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LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
PROVISION FOR THE DELIVERY OF
LEGAL SERVICES COMMITTEE

Friday, October 27, 2006
2:15 p.m.

The Charleston Marriott Town Center
200 Lee Street East
Charleston, West Virginia

COMMITTEE MEMBERS PRESENT:

- David Hall, Chairman
- Jonann C. Chiles
- Herbert S. Garten
- Bernice Phillips
- Sarah Singleton
- Frank B. Strickland, ex officio

BOARD MEMBERS PRESENT:

- Michael D. McKay
- Lillian BeVier

1 STAFF AND PUBLIC PRESENT:

2 Helaine M. Barnett, LSC President

David L. Richardson, Treasurer and Comptroller

3 Patricia D. Batie, Manager of Board Operations

Charles Jeffress, Chief Administrative Officer

4 Karen M. Dozier, Executive Assistant to the President

Mattie Cohan, Senior Assistant General Counsel

5 Thomas Polgar, Director, Office of Government Relations
and Public Affairs

6 Karen Sarjeant, Vice President for Programs and
Compliance

7 Richard (Kirt) West, Inspector General

Laurie Tarantowicz, Assistant Inspector General and

8 Legal Counsel

Joel Gallay, Special Assistant to the Inspector General

9 David Maddox, Assistant Inspector General for Resource
Management

10 Ronald (Dutch) Merryman, Office of the Inspector
General

11

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

12 Don Saunders, National Legal Aid and Defenders
Association (NLADA)

13 Terry Brooks, Director, Legal Services, American Bar
Association

14 Adrienne Worthy, Executive Director, Legal Aid of
West Virginia (LAWV)

15 Elizabeth Wehner, Supervising Attorney, LAWV

Angie Rosser, Legal Advocacy Specialist, West Virginia

16 Coalition Against Domestic Violence

Tonia Thomas, Team Coordinator, West Virginia Coalition

17 Against Domestic Violence

Jim Martin, LAWV

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5		partnership project	5
6		Adrienne Worthy, LAWV Executive Director	6
7		Angie Rosser, West Virginia Coalition	
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4	.	Staff presentation on highlights of the	
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1 P R O C E E D I N G S

2 CHAIRMAN HALL: I'd like to call to order the
3 meeting of the provisions committee and welcome all of
4 our members of the committee and other board members
5 who are present. All of the members of this committee
6 are present, with the exception of Tom Fuentes, who
7 unfortunately will not be able to join us by phone as
8 we thought was the case.

9 So we will start our meeting. I will first
10 ask for an approval of the agenda.

11 M O T I O N

12 MS. SINGLETON: So move.

13 CHAIRMAN HALL: Is there a second?

14 MR. GARTEN: Second.

15 CHAIRMAN HALL: All in favor say aye.

16 (A chorus of ayes.)

17 CHAIRMAN HALL: Opposed?

18 (No response.)

19 CHAIRMAN HALL: Thank you.

20 Also, you will see in your book that we have
21 the minutes of our committee meetings from July 28,
22 2006. I'd like to seek an approval of those meeting

1 minutes.

2 M O T I O N

3 MS. CHILES: So moved.

4 CHAIRMAN HALL: Is there a second?

5 MS. SINGLETON: Second.

6 CHAIRMAN HALL: All in favor?

7 (A chorus of ayes.)

8 CHAIRMAN HALL: Any opposed?

9 (No response.)

10 CHAIRMAN HALL: Thank you. Those minutes are
11 approved.

12 We'd like to welcome our special guests. We
13 have a full agenda, but we are starting out with some
14 presentations from representatives of Legal Aid of West
15 Virginia, who are going to share with us some
16 information about a model domestic violence partnership
17 project.

18 We have been fortunate to hear quite a bit
19 today and to see firsthand some of the work that they
20 are doing in this particular area. And so Provisions
21 is delighted to hear more about this.

22 So I will open it up and have each person

1 introduce themselves and then present to us.

2 MS. WORTHY: We're pleased to be able to talk
3 with you today about an area of service delivery of
4 which we're very proud. My name is Adrienne Worthy,
5 and I'm director of Legal Aid of West Virginia.

6 I am joined on the panel by Legal Aid of West
7 Virginia's supervising attorney in the Charleston
8 office, Elizabeth Wehner. Elizabeth also serves as the
9 statewide support attorney for our domestic violence
10 project.

11 We're also pleased to have with us Angie
12 Rosser, who is the statewide civil legal specialist
13 with the West Virginia Coalition Against Domestic
14 Violence.

15 We would first like to talk with you about our
16 legal assistance to victims partnership, and then we
17 would be very happy to answer any questions that you
18 may have.

19 We are aware through conversations with
20 Helaine and Karen Sarjeant that as you have visited
21 local programs, most of the presentations that this
22 committee has heard have focused on pro bono services.

1 While we're very proud of our pro bono work, we wanted
2 to tell you about something different. Why? Because
3 we think it is unique, and because we know it is
4 successful.

5 The project we want to talk about is a
6 partnership with the West Virginia Coalition Against
7 Domestic Violence and its 14 local member programs.
8 The partnership involves a very high degree of
9 collaboration and coordination through a relationship
10 that is formalized.

11 And it focuses on three things: providing
12 high quality legal services and advocacy to domestic
13 violence victims; training lawyers and advocates to be
14 highly skilled in their work, and giving them the most
15 current information and tools; and three, maintaining
16 and supporting a partnership with a high degree of
17 formalization, while still giving each participating
18 organization full autonomy.

19 Many legal services do work with local
20 domestic violence programs. That's what's expected of
21 them. That's certainly what's needed at the local
22 level. So why is ours unique? Well, we have only

1 anecdotal data to support this claim, but we're going
2 to make it anyway.

3 Conversations with colleagues around the
4 country, both in the domestic violence sphere in which
5 Angie operates as well as in the legal services world
6 in which Elizabeth and I operate have told us that
7 there does not seem to be much knowledge about
8 successful statewide collaborations and partnerships
9 between legal services programs and domestic violence
10 providers. Legal services and domestic violence staff
11 also tell us that often, on the local or regional
12 level, they are struggling as well.

13 We do know from our colleagues that
14 unfortunately, one of the pivotal issues there that
15 leads to problems with collaboration is a scarcity of
16 resources as well as program territoriality, where
17 programs may end up competing for both funds and
18 clients, resulting in either duplication of services or
19 service gaps.

20 The grant landscape, as you all may know,
21 through the Department of Justice grants has changed
22 considerably because they now require significant

1 collaboration with the local domestic violence program
2 and the legal services provider. We think we are a
3 national model because we're well ahead of the game and
4 we're doing it very well.

5 Why are we successful or how are we
6 successful? Our partnership goal is that every
7 domestic violence victim who needs an attorney would
8 have one. We have not reached that goal, but what we
9 have done through the partnership is brought more
10 funding and more services, which we think are both key
11 measures of success.

12 In 2004, we applied for a joint legal
13 assistance to victims grant. These are the grants that
14 come through the Department of Justice. The joint
15 application was successful, and we have to thank
16 Senator Robert Byrd for that; he helped with a little
17 urging for the support we received.

18 The joint application guaranteed that we would
19 bring more money into the state than if a single
20 program had applied. In that partnership cycle, we
21 received about \$849,000. We have just learned within
22 the last two months that we are also now a recipient,

1 the partnership, in the latest round of Department of
2 Justice grants.

3 Other funding increases that have happened
4 through our partnership include increasing our state
5 domestic violence funds from about \$180,000 prior to
6 the partnership being formalized to almost 500,000
7 since the partnership has been up and running. Other
8 multiple funding streams that come through our TANF
9 grant, through local United Way programs, some LSC
10 dollars, all have fed into this stream that has made
11 the grants successful.

12 Over the last six years, cases closed for
13 domestic violence victims have increased by 33 percent,
14 from approximately 1100 in 2000 to what we anticipate
15 will be about 1700 cases by year's end.

16 I would add a third, less tangible measure of
17 success: Our staff lawyers and the advocates who
18 worked for the domestic violence programs around the
19 state are highly engaged in this work. They work
20 through a team model, regional teams, but also do a lot
21 of work at the state level. Angie's going to talk
22 about the significant amount of support that the

1 partnership offers these folks.

2 As you all may be very aware, working with
3 domestic violence victims is very stressful. It's very
4 emotional work, and very hard on the staff to work day
5 in and day out. We have not been able to measure this,
6 but our sense is that with these highly engaged teams,
7 we are hoping that we will be able to provide enough
8 support to avert burnout among our skilled advocates.

9 You heard at HOPE House earlier, listening to our
10 community partners, about the need for services. You
11 also heard in a very poignant way from our clients
12 their very personal stories.

13 The descriptions of power and control and
14 violence are universal. In West Virginia, domestic
15 violence is compounded by many other issues. Again,
16 you heard about this during the various presentations.
17 Victims being isolated geographically, in remote
18 mountain hollows. The lack of transportation to escape
19 a situation of violence. Women having the lowest
20 educational attainment -- West Virginia women have the
21 lowest educational attainment of folks around the
22 country, and also the lowest labor force participation

1 rate. Both of those factors significantly increase
2 barriers to economic independence, which is obviously
3 one of the keys for people to be able to leave their
4 abusers.

5 Many of our victims have problems with
6 bankruptcy, consumer issues, housing, child support,
7 child custody. The list goes on. The problem is
8 immense, but we feel like the partnership provides a
9 team response that promotes victim safety while
10 maximizing options for self-sufficiency and
11 empowerment.

12 I'm going to close by just giving you a brief
13 description of the project's history because I think
14 this history is evidence of the evolution that the
15 partnership has taken, from modest beginnings to a
16 partnership that really has some depth and
17 sustainability.

18 At the local domestic -- at the local level,
19 domestic violence programs and legal services programs
20 have worked for years together. But it wasn't really
21 until we merged into one statewide program that the
22 momentum for a partnership began to develop.

1 When we became one program, we cooperated on
2 joint administration of state legislative funds, joint
3 training under federal grants, a joint domestic
4 violence task force, all of which work to build
5 relationships of trust and a commitment to the issues.

6 Finally, two things happened. A decision was
7 made by the group of folks who were working on these
8 issues, this loose partnership of folks, to develop a
9 three-year strategic plan about how we would serve West
10 Virginia's domestic violence victims.

11 We went through a lengthy process that allowed
12 us to articulate commonly held goals. It allowed us to
13 identify very concrete steps toward helping victims,
14 and to commit to cooperative fundraising at the local,
15 state, and national level.

16 The second thing that happened really put that
17 commitment and that process to a test. The Coalition
18 Against Domestic Violence and the three programs that
19 ended up merging to form Legal Aid of West Virginia all
20 had federal Department of Justice grants, and they were
21 all coming to an end about at the same time.

22 All of us wanted to apply for Department of

1 Justice funding, but the choice was we were going to
2 either compete against each other and ultimately bring
3 less money into West Virginia, or we were going to
4 cooperate and work together in submitting one single
5 grant.

6 We decided to collaborate on writing a joint
7 grant for funding in 2004. We spent a significant
8 amount of time negotiating the finances with the
9 broader vision of client services in mind. Legal Aid
10 committed to giving up funding for its paralegals.
11 These paralegals were key members of the teams working
12 statewide with attorneys and the advocates in the
13 domestic violence programs.

14 The grant was funded at \$849,000 in 2004. It
15 was one of the largest grants in the entire country for
16 a single service area. We ended up laying off a large
17 number of paralegals, but we were able to continue
18 services through our regional teams, and the
19 partnership has flourished.

20 It may sound crazy, yet we decided to make a
21 decision where we would lose staff. The point is
22 ultimately that decision allowed us to work in

1 partnership, and we think everyone has benefitted in
2 the long run.

3 The point in telling you all of these details
4 is that because of these hard decisions, we worked
5 through a process of relationships and trust that is
6 serving us well as hard decisions continue to confront
7 the partnership.

8 We still have to deal with issues around
9 funding, how clients should be served, where services
10 should be delivered. But we have been very committed
11 to a decision-making process that involves all the
12 players. This is a large group of people. And by
13 prioritizing first the clients, then communication,
14 then relationship-building, this allows us to do joint
15 services, do joint reporting, joint training, joint
16 planning, joint evaluation. And ultimately it allows
17 us to plan new initiatives to serve clients in more and
18 better ways.

19 That's what the partnership is all about.
20 We're extremely proud of how well it works. And I
21 guess I'll turn it over to Angie to talk a little bit
22 more about some of the specifics.

1 MS. ROSSER: Thank you, Adrienne. Good
2 afternoon. My name is Angie Rosser, and I'm the legal
3 advocacy specialist with the West Virginia Coalition
4 Against Domestic Violence. On behalf of the Coalition,
5 I'd like to welcome you again to West Virginia.

6 It's a pleasure and an honor to have you here.
7 And we're grateful for the opportunity to talk a little
8 bit about the project we're so proud of of our legal
9 assistance to victims of domestic violence partnership,
10 particularly in this month, which October, as you may
11 be aware, is Domestic Violence Awareness Month. And
12 it's a time to remember those who have died due to
13 domestic violence, celebrate those who have survived,
14 and also honor those who are doing the work of ending
15 violence in our homes and in our families.

16 And we do that kind of in a somber way this
17 month. It's had a rather harrowing month in terms of
18 domestic violence-related deaths here in West Virginia.
19 Just in the month of October, we've experienced 11
20 deaths related to domestic violence, possibly 12. We
21 just learned this morning that last night a man was
22 shot by state troopers who were responding to a

1 domestic violence call, and they had received fire from
2 this man who -- and we're still getting the details.

3 But possibly 12 people have died just in the
4 month of October, leaving at least five or six children
5 without parents because a few of them involved
6 murder-suicides. So it's just this constant awareness
7 and reminder of the seriousness of the issue, of the
8 often lethal consequences that are involved, and the
9 responsibility that we take on in responding to victims
10 and their families and providing what is a
11 very -- could be a very real lifeline to victims of
12 domestic violence.

13 The Coalition is a statewide nonprofit
14 organization. We're a member-based organization of
15 14 licensed domestic violence programs that are located
16 all around the state and work closely with each of the
17 local Legal Aid offices. I'm staffed at the statewide
18 office, which has been staffed since 1988.

19 And we work on things such as providing
20 support to our member programs, policy development,
21 systems advocacy, raising public awareness, training
22 technical assistance, and statewide collaboration. And

1 our statewide collaboration with Legal Aid of West
2 Virginia is one of the most, in my opinion, successful
3 and one of the most -- we're most proud of.

4 I'm going to focus my comments on the joint
5 training that we've involved with Legal Aid and the
6 Coalition. And training seemed to be what initially
7 brought us together back around 1988 -- or 1998 and
8 1999, when Adrienne mentioned we realized we all had
9 funding through the Violence Against Women Act, and we
10 had funding for training.

11 And that's when we started getting together,
12 meeting with people like Adrienne Worthy and Jim
13 Martin, talking about how do we not duplicate what
14 we're doing? How do we pool our resources together to
15 maximize the impact of the funding that we have? And
16 also acknowledging that we have a common clientele and
17 that our mission and goals align very naturally
18 together.

19 So it made complete sense to join forces in
20 terms of services and training. And training initially
21 became a very important priority for us because we
22 connected it to offering quality and assuring quality

1 services, to be able to retain staff and offering
2 ongoing professional development opportunities, to
3 respond to emerging needs that victims of domestic
4 violence are faced with, specialized and complex needs
5 such as immigration or substance use or mental health
6 needs. So we constantly needed to be updating our
7 training and providing that cutting edge training to
8 our service providers.

9 Also responding to changes in the laws: for
10 example, this last year we had significant changes
11 around the overlap and co-occurrence of domestic
12 violence and child abuse and neglect. And there were
13 significant changes around the laws and the rules and
14 protocol of responding to child abuse and neglect in
15 the domestic violence context. We spent three training
16 focused on those changes in the laws and how we can
17 best advocate for our clients.

18 And finally, you know, the importance of
19 training and maximizing our resources that we have,
20 understanding that a well-trained staff can work
21 smarter. And we saw that reflected in some of our
22 statistics. And these statistics come from the federal

1 Legal Assistance to Victims grant project that Adrienne
2 alluded to, that from a six-month period of January to
3 June 2005, we served 1,029 clients. A year later, that
4 same period, January to June 2006, we served over
5 2,000, 2,098.

6 So we saw almost a doubling in the clients
7 that were receiving services. And this was without any
8 increase in staffing. And partly we attribute that to,
9 you know, increased knowledge and efficiency and
10 teamwork of the staff that were funded by that project.

11 So how are we delivering training together?
12 What are the mechanisms that we use? Well, first of
13 all, in the past year we started doing biannual
14 statewide trainings. And in December 2005 was our
15 first statewide training, where we trained 86 people.
16 And May 2006 was our second training, where we trained
17 109 people. And those participants were staff of our
18 member programs and Legal Aid.

19 And also, we've been intentional about
20 Coalition -- we provide trainings throughout the year,
21 seek continuing legal education credits, and
22 invite -- extend invitations to Legal Aid staff to

1 attend those, and vice versa. Legal Aid has annual
2 meetings that they've invited advocates to come to the
3 table, too.

4 On the local level, each of the local domestic
5 violence programs and Legal Aid offices have developed
6 and agreed upon memorandums of understanding, and
7 training is actually a component of that MOU. So they
8 have agreed upon how and how often cross-trainings on
9 the local level will happen.

10 And what I've been aware of is trainings
11 happen often on request. If the advocacy office has a
12 subject that they would like more information on, they
13 go to the experts in the local Legal Aid office. Some
14 trainings recently that I've been aware of that have
15 happened are on topics of interstate custody,
16 confidentiality, unauthorized practice of law, and
17 immigration. Those are some examples of how we tapped
18 into the expertise in the Legal Aid offices to help
19 enhance our work and response.

20 Another outgrowth of the partnership which
21 we're very excited about is the development of a
22 standard cross-training curriculum for new employees.

1 And this comes out of our commitment to assure that all
2 staff of DV programs and all staff of Legal Aid, from
3 the attorney who provides the direct representation to
4 the receptionist who answers the phone, has a base of
5 knowledge about the dynamics of domestic violence and
6 victim responses and how to provide effective advocacy.

7 And we are unrolling that curriculum in 2007.
8 We've got a resource binder, a trainer's guide. We
9 have training teams formed that will provide regional
10 training around the state for all new employees on a
11 rotating basis.

12 And finally, this is where I think we've kind
13 of exceeded even our own expectations, is that we have
14 worked on the local and regional levels on partnering
15 to provide trainings to the community. When I say the
16 community, I am including private attorneys. I'm
17 including the medical community, the faith community,
18 law enforcement, judges -- you know, as broad as we can
19 imagine of the community who are in positions to
20 respond to the needs of victims of domestic violence.

21 And in the past two years -- well, October
22 2004 to July 2006, about two years -- we've held a

1 total of 136 events where 1,696 people have been
2 trained. So what is so exciting to me about this is
3 the trickle-out effect of we are training our own
4 staff, who are training the community. And we're
5 creating this broad-based response to the problem of
6 domestic violence.

7 Another area of the community that we've
8 concentrated getting the training to is the legal
9 community, the private bar, as well as law students.
10 And another area where we've had just really exciting
11 success has been partnering with the West Virginia
12 University College of Law, where we've held things like
13 luncheon seminars for law students and professors
14 there.

15 We've worked with the law school faculty to
16 actually develop and integrate a domestic violence
17 course into the law school that Elizabeth developed,
18 and actually taught that course last year and hopefully
19 will again. We're hoping that it will be
20 institutionalized into our state law school, so that
21 we're planting those seeds for up-and-coming lawyers to
22 be experts in the area of domestic violence law and

1 what to give back once they get out of law school.

2 And also we are doing local CLE trainings for
3 private attorneys, and partly to educate, but partly
4 also to encourage pro bono participation in our
5 protective order projects in particular. In the past
6 two years, we've trained 71 private attorneys. We've
7 recruited 92 new attorneys. The last two years, 514
8 domestic violence cases have been accepted by pro bono
9 attorneys. And we've developed and we're up to a
10 statewide roster of approximately 219 attorneys who are
11 ready to provide help in the area of domestic violence.

12 I think Elizabeth is going to talk about some
13 of the communication. And this relates to how we've
14 used technology also to get training out. We have the
15 Legal Aid website that has a wealth of resources for
16 attorneys and advocates. Legal Aid has agreed to open
17 their website to advocates as well as their own staff.

18 We hold monthly domestic violence task force
19 calls, where we do problem-solving or pick a topic of
20 the month for discussion, and also have a -- maintain
21 an ongoing statewide LAV listserv, Legal Assistance to
22 Victims listserv, that includes advocates and

1 attorneys. So it's an ongoing venue for
2 problem-solving and information-sharing.

3 So just to summarize, training we think is
4 critical to a competent response; quality service;
5 building the capacity of our teams to effectively
6 respond to the evolving and complex needs of battered
7 women and their children; to retain well-qualified
8 staff; to involve the private bar in the work to end
9 domestic violence; and to nurture the
10 relationship-building and the competence we have as
11 partners in this work.

12 MS. WEHNER: I'm Elizabeth Wehner, and as
13 Adrienne mentioned, I'm the supervising attorney in the
14 Charleston office, and the statewide support attorney
15 to our domestic violence projects.

16 And all day you've been hearing about the
17 difficulties that we face as advocates here in West
18 Virginia, and you got to go on that wonderful virtual
19 tour with Polly across some of our mountain roads and
20 see our topography. We have a very high percentage of
21 poverty and disability among our residents. There are
22 aspects of rural culture that can be challenging. Lack

1 of client access to communication and
2 transportation -- all of these things challenge our
3 advocates on a daily basis.

4 And in the area of domestic violence, there
5 are some further challenges. We do have the third
6 highest rate of domestic violence filings nationally,
7 according to the National Center on Court Statistics.
8 And so there is, for a whole combination of reasons, a
9 very high prevalence of this issue and this problem.

10 And as Angie and Adrienne have referenced, we
11 also have a very high domestic homicide rate. A third
12 of our total homicide is domestic-related. And we've
13 had this recent spate of the murder-suicides, with nine
14 incidents resulting in 21 deaths over the past year.
15 So this is a huge issue here in West Virginia.

16 We also have an issue with regards to our
17 access to pro bono resources, which I know this
18 committee has heard aspects of pro bono information
19 around the country. But here in West Virginia, we are
20 extremely limited in our rural parts of the state in
21 terms of pro bono resources. And this is true for two
22 reasons.

1 First of all, there's just a sheer lack of
2 lawyers. I mentioned earlier when I practiced in Clay,
3 there were five lawyers in the county. If you look in
4 the bar book today, there are still five lawyers in the
5 county, and one of them's the prosecutor.

6 And the attorneys who do practice in those
7 kinds of settings are primary under-resourced solo
8 practitioners. So they tend to view themselves -- in
9 my time in Clay, I would repeatedly try to inveigle the
10 lawyers up there to take some pro bono cases. And they
11 would always say to me, you know, by virtue of the
12 percentage of our clients that default on payment, we
13 do a ton of pro bono.

14 So we could -- we could never really make much
15 headway in those kinds of settings, in trying to
16 convince people to take the cases or in trying to
17 convince people from some of the more urban areas to
18 drive into those kinds of places.

19 So we knew going into this partnership that in
20 order to afford all domestic violence victims in West
21 Virginia some access to services, that we needed to
22 develop service plans that would strategically address

1 this uneven attorney distribution of private lawyers
2 across the state and this true scarcity.

3 So we've had to work smarter. We've had to
4 work more collaboratively. We've had to coordinate
5 more, and we've had to use a higher level of strategic
6 planning. And we've made use of the kind of
7 on-the-ground collaboration with local DV programs that
8 you saw exemplified at HOPE House this morning. I'm
9 going to talk just a little bit more about a few of the
10 nuts and bolts of that that I think are particularly
11 important.

12 Each local program of the 14 in the state and
13 each local Legal Aid office executes an annual
14 memorandum of understanding. And these are detailed
15 documents. These are nine, twelve-page documents that
16 go through every aspect of screening, referral, data
17 collection, and case selection. And it's worked out
18 between the two partners.

19 And in most of our service areas, our local
20 Legal Aid attorneys rely heavily on the DV program
21 staff to screen the majority of our clients who are
22 seeking services in this area of the law. They're the

1 experts in this. We are very, very grateful to have
2 their assistance in this. It takes a lot of work off
3 of our staff. And they have a level of expertise and
4 training in determining whether someone is a victim or,
5 as we all too frequently see, a smart abuser who's
6 maybe trying to manipulate the system and conflict the
7 other party out from being able to access services. So
8 we send people through that screening process, and we
9 work that out between partners.

10 Local domestic violence programs do then refer
11 cases to Legal Aid. We have a set of statewide
12 standardized forms that are used in every Legal Aid
13 office and every domestic violence program across the
14 state so that we're collecting consistent, useful
15 information.

16 And as Angie can attest, this is the result of
17 meeting after meeting, of thrashing these things out
18 and figuring out what's enough information but not too
19 much to overly put off the program advocates from being
20 willing to fill it out, and the clients. But what the
21 advocates collect is then genuinely useful to the
22 attorneys who are taking the cases, often on very short

1 notice for protective order hearings.

2 There's frequent communication, and we try to
3 ensure holistic services, and to get a sense of all
4 clients' needs, and to ensure that victims who have
5 needs beyond the immediate protective order do not end
6 up reconciling with an abuser due to things like a lack
7 of housing or financial needs.

8 And sometimes, you know, thinking these things
9 through does take a lot of communication between the
10 advocate and the attorney and the victim. But that can
11 make all the difference in the world.

12 I had a client who had had -- she'd been
13 body-slammed onto the concrete and had had her hip
14 shattered. And she reconciled with her victim to do
15 economic pressure. And I didn't anticipate that, and
16 should in retrospect have spent more time, you know,
17 working through those kinds of issues with her. But
18 that's key, and that's critical, and we try to do it
19 more and more.

20 Legal Aid staff report back to local programs
21 about case status because these advocates are invested
22 in these cases. By the time they've met with and spent

1 time with these victims and helped them access services
2 at the program level, they want to know what happened.
3 They want to hear back with what happened at the
4 hearing. And so we report back on another set of
5 forms.

6 And then, finally, each member of the
7 partnership plays a key role in compiling and reporting
8 case data to all of our funders because, increasingly,
9 we all operate in this world where our funders have
10 different and lengthy and detailed expectations about
11 accountability, as they should.

12 And so we need to meet all of these needs, and
13 we meet them better by cooperating with one another and
14 by working together to make sure that we're each
15 collecting the right information, we're not duplicating
16 things in case counts, and we're accurately letting our
17 funders know what we're doing.

18 And finally, we have Angie and myself
19 involved, as well as the executive directors of the
20 programs, if need be to facilitate communication and
21 mediate relationships because there are issues at the
22 local level, and you do have program staff who

1 sometimes don't get along with Legal Aid staff, or
2 misunderstandings, or whatever.

3 But that doesn't fester in the system. It
4 permeates pretty quickly back to us at a state level,
5 and we're able to then work with the local situation
6 and iron out those difficulties. And through the MOU
7 process, we can usually go back to that document and
8 say, okay. This is how it's supposed to be working.
9 Where are we going off track? And work that through.

10 We also do involve our private attorneys in
11 partnership wherever feasible. Now, primarily, in West
12 Virginia that's by what our standards are urban
13 centers, Charleston, Morgantown, and Wheeling. And in
14 those areas, we do make heavier use of the pro bono
15 attorneys. We also have attorneys who take cases for
16 reduced rates in our Judicare program.

17 We have conflicts panels, particularly in the
18 areas of domestic violence, where we have some state
19 funding that we can use if a victim comes to us for a
20 protective order and her abuser came to us about a
21 housing issue last week, or he came to us about an SSI
22 case last week. We can make sure that she gets

1 representation in spite of the fact that our program is
2 conflicted out; these private attorneys enable us to do
3 that statewide.

4 We also involve some private attorneys in our
5 recruitment and training efforts, and we involve some
6 of them in consultation and project support. So
7 wherever possible, we do plug them in. We make sure
8 that they're trained and that they have what they need
9 to do quality representation for our clients.

10 Also, through the communication with local
11 staff, the statewide point people at Legal Aid and at
12 the Coalition are able to identify emerging client
13 issues. And Angie mentioned the task force and the
14 listserv. Those have been invaluable tools to be able
15 to communicate on a statewide level and identify
16 service trends and issues.

17 And then this can feed into our identifying
18 training needs, strategic statewide planning needs or
19 service coordination needs. For example, we have
20 seen -- again, by national standards, this is not a
21 huge amount of cases, but by West Virginia standards we
22 have seen a real uptick in immigration cases over the

1 past couple of years.

2 Someone mentioned at the DV program
3 that -- the woman who had arrived in Clay County from
4 China. And we have a couple of very active marriage
5 brokers in the Charleston and Parkersburg area, and
6 have seen a wave of Eastern European clients who have
7 come in through this process and have been subject to
8 abuse. We had a client in the Charleston office who
9 got horribly beat up when she caught her physician
10 husband shopping on the internet for her replacement
11 because he was tired of her.

12 So, you know, we're seeing this. This is an
13 issue we've not historically dealt a great deal with.
14 We are identifying it as a training need, and we are
15 proceeding accordingly.

16 Now, hopefully this gives you a little bit of
17 a snapshot of our how collaborative relationship works
18 at the county, at the local, and at the state level.
19 As has been mentioned, through these efforts our
20 partnership has seen what we feel are some very
21 impressive results.

22 In the first year that the memoranda of

1 understanding were established, we saw a jump in almost
2 900 referrals from local domestic violence programs to
3 Legal Aid offices. And then as a corollary, the
4 statistic that Adrienne mentioned, there has been since
5 the inception of the partnership a 33 percent increase
6 in cases completed for victims and their children
7 statewide, from 1,168 cases completed in 2000 to a
8 targeted or projected 1,766 cases completed in 2006 if
9 the program stays on track with its current rate of
10 case representation this year.

11 And of course, we're very proud of that
12 increase. But I think also, because all of our hearts
13 are in the service provision and in handling the
14 individual cases, it really comes with the knowledge
15 that there are real people behind each and every one of
16 these statistics. There is a Tammy Seelbach or a Casey
17 Seelbach or a Katie Seelbach behind every one of those
18 numbers. And we know that those lives have been
19 impacted by our work.

20 So to conclude, I do want to say in spite of
21 these successes and in spite of our efforts to work
22 smarter and more collaboratively, and to use our

1 technology effectively and to expand our resource pool
2 through joint efforts wherever it's possible with pro
3 bono attorneys, the need is still overwhelming. That
4 statistic about the third highest per capita rate in
5 the nation is still out there.

6 And we do the best we can with what we have.
7 But we remain a long way from our goal of affording
8 every victim, whether she is in an apartment or the
9 manor which you drove past in Charleston or, as Tammy
10 Seelbach was, in a trailer off a dirt road in Clay
11 County, the same access to an attorney and to advocacy
12 services to address her legal needs.

13 CHAIRMAN HALL: Well, thank you, all three of
14 you, for a very enlightening presentation, and
15 certainly one that's very crucial. I have a few
16 questions, and I'm sure some of the other committee
17 members may have some questions for you. So if you
18 could stay with us just for a little longer.

19 I guess my first question is, you mentioned
20 very clearly what some of the factors are that make
21 this a critical problem here in West Virginia. But it
22 seemed like the factors that you shared were factors

1 that went to why it's difficult for the victim to
2 leave -- you know, the low educational attainment,
3 geographical stuff, economic stuff.

4 Have you been able to get your head around
5 what's in the culture that's creating it? And are
6 there some approaches, theories, that you can implement
7 that might get more to the root of the problem? I
8 mean, to be third in the nation is -- you know, it's a
9 dramatic place to be. And so what's so unique here or
10 what's going on in the culture that you think is
11 contributing to this?

12 MS. ROSSER: Well, I think you identified the
13 cause of domestic violence, which is a cultural
14 attitude, a social attitude, a social tolerance that
15 this is okay. And I think one of the characteristics
16 of West Virginia that perpetuates that cultural
17 attitude so readily, and the generational aspect of
18 this issue, is that there are still strong family units
19 that stay in West Virginia, and they often share land,
20 share property. The property has been in the family
21 for years.

22 And you see generations living in close

1 quarters. And we see the phenomenon of, you know,
2 children growing up in violent homes and learning about
3 this is how relationships are. And we see that again
4 perpetuating as they grow up and develop adult
5 relationships that again, the social attitudes,
6 beliefs, values, are repeated, unfortunately.

7 So, you know, approaching that, that is the
8 big thing. You know, that's the big thing, of how to
9 change deeply rooted belief systems. And our work at
10 the Coalition, we do work with batterers. We have
11 batterers intervention education programs where we're
12 trying to have them identify abusive behavior, and that
13 they can unlearn it and learn different ways of
14 conflict resolution.

15 But we also increasingly see the need to get
16 to younger people, to get to the youth, to get in the
17 schools, to start teaching about healthy relationships.
18 So that's where a lot of our local programs are
19 concentrating. Some of them have public awareness
20 specialists.

21 And we have school programs where they get
22 into as young as preschool age to get in and raise

1 awareness for kids. And one of the very brand-new
2 projects the Coalition is undertaking is training all
3 Head Start workers, Head Start, so we're talking a very
4 young age, where we're training staff to identify signs
5 of domestic violence, child abuse, and also training
6 them of how to work with children again on building
7 healthy relationships based on mutuality, negotiation,
8 and quality.

9 MS. WEHNER: I think another part of the
10 culture that permeates -- historically has often in
11 many parts of the state permeated the court system has
12 been, unfortunately, the sense that people who do these
13 kinds of things aren't accountable for their actions.

14 And we've seen -- I mentioned the prosecutor
15 up in Clay County, who is not very interested in
16 prosecuting these cases. We have continuing pockets of
17 the state where law enforcement are not terribly
18 interested in dealing with this issue. In spite of the
19 fact it takes up an enormous amount of their time and
20 it's incredibly dangerous for them, they don't
21 necessarily see it as a high priority or they get
22 burned out with it and don't put the kind of

1 sympathetic support into their policing that sometimes
2 needs to be there for victims to successfully work with
3 them to get out.

4 And in the civil legal system where I work, we
5 see judges who still -- we have one judge in the state
6 who feels like anybody who's living together outside of
7 marriage doesn't need to be coming to his courtroom
8 with this issue because they're bringing it on
9 themselves by not being in a God-fearing married
10 relationship, which, you know, I don't say that in any
11 way against marriage. I say that in the sense that
12 these kids and these families growing up with the
13 violence deserve to have an option and legal recourse.

14 And I think one thing that the partnership has
15 enabled us to do is to network amongst ourselves and to
16 strategize as to how to bring that accountability into
17 our representation, and to make sure that the contempt
18 get filed, and to make sure that the orders get
19 enforced, and to make sure that the judges -- there's a
20 provision in the protective order that says that you
21 can't order visitation unless the judge makes a
22 finding, a legal finding, that it's safe for the child.

1 All too often, unless there's advocacy and
2 pressure from domestic violence advocates and attorneys
3 to ensure that that happens, it doesn't. And so I
4 think that that's been a part of our culture that's
5 changing.

6 And the work that the Coalition has done with
7 the judiciary has been exemplary in West Virginia. And
8 the judges are changing, and many of the judges are
9 being much more educated on these issues. But we still
10 have problems with that, and I think that's an ongoing
11 struggle.

12 The volume creates a pressure in that
13 direction in the court system that judges in many
14 counties set these cases 10 or 15 minutes apart, as I'm
15 sure they do around the country, with the kind of
16 volume of docket load. But that really is not lending
17 itself to nuanced safety or justice for our clients.

18 CHAIRMAN HALL: Has the law that we heard
19 about earlier, where a person if convicted loses their
20 lifetime right to carry a gun, has that -- I know it
21 doesn't go to the root of the problem. But has that
22 served as a deterrent? Have you seen any change since

1 that has come into existence?

2 MS. ROSSER: I've heard it has. There's a
3 campaign out in the northern district of our state that
4 was headed up by our U.S. Attorney's office, Project
5 Safe Homes. And the tag line is, "You beat your wife,
6 you lose your guns."

7 And, you know, it's kind of sad to me that it
8 takes that threat to get people to stop being violent.
9 But, you know, that was the idea behind that campaign,
10 that maybe it would be a deterrent. And we see a lot
11 of abusers fight, you know, getting a protective order
12 issued against them or fight the convictions just
13 because of the threat that they might lose their guns.
14 So I'd say yes, it does have some effect.

15 MS. PHILLIPS: When you talk about domestic
16 violence, I can sit here all day and talk to you
17 because it's something that I hold close, near and dear
18 to my heart. And when you also talk about domestic
19 violence, I view a lot of cases.

20 The one specific case that stands out is where
21 the woman is being beaten on videotape. And I know
22 everyone has saw it, or no? Okay. Well, you will see

1 it.

2 But I'm glad to see that you're collaborating
3 with a whole lot of agencies. Does that include the
4 hospitals, too? Do you collaborate with the hospitals?
5 Do they know to -- you know, if they see a woman coming
6 back time after time with different issues, you know,
7 do they identify it, know how to identify those
8 victims?

9 MS. ROSSER: Right. Exactly what you're
10 talking about is something we focused on, which was, as
11 we call, universal screening. We've done a video and
12 training with a lot of the medical community on how to
13 screen, and how to always screen, and how to make it a
14 routine part of their practice.

15 And I know in the Charleston area, our big
16 hospital system, Charleston Area Medical Center, has
17 actually included screening in their intake. So my
18 understanding is that is a universal practice and they
19 are doing it in appropriate ways and private ways and
20 ways that are safe for women to make that disclosure.

21 And then they also have the information of
22 what information to provide to this woman and where she

1 can access services. So yes, that's been a very
2 important connection because overwhelmingly for women,
3 I think, ages 14 to 45, the number one injury,
4 intentional injury, is domestic violence. And that's
5 where they're presenting, is in emergency rooms and
6 physician's office and those kind of health centers.

7 So yes. But more work. More work. We're
8 working with -- we're starting to work with public
9 health in West Virginia in our health departments, too.
10 Richie does that.

11 CHAIRMAN HALL: Any other? Sarah?

12 MS. SINGLETON: I had a few questions.

13 I'm having a little trouble understanding the
14 division of labor between Legal Aid and your
15 organization. Who provides what we call in New Mexico
16 victim advocates? They're not lawyers, but they
17 counsel people on how to go get the protective order,
18 basically. Who provides those folks?

19 MS. ROSSER: That would be the court system
20 programs. And the way we've structured what we call
21 the teams, the response teams, is actually a victim
22 advocate from the domestic violence programs, which you

1 referred to as partners, with an attorney at the local
2 Legal Aid office.

3 And yes, the division of labor is something
4 very important and something that's worked out in the
5 MOU process. And the idea is, though, that the
6 circuses complement each other, that the Legal Aid
7 folks are addressing the legal issues, and advocates
8 are addressing the other life issues that are going to
9 meaningfully help this victim get to a place of
10 self-sufficiency and freedom from --

11 MS. SINGLETON: So does everybody get a lawyer
12 to go to court with them to get a protective order?

13 MS. WEHNER: No, they don't. and that's -- I
14 think Felicia this morning talked about how she saw 900
15 clients last year.

16 MS. SINGLETON: Right.

17 MS. WEHNER: She referred 300 to Legal Aid,
18 and I think 100 had attorneys go with them. Now, some
19 of the cases that she referred received advice and
20 counsel rather than an attorney accompaniment.

21 So, you know, if we're not able to actually
22 send someone to the hearing because of a conflict or

1 whatever, and our office is only so big in Charleston,
2 we often do try to give the person extensive advice
3 before their hearing and talk through legal issues,
4 give them a crib sheet of points to make at the
5 hearing, suggesting that they subpoena, et cetera.

6 But there's a big gap, even if you look at the
7 300 and assume they got something from Legal Aid, and
8 the 900 that she saw. And that's been another critical
9 part of the partnership that we've been able, through
10 extensive training and communication back and forth, to
11 help.

12 The attorneys have assisted the advocates, not
13 in teaching them to practice law because that's not
14 their job, but in helping them to figure out, these are
15 the cases that most need attorney services.

16 And there may be some things that an
17 advocate -- you know, an advocate without this kind of
18 training might look at a case and say, well, this case
19 involved more violence than this case, so I'm going to
20 send this one to the attorney, when in fact there may
21 be a whole range of factors that should lead the
22 advocate to send the less violent case to the attorney

1 because the more violent case has a good judge, or the
2 opposing party on the more violent case is
3 unrepresented whereas the other party has the most
4 barracuda, high-powered lawyer in town.

5 Maybe there's a terrible custody fight and
6 there's been some issues involving the children in the
7 second case, and things could get really screwed up at
8 the divorce level if there's not an attorney at the
9 protective order level because lots of things that
10 happen at the protective order ricochet into the
11 divorce case.

12 MS. SINGLETON: Let me ask a follow-up there.
13 Then for people -- and again, this may be most
14 people -- who need something beyond help at the
15 protective order stage, is that covered by your
16 partnership and cooperative?

17 MS. WEHNER: Yes.

18 MS. SINGLETON: And then Legal Aid provides
19 them with an attorney if you can?

20 MS. WEHNER: Yes. Or we try to provide them
21 with advice or a pro bono attorney or some other kind
22 of service. We assist with the protective order cases,

1 but most likely then the domestic violence victim is
2 going to have some kind of subsequent legal follow-up
3 involving a custody case or a divorce or a modification
4 of a divorce order or something.

5 MS. SINGLETON: So when you talked -- someone
6 talked about screening, and your organization does the
7 screening. What they're screening for are people who
8 need legal assistance more than others?

9 MS. WEHNER: They're screening for whether
10 they're a domestic violence victim, primarily. And
11 then once they made that determination, they are
12 prioritizing the cases if they have to my cases for
13 that particular Legal Aid office to accept for direct
14 representation or even any kind of representation.

15 MS. SINGLETON: Then I had sort of a technical
16 for you. The people who got laid off when you entered
17 into this partnership, were those people unionized?

18 MS. WORTHY: Yes. Some were and some weren't.
19 It was the loss of grant funding which allows us to lay
20 folks off.

21 MS. SINGLETON: Did you have to negotiate with
22 the unions over who would get laid off?

1 MS. WORTHY: No. We've got it pretty spelled
2 out in our contract as to who goes. And basically what
3 ended up happening is they bumped less senior people.

4 MS. SINGLETON: They bumped less senior
5 people? I'm sorry.

6 MS. WORTHY: If they were someone who had a
7 paralegal working under this grant project who had five
8 years with Legal Aid and there was a paralegal in their
9 office under another grant project --

10 MS. SINGLETON: So she shifted or he shifted
11 from the grant project to a non-grant project?

12 MS. WORTHY: Yes. We had a net loss of staff.
13 But it may not have been the people assigned
14 particularly to this project.

15 CHAIRMAN HALL: Yeah. I had a question
16 related to that because I was wondering what function
17 the paralegals were doing earlier that I assumed was
18 either taken over by someone else, or was that function
19 not carried out at all?

20 MS. WORTHY: Well, much of what Angie and
21 Elizabeth have been describing, the role that the
22 advocates who work for the local domestic violence

1 programs play, that role had been assumed by our
2 paralegals.

3 CHAIRMAN HALL: Okay.

4 MS. WEHNER: We are an extremely lean agency
5 in terms of attorney support. So I would say the vast
6 majority of our paralegals at this point are case
7 handling paralegals. They have their own independent
8 case load, and their primary function is not to assist
9 attorneys.

10 So our attorneys don't have paralegals who
11 help them, is pretty much the way we were forced to op.
12 And we have -- I have a fifth of a secretary, if that
13 tells you how much secretarial help we have. But, you
14 know, we've made those choices to try to best serve our
15 clients, and that's an area where some more funding
16 would be tremendously valuable to us to do more of our
17 work for folks.

18 CHAIRMAN HALL: Any other questions?

19 MS. SINGLETON: Did this change in how you
20 operate have any effect on your statistics regarding
21 the number of cases you closed?

22 MS. WORTHY: I think it's a little hard for us

1 to pull that out specifically because at the same time
2 that we lost this grant and laid people off, we were
3 going through a downsizing because we were one of the
4 states that lost funding with losing poor people in the
5 census. So during the 2002 to 2004 time period, we had
6 lots of changes that were going on during the
7 organization.

8 I think that the net increase is directly
9 related to the partnership and the working smarter, not
10 harder, aspect. But there was quite a bit of
11 organizational disarray because of funding issues, so
12 it's hard to track it specifically.

13 CHAIRMAN HALL: Any other questions?

14 (No response.)

15 CHAIRMAN HALL: Well, thank you very much, all
16 three of you, for a wonderful, informative
17 presentation. And we appreciate and applaud the hard
18 work and critically important work that you are engaged
19 in. So thank you for coming.

20 MS. WORTHY: Thank you.

21 CHAIRMAN HALL: Our next item on the agenda
22 would be presented by Karen Sarjeant. As the committee

1 is quite aware, for the last meetings we have been
2 focusing on the whole issue of private attorney
3 involvement and how the board and LSC in general can
4 better leverage this resource out there, which is
5 private attorneys' commitment to providing pro bono
6 services.

7 And the prior three presentations were not
8 just for our pleasure. We are hoping that that
9 information will lead us to a point where the committee
10 can embrace a set of recommendations that we will pass
11 on to the board and have the board consider and
12 hopefully approve those.

13 And so at this meeting, we wanted Karen to at
14 least begin to try to give us some preliminary thinking
15 of which direction we'll be moving in as a committee on
16 this issue, and to get some feedback from the rest of
17 us so that we can begin to really build on this
18 wonderful information that we've received in our other
19 committee meetings.

20 So Karen, I'll turn it over to you.

21 MS. SARJEANT: Thank you. I'm Karen Sarjeant,
22 vice president for programs and compliance at the Legal

1 Services Corporation.

2 I actually had prepared a summary report for
3 the committee that went through the three
4 presentations, and I'm going to skip most of that
5 context and get fairly quickly to the recommendations
6 and share with you those things that LSC will be doing
7 immediately and those things that we think the board
8 can do immediately, and then talk about different roles
9 for different parts of the community and how we work
10 together on private attorney involvement.

11 As we know from those three sessions, our
12 programs are doing many things, but we all think
13 there's more that can be done. One of the things in
14 terms of the three presentations, there were some
15 values and themes that went through all three of those
16 presentations. And I just wanted to remind and restate
17 those again for the committee as we -- before we go
18 into the recommendations.

19 From all three of the panels, I think there
20 was agreement that all attorneys are servants of the
21 community and have a fundamental duty to provide legal
22 services to those who cannot afford them. And

1 actually, at lunch today, one of the private attorneys
2 who was -- who spoke up after the judge spoke said
3 essentially the same thing, that it's very important to
4 get all attorneys involved in pro bono.

5 One of the other themes that all three panels
6 agreed on was that the LSC board can and should take a
7 leadership role and use LSC's national voice on the
8 issue of encouraging pro bono.

9 And so the third point that was made several
10 times throughout the presentations had to do with the
11 fact that our programs have been doing pro bono since
12 1981 or so, that they've been engaged in private
13 attorney involvement with the private bar.

14 Some programs are being very creative about
15 it, and some programs are still doing what they did
16 back in 1981, with essentially no major change. And so
17 there is a need for everyone to step back and take a
18 look and see how we can work more creatively on this
19 issue.

20 The other important point was the need to
21 celebrate and recognize pro bono and private attorney
22 involvement in the delivery of legal services. And

1 then there was certainly, at our very last
2 presentation, some discussion about the impact of
3 technology and the benefits that that brings to the
4 area.

5 What I'd like to do is -- as I said, I'm going
6 to skip over several of the points I wanted to make and
7 just get to some of the recommendations. And as I
8 shared with Chairman Hall prior to this presentation,
9 I'm going to share with you some of the
10 recommendations, some of the things LSC is going to do
11 immediately and some of the things we think you can do
12 immediately. And as I get to the end of each section,
13 I am actually going to stop and ask the board for your
14 thoughts on what we can add to this list of ideas in
15 terms of what we can do.

16 So I'd like to start with the role of the
17 board of directors. And as noted previously, the LSC
18 board has a unique national voice that should be
19 strategically used to implement some of these
20 recommendations.

21 And one of the first suggestions that we've
22 come up with is doing resolutions, that the LSC board

1 could author one or more resolutions on general and/or
2 specific issues related to private attorney
3 involvement. And these resolutions could be made
4 available to national, state, and local bar
5 associations, many of whom are already doing that.

6 And the kinds of things that we would suggest
7 that might be covered in that is a pure value
8 statement. You could be saying why it's important for
9 the lawyers to do pro bono with legal services
10 programs. Another issue that could be covered in those
11 resolutions is the ABA's 50 hours aspirational goal.

12 The resolutions could encourage state bar rule
13 changes that are supportive of pro bono. Resolutions
14 could encourage law school pro bono opportunities. And
15 really, the list of possible topics is quite long. But
16 we would like to suggest that the board, again, has a
17 national voice and could consider doing something along
18 these lines.

19 The other point that is specific to the role
20 of the board is something you're already doing, and
21 that is when we go to the quarterly board meetings,
22 this year you have started recognizing local attorneys

1 who are working with programs in terms of their private
2 attorney involvement. And that recognition is
3 important, and we would certainly encourage that you
4 continue to do that.

5 And something else that occurred to us in
6 thinking about recognition, and certainly in listening
7 to our program today talk about how well they have
8 involved the private bar in the work that they do, is
9 this board could also recognize those programs that are
10 doing a really excellent job of engaging private
11 attorneys in legal services delivery.

12 The third area under the role of a board, of
13 the board, is really the board could continue to lead
14 by example. All of you are engaged in -- all of you
15 that are attorneys are engaged in many different pro
16 bono activities, and one of the things that we could do
17 as an organization and that you could allow us to do is
18 to publicize more what you are doing because you are
19 models for local boards and they could look to your
20 modeling that kind of involvement.

21 Let me ask you if you have other ideas for
22 your own involvement in this issue before I move

1 forward.

2 CHAIRMAN HALL: Are there other --

3 MS. BeVIER: I'm not on the committee. Is
4 that okay?

5 CHAIRMAN HALL: No, please. Go right ahead.

6 MS. BeVIER: I think the idea of recognizing
7 programs that are doing a good idea and doing a good
8 job is a terrific idea. I hope that there would be, in
9 addition -- and you're probably going to get to this; I
10 think you should because it's such a great idea -- but
11 you're going to try to replicate those programs.

12 Where the board sees fit to say, this program
13 is doing a good job and here's what they're doing, to
14 get a template that can be used as a model of other
15 programs so that it isn't just one program getting
16 recognition, but it's something that other programs,
17 especially the ones that are still stuck in 1981, can
18 get ideas from and model their own behavior on.

19 MS. SARJEANT: That's actually a perfect segue
20 to our next subject.

21 CHAIRMAN HALL: But before going there, I
22 think there may be some other --

1 MR. GARTEN: We had touched some discussion on
2 the fact that we should not be duplicating efforts and
3 programs that are already in existence. And you've
4 taken that into consideration, I'm certain?

5 MS. SARJEANT: Yes.

6 CHAIRMAN HALL: Well, but building on that, I
7 guess certainly we don't want to duplicate what the Pro
8 Bono Project might be doing or the ABA might be doing
9 in this regard.

10 I guess the question, you know, for me, is how
11 can we as individual board members in our local area
12 lend our voice to those types of efforts in some way
13 and to maybe, you know, if individuals are willing to
14 do that, to make it clearer to the local entity, or
15 even national entities like the Pro Bono Project, that
16 we are willing or open to help support their efforts in
17 some way.

18 And, you know, I can't -- I mean, this is a
19 tricky one because each individual board member has to
20 determine how and what they can do and when they can do
21 it. But I do think our individual advocacy could also
22 assist some existing efforts that might bring about

1 some change.

2 MS. SARJEANT: Absolutely. And we
3 actually -- even though this was part of the context I
4 was going to set earlier, we are looking at this effort
5 as one in which we would spend a significant amount of
6 time working with other organizations that are
7 already -- as Mr. Garten mentioned, that are already
8 working in these areas because we don't want to
9 duplicate efforts.

10 In fact, what we want to do is expand what
11 we're all doing and learn from each other. So we're
12 not attempting to recreate or duplicate what other
13 organizations are doing.

14 And in terms of your local roles, I think that
15 is something that each of you would have to figure out
16 what it is you can do. But whatever support LSC staff
17 could give you in terms of moving forward or what will
18 become a strategic work plan on pro bono that we will
19 be bringing back to the committee probably at the
20 January meeting, we would be happy for that assistance.

21 CHAIRMAN HALL: Sarah?

22 MS. SINGLETON: I have a question, and maybe

1 it doesn't fit under this category of things you're
2 doing because these all sound to me like sort of -- use
3 the board's moral persuasiveness to encourage people to
4 do pro bono. And I'm not sure we have any. I mean, I
5 just --

6 MS. SARJEANT: Yes, you do.

7 MS. SINGLETON: Okay. If you say so. I'm
8 just not sure if it's going to make anybody go out and
9 take a case, a pro bono case, if we say the Legal
10 Services Corporation board of directors said you
11 should. I just don't know that's going to work.

12 But it seems to me we have a successful model
13 that we ought to be considering, and that is the TIG
14 grants. You get people to do stuff using those TIG
15 grants. Do we have a pro bono grant program, or are
16 you going to talk about that in a few minutes?

17 And it's quite similar to what I believe
18 Lillian was talking about. She's talking about like a
19 showcase program, and I'm thinking along the same
20 lines, only we showcase a program and we put some money
21 behind it.

22 Can we do that? Do we not want to earmark

1 money that way? Are we already exacting too much from
2 people's hides by making them do 12-1/2 percent pro
3 bono or private attorney involvement?

4 MR. GARTEN: David?

5 CHAIRMAN HALL: Yes?

6 MR. GARTEN: When I heard the comments this
7 morning and during the report that there were some
8 smaller counties where there were four or five lawyers
9 and they couldn't call upon them to represent some of
10 these individuals in distress under very grievous
11 conditions, it recalled to me that in many small
12 counties throughout the country that I'm familiar with,
13 the judges themselves will call on a lawyer and say, I
14 need you to take on this case pro bono. And judge's
15 influence is enough to have one of those four or five
16 or six lawyers take on the case.

17 And where we might come in to help is that
18 perhaps that firm of lawyers we were just with at
19 lunchtime, with a hundred lawyers there, perhaps we
20 could talk to one of them or more of them and ask them
21 if they couldn't contact the one judge that may handle
22 three or four counties, I guess, around here and ask

1 them to respond to requests where counsel was
2 desperately needed. It works elsewhere in the country,
3 and perhaps individuals getting involved in calling
4 upon the people we've met through our meetings around
5 the country could help local programs.

6 CHAIRMAN HALL: Okay. Any others? Before
7 moving on to the -- to what LSC can do, in this process
8 we have now of recognizing attorneys, I think part of
9 the belief was that not only is it good to recognize
10 the people there, but that hopefully that will inspire
11 some others to do the same thing.

12 Are there ways in which we could leverage that
13 more? Because you might be able to inspire someone
14 who's there at the reception, but the reality is that
15 there are many lawyers in the area that we're visiting
16 who are not there. Do we know whether the local
17 programs are able to promote that, to get it in the
18 paper, to get it in the bar journal, or whatever that's
19 going out to other lawyers?

20 MS. SARJEANT: I'm not sure that we know
21 whether every program has done that. But certainly
22 using a more deliberate publications and media strategy

1 around recognizing pro bono is something that not only
2 we should do but we should encourage programs to do
3 also.

4 One of the things as we go through the list of
5 recommendations is talking about ways in which programs
6 can do that, whether it's writing for their local bar
7 journals and getting stories in there and recognizing
8 members of the smaller local bars to encourage more of
9 that, that that is something that we're going to put
10 out as possibilities.

11 CHAIRMAN HALL: Okay.

12 MS. SARJEANT: In terms of talking about the
13 role of LSC, and a lot of these suggestions fall under
14 that category, we should in our oversight role with
15 programs take the lead in promoting best practices.
16 And one of the ways, one of the most effective ways,
17 that we can do that is certainly what was just
18 suggested, and that is highlight those things, those
19 programs, that are working well.

20 What we plan to do in the first half of 2007
21 is to do a program letter or a series of program
22 letters on private attorney involvement. And we want

1 to use this program letter as we have others, which is
2 a way of providing technical assistance.

3 But it's also a way of highlighting those best
4 practices, those really well-functioning programs that
5 we know about, the issues, the criteria that need to be
6 thought about. And the subject area for program
7 letters on private attorney involvement are again wide
8 open.

9 We can in fact identify those programs that
10 have done very good jobs of engaging the private bar,
11 and we can highlight those. We can also work with
12 other national partners and find out what are the
13 criteria that we need to be focusing on in terms of
14 stressing creative ways to engage private attorneys.
15 And we can add that kind of information to the program
16 letters.

17 So one of the things that we're doing is we
18 have various tools. We are going to now take the
19 information from all of these presentations this year
20 and, as part of our work planning process, go through
21 them and really get very detailed about what work
22 activities LSC staff will undertake to really push this

1 issue as an important issue in helping, in some part,
2 to reduce the justice gap by providing access to more
3 people through private attorney involvement.

4 Do you have a question?

5 MS. SINGLETON: No.

6 MS. SARJEANT: Oh, okay. We also at LSC will
7 be taking a look at other publications that we have.
8 We have a communications function. We need to be
9 looking at that as a way of again getting more
10 information out about best practices, and doing writing
11 and thinking about what we signal to programs is
12 important by what we write.

13 And so, for example, we want to highlight
14 activities of the board. We want to highlight programs
15 that are doing really well. We want to -- maybe part
16 of what we want to do is advocate for CLE and rules
17 changes.

18 I think in one of the presentations, they
19 talked about having -- getting CLE credit for doing pro
20 bono work. They talked about rules changes for getting
21 retired lawyers engaged in private attorney
22 involvement. So those are the kinds of things that,

1 again, LSC and its board can use their national voice
2 to do.

3 We also have a technical assistance activity
4 and function called Library Resource Initiative at LSC,
5 and it's an online technical assistance tool. We are
6 in fact -- what we do with that is we gather
7 information, best practices, program abstracts, and
8 materials, and make them available online.

9 We are in the process of fully staffing that
10 function. We are doing a push at the National Legal
11 Aid and Defenders Association annual meeting to make
12 sure that programs within the national legal services
13 community know that LRI is a resource that they can
14 use.

15 And we would look to put a lot more material
16 and make a lot more material available on private
17 attorney involvement and promoting best practices on
18 that. And that may be things like, you know, providing
19 tool kits and providing program designs and links to
20 other useful websites, those kinds of things.

21 Additionally, in our program visits, both on
22 the program side of the organization and on the

1 appliance side of the organization, we will be talking
2 with our staff about making sure we are focusing on how
3 programs are doing private attorney involvement when we
4 go out and do those assessments. We actually have made
5 two fairly recent hires of people who have fairly
6 extensive experience in working with the private bar,
7 and they will be certainly tasked with forming the
8 nucleus of a work group on this issue. So we will be,
9 over the next few months, doing a lot more, I think, in
10 this issue in terms of developing what our staff will
11 be doing as they go out on visits.

12 And then there's a training function. And we
13 have a capacity through web training and in-person
14 training and when we're out working with programs to
15 really focus on some of these more creative programs
16 and how programs can duplicate those. So we will be
17 looking at our training function.

18 One of the things, also it is something we
19 will have to do very quickly but we think it's
20 important, and that is to prepare to do a significant
21 session of some kind, if not a day or more, at the
22 upcoming Equal Justice Conference. That is the natural

1 audience for the issue of private attorney involvement.
2 It is coming up in March of 2007, so it's coming very
3 quickly.

4 But we think that there are lots of
5 opportunities there for us to both work with other
6 national organizations, use the information we've
7 gathered in these three sessions, and really make a
8 strong statement to our programs and our community that
9 this is something that needs serious attention.

10 So those are the kinds of things that we think
11 LSC and the staff there can do. And before I go on to
12 talk about the role of the courts and the judicial
13 system and the role of the law schools, if you have
14 other ideas that you would like to add to our list for
15 LSC, we're open to that.

16 CHAIRMAN HALL: Herb?

17 MR. GARTEN: Karen, while you were talking, I
18 thought about -- this is just something that came to
19 mind -- a national pro bono recognition day, with
20 perhaps some cooperation from the White House or other
21 high officials, in which we bring to Washington one or
22 more pro bono activists from all around the country.

1 And it could be the subject of nominations
2 from state and city bars throughout the country, and
3 focusing on that, and get some national publicity for
4 pro bono in that manner.

5 MS. SARJEANT: Thank you.

6 CHAIRMAN HALL: Other suggestions for Karen?
7 Yes, Jonann?

8 MS. CHILES: Hey.

9 MS. SARJEANT: Hey.

10 MS. CHILES: I think these are all great
11 ideas, and I'm excited by several of the ideas that
12 you've thrown out. In particular, I love the idea of
13 showcasing successful programs and so that other
14 programs in the country can learn from those.

15 Today it's been very interesting for me to
16 listen to our hosts talk about the successes that
17 they've had here in West Virginia because being from
18 Arkansas, our programs face a lot of the same
19 challenges. So I kind of wish that I had the people
20 from Arkansas here to listen to all of this. And I've
21 been taking copious notes so that I can go back and
22 visit with them and share with them what I've learned

1 today.

2 And then a second point, getting large law
3 firms involved: Large law firms are having great
4 difficulty, as you know, getting their young associates
5 into the courtroom. And if you could somehow find a
6 way to dovetail their interests with our interest in
7 increasing pro bono work, I think that you could be
8 quite successful.

9 I know that in Dallas, there's a program where
10 we -- there was a problem with enforcing child support
11 orders. And so we got some judges who agreed to hold
12 court on a Saturday. We had a training for lawyers and
13 law students. And during the course of about two or
14 three weekends, we got the child support enforcement
15 docket cleaned up.

16 And that was a very gratifying project for law
17 students, for lawyers, and for the local legal services
18 attorneys for the judges. So if you can find a way to
19 appeal to the selfish interests of the private bar, I
20 think you might find some success.

21 MS. SARJEANT: Well, you know, part of the
22 summary that I was going to do was to run through just

1 a few of the major points made by each of the panels.
2 And the large law firm panel had talked about the
3 importance of having legal services programs think
4 bigger and more broadly about how they could use all of
5 the resources of the large firms.

6 And they talked about more thematic projects
7 that really, you know, would bring the firm and give
8 the firm a longer-term relationship with the legal
9 services program, and would actually use not only the
10 lawyers but the paralegals at that firm and the support
11 staff at that firm --

12 MS. CHILES: Yes.

13 MS. SARJEANT: -- and rotation programs and
14 things like that. So even though we haven't mentioned
15 those, those are part of what's on our plate for
16 thinking about. When we do program letters, for
17 example, do we -- we will, you know, probably find what
18 we think are some very excellent programs like that.

19 And we will work with the ABA and with the pro
20 bono project and help identify those, and then let
21 programs know about it. Because I think that's right.
22 There's a huge resource out there.

1 And also, the attorneys -- and this will get
2 to the law school section -- the attorneys coming out
3 want to do pro bono. And we have to find a way to make
4 that a real priority and for -- you know, to give them
5 that opportunity because there are huge benefits to
6 doing that.

7 MS. CHILES: Yeah. I think there are a lot of
8 young attorneys who would love the opportunity to do
9 more pro bono work. And so if they could sell it to
10 their managing partners as an opportunity to build
11 their courtroom skills, that might work.

12 But I love what you're talking about, and I
13 think that the bench, the bar, the community could get
14 excited about a partnership like this. And a great
15 number of clients could be served. So excuse me.
16 Those are my two comments.

17 CHAIRMAN HALL: Sarah?

18 MS. SINGLETON: I think it would be really
19 useful to have a person who was designated as the
20 contact person when you need some help on one of these
21 things. Like say your state is considering a rule
22 change and you would like to have a letter from LSC

1 saying, here's why this would be helpful to our
2 programs in your state.

3 If there was a person designated as the
4 contact person for that, and if that person was clearly
5 visible on the website, I think that would be really
6 useful. On the LSC website, I mean,.

7 MS. SARJEANT: Okay.

8 CHAIRMAN HALL: Okay. Great. Just being a
9 little sensitive to time --

10 MS. SARJEANT: Oh, I'm not done.

11 CHAIRMAN HALL: I know you're not. That's why
12 I'm saying if we could hear about the court and the law
13 schools, and maybe together, then we can react to both
14 of those.

15 MS. SARJEANT: Okay. Well, obviously,
16 leadership from the courts and the judicial system, as
17 we know, really makes things happen. And so several of
18 the recommendations from the panels over the three
19 sessions really talked about ways in which we could
20 make better use of the judicial system and the courts.

21 One is to continue as I assume we will be
22 doing tonight, and that is meeting with members of the

1 bench and bar and really, you know, sharing with them
2 the importance of their voice in making pro bono
3 happen, and in these smaller communities where they do
4 have an authoritarian voice and can really say to the
5 local bar, this is something you need to participate
6 in.

7 The whole idea of working with access to
8 justice commissions and the development of them because
9 they are natural allies in pushing the issues around
10 private attorney involvement. And they can help and
11 support and initiate efforts to do rules changes and
12 things like that that would be helpful to spread the
13 ability of our programs to benefit from pro bono.

14 Then there are things like that we touched on
15 earlier, participation incentives such as getting CLE
16 credit and for doing pro bono work, and the special
17 rules for retired attorneys. And again, we know that a
18 lot of this work is already underway, which is why it's
19 important for us -- even though we're talking about
20 this now, it's very important for LSC to make sure that
21 we are talking and partnering with the ABA and the pro
22 bono project and all of the organizations that are

1 already working on these issues.

2 And then the law schools. You know, we know
3 that most students will not enter public service work
4 or public interest organizations. But while they're in
5 law school, we have the opportunity to really help
6 instill a pro bono -- a public interest ethic.

7 And we need to both take the opportunity to do
8 that at that time, and continue that, because it is the
9 responsibility of lawyers, no matter where they sit in
10 the legal field, to help provide legal services to low
11 income clients.

12 So we, for example, have done a session with
13 the National Association for Law Placement on -- which
14 is an organization of all U.S. law schools. And we've
15 talked to a group recently about public interest, and
16 what our programs are looking for when they're hiring,
17 and the issues of salary and LRAPs and all of those
18 issues.

19 We're planning to do a session at their
20 national conference in April 2007. We have several
21 recommendations from the law school panel that we had
22 that were quite extensive and things that we really

1 need to think about, and that's how to harness the
2 research capacity of the hundreds of thousands of law
3 students that are in law school every year and things
4 like that.

5 So I've run through these very quickly. We
6 have a lot of recommendations from the three panels.
7 We have a need to engage in some discussions with some
8 of our national partners about lots of these issues so
9 that, in fact, we are not duplicating what's going on.

10 But, you know, this has become -- we've
11 learned a lot doing these sessions, just as the board
12 has learned a lot. And it really is an area that we
13 intend to focus a serious work effort on in 2007. And
14 we'd like to come back to the board in January and
15 share with you really some of the results of our work
16 planning around what we actually will be doing over the
17 next year or so on this issue.

18 CHAIRMAN HALL: And will that include these
19 recommendations, even the ones relating to the board,
20 that you would be asking the committee first of all to
21 embrace and pass on to the entire board?

22 MS. SARJEANT: Yes. And we actually hope to

1 have some more by the time we get everybody involved in
2 the discussion about them.

3 CHAIRMAN HALL: Okay. Is it possible that a
4 draft of -- because I assume this is going to be a
5 written document that you are asking us to approve.

6 MS. SARJEANT: Yes.

7 CHAIRMAN HALL: Is it possible that the
8 committee members could get a draft of that some time
9 before we meet so that just as you got some
10 recommendations today, that -- your list was very
11 impressive. But I think some of the things that people
12 added enriched it so that maybe by the time we do come
13 back in January, people have had a chance to look at it
14 and thus be able to move it forward.

15 MS. BARNETT: We can include it in the board
16 book.

17 CHAIRMAN HALL: Oh, very good. Include it in
18 the board book.

19 MS. SARJEANT: Okay.

20 MS. BARNETT: And if we don't make that, we'll
21 get it to you before the board meeting.

22 MS. SARJEANT: Before the next board meeting.

1 Absolutely.

2 CHAIRMAN HALL: Okay. Any other comments from
3 committee members?

4 (No response.)

5 CHAIRMAN HALL: Well, I just want to thank
6 you, Karen, for I think an excellent summary of what
7 we've been hearing, and not only a summary, but
8 focusing it for us, which I think is what we need in
9 order to move to the next step and make this more than
10 just a nice discussion but some actual working -- an
11 actual working agenda. So I thank you for that.

12 MS. SARJEANT: Well, and I really would
13 encourage you, as you think about other ideas, to let
14 us know because, you know, you can certainly
15 communicate them to Helaine, to me. We are very
16 interested in hearing those ideas.

17 Some of the things we heard here today we
18 hadn't thought of, and we've been talking about this.
19 So I think the more ideas we get, the better. Because
20 one of the issues is, as we talked about earlier, is,
21 you know, there's a need for some creative thinking
22 around this.

1 CHAIRMAN HALL: All right. Thank you again.

2 I know we have gone into Operation and Regs
3 time. But there is time on our agenda for public
4 comment, if there is any.

5 (No response.)

6 CHAIRMAN HALL: Okay. Hearing none, is there
7 any other business to come before the committee?

8 (No response.)

9 CHAIRMAN HALL: Well, then, I will entertain a
10 motion to adjourn. And before getting it, I again want
11 to thank our guests who came before us. I think it was
12 a very informative presentation from the local level,
13 and combining that with our efforts on pro bono, I
14 think we had a very productive meeting. So would you
15 like to stay here?

16 M O T I O N

17 MR. GARTEN: So moved.

18 CHAIRMAN HALL: Okay. Thank you. So the
19 meeting is adjourned and we'll take a little break
20 before Ops and Regs.

21 (Whereupon, at 3:50 p.m., the committee
22 meeting was adjourned.) * * * * *