by the use of technology our
8 service of some of the outlying Native American reservation
9 communities. We have been working actively with tribal
10 officials, with the law schools here through the Minnesota
11 Justice Foundation, with something called the Volunteer
12 Training Program in Duluth and I think we are going to have a
13 very exciting program. Hopefully in a year or 18 months we
14 will be able to report to you that at the very least we'll
15 learn something and hopefully it will be very successful.

16 So if I could, I would like Ms. Schultz to take
17 over.

18 MS. SCHULTZ: Thank you, Dave.

19 Good morning, Madam Chair and board members.

20 My name is Pat Schultz. I'm an enrolled member of
21 the Leech Lake Band of Ojibwa. I consider myself an

1 Anishinabe person for all practical purposes. One of the
2 things that has always been near and dear to my heart because
3 of the way I was raised is the fact that the reservation
4 community has very often suffered from a lack of the same
5 services that are available in the communities off the
6 reservation.

7 Grand Rapids is less than 50 miles from the
8 reservation line but yet they are worlds apart. When I saw
9 the chance to become employed at Legal Aid Services and bring
10 some services to the people of my community, I jumped at it.

11 As Anita has said, some of the problems are far
12 different than what you will find in the metro. The
13 distances are very great, many people do not have reliable
14 transportation. Of course, there is no public
15 transportation. Many people do not have telephones. And so
16 access to programs as basic as human services is not always
17 available.

18 Under Mr. Kuduk's supervision, I have been allowed
19 to expand the number of collaboratives that bring basic
20 services to the Anishinabe people of the reservation
21 communities that lie within the borders of Itasca County.

1 Some of these collaboratives include working with the human
2 services people, for instance. Now I have human services
3 staff who will call me when a family in one of the remote
4 reservation communities needs to be, for instance,
5 recertified for their food stamp grant and they will call me
6 and I will go to the human services office, pick up the form,
7 take it out to the family, help them fill it out and deliver
8 it back to human services.

9 If, as part of that process, for instance, they
10 need to talk on the telephone to their worker, I carry a cell
11 phone with me and can place that call because everything is
12 long distance.

13 Another collaborative that I am very proud of is
14 that is a basic need is a collaborative with the Advocates
15 for Family Peace, which is a domestic abuse group. I serve
16 on their board of directors and they also have an Anishinabe
17 outreach worker and we work together out in the community so
18 that if there are issues of family abuse or domestic violence
19 we can address those issues.

20 As I have told many people in Itasca County,
21 although we all speak English, the two communities are

1 speaking very different languages. Culturally, there are big
2 differences in communication. For instance, in the white
3 culture, if you ask a yes or no question you will probably
4 get a yes or no answer. In the Anishinabe culture, we tend
5 to tell you a story. Our style of communication is a little
6 different. So there are some differences there that have
7 never been fully addressed and under Mr. Kuduk's supervision,
8 I have been allowed to form collaboratives and become a
9 liaison for the Anishinabe people with the agencies of the
10 dominant culture that they must deal with.

11 One of the new collaboratives that I am working on
12 is as a communication liaison between Anishinabe people and
13 the public defenders. The public defenders like it and the
14 Anishinabe people feel more assured that somebody who
15 understands exactly what they are talking about is there to
16 make sure that the public defender understands exactly what
17 they are talking about as well. This has worked out very
18 successfully, although it's very short term in nature. I
19 just began this a few months ago.

20 I would also be glad to answer any questions you
21 might have about delivery of services. We work very well

1 with Dan's program, with the Anishinabe Law Office. We very
2 often refer clients to Dan's office if it is an issue of
3 perhaps discrimination or perhaps even a conflict of interest
4 for our office, we can still refer to the Anishinabe Law
5 Office to make sure that each party is properly represented.

6 On issues of tribal housing, I very often refer to
7 the Anishinabe Law Office, rather than place myself in an
8 adversarial position with the Leech Lake Tribal Housing
9 Authority because I am only one person and my voice is not so
10 strong as theirs.

11 MR. LANE: At this point, if panel members have any
12 questions, this would be the time.

13 MR. SMEGAL: Thank you. When I was a little kid
14 growing up on the Masava Range, there was an Indian
15 reservation, Nett Lake Indians. It isn't on your map, it
16 doesn't go quite far enough.

17 I am curious as to what's happened to the Nett Lake
18 Indians and also, I guess my second question is I drive
19 across the state of Minnesota and I see a lot of gambling
20 casinos and I'm wondering what benefits the Indian population
21 of Minnesota get from those casinos.

1 MR. KUDUK: I'll let somebody else answer the
2 second one.

3 Dave Kuduk again. As to the first one, the LASNEM
4 program, Legal Aid Service of Northeastern Minnesota, our
5 Virginia office serves the residents of the Nett Lake
6 Reservation and they travel to -- I think it's Orr.

7 MR. SMEGAL: So there are still some Nett Lake
8 Indians?

9 MR. KUDUK: Yes.

10 MR. SMEGAL: On the reservation.

11 MR. KUDUK: Yes. There is still a reservation.

12 MR. LANE: I'll just add a small footnote in the
13 process of passing the mike, a part of my service area
14 includes the Blacks Band, which has a casino and the
15 leadership of that band for many years has used casino
16 profits to build infrastructure on the reservation, stores,
17 houses, schools and so on.

18 The leadership of the band just changed last week
19 in a rather hotly contested election and it will be
20 interesting to see what impact that has on the distribution
21 of casino profits.

1 MS. FINEDAY: Anita Fineday again. I will address
2 your question about casinos, but I would also point out on
3 the map that you received, Nett Lake is also known as the
4 Bois Fort Indian Reservation.

5 MR. SMEGAL: Oh, okay.

6 MS. FINEDAY: So that is -- that's the same
7 reservation, it does appear on that map. It has two
8 different names.

9 MR. SMEGAL: There's a Fortune Bay Casino, I still
10 have a home up on Lake Vermillion.

11 MS. FINEDAY: Yes.

12 MR. SMEGAL: Does that benefit -- what Indian tribe
13 does that benefit?

14 MS. FINEDAY: The Bois Fort or Net Lake Band. And
15 I believe -- well, I know, every reservation in the state has
16 at least one casino. For example, the Leech Lake Reservation
17 has three and as was mentioned, Mille Lacs has one casino.

18 I guess the point I would like to make about that,
19 we just had an election on our reservation and one of the
20 promises that our new chairman was that every house on the
21 reservation would have running water. So running water is

1 still an issue on our reservation. Proper sewage and water
2 is not available to every home. So we have a casino on the
3 White Earth Reservation. Because of our location, it makes a
4 profit and I would say that it makes about a million and a
5 half dollars a year profit.

6 We have approximately 25,000 enrolled members and
7 that money, that million and a half dollars a year is going
8 to build community centers, remodel schools, it is going for
9 those kinds of services.

10 I believe that there is a misperception. There is
11 one tribe here in Minnesota, the Shakopee Tribe, which is
12 very close to the Minneapolis area, that has a very small
13 membership, about 300 members. And because of their
14 extremely small membership and the location of their casino,
15 they have become quite profitable, but that is the exception
16 rather than the rule.

17 The majority of the tribes in the state are large
18 and the casino profits are small and we are still trying to
19 provide just basic services with that money.

20 MR. SMEGAL: This is a long time ago, but my
21 recollection of the Nett Lake Reservation was the Indians

1 were living in abandoned automobiles, there was no running
2 water, it was just a terrible place.

3 MS. FINEDAY: Right. There are still many tribal
4 members at White Earth who can recall living in tar paper
5 shacks. That's not a distant memory for many people. And
6 substandard housing and, as I said, lack of running water is
7 still a common occurrence.

8 MS. WATLINGTON: Bill McCalpin and then I have one
9 question.

10 MR. McCALPIN: Coming from a state with virtually
11 no Native American population, my double-headed question will
12 display my ignorance. First of all, what percentage of
13 Native Americans live on the reservation or off the
14 reservation and, following up on that, noting your statement
15 about the housing, are there private landlords on
16 reservations?

17 MS. FINEDAY: Yes, there are private landlords on
18 reservations. There is housing, there is low income housing
19 provided and there is Indian Housing Authority units on the
20 reservation, so there is both. There is just not sufficient
21 housing and there is a lot of substandard housing on the

1 reservation.

2 And your first question was about -- I could give
3 you a guesstimate as far as the population and I think
4 because of casinos, because there is now a greater employment
5 for tribal members, we are seeing a shift of tribal members
6 leaving the metropolitan area and returning to the
7 reservations. I think we saw a decline for many, many years
8 of people leaving because of the lack of jobs and many of the
9 hardships on the reservation.

10 So I would say that right now, it's probably -- we
11 have, as I mentioned, at White Earth, we have 25,000 enrolled
12 members and right now we have 9000 living on the reservation.

13 MS. WATLINGTON: I have a question and then
14 LaVeeda.

15 I wanted to know are your gamblers your tourists or
16 the Indians, the Native Americans, themselves being the
17 gamblers, where your money is coming from?

18 MS. FINEDAY: I think there are some tribal
19 members. There has been a lot of discussion about that,
20 about are we bringing those problems upon ourselves, but
21 there are tribal members who gamble. No doubt about it.

1 MS. WATLINGTON: LaVeeda?

2 MS. MORGAN BATTLE: My question was I thought it
3 was remarkable that 95 percent of the respondents to your
4 survey were aware of the legal services. How well are you
5 with the meager resources that you have able to meet the
6 legal needs of the people that you serve?

7 MR. KUDUK: Dave Kuduk again. We are fortunate in
8 Grand Rapids that we are the home of a fairly significant
9 private foundation, the Blandin Foundation, and with their
10 help we probably do a better job of meeting the need than
11 many field offices. However, I don't think we're
12 extraordinary in that regard. I think that while we may meet
13 20 to 25 percent of the need as opposed to 17 or 18 percent
14 or whatever, certainly many people go without service.

15 We have had to look at tightening our priorities,
16 as many field programs. We have had to eliminate some of the
17 services that we had been providing. For example, certain
18 types of family law cases. We don't do bankruptcies, which
19 we did for some period of time, out of my office.

20 And it is really only because of the Blandin
21 support to the native program, which is one of the programs

1 they strongly support, that Pat is able to be on the
2 reservation full time. I expect otherwise we would go back
3 to one day a week or something.

4 So I am not sure I answered your question, but --

5 MS. MORGAN BATTLE: You did, but I wanted to get
6 some feel for how you are able to actually meet the real
7 need, given the high visibility and consciousness.

8 MR. KUDUK: And they know about us and they --
9 actually, Pat might be able to comment, but let me just --

10 She goes to the nutrition sites and she probably
11 serves 20, 25 people's needs every time she has lunch, so
12 there is a lot of fairly informal stuff that never finds its
13 way to our case statistics even. And elders, we have an
14 active process of interacting with elders who hopefully carry
15 information back as well.

16 MS. MORGAN BATTLE: Thank you.

17 MS. WATLINGTON: Jerry, we have two other panels so
18 we'll say save your questions until the end and then we will
19 ask all the panels.

20 MR. LANE: That's fine.

21 MS. WATLINGTON: We'll go to the next one.

1 MR. LANE: Okay. Thank you.

2 Patricia Schultz's comments mentioned domestic
3 violence in the Native American communities as a problem. As
4 that makes clear and the next panel will make clear, the
5 areas of work are clearly integrated and overlap. The second
6 panel will deal with combatting domestic violence in
7 Minnesota and some of that work does focus specifically on
8 the special problems of the Native American communities.

9 On my far right is Mary Schneider, the executive
10 director of Legal Services of Northwestern Minnesota. Mary
11 has 20 plus years in legal services in Minnesota and North
12 Dakota. She oversees service to 22 counties with three staff
13 offices and over 200 Adjudicare attorneys. Mary has won
14 numerous awards which are listed in your materials. Her
15 history of addressing domestic violence goes back to one of
16 her earlier incarnations as a police officer responding to
17 domestic abuse calls. Mary doesn't broadcast that widely,
18 but now it's out.

19 Alicia Rodriguez is a social work studies graduate
20 doing outreach to the Hispanic domestic violence victims in
21 northwest Minnesota with funding from McKnight and the

1 Violence Against Women Act. She has been a client and a
2 victim of violence, giving her a special understanding and
3 empathy with clients and your materials give more information
4 about her background.

5 Now, I'm getting my directions mixed up here.
6 That's not Alicia. This is Alicia. That's Jan Werness. I
7 knew that, I just wasn't looking.

8 Jan is an attorney with 22 years in legal services
9 in Minnesota, 12 of them as SMRLS litigation support counsel
10 overseeing appellate work and other projects, in particular,
11 the domestic violence area. She has worked in both urban and
12 rural areas and has a special connection with the Indian
13 communities and your materials also list some of the numerous
14 awards that she has received for her work.

15 And to my immediate right is Barbara Dudley, a
16 Dakota from the Santee, Sioux and Yanktin tribes in South
17 Dakota and Nebraska. She has a Master's degree in education.
18 She is a project coordinator for the Indian Child Welfare
19 Legal Advocacy Project in St. Paul and before that worked
20 with another SMRLS project addressing domestic violence in
21 the Indian community. Barbara has a long history of

1 community service in this area, which is also listed in your
2 materials and which I would encourage you to read.

3 Mary, are you going to submoderate here?

4 MS. SCHNEIDER: I will do that.

5 MR. LANE: Okay.

6 MS. SCHNEIDER: Madam Chair and committee members,
7 on behalf of the domestic violence panel, welcome to the land
8 of 10,000 lakes and 414,000 people in poverty.

9 You have now entered the area where, as Garrison
10 Keeler says, all the women are strong, all the men are good
11 looking and the children are above average.

12 But sometimes those handsome men attack those
13 strong women just like in other places in the nation with
14 fists and guns and sometimes, in a more Minnesota fashion, I
15 have seen the marks left from cross-country ski boots, fish
16 knives, log chains and even a trolling motor. But in
17 Minnesota can those folks get help faster or easier?

18 Sometimes, but I have a client who still has to
19 signal her rural neighbor who is a quarter mile away by
20 hanging a pink towel in the bathroom window when her husband
21 cuts the phone lines. And you will hear Justice Russell

1 Anderson, who is speaking to you on other matters as a
2 dignitary tomorrow, he was a small town judge on duty when
3 one of our folks in our region walked through a protection
4 order and murdered his wife on Valentine's Day. So we have
5 some of the same problems as other states.

6 But we also have some gifts in Minnesota, too, that
7 other states don't have that allow us to impact domestic
8 violence and to touch the lives of our clients in ways that
9 other advocates elsewhere just dream of.

10 We are lucky to have the private foundations and
11 funders of various sorts. I am going to be addressing just a
12 few of the items on your more extensive list of projects
13 founded by the McKnight Foundation, which are statewide
14 collaborative efforts, and then Jan Werness to my left is
15 going to be talking about how those projects play out in an
16 individual program, which is Southern Minnesota Regional
17 Legal Services. And then Barbara Dudley and Alicia Rodriguez
18 will talk about serving special people in breaking down
19 barriers so that domestic violence victims of various ages
20 and cultures can come to us to get services.

21 Well, we have been fortunate to have a lot of good

1 businesses and companies in Minnesota, but one of the early
2 and most important ones was Minnesota Mining and
3 Manufacturing, which you may know as 3M. And you may use
4 some of their dispensable but yet indispensable products like
5 Scotch tape and Post-It notes. But one of the really
6 critical things for this state to come out of that company
7 was a family foundation called the McKnight Foundation, which
8 funds a variety of projects both in Minnesota and the region.

9 In 1994, they started a women and family law
10 initiative in this state and granted Legal Services money to
11 impact domestic violence, child support issues and other
12 family law issues. That three-year grant was renewed with
13 1.3 million more dollars for another three years in 1997 and
14 in 2000 we now have another three-year project that is
15 ongoing, funded to the tune of \$1.5 million over three years.

16 We do with that money the case work you would
17 normally expect us to do, protection, divorce work, other
18 types of protective services and family law work, but we also
19 do large and small education projects of all kinds. We do
20 community wide campaigns to expose and eliminate domestic
21 violence. We have had statewide training for all Legal

1 Services people, secretaries through directors, on domestic
2 violence issues because we believe it's important that
3 everybody know how to sight and how to help domestic violence
4 victims.

5 We have had efforts targeting lawyers, domestic
6 advocates, law enforcement, judges and court personnel that
7 have been successful and we have created written materials
8 and videos that are used throughout the state, both to help
9 train individuals to protect victims, to help victims and to
10 help those other people who serve them.

11 Our McKnight funds have helped us all work
12 collectively and collaboratively targeting teens, moms, kids,
13 and new immigrants who may have special needs in the domestic
14 violence area and Legal Services attorneys have worked
15 directly with shelter staff that Jan will be talking more
16 about to interact on behalf of and more efficiently to work
17 for domestic violence clients.

18 And we have had dozens of child support efforts
19 which have been really critical because you know that women
20 will endure anything to get their children fed. And if we
21 can't give them the basic means to be self-sufficient, they

1 will go back into domestic violence situations.

2 Then I just want to before turning this over to Jan
3 tell you about two upcoming projects that are kind of
4 exciting for us and may not be seen in other places.

5 We annually do a statewide conference in Minnesota
6 for all our practitioners. In our program, we close our
7 offices and the secretaries go and the administrator,
8 financial people go, and we learn through a variety of
9 workshops whatever the topic happens to be that year. This
10 year, it is called Protecting Our Families and it is a unique
11 effort to address some of the problems in services between
12 child protection and domestic violence. It is a cross
13 training that will involve not only our program, but
14 representatives of the county child protection programs and
15 then the shelter advocates and domestic violence program
16 people.

17 The domestic violence advocates and the child
18 protection advocates are often at odds because one focuses on
19 protecting the child and often is punitive or victimizes the
20 victim again, the mom, who is the client of the domestic
21 violence program. So our goals with that are to uniformly

1 educate and inform the various groups about their needs, to
2 address collectively domestic survivors' unmet needs.

3 So we want to expand thinking and promote
4 cooperation and collaboration among the various groups and we
5 are designing training and materials so that they can be
6 replicated throughout the state for other smaller trainings
7 of that nature, too. And hopefully we can have some far
8 reaching consequences, if we can get child protection,
9 domestic violence and Legal Services and their clients who
10 are often caught in the cross fire working better together.

11 And the last innovative, ongoing project I'd like
12 to call your attention to is an Internet-based domestic
13 violence project. McKnight has helped fund the study of the
14 system and we hope to continue beyond the design stage to
15 implement it. What will happen is domestic violence victims,
16 regardless of whether they have limited literacy or whatever
17 their status or needs are can go to a place like an emergency
18 room, a court, social services, our programs, or domestic
19 violence programs and access the Internet and go through a
20 simple questionnaire that will lead eventually to the
21 production of an order for protection document that they can

1 then file with the court. And besides that, they are going
2 to be able to get things as simple as a map to the
3 courthouse, they will be able to get information about
4 resources that may be available to them to get financial
5 self-sufficiency, or additional help. It will help tell them
6 with tips how to protect themselves and how to conduct
7 themselves in court if they are acting pro se.

8 So we are excited about that project because it
9 will make justice more accessible and it will also advance
10 cooperation with our programs and others who serve the poor.

11 I think it will improve the quality of orders for
12 protection, make them more effective and more efficient.

13 As those lofty goals proceed, let me move back to
14 what we do on a daily basis and the lady sitting next to me
15 is one of a team of people who take our clients from despair
16 to hope and from fear to safety and I'll turn this over to
17 Jan Werness, who does a wonderful job at both getting grants
18 and seeing that they are implemented within SMRLS.

19 MS. WERNESS: Thank you, Madam Chair, and members
20 of the board.

21 I want to talk a little bit about what we do and

1 how we do it at Southern Minnesota Regional Legal Services
2 and, first of all, how we look at domestic violence and the
3 work we do. We realize that we can't do it alone. We are
4 not the solution to domestic violence, we are just one part
5 of the solution, so it is very important for us to work with
6 others in the community that are also addressing domestic
7 abuse and trying to obtain safety.

8 We look at domestic violence as a very serious
9 problem, it is life threatening, recognizing that the women
10 that come to us are usually at the point at which is it most
11 dangerous and their life is most in danger. That is the
12 point of separation. That is the time that women are most
13 likely to be murdered by their partners, is when they leave,
14 and that's when we most often see them. And, third, we
15 recognize that domestic violence affects every aspect of a
16 woman's life. Particularly for young women, it is going to
17 limit their educational attainment, their job opportunities,
18 affect their health, may affect their children's safety and
19 their children's outcomes also.

20 So what we do is seek legal solutions that are both
21 effective for the individual client, it's not always the same

1 for each client, and that are clearly safety focused, what
2 can we do to increase the likelihood that this woman, that
3 these children will remain safe.

4 When we got the McKnight funding in '94, the first
5 thing that we did with it was to increase our work with
6 battered women's advocates. Minnesota has a strong system of
7 community advocacy and shelters for battered women throughout
8 the entire state. They do -- they are the first line. They
9 do most of the orders for protection, it's a pro se process
10 in Minnesota, that's where women will go when they are kicked
11 out of their home or have no place to stay. And so we wanted
12 to increase our work with them, both to make better referrals
13 and more appropriate referrals, but also to increase each of
14 our skills, take their knowledge, what they have, what they
15 are seeing, at the immediate crisis and train them on more
16 the legal skills they might need as they go with women to
17 their pro se hearings.

18 So we started a process of regular cross training
19 and regular talking. In two of our offices in south central
20 Minnesota, Makato and Albert Lea, we started a hotline system
21 where any battered women advocate in that area can call and

1 talk to an attorney as quickly as possible. We get calls
2 from the courthouse, you know, this is what's happening the
3 court room, what could we do, those kind of questions. We
4 get those. We get calls about weapons. We get calls about
5 who do we talk to when the children are in another state. We
6 got a woman here who came from Chicago, we don't know what to
7 do on getting her children here. Those kinds of questions.
8 We get a lot of that. And we have had over 600 in the first
9 five years of our grant on that.

10 And what that does is allows us both to focus --
11 kind of see some of the systemic problems and focus on the
12 more difficult cases. And in the materials I put together a
13 list of some of the accomplishments we've had under just one
14 grant, which was the McKnight grant, and talk about a lot of
15 the cases and some of the things that we have been able to do
16 specifically.

17 We have also as part of that allowed us to do
18 things like really focus on the domestic violence waivers
19 under the new welfare to work rules, training people, working
20 on the rulemaking at the local level on that.

21 So within SMRLS, we have done a couple of things

1 that were new to us also. We developed practice standards
2 for all of our substantive areas, but in particular on the
3 areas of family law, we've put in a large section in there
4 about safety and maintaining safety of our clients throughout
5 entire representation, so there are very specific steps that
6 advocates are reminded of, you know, is it safe to call you
7 at your home, those kinds of things that are very important
8 and that people in a hurry and they're doing a lot of cases
9 may not stop to think and ask that question.

10 We also instituted a domestic violence grants team
11 which meets three times a year and that is people who are
12 working on special domestic violence grants in SMRLS. We
13 meet three times a year to talk about systemic issues we're
14 seeing, to share solutions, talk about strategy on real
15 difficult cases that we're seeing. And it's an opportunity
16 because this work -- some of our offices are small, there
17 might be one attorney working in that office on this issue --
18 it's an opportunity for them to get together with others in
19 the program who are doing the same work.

20 After we got McKnight, we were able to increase
21 resources with several other private grants. In addition to

1 McKnight, we have a second McKnight grant for one specific
2 pilot project in one county, working with child protection
3 and the local judge. We are collaborative partners on that
4 grant. We receive Violence Against Women Act civil legal
5 assistance funds and that is throughout our program. We
6 receive Victims of Crime Act money and we receive some state
7 funding to do different things.

8 Two things that I just want to talk about briefly
9 before I run out of time. One of the exciting things that we
10 did, one of the issues that people on both panels have
11 already talked about is the housing issue. It's huge in
12 Minnesota, as probably everywhere. Battered women often have
13 particular problems. They may have no credit, they may have
14 bad rental histories because of the abuse. There are a lot
15 of things that may be going on.

16 Battered women in southern Minnesota in particular
17 started talking about this and went to state and asked for
18 funding for training on housing issues for the advocates and
19 the state came up with that money and part of that was
20 Victims of Crime Act money from the federal government. And
21 we applied for that grant and got it and out of that we have

1 done training for all of the advocates in 12 counties in
2 southeastern Minnesota on housing issues.

3 First we did basic housing and we've repeated that
4 basic housing, I think, five times now. Then we've done
5 advanced training on subsidized housing. We put together a
6 manual and I'm not sure if you've seen the manual, but it was
7 made available to the corporation on housing resources,
8 housing questions and every program, every battered women's
9 program in those 12 counties has that manual and they use it
10 because they call us with questions in it.

11 And the most recent piece, this is a two-year
12 project which is ending, actually, at the end of this coming
13 week, the most recent piece has been meeting together with
14 the local landlords, the local housing authority, battered
15 women's advocates and Legal Services to see some common
16 solutions to the housing crisis that we are facing for our
17 clients.

18 I'm going to pass on the microphone right now. We
19 do have some special projects that work in particular
20 communities. We have a Hmong battered women's project in our
21 St. Paul office, which is a large Hmong population in St.

1 Paul and a very unique cultural environment. They have their
2 own dispute resolution process in their community. So we are
3 working on that.

4 And also we collaborate with Ain Dah Yung, Our Home
5 Center, of which Barbara Dudley is a staff person, and we
6 have two collaborative projects with them and I am going to
7 pass it on to Barbara so she can talk about that.

8 MS. DUDLEY: Thanks, Jan, and good morning
9 everybody.

10 My name is Barb Dudley and I work at Ain Dah Yung
11 and what I will do first is just explain real briefly what
12 Ain Dah Yung is.

13 First of all, Ain Dah Yung is an Ojibwa word and it
14 means Our Home. And Ain Dah Yung is an emergency shelter for
15 children and it has grown in the past 15 years and it has
16 expanded services and a lot of those services are a continuum
17 of care to help the children that have been lost and homeless
18 or run away and part of the collaboration efforts that we've
19 had with SMRLS, which the first one I'll describe to you is a
20 project that's three years old now called the Survivor
21 Services, of which I was an advocate for a good year and a

1 month and we worked directly with a lot of the young girls.

2 The project targets 16 through 21 year old young
3 Indian girls that have no place to go. They come into the
4 shelter due to problems of domestic abuse, assault, sexual
5 assault, gang violence, date rape, just the list could go on.

6 We're finding that a lot of these young girls for survival
7 mode use themselves for prostitution, sexual exploitation.
8 Those are just some examples of some of the girls that come
9 into the shelter.

10 And so the Survivor Services, what we do is provide
11 them with legal advocacy, case management, crisis
12 intervention, just a lot of other resources to agencies in
13 the community. And I want to point out that one of our
14 biggest -- our cultural piece with working with native
15 people, I guess, is really a big part of their healing and
16 reaching out for that help because otherwise they do not turn
17 to other people and when they initially come into the
18 shelter, they do not talk about that. They don't want to
19 admit that they have been raped or sexually assaulted and
20 this comes out in a matter of time and then that's when they
21 turn to us and the attorney helps in all the legal matters.

1 So a big part of that is empowering these young
2 girls to speak up and bring things out in the open and take
3 cases to court. And it is really a whole realm of services
4 that we give them and the main thing is that they start their
5 healing and that they reach out to the people that can help
6 them, that they normally would not turn to anybody else.

7 Ain Dah Yung, I guess, is a special place. I want
8 to go back to what one of the board people had made a comment
9 about families sleeping in cars. Last year, we had a family,
10 the mom and two of her children had been staying in a car in
11 St. Paul and child protection finally, you know, got wind and
12 found these kids and the mom now a year later, she's got her
13 own apartment, the kids are doing well and they are involved
14 in our after-care services and I helped with an evaluation of
15 this family support program that we offer and one of the
16 comments that the mom had made to us was that Ain Dah Yung
17 came in and took her kids and took care of them and she said
18 that nobody else would do that for them.

19 So this is just a little part of Ain Dah Yung that
20 I want to mention to you, that we do have problems. Some of
21 our violent crime is higher with the young kids in the cities

1 than in other rural areas.

2 So I will turn the mike over to Alicia.

3 Thank you.

4 MS. RODRIGUEZ: Madam Chair and board members,
5 thank you for inviting us.

6 First, I want to say that in my heart I feel that
7 the McKnight funding is very, very important for my people
8 and all the victims that are still right now facing wife
9 abuse.

10 I have a personal story to say about myself. As a
11 client and a survivor, here in Moorehead, I was evicted from
12 my home for calling the police because my husband was
13 attacking me with a hammer. My child when he was nine years
14 old, he was so depressed that he wanted to commit suicide.
15 My 20-year-old son now, he still has the post-traumatic
16 disorder of seeing me being attacked daily. So I know that
17 this funding is very important for us to reach those Hispanic
18 women that are out there that have not been reached like in
19 rural areas. They are so isolated, they have language
20 barriers, their culture is an issue that is not faced daily
21 according to their needs.

1 There is a lot of religion belief that prohibits
2 them from seeking that divorce or that protective order. And
3 here in our agency, being educated about these issues, they
4 are more open to seek some of the help to avoid this violence
5 that they face daily.

6 As a client, I went to Legal Services and they
7 helped me to get out of this. I was being victimized twice
8 in every aspect of me searching for some kind of help, so
9 that's why I feel it's very, very important for us to touch
10 all these women, do a lot of outreach work.

11 Sometimes a lot of people in the agency feel their
12 needs are not the same as what the client needs, so that's
13 why we need to educate ourselves. All people in power in
14 government say why doesn't she leave? There are so many
15 obstacles the person has to fight over, so, you know, if
16 their lawyer wants facts and rules, as a victim, you know, I
17 wasn't interested in facts. I was interested in what am I
18 supposed to do, get out of this, but yet with my self-esteem
19 so low and thinking I am going crazy, my priorities were not
20 the same as theirs were, but their reaching out -- their
21 reaching out, I have a good success story.

1 I was hired by them and now I am doing the outreach
2 and touching these women. I do a lot of door knocking. And
3 I can sympathize with them because I was there and give them
4 that hope, keep reaching for those government agencies and
5 ask them to help you do this.

6 We have a lot of training that we need to do about
7 the culture issues. One thing that I see in Legal Services
8 they have been doing even though they have been so sort of
9 funds is doing training for undoing racism and discrimination
10 issues. And that the people see that they are trying, the
11 government is trying to see, that they have hope and they can
12 see that light at the end of this darkness, the tunnel that
13 they face every day.

14 In my position, have done a lot of presentations in
15 churches in trying to reach the victims so they can speak.
16 We have done trainings with Latino women, strictly Latino
17 women, to ask them what do you need, what can we do as an
18 agency, and they want more outreach. They want more
19 accessible -- they run into transportation problems, they run
20 into language problems. They run into immigration issues
21 because their spouse has this power and control over them.

1 We have to educate also the media. There are so many
2 stereotypes that people just lose hope.

3 We collaborate a lot with the agencies. I have
4 been doing that with Mujeres Unidas, with PEP, with Migrant
5 Health. I can't do it myself, our agency can't do it
6 ourselves, so we work a lot with the community and we educate
7 each other.

8 We need to do a lot of advocacy network. We want
9 to work also and keep on working with alternative schools to
10 touch those teenage girls. We want to touch the public
11 schools because we need to start when they are young children
12 because that cycle will continue and continue if we don't
13 start with the elementary schools.

14 There are a lot of issues that my people face with
15 human rights that they don't know. The lack of opportunities
16 for them, the school discriminations that they feel. There
17 are so many problems that these clients feel, so I know that
18 this funding is so very, very important for my people.

19 We need to touch those people out in the rural
20 areas. We have all the Red River Valley. Just a week ago, I
21 couldn't find any resources for a client. She didn't speak

1 any English at all, she had problems in school with her
2 children, and so we need to touch those people.

3 If there are any questions that you would like to
4 ask me --

5 MS. WATLINGTON: Right now, I would like to hold
6 the questions and at this time take a five-minute break and
7 then we'll come back and have the other panel and have all
8 the questions at the end because we're trying to get finished
9 by 12.

10 MR. LANE: That's fine.

11 (A brief recess was taken.)

12 MS. WATLINGTON: Sir, you can introduce the next
13 panel we have.

14 MR. LANE: Thank you, Madam Chair.

15 We were talking during the break about the
16 frustration of time limits and we understand that they have
17 to exist but certainly some of the work that we're very proud
18 of we didn't get a chance to talk about and some of it is in
19 your materials, such as the work that's been done on creating
20 visitation centers where parents and children can visit in a
21 safe environment and we would certainly welcome questions at

1 the end within the understandable time constraints you have.

2 The other thing that I have neglected to do but
3 would like to do now just very quickly is mention that all of
4 the coalition program directors are here, four of us have
5 wound up at this table, but three are also here that will not
6 be at the table but would certainly be happy to answer any
7 questions or respond to anything you may want to know about
8 and they are Jean Lastine from Central Minnesota Legal
9 Services, who is in the ladies' room, but she'll come back.

10 And Floyd -- Floyd is not in the ladies' room --
11 Floyd Knutski, the director of Inova Adjudicare.

12 And Mike Connelly, the director of Northeast
13 Minnesota Legal Aid Services.

14 MS. WATLINGTON: And I would like to add that we
15 have been also joined by Nancy Rogers, one of the board
16 members.

17 MR. LANE: The connection and interweaving and the
18 overlap between the different areas that we work in certainly
19 is already clear from the two panels that you heard from and
20 it continues with the third panel, which deals with special
21 issues in the farm law area and with farm communities. One

1 of the hidden problems, for example, in farm communities in
2 Minnesota is domestic violence resulting from the financial
3 and other stresses faced by family farmers these days. And
4 we are trying to respond to those special problems. For
5 example, my program got a pilot project grant from the
6 McKnight Foundation this year in western Minnesota to explore
7 the connection between domestic violence and family farm
8 stresses and try to find particularly effective ways of
9 getting to those often isolated families with those problems.

10 The panel that will talk to you this morning about
11 farm law, starting on my immediate right -- and I'll get it
12 right this time -- is Janine Andreasen.

13 Janine graduated from University of Iowa Law School
14 in 1986. She worked with the farm project at LSCI in Council
15 Bluffs, Iowa in 1987. Came to Mankato, Minnesota as part of
16 the Minnesota family Farm Law Project in Mankato for 1997 and
17 '90. Was an assistant Nicolett County Public Defender and a
18 private practitioner from 1990 to 1998 in Mankato and then
19 returned, happily for us, to the family Farm Law Project in
20 Mankato from 1997 to the present and is the managing attorney
21 of that project at this time.

1 To Janine's right is my friend and alter ego Bruce
2 Beneke, the director of Southern Minnesota Regional Legal
3 Services. We have been accused of being the not original odd
4 couple. We spend a lot of time together chasing money and
5 other things over at the legislature.

6 Bruce goes back a long way. He was a VISTA
7 attorney with what was then Legal Assistance of Ramsey County
8 in 1972 and '73. He was a staff attorney with Ramsey County
9 Legal Assistance until 1976, at which point I think SMRLS
10 came into existence and Bruce was the litigation director
11 with SMRLS in '76 and '77 and became a boy wonder project
12 director in 1977 and has been the director at SMRLS for the
13 last 23 years.

14 He is a 1969 graduate of the University of
15 Minnesota law school and has received so many awards for his
16 outstanding work over the years that I won't even try to read
17 them all, but would commend them to your reading because they
18 are in your materials.

19 The third member of our panel to Bruce's right is
20 David Hesse. David graduated from the University of
21 Minnesota Crookston in 1969, majoring in agricultural

1 business. He has been a farmer since 1973 and a farm
2 advocate since 1986. He went through 600 plus hours of
3 specialized training through the Minnesota Department of
4 Agriculture to be a farm advocate. He has been extensively
5 involved in his community in numerous ways which are also
6 listed in your materials.

7 Without further ado, I think maybe Bruce will start
8 with a little history of the Farm Law Project.

9 MR. BENEKE: Thank you, Jerry, and thank you all
10 for the opportunity to be here today. Thanks to everyone out
11 in the audience who drove long ways to be here on a Sunday
12 morning.

13 I would also like to mention that Nancy Kleeman and
14 Jerry and I had the opportunity to work extensively with your
15 staff and I would like to pay our respects and give them the
16 highest congratulations for an outstanding job. Reggie Haley
17 and Maura in the back and Nikki and probably some people I'm
18 forgetting. They are excellent to work with, were very
19 professional and we really appreciate the job that they have
20 done and I just wanted to give them some positive comments
21 also.

1 You've heard a lot about lakes and other things in
2 Minnesota and John and I were talking about the Saints in the
3 break, but in many ways, one of the things that Minnesota is
4 most known for is farming. I grew up in a mall rural
5 Minnesota town myself. Even though my dad was a small town
6 lawyer, he was a farm boy at heart and his whole family were
7 farmers. I think it's safe to say that both in terms of
8 Minnesota's economy as well as Minnesota's history and
9 certainly an important part of Minnesota's culture is farming
10 and it is to this day. And so I think it's appropriate that
11 in Minnesota that we have a special effort in the farm law
12 area.

13 Jerry and I like to go around to the legislature
14 talking about bipartisan partnerships. We really believe
15 that and I think that the bipartisan partnership perhaps
16 shows up best in the Farm Law Project in Minnesota. Jerry
17 has called it the Minnesota Family Farm Law Project or MFLP
18 and SMRLS is part of that; Jerry's program, Mid Minnesota
19 Legal Assistance; Mary's program, Legal Services of
20 Northwestern Minnesota; and a non-federally funded program,
21 Farmer Legal Action Group, which Janine is going to talk

1 about in a second is the fourth partner in that collaboration
2 and private attorneys are also very involved in this
3 collaboration.

4 The Farm Law Project really had its roots, if you
5 will, with the farm crisis in the '80s. I think many of you
6 probably saw the movie Country. The lawsuit in that movie
7 was a lawsuit that was instituted in Minnesota, the Coleman
8 case by Jim Massey, and that lawsuit and understanding and
9 becoming more sensitive to the needs of small family farmers
10 and tall ones, too, really became the linchpin of launching
11 this project.

12 That litigation led to the coalition programs, as
13 Jerry has mentioned, going to the attorney general's office
14 and to the Minnesota State Bar Association for help and the
15 farm crisis became so acute by 1984 that we received some
16 foundation monies to start a modest project and in 1986, we
17 approached the legislature as partners.

18 I remember sitting in the room with then-speaker
19 Dave Jennings from southern Minnesota who was a Republican
20 and David indicated that two of his best friends had just
21 lost their farms. He thought it was critical that we have

1 farm legal services in Minnesota and he said that the chair
2 of the agriculture committee, K.J. McDonald, who was a very,
3 very conservative gentleman, would be the prime author of the
4 bill and K.J. was in fact the prime author of the bill and
5 farm legal services was born at that time with state funding
6 to supplement the foundation funding and has continued to
7 this day.

8 It meets a very, very critical need. It is an
9 outstanding partnership. It continues to have strong
10 support, both in the local communities, at the state level.
11 SMRLS is blessed to have a wonderful manager, Janine
12 Andreasen to my left, who leads us in our program on the
13 project and then Janine is going to talk now a little bit
14 about the actual work that we do in legal aid building on
15 this history of partnership and collaboration to the present
16 day.

17 So thank you.

18 Janine?

19 MS. ANDREASEN; Madam Chair and honorable committee
20 members, it is certainly my pleasure to speak with you this
21 morning about legal representation of indebted farmers.

1 The Farm Law Project helps farmers to retain their
2 farming operations and farming assets. We have a special
3 priority to preserve homestead property. A typical case that
4 we may work on may entail a family farmer who has encumbered
5 their land and home, their business assets and virtually all
6 of their personal assets as well to finance their farm
7 operation. They perhaps have defaulted on their loan or they
8 are unable to obtain financing to continue in operation. At
9 risk is everything that they own and their livelihood. At
10 risk, too, because of the intergenerational aspects of
11 farming, at risk, too, is the sweat of their forefathers and
12 the prospects for farming for future generations and they
13 certainly feel this pressure greatly.

14 Our goal is to find a legal and practical response
15 to the problem. We are looking towards a long-term solution,
16 something that satisfies the goals of the family, the legal
17 concerns and is financially viable. Sometimes this includes
18 restructuring their operation, sometimes this may include
19 helping them to transition out of farming into another
20 venture which may be a very difficult process if it's our
21 typical client who may be in their mid fifties to sixties or

1 even older, maybe has never had off-farm employment, is
2 looking at losing virtually all of their assets.

3 The work is very intense, as the cases are quite
4 complex legally and very emotionally packed. There is a
5 great deal of grief, anger, denial and shame that is involved
6 with our farmer clients.

7 SMRLS collaborates with attorneys from other Farm
8 Law Projects around the state and with private attorneys in a
9 task force group and this allows us to share information and
10 strategies in an attempt to solve problems. We work very
11 closely with Farmers Legal Action Group. Bruce mentioned the
12 Coleman case, that's one that was initially brought by FLAG.

13 And we work with the Farm Advocate Program, of which David
14 is a member.

15 FLAG is a non-profit organization that receives
16 money from, for example, the Willie Nelson Farm Aid programs,
17 and from a number of other sources and from the state of
18 Minnesota and it works primarily on impact issues for farmers
19 in Minnesota and nationally.

20 Very important to the success of the Farm Law
21 Project in SMRLS is our work with private attorneys. It is a

1 way to leverage our limited resources beyond what we could do
2 otherwise. We have a small staff for our geographical area.

3 For our 33-county area, we have three full-time advocate
4 staff positions spread amongst five people. Our contract
5 attorneys who are just private attorneys in private practice
6 provide direct representation to farmers under a contract
7 with the Farm Law Project, following an intake process in our
8 office, a determination of eligibility and priorities.

9 The contract attorney is paid at a substantially
10 reduced rate of \$55 an hour. The Farm Law Project
11 contributes \$40 of that and \$15 per hour is contributed by
12 the farm family.

13 In this fashion, farmers can receive a maximum of
14 42 hours of services at a cost of up to \$630 by the farm
15 family and \$1700 by the Farm Law Project. The farmer is
16 paying up to \$630 and if you look at a typical hourly rate
17 for a private practitioner of \$150, they are receiving really
18 up to \$6300 worth of services, so it is a fantastic service
19 by the private bar to the farmer clients.

20 This program works because the private attorneys
21 have their own compulsion to assist family farmers and are

1 willing to do the work, but because of the time consuming
2 nature of the cases they need some assistance in paying their
3 overhead expenses, so it's a good program in that fashion.

4 The contract attorneys really like the fact that
5 the clients are contributing somewhat towards the cost of the
6 services because for the most part they believe that clients
7 have some ability to pay and, secondly, they believe that the
8 clients have a greater understanding and respect for their
9 hourly work if they are contributing towards its cost.

10 And I must say, too, that the clients generally
11 feel very good about contributing to the extent that they can
12 and feel more invested in the process. We do allow a waiver
13 of even the \$15 per hour rate for cases where they absolutely
14 cannot afford to pay anything, so that has been helpful as
15 well.

16 The farm work is different from other work that
17 Legal Services does, but yet it seems like it fits the Legal
18 Services formula. Although our clients may have assets and,
19 in some cases, very substantial assets, albeit usually fully
20 encumbered, they are oftentimes living in poverty. Although
21 they feed the world, they may not have enough to eat. They

1 may not have basic necessities such as adequate shelter,
2 transportation or health services.

3 We see many of the problems that other folks have
4 spoken of today, including domestic abuse, stress and mental
5 illness, among our clients and their children.

6 Another way that the work fits the Legal Services
7 formula is we are working with federal agencies and working
8 to protect and enforce the rights of our farm clients with
9 regard to those agencies. And particularly I'm speaking of
10 Farmers Home Administration, now called Farm Service Agency,
11 and Randy Roth of Farmers Legal Action Group that Bruce
12 mentioned in fact as part of her functions is a national
13 monitor of a federal court case. This federal court case is
14 addressing discrimination of persons of color who FSA
15 borrowers and that is a national federal court case.

16 Personally, I derive a great deal of satisfaction
17 because of the impact of our work in helping family farmers
18 and the help that we can provide in keeping the clients
19 self-reliant and productive citizens.

20 I would like to turn over the microphone to David
21 Hesse. He is a farm advocate with the Minnesota Department

1 of Agriculture and a good friend to the Farm Law Project.

2 MR. HESSE: Thank you, Janine.

3 Madam Chairman, other members, directors. I am not
4 going to go into all of the details that the Minnesota
5 Department of Agriculture Farm Advocate Program, what we do.
6 Rather, I would like to end up just passing out some of the
7 brochures. You can look at those yourselves. It would take
8 a little bit too long a period of time in which to explain
9 everything that we end up doing.

10 Is there someone that could --

11 MS. MORGAN BATTLE: Just give it to us, we'll pass
12 it back.

13 MR. HESSE: Thank you.

14 The Farm Advocate Program started in 1984. It was
15 a special appropriation from the Minnesota legislature for
16 one year. It has continued ever since, so that the
17 importance of what the Farm Advocate Program does for the
18 state of Minnesota has been very influential and very
19 positive.

20 We end up representing farmers who are going
21 through financial difficulties, which is a myriad of things

1 that it can end up entailing, as Janine has ended up
2 mentioning already. One of the things that we end up finding
3 as time has gone on, the problems are getting a lot more
4 severe, a lot more harder to end up dealing with, so in most
5 of the cases, we have to end up referring them for legal help
6 and the Law Project has been one that we continuously end up
7 using and taking advantage of because they absolutely cannot
8 afford to end up hiring their own attorney. This \$150 an
9 hour does not play into the scheme of things, into their cash
10 flow whatsoever. So the Law Project has been one thing that
11 we have continually used.

12 Why do we get to the point where we're at right
13 now?

14 You take a look at the average price of corn in
15 1947 was \$2.47 a bushel. Yesterday, it was \$1.63 a bushel.
16 A combine that cost \$30,000 to \$50,000 in 1947 is now 150 to
17 200,000. It's very plain and simple to see that this problem
18 is not going to go away in the distant future. Programs that
19 have been established by the federal government have caused
20 this dilemma that we're sitting in right now. The problem is
21 not going to go away. It's only going to get worse.

1 Had it not been for the billions of dollars over
2 the past three years and again this year that the federal
3 government is pumping into the agriculture sector, it would
4 be an economic problem that I don't think could ever be
5 overcome.

6 The billions and billions of dollars of debt that
7 exist out there, it's so astronomical that I don't know how
8 in the world without those interventions it could be
9 prevented from happening.

10 This year, we are going to end up getting another
11 appropriation. This is an election year, but what happens
12 next year? The farm program, as the state is right now is
13 not going to keep these people in business forever, nor is
14 the American public going to want to continue to keep funding
15 some of these programs. So therefore there is going to end
16 up being a need in the very distant future.

17 Coupled with that, we have expenses. We all know
18 what fuel costs have done. Well, they've gone up for the
19 farmer, as well as the interest rates on the loan that they
20 are trying to repay.

21 Most of the farmers do not know about the law

1 project. Most of the farmers do not know about the advocate
2 program, which are two of the items that we need to end up
3 addressing as well, our program as well as the law project.
4 I think the majority of the referrals do come from within
5 other people who know about the program rather than the
6 farmers knowing about it themselves.

7 We represent farmers as they negotiate with their
8 lenders. FSA, going to the national appeals, getting
9 involved with those appeals at the national level to appeal
10 FSA decisions that have been detrimental to the farmer as
11 well.

12 The historical commodity low prices that we are
13 receiving right now, unless there is a change in the
14 formulation of the way agriculture is dealt with on a
15 national level, there isn't anything that is going to end up
16 increasing that potential income. I think I alluded to that
17 earlier.

18 I think at this particular time, I'd just like to
19 mention one other item that Legal Services ended up coming
20 into and helped us tremendous with and that was on March 28,
21 1988. My area of the state was affected by the tornado that

1 occurred in that year. They helped us through a lot of the
2 legal issues that developed with that tornado. I was one
3 that was affected by it, the cities of Comfrey and St. Peter
4 were pretty well destroyed and devastated by that tornado.
5 So that was a great relief to end up having Legal Services be
6 there and help us through all of that.

7 At that, I'll just stop and if there's any
8 questions after a bit --

9 MR. LANE: I'd just like to add one footnote. In
10 addition to the fact that FLAG has to be my favorite acronym
11 for any program in the world, I've loved that ever since they
12 spun off from NMLA in order to get some farm aid money, the
13 farm community problems are about to get worse. David
14 mentioned that in some ways in terms of the national
15 economics, but there's another reason they're about to get
16 worse and that, of course, is the census. The western
17 Minnesota area, my service area, got hammered in 1993 when
18 the census figures were implemented from the 1990 census and
19 while we don't know how bad it's going to be, we know it's
20 going to be bad and the rural areas are going to get hammered
21 again.

1 Our funding supporting our farm law work is census
2 based. It is no longer earmarked by the legislature. Some
3 urban legislators in the -- what was it, the early '90s, I
4 think Bruce? Foolishly thought somehow the farm crisis was
5 over and almost eliminated the funding all together. We
6 saved it by un-earmarking it, if there is such a verb. We
7 are internally earmarking it within my program for the rural
8 offices, but when the 2000 census gets implemented, that's
9 going to get even harder and that is, as has been noted, an
10 isolated and struggling population.

11 One other thing I'll just mention and then we can
12 take questions on any subject at all. Our friends from Ain
13 Dah Yung have brought calendars which are on the table over
14 there which are beautiful as well as functional and you are
15 most welcome to take one and if you don't take them fast
16 enough, I will probably take at least one myself.

17 Having said that, we've tried to give you a taste
18 of what's going on in Minnesota, how we have collaborated,
19 how we have worked together, how we have tried to identify
20 and serve special populations and special needs. It's a
21 challenge that's getting worse, not better. Rumors about

1 Minnesota being made up of Norwegian bachelor farmers I
2 suspect may have been put to death already today but there is
3 a huge and fast growing Hmong population. There is an
4 exploding East African population. And so the special law
5 challenges, the cultural challenges, the language challenges
6 are getting greater, not less.

7 And having said that, we would welcome questions
8 about anything.

9 MS. WATLINGTON: Edna?

10 And we also have the domestic relations people
11 there because we didn't allow them to get questions either.

12 MR. LANE: Right.

13 MS. FAIRBANKS-WILLIAMS: I had a question earlier
14 about if there were vegetable fields or fruits on the
15 reservation and farm problems. The same as Tom, in years
16 back, I was in the asparagus fields in Tonawanda, New York on
17 the reservation and things were very bad there. There was
18 newspapers in the windows and things. We are losing about
19 half of our small farmers in Vermont, so I realize that the
20 farm situation is bad.

21 Are there any other jobs? You mentioned 3M, but

1 are there any other jobs that the reservations could commute
2 to or anything along that line?

3 MS. ANDREASEN; I would just note that there is
4 kind of an interesting conflict between helping farmers and
5 we have a migrant farmer unit within Minnesota here, but most
6 of the farmers that I represent in my service area are
7 providing their own labor for their operations, although
8 there is certainly a push, just like there is in other
9 sectors of the economy, towards combining and getting larger
10 and that is happening in the farming communities' larger
11 operations where labor is required, but most of the farmers
12 that I represent are providing their own labor. And at least
13 within our service area, I am not dealing with any Native
14 American communities, so I don't know how I could answer
15 that.

16 MS. FINEDAY: My name is Anita Fineday again. I
17 was here earlier and I can -- I think if I am understanding
18 your question correctly, talking about other employment
19 that's available for people on the reservation and I think --

20 MS. FAIRBANKS-WILLIAMS: This was an asparagus farm
21 in Tonawanda, New York, New York state, that had a big

1 vegetable crop.

2 MS. FINEDAY: I think there is beginning to be more
3 employment available on the reservation and a lot of it is in
4 the casinos, that provides a lot of employment for tribal
5 members. And probably farm people would share the same kinds
6 of issues as far as transportation, long distances that have
7 to be traveled to get to those places where there are jobs
8 that really make it very difficult and oftentimes make it
9 impractical.

10 MS. WATLINGTON: Any other questions from the
11 board?

12 MR. BENEKE: Madam Chair, may I also add to
13 answering Edna's question?

14 Bruce Beneke again. We had a very interesting
15 discussion at our board of directors meeting about your
16 question in a way. As Janine testified, our work this past
17 16 or 17 years has been to save the homestead, save the
18 farming operation for the small farmer so that the family can
19 continue to make ends meet and to live. More and more, we
20 are seeing that, as Janine said, the farm pressure gets to
21 have bigger farms, people are faced -- first of all, a lot of

1 them already have town jobs to try to keep the farm going,
2 but more and more we are seeing that as the small farmers
3 have to drop out, where do they go to work.

4 And I know on our board of directors, we talked
5 about because we're just finishing our needs assessment
6 process should we expand our farm work from saving the
7 homestead into helping farm families make the transition into
8 other kinds of jobs. And we had very different philosophies
9 discussed on the board about that and have not made a final
10 and hard fast decision yet. But you really put your finger
11 on something, as the farm population goes down, where do
12 people go to be able to have a job, to be able to support
13 their family.

14 MR. HESSE: It was said a number of years ago by
15 one agency in particular that, well, the farmer or wife have
16 to end up getting a job off the farm. Well, one got a job
17 and then they said, well, now both have to get a job. Well,
18 both have got a job now and they still can't make it. So
19 it's just kind of been a dilemma that everybody has been
20 faced with that a majority of the people that I work with
21 right now, and I think Janine would agree, have off-the-farm

1 jobs, plus trying to farm besides.

2 My wife works off the farm, I have this job. We
3 farm 320 acres along with a hog livestock operation as well.

4 And it's very, very difficult to end up making ends meet.

5 Remember, hogs went to 8 cents a pound last year,
6 \$26. But did they go down in the grocery store? I know they
7 didn't because I ended up going to the High V to check it
8 out, \$1.99 a pound to \$2.69 a pound. They never changed, yet
9 that packer got \$26 for that hog that I ended up selling him,
10 he turned around and got \$329 out of it.

11 MS. WATLINGTON: Are there any more questions from
12 the board?

13 MS. MERCADO: Actually, I had a couple of
14 questions. The other panel that you had talked about that
15 they do a lot of training on housing and I was just real
16 curious about what kind of work your program does to leverage
17 money to build housing for low income people because there's
18 lots of money and I think that one of the biggest problems is
19 that because most of those have tied into them non-profit low
20 income groups, so to speak, which would be sort of like a
21 client community, I was curious about whether your programs

1 actually help people leverage that money in order to build
2 housing, since housing is such a shortage around the country,
3 but the funds aren't being utilized.

4 A lot of the states send back those funds because
5 there's not anyone providing the legal services for them to
6 leverage, do the real estate transactions, do all that kind
7 of work. And I was curious about what you guys did in your
8 state.

9 MR. BENEKE: Jerry, want to take a shot?

10 MR. LANE: I'll start. It certainly is a problem.
11 There are a number of law firms in Minnesota as part of a
12 sort of public/private partnership that work with non-profit
13 developers and housing organizations to incorporate them and
14 to do the legal work connected with the development of low
15 income housing.

16 I think a significant problem, at least in
17 Minnesota, has been the unwillingness of the government to
18 make funds available to the extent needed. I know we've been
19 working in the Minneapolis and Hennepin County areas for five
20 years on a concentrated basis to try to get the county to
21 accept its responsibility to be a player, given the apparent

1 ongoing reality that the federal government is not in the
2 foreseeable future going to get back into the housing
3 business the way it was before 1981.

4 We have just had some success this year for the
5 first time in getting the county to earmark some money to put
6 into affordable housing. It's been an ongoing struggle with
7 the city because, of course, the city recognizes that it
8 cannot house the entire metropolitan area and that what's
9 needed is a partnership between the inner cities and the
10 suburban communities which are growing very quickly and which
11 have growing resources. And so we have tried to work to help
12 those partnerships to come together with some success.

13 The county is creating structures for some of these
14 smaller suburban communities that do not have the structures
15 to build and operate public housing or subsidized housing, so
16 we are working on these public/private partnerships, the
17 private firms are providing resources, but it's still a
18 catastrophe. I mean, it's gone beyond being a problem, at
19 least in Minnesota, to being a real catastrophe, which
20 exacerbates the problems of people migrating off the farms.

21 If they're not on the farm, where are they? You

1 know, they're going to the cities, where presumably the jobs
2 are, but the jobs are primarily there for either very skilled
3 people, if you want to support a family, or there are
4 unskilled jobs if you don't want to have the ability to
5 support a family. And with the affordable housing crisis
6 that we've got, people who don't have specialized training
7 are in a no-win situation.

8 MS. MERCADO: The other question I had was on the
9 Ain Dah Yung. I think someone was talking about the
10 representation they do of women who fall under that statute.

11 And aside from the domestic violence issue that you work
12 with them, do you assist them in any of their immigration
13 needs that they have? Because generally that's the problem,
14 is that they're in the process of immigration, but because of
15 the violence or the abuse and part of the threat, I suppose,
16 from the person that's petitioning they may or may not fall
17 through the cracks and I wondered whether or not your program
18 actually assists them in making sure that the immigration
19 petition that they have submitted is in fact completed so
20 that they are now participating members of the community.

21 MR. BENEKE: Madam Chair, Ms. Mercado, Bruce Beneke

1 again. I'd like to have -- the answer is yes, although I'd
2 like to have Jan Werness talk a second about that. And if
3 it's okay with you, I have one or two footnotes on your first
4 question also. So why doesn't Jan go ahead and answer your
5 direct question now and if time permits I'll add the one or
6 two footnotes on housing.

7 MS. WERNESS: Yes, we do do work on immigration
8 issues in terms of identifying them and if they are eligible
9 we can represent them, we will do that.

10 We have access and collaborate with an organization
11 that is not funded by Legal Services and does exclusively
12 immigration law and they will take cases also. They have
13 done training for us, for all of the family law staff, on
14 what kinds of questions to ask, in terms of making us aware
15 of the self-petitioning process for battered women.

16 Does that answer your question?

17 MS. MERCADO: Yes. Thank you.

18 MR. BENEKE: Just another piece on that. My
19 program just got a grant to work jointly with the Immigrant
20 Law Center specifically on the immigration problems, in
21 particular of the fast growing East African population in the

1 metro area. So we recognize that problem and are trying to
2 address it, but it is a resource problem.

3 MS. WATLINGTON: This has been really interesting
4 and one of the advantages of going into other areas out of
5 Washington, it really allows the board to actually see what
6 is going on and your presentation is just -- we could go on
7 and on because you have been very innovative in coming up
8 with ideas how to try to make that difference and trying to
9 meet those needs in the emerging crisis all the time in all
10 of our areas. I really enjoyed it myself and I'm looking
11 forward to also going out to the visitation.

12 We have one more question here.

13 John?

14 MR. ERLNBORN: Well, not really a question. I
15 couldn't help but remember when I was listening to the
16 testimony about a farm state congressman who talked about the
17 farmer who won a million dollars in the lottery and he was
18 asked what he was going to do with the money and he said,
19 "Well, I guess keep farming as long as it lasts."

20 MR. ASKEW: I'm no longer a member of this
21 committee, so I've been trying to bite my tongue here, but I

1 couldn't let this pass. I think I should repeat for you
2 something that our president said at the break which was
3 overheard by Nancy Kleeman, so we might as well say it, which
4 is Minnesota has its act together.

5 I know you didn't intend to do this to impress us
6 today, but this has been quite an impressive presentation and
7 I think one of the reasons for that, there are many, is the
8 stability of the leadership in this state from the Minnesota
9 Twins, I guess I would call them, Bruce and Jerry.

10 You're beginning to look more alike as you get
11 older, too.

12 The folks in Minnesota are in shock at how short
13 Bruce's presentation was.

14 This is what is nearest and dearest to my heart, is
15 hearing from programs about what they're doing and it's been
16 quite an impressive presentation. I think you're a model for
17 other states around the country about how you've got this
18 organized and sought other funds, obtained other funds, and
19 how you're working so collaboratively together to meet the
20 needs of the state. We appreciate what you are doing here.

21 MS. WATLINGTON: And also appreciate the staff of

1 the corporation, Reggie and the others, that have made this
2 and worked with you in putting this together and your support
3 in getting all those books and that information. We do have
4 a lot to read about other things that wasn't able to be
5 presented here today, which was very helpful.

6 MR. LANE: We've appreciated the opportunity. I
7 would say I think our friend Mike Connelly, who must have
8 become a program director as a teenager, I think may be the
9 dean of the project directors in Minnesota, but we thank you
10 for your kind words and hope this has been helpful to you.

11 MS. WATLINGTON: Thank you.

12 We will go back into the other part of the agenda.

13 I would ask Randi to give us the staff report on the status
14 of the development of new performance guidelines to measure
15 outcomes in case work, community education and outreach and
16 also plans and preparation for the 2001 conference on
17 client-centered legal services.

18 MS. YOUELLS: Thank you, Madam Chair. It's a
19 little bit like going from the sublime to the ridiculous,
20 isn't it? We've heard these wonderful presentations and now
21 we have to talk about two staff issues.

1 I just want to brief you on two and probably add a
2 third one to the agenda, two projects that are at the very
3 early stages within the Legal Services Corporation that will
4 have impact upon client service and let me stress again that
5 they're at the very early stages, so I just want you to keep
6 that in mind.

7 The first one is pursuant to the problems with the
8 CSR data that we have had in the last several years. We are
9 embarking upon a project to develop new performance
10 measurement standards to measure all of the work of our
11 grantees, not just case work, but community education and
12 outreach, the types of work that we do out in field programs
13 that gets lost and does not allow us to present to Congress
14 the full flavor of the importance of our work.

15 That is the very early stages and, in fact, on
16 Friday, this Friday, June 30th, we will kick off an advisory
17 counsel that has been set up that consists of representatives
18 from field programs and representatives from our national
19 partners who help us guide us with this project.

20 The advisory counsel was set up specifically by me,
21 at my invitation, to provide some diversity in comment. So

1 we sent out invitations to people who represent larger and
2 smaller programs. We took very careful pains to ensure that
3 there was gender diversity and racial diversity and we asked
4 people who had experiences with outcome-based performance
5 measures such as Leanna Hart Gibson from New York to join the
6 council.

7 Everyone did accept our invitation. I think it now
8 consists of 14 people. As I said, their first meeting is
9 June 30th. They will be meeting with the consultants that
10 LSC has hired to help with this project and they will begin a
11 conversation to talk about what they think should come out of
12 this project when it is all said and done.

13 I know that there has been some angst in the field
14 about the fact that when you begin to tinker with CSRs even
15 though the system has been imperfect it is one that we are
16 all used to. And let me assure you that we are taking very
17 great pains to make sure that the feelings and opinions and
18 thoughts of our field programs are heard.

19 I spent 15 years in Legal Services in the field and
20 although I knew the CSR system wasn't perfect, it was also
21 one that I was comfortable with and we will make sure that

1 the system that we implement in the coming year or years has
2 been fully vetted with the people who provide critical legal
3 services out in the field.

4 The deadline that people think that we are
5 operating under is January 1, 2001. That is not a deadline
6 in terms of us having a completed product at that point. In
7 fact, given what I've just said about being at the early
8 stages, it would be ridiculous to say we would have a
9 completed project. We do hope, however, to be able to report
10 to Congress at that time that we are making significant
11 progress, but we all know these things take time.

12 We will be developing best practices, we will be
13 testing those out in the field before we ever get to the
14 point that we implement a new system to report the work of
15 our grantees. So I just wanted to report on that.

16 If there are any questions, I would be glad to
17 answer them, but, again, it's at the very, very early stages.

18 The second project is also one at the very, very
19 early stages, but I know it's one that's near and dear to the
20 heart of some members of the board, so I wanted to talk to
21 you about it.

1 In 2001, we are going to do a national conference
2 on client-centered legal services. The past two years, we've
3 done a national conference on services to migrant and
4 seasonal farm workers and we did a conference on services to
5 Native American Indians. Our theme for 2001 will be
6 client-centered legal services.

7 To that end, last night, I met with Edna and
8 Ernestine and we talked about some of the ideas that they had
9 and what they would like to see come out of the conference.

10 Our working title, and it's a working title that
11 could change because we all know a working title as we go
12 forward will become something else, but Edna or Ernestine
13 suggested Client-Centered Legal Services: Building
14 Cooperative Justice Communities for the New Millennium. And
15 that is the title we'll proceed to work with.

16 We will be setting up a small advisory council some
17 time in the next several months to guide our thinking as we
18 prepare for this conference that we plan to have some time in
19 the late spring or early summer of 2001.

20 NLADA is also going to have a client focus at their
21 conference in December and I talked to Martha Bergmark, who

1 is the Vice President of Programs at NLADA, and I have
2 suggested that we use the NLADA conference as a kickoff for
3 our own conference and in fact we use that conference as a
4 call for papers on the best practices and thinking, what's
5 going on in the nation, as to what we mean when we talk about
6 client-centered legal services. But, again, we're in the
7 very early stages.

8 So I think it's a real exciting project and I think
9 it puts us back squarely in the middle of what we all believe
10 in and that is the client is obviously at the very core of
11 what we do and who we are and what we say.

12 If there are any questions about that, Edna or
13 Ernestine or I would be glad to answer those.

14 Okay. And the third update, I'll turn to Mike
15 Genz, because it's on Native American Indian Funding.

16 MR. GENZ: Thank you.

17 Madam Chair, members of the committee and of the
18 board, good morning. I'm here to discuss funding adjustments
19 that we're contemplating for Native American programs for FY
20 2001. The purpose of these adjustments is to provide more
21 service to low income persons in certain under served areas.

1 We came to this initiative out of the corporation's
2 examination of Native American service delivery that was
3 centered in our conference last year in Estes Park. In this
4 examination, we came face to face with the realities of
5 Native American service delivery and the plights of the
6 Native American poor more eloquently expressed earlier today
7 than I can do so.

8 Certainly the issues that we heard are the poorest
9 of the poor and of the extraordinary distances and of the
10 extremely complex laws that are based on Native American
11 status that require these separate projects.

12 In the course of this examination, we also saw that
13 with respect to our funding, there are several relatively low
14 funded service areas serving the Native American population.

15 Also, there are states and regions with no Native American
16 program that have significant Native American populations.

17 To explain how that happened, Native American
18 programs and components are funded at disparate levels by
19 population. This was an historical situation that came with
20 them being funded at different times and funding levels as
21 the amounts allowed at the times. Some are funded below the

1 basic field per capita level.

2 So what we are contemplating here is to increase
3 funding for the Native American projects in the amount of
4 \$1,738,000, targeted in these three ways:

5 The first way is to raise the poor person funding
6 of the 12 programs that are below the \$10 per poor person
7 level. This will cost \$952,000. This would allow for a
8 substantial increase in the amount and variety of services.
9 One large program is at \$4.00 per poor person as an example.

10 The second step that we're contemplating is to
11 expand service areas in states where the Native American
12 service area is county-based or reservation-based where there
13 is one project to expand it statewide and expand it at the
14 \$10 per poor person level. That would cost an additional
15 \$286,000, that part of the project.

16 The third step that we're contemplating is to
17 establish new Native American service areas in two states
18 with significant Native American population but that don't
19 have any Native American service area at all. Those are New
20 York State and Florida. We propose to fund each of those
21 projects at \$250,000 for a total of \$500,000.

1 We believe that these steps will significantly
2 improve access to legal assistance for low income Native
3 Americans.

4 Thank you.

5 MS. WATLINGTON: Questions?

6 Nancy?

7 MS. ROGERS: Mike, I might have missed the
8 beginning. When are you proposing that these changes would
9 be effective?

10 MR. GENZ: This would be for the FY 2001 funding
11 cycle.

12 MS. ROGERS: And is that assuming that there are
13 increases and that's a portion of the increased monies
14 available or are you proposing that other aspect of what we
15 now do be cut?

16 MR. GENZ: We are assuming that there will be
17 increases. If there are not increases, we are planning on
18 going ahead with this adjustment nonetheless.

19 MR. McCALPIN: Where would you take it from?

20 MR. GENZ: This would be taken from the overall
21 funding for programs.

1 MR. McCALPIN: What line would you take it from

2 MR. GENZ: The basic field.

3 MR. McKAY: May I, Madam Chair, just make a
4 comment, if I can? I'd like to add to that.

5 \$952,000 which would take care of the first step,
6 which would be to raise up the 12 programs that have been
7 historically under funded can be made as an adjustment in the
8 basic field program without legislative language to do so.
9 The other two steps as I understand it would both require
10 some tweaking in legislative language and Mauricio's office
11 is working on the Hill to accomplish that. That would take
12 legislative authority to create the service areas in Florida
13 and New York, as well as to expand and then fund the service
14 areas. So the majority of the change can occur.

15 Now, this was a discussion which was had at the
16 Native American conference and it was clear to us at the end
17 of that conference that for many, many years, the under
18 funded Native American programs have been promised an
19 increase when it was obtained from the Congress. And so we
20 made the decision to simply make that adjustment now.

21 Our hope, of course, is that we will have a

1 significant increase in basic field this year. I remain very
2 hopeful that that may occur this year, that we will see an
3 increase in basic field, but that if we waited until there
4 was a basic field increase, we would continue this cycle of
5 simply promising the under funded programs that one day we
6 would receive funding in Native American.

7 So we are taking a bit of a gamble on \$952,000 out
8 of our entire basic field appropriation to make this shift,
9 but it was clear to us that there was a significant
10 historical disparity among those 12 Native American programs,
11 so we are in fact talking about -- we have committed it and
12 so there will be a transfer out of the basic field fund of
13 the \$952,000 beginning in FY 2001 and our great hope, of
14 course, is that we really won't miss that because we'll have
15 an increase.

16 Now, the others will be waiting for legislative
17 authority, we hope to accomplish that this year and we are
18 working in particular with Senate staffers to see if that
19 language can be added to our appropriations bill.

20 I hope that helps in the presentation.

21 MS. MERCADO: I guess I'm just a little curious as

1 to why we couldn't do some of our advocacy to have Congress
2 fund those different line items at a greater percentage
3 rather than taking away from another program to give to this
4 program. And I understand the disparity, but I'm just saying
5 why isn't Congress dealing with that disparity?

6 MR. McKAY: You're welcome to any time that you
7 like, Maria, with me to the Hill to begin that discussion. I
8 think we've made a conclusion with the advice of our counsel
9 that we, the corporation, has the authority to make that
10 change now and that we are better off advocating within the
11 basic field line for an overall increase than to single out
12 Native American representation at this time.

13 And we've had that discussion in terms of our
14 priorities and our approach to this particular Congress and I
15 think there is a general consensus that this is the best
16 strategy. And it really would be a strategy decision.

17 MS. WATLINGTON: If there is no other discussion,
18 is there any other business?

19 (No response.)

20 MS. WATLINGTON: You had said something about a
21 question --

1 MR. McKAY: Oh, yes. Thank you.

2 I guess we should just let folks know who have
3 attended this meeting on a Sunday that we understand that
4 Doug Eakeley, our chairman, who was coming from having
5 visited China at the invitation of the Justice Ministry of
6 China to represent Legal Services in China has not yet
7 arrived in Minnesota, so he was to have arrived last night
8 and we were hoping could join us this morning, but we still
9 don't know whether Doug is here with us, so I just wanted to
10 let you all know that he is in fact on LSC business and I am
11 sure is making every effort to be here and had planned to be
12 here.

13 Also, if you wouldn't mind, Madam Chair, let me
14 just say on behalf of board member Judge Broderick, John
15 Broderick, he was required to remain in New Hampshire and may
16 actually continue testifying in front of the New Hampshire
17 committee looking into the Supreme Court. He did want me to
18 pass on his best wishes to all of us board members and he
19 asked me in his typical fashion to indicate that he would
20 have rather have been anywhere than New Hampshire at this
21 particular time, but in particular to be with his friends and

1 colleagues here on the board in Minneapolis, one of his
2 favorite places, but he said things are going very well and
3 he may or may not be required to testify again tomorrow and
4 wished very much to be here.

5 I understand that he will participate in the ops
6 and regs committee by conference call at 2:30 today, Madam
7 Chair.

8 MS. WATLINGTON: Is there anything else?

9 (No response.)

10 MS. WATLINGTON: If not, I will entertain a
11 motion --

12 M O T I O N

13 MR. McCALPIN: Move we adjourn.

14 MS. WATLINGTON: Second?

15 MS. MERCADO: Second.

16 MS. WATLINGTON: It's been moved and seconded that
17 we be adjourned.

18 All in favor signify by saying aye.

19 (Chorus of ayes.)

20 MS. WATLINGTON: Opposed the same.

21 (No response.)

1 MS. WATLINGTON: We are adjourned.

2 (Whereupon, at 12:03 p.m., the committee was
3 adjourned.)

4 * * * * *