

1 LEGAL SERVICES CORPORATION
2 BOARD OF DIRECTORS

3 PROVISION FOR THE DELIVERY OF
4 LEGAL SERVICES COMMITTEE
5 Friday, April 28, 2006
6 1:43 p.m.

7 The Chase Park Plaza Hotel
8 212-232 N. Kingshighway Boulevard
9 St. Louis, Missouri

10 COMMITTEE MEMBERS PRESENT:

11 David Hall, Chairman

12 Thomas A. Fuentes

13 Herbert S. Garten

14 Michael D. McKay

15 Thomas R. Meites

16 Bernice Phillips

17 Sarah M. Singleton

18 ALSO PRESENT:

19 Patricia D. Batie, Manager, Board Operations

20 Lillian R. BeVier, Vice Chairman, Board of Directors

21 Jonann Chiles, Nominee, LSC Board

22 Mattie Cohan Condray, LSC

23 Karen Dower, LSC

24 Victor M. Fortuno, LSC

25 Joel S. Gallay, LSC-OIG

26 Jim Guest, LSEM

27 Luis C. Jaramillo, LSC

28 David C. Maddox, LSC-OIG

29 F. William McCalpin, LSC

30 Linda Perle, CLASP

31 Earl Ray, Missouri Legal Services

32 David L. Richardson, LSC

33 Karen Sarjeant, LSC

34 Don Saunders, NLADA

35 Kevin Suffern, LSEM

36 Judge Richard Teitelman, Supreme Court of Missouri

37 Richard Kirt West, Inspector General

38 Lois Wood, Land of Lincoln Legal Assistance

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

2 (1:43 p.m.)

3 CHAIRMAN HALL: I'd like to call to order the
4 Provisions Committee meeting, and to thank our various
5 guests for being present, and certainly, the committee
6 members, and the board members who are here.

7 Also, I have been told that Tom Fuentes is on
8 the phone. Can you hear us, Tom?

9 MR. FUENTES: Good morning, Dave. Thank you.
10 Yes.

11 CHAIRMAN HALL: Good morning. Glad -- glad to
12 have you.

13 MR. FUENTES: Thank you.

14 CHAIRMAN HALL: And I also want to welcome
15 Sarah Singleton, being officially now on the board, and
16 glad to have you on the committee and being here in a
17 more direct way. So, thank you.

18 MS. SINGLETON: Thank you.

19 CHAIRMAN HALL: And certainly, even before
20 getting to the agenda, though I know there will be other
21 greetings from the chairman, and words of thanks, but
22 from the Provisions Committee perspective, I certainly

1 would like to thank all of those who have hosted us, and
2 for the wonderful show of excellence and commitment to
3 service that we've seen and experienced. It's been
4 very, very moving, and I think the words at lunch by
5 Mrs. Wolff, and also by Dr. Wolff, and also by Judge
6 Webber, just capped it off and was very, very moving.
7 So, if the Provision Committee is about the program of
8 legal service, then what we've seen so far has certainly
9 exemplified that.

10 So, thanks to everyone.

11 I'd like to get an approval of the agenda for
12 the Provisions Committee.

13 M O T I O N

14 MR. PHILLIPS: So moved.

15 CHAIRMAN HALL: Is there a second?

16 MS. SINGLETON: Second.

17 CHAIRMAN HALL: All in favor?

18 (Chorus of ayes.)

19 CHAIRMAN HALL: Hearing no objections -- we're
20 somewhat shorthanded, but we will make it anyhow.

21 In our board book, there are some minutes from
22 our last Provisions Committee meeting on January 27th.

1 I would also like to get an approval of those minutes.

2 M O T I O N

3 MR. PHILLIPS: So moved.

4 CHAIRMAN HALL: Seconded, too?

5 MS. SINGLETON: Second.

6 CHAIRMAN HALL: We would decree that the
7 minutes have been approved that are in the board book.

8 Now moving to the substance of the Provisions
9 Committee work for today, as you may recall, at our last
10 board meeting and Provisions Committee meeting, we
11 focused on the issue of private attorney involvement,
12 and I think we were so moved by the information that we
13 received at that meeting, that our sense was that we
14 needed to keep this topic in front of us and that, as we
15 find out from other parts of the country how people are
16 struggling with this particular issue, that it might
17 give us a better insight as to the direction that the
18 Provisions Committee wants to take and the general board
19 would like to take, as well.

20 So, we have some guests, and we also have a
21 presentation by the staff as a continuation of our
22 meeting in January.

1 So, Karen Sarjeant, the vice president for
2 program and compliance, is going to get us started, and
3 we have some other guests who will be introduced, and
4 also make some presentations.

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

6 MS. SARJEANT: Thank you, Chairman Hall, and
7 good afternoon.

8 I am going to begin with item 3 on the agenda,
9 which is the very brief discussion on LSC's present
10 attorney involvement strategy.

11 Then, when I complete that, I will move into
12 the presentation and introduce the panel.

13 CHAIRMAN HALL: Okay. That's fine.

14 MS. SARJEANT: Let me first say that these are
15 preliminary thoughts, and they're intended to invite
16 your insights and reactions as we move to develop a
17 comprehensive LSC strategy.

18 We will continue to draw upon the experience
19 and creativity of practitioners in both the private and
20 Legal Services sectors.

21 In 2005, this board engaged in an extensive
22 and thoughtful planning process that resulted in the

1 publication of LSC's Strategy Directions, 2006 to 2010.

2 The first strategic goal calls for LSC to
3 increase public awareness of and support for civil Legal
4 Services to low-income persons in order to respond
5 appropriately to more of their needs.

6 Within that strategy goal, the first objective
7 is to -- and I quote -- "increase access to and expand
8 ways of providing assistance," end quote, and the
9 strategy for achieving that goal and that objective is
10 to encourage expanded pro bono activities and
11 contributions.

12 That is, LSC will work with grantees and bar
13 associations to expand the provisions of pro bono
14 services.

15 This committee, through its work at the
16 January 2006 meeting, and today, has based its effort on
17 these strategic directions as it continues to exercise
18 oversight of LSC activities in support of and to
19 encourage private attorney involvement in the delivery
20 of civil Legal Services.

21 As you know, private attorney involvement, as
22 Helaine has mentioned many times, is an integral

1 component of the LSC quality initiative, and one tool,
2 among others, used by programs to increase the
3 availability of Legal Services to more eligible clients.

4 Today's private attorney involvement
5 presentation is the second in what we plan to be a
6 series of presentations at each board meeting this year.

7 Because we will be in different parts of the
8 country, distinctly different programs will present
9 their varied models to engage private attorneys. That
10 broad range of information we gather will help inform
11 the work that LSC undertakes as it encourages expanded
12 pro bono activities and contributions, and in your board
13 books, you have the highlights of the January panel
14 presentation.

15 Through these presentations, we hope to
16 highlight the potential and opportunity of private
17 attorney involvement, and increase LSC programs'
18 engagement with the private bar in meaningful ways that
19 benefit all stakeholders, while at the same time
20 acknowledging the significant challenges and developing
21 creative approaches to address these challenges.

22 The prior panel, the January panel, pointed

1 out, among other things, our need to re-energize and
2 update the private attorney involvement system and
3 models in use by programs which were established over 20
4 years ago and have not changed significantly since then.

5 We heard that we need to encourage LSC
6 programs to think more creatively about ways in which to
7 use private attorneys in the delivery of Legal Services,
8 in order to take advantage of the significant changes
9 that have occurred in both private practice and Legal
10 Services.

11 LSC's staff continues to inventory the current
12 work that LSC and its grantees do to support and
13 encourage private attorney involvement.

14 Through staff work on the competitive grants
15 process, program assessment visits for quality and
16 compliance, support of our library resource initiative
17 and the technology initiative grant, LSC is constantly
18 gaining information on what our programs are doing in
19 the area of private attorney involvement.

20 Yet, we know -- we think we can do more. We
21 know we can do more, as we learn from these
22 presentations.

1 As this learning process continues, we expect
2 to continue to use the resources available to us, such
3 as our LSC website, the Equal Justice magazine, the LSC
4 updates, the revised performance criteria, program
5 letters, other advisory communications to our programs,
6 conferences, and program visits, to share expectations,
7 best practices, opportunities, and methods of addressing
8 challenges and engaging private attorneys in Legal
9 Services delivery.

10 Finally, by devoting committee time to this
11 issue, the LSC board has signaled the importance of
12 private attorney involvement to all LSC programs.

13 The board's role is critical in advancing its
14 messages about the importance of including private
15 attorney involvement in the integrated, comprehensive
16 delivery of Legal Services to our LSC-funded programs.

17 We look forward to our continued discussions
18 with the board on these issues.

19 So, that is our preliminary strategy.

20 We hope to continue to build this as we go
21 through this.

22 We have staff working on looking at all of

1 these related issues.

2 CHAIRMAN HALL: Thank you.

3 MS. SARJEANT: Okay.

4 So, now I will turn to our panel presentation.

5 At the January meeting of this committee, you
6 heard a presentation from a distinguished panel of
7 attorneys who spoke eloquently about their involvement
8 in pro bono Legal Services, primarily from the vantage
9 point of large law firm practitioners, corporate counsel
10 programs, or through the American Bar Association's
11 litigation assistance project.

12 Today, we are pleased to share with you a
13 different panel who will share additional highlights
14 into private attorney involvement with LSC-funded
15 programs from the vantage point of smaller firms and
16 solo practitioners.

17 As we all know, it is this group of lawyers,
18 the other 80 percent of the professional, who most often
19 participate with our programs in their efforts to
20 deliver Legal Services to eligible clients. They are
21 the backbone of private attorney involvement with LSC
22 programs.

1 We hope to explore ways in which these
2 attorneys participate, what works for them, what works
3 for clients, how our programs can use this resource in
4 strategic ways in urban and rural communities, and how
5 LSC can support programs as they work to increase the
6 participation of the private bar.

7 As we discussed in January, private attorney
8 involvement in the delivery of Legal Services by our
9 programs presents our community with significant
10 potential for addressing the legal needs of low-income
11 person and communities, and again, we learned that we
12 have not realized that full potential.

13 Today's panelists will speak to you from their
14 own personal experiences on the opportunities and
15 challenges confronted by law firms and their attorneys
16 in working with LSC-funded programs to deliver Legal
17 Services.

18 They draw on their considerable experience and
19 commitment to equal access to justice to tell us what
20 has worked, what we might do differently, and their
21 general and specific recommendations on ways in which
22 LSC can be more effective in encouraging and supporting

1 the work of our programs with private attorneys.

2 The panel will focus on how Legal Services of
3 Eastern Missouri engages private attorneys.

4 As you can see from your agenda, we had
5 planned on having another panel participant from an Ohio
6 program also talk about her experiences in developing an
7 effective private attorney program in an LSC program
8 that, through merger, now serves an expanded service
9 area.

10 Due to a family emergency, she is not able to
11 join us today, but I think from all that we've heard
12 this morning, that having Legal Services of Eastern
13 Missouri share with us just their program, we will have
14 a very fruitful and interesting afternoon.

15 At this time, I would like to introduce the
16 panel.

17 Dan Glazier, as many of you know who were with
18 us this morning, began his legal career with Legal
19 Services with a Reggie, a Reginald Keefer Smith
20 Community Lawyer Fellowship, and he's worked with Legal
21 Services of Eastern Missouri for over 25 years, where he
22 has specialized in low-income housing issues.

1 Mr. Glazier also holds a Master's of Social
2 Work degree.

3 In March of 2005, he was selected to lead the
4 program as its executive director.

5 He is deeply involved in the St. Louis
6 community, is active with several bar associations, and
7 has taught at St. Louis University School of Social
8 Service, Washington University School of Law, and
9 Washington University School of Social Work, combining
10 his expertise in law and social work.

11 He is the recipient of numerous honors and
12 awards for his public service, and is the author of
13 several publications on homelessness.

14 Adam Burkemper is a principal in the Burkemper
15 law Firm, a general practice firm in Troy, Missouri.
16 Mr. Burkemper has a particular interest in the mental
17 health field, and serves on the boards of several
18 organizations that provide services to developmentally
19 delayed and mentally ill individuals.

20 Mr. Burkemper participates in the Judicare
21 program of Legal Services of Eastern Missouri.

22 Thomas Glick is a principal in the law firm of

1 Glick Finley.

2 Mr. Glick is active in the Bar Association of
3 Metropolitan St. Louis, having served on the board of
4 governors and as a chair of the probate and trust
5 section.

6 He is also active in the Missouri Bar and
7 serves as a member of the solo and small law firm
8 committee.

9 Mr. Glick is a member of the board of
10 directors of Legal Services of Eastern Missouri, a
11 member of the National Academy of Elder Law Attorneys,
12 and several other bar associations.

13 He is a frequent speaker and author, and
14 served on the Missouri Governor's Advisory Council on
15 Aging.

16 Mr. Glick is the recipient of the President's
17 Outstanding Service Award from the Bar Association of
18 Metropolitan St. Louis, and a pro bono award recipient
19 from Legal Services of Eastern Missouri.

20 Mr. Glick participates in the pro bono project
21 of LSEM.

22 Now, before I turn this over to the panel, I

1 just want to give a few more comments for context to our
2 discussion.

3 The framework for LSC programs' work with
4 private attorneys is 45 CFR, Part 1614, which mandates
5 that programs devote 12 1/2 percent of their basic field
6 grant to engaging private attorneys in the delivery of
7 Legal Services.

8 Our programs, especially as the result of
9 program mergers of the past five to seven years, are
10 finding that, as they work in enlarged service areas,
11 they have to meld different private attorney involvement
12 cultures that exist both in the former programs staff
13 and in the local bar association.

14 To address this, LSC programs are trying
15 different recruitment efforts and different program
16 projects to give private attorneys different ways to
17 work with them.

18 They are focusing on a broad range of
19 volunteers, those looking for a sustained role, new
20 lawyers building their practices, and senior lawyers.
21 Programs are evaluating what their own staffing should
22 be to support and operate effective private attorney

1 involvement of projects.

2 We know from our LSC data that our 138
3 programs use different models to deliver Legal Services
4 with private attorneys.

5 The three models that I believe the program we
6 will hear from today uses -- I will just share a quick
7 overview of those, and then we will turn to Dan.

8 They have an in-house pro bono program, and as
9 you know, in that type of program, you have -- the
10 program's principle delivery system is a staff attorney
11 model.

12 The pro bono delivery unit is one of their
13 service delivery units.

14 Clients are referred to participating pro bono
15 attorneys through the program's in-take process in a
16 case-by-case basis, and programs usually pay certain
17 out-of-pocket expenses associated with representing the
18 client.

19 Another form, another model that is used by
20 programs is to sub-grant, and that is to transfer LSC
21 funds to a bar association or another non-profit legal
22 provider, and in this situation, the LSC program

1 contracts with another non-profit or bar association
2 provider to place cases with private attorneys, to
3 provide a wide range of services on a pro bono basis,
4 either within the entire service area or a defined
5 region of the service area.

6 The project refers eligible clients to the
7 volunteer attorneys, who provide the services without a
8 fee.

9 In most cases, it is the pro bono project that
10 actually does the screening, the intake services, the
11 placement of cases, as opposed to the LSC program.

12 Then the third model that we will hear about
13 today is a Judicare model with a staff attorney
14 component, and that is the most common Judicare model
15 used by LSC grantees, and in this situation, you have a
16 program that pays private attorneys on a fee-for-service
17 basis to provide Legal Services to eligible clients
18 within the service area.

19 The participating attorneys do not guarantee
20 to accept a specific number of cases, and likewise, the
21 LSC program does not guarantee that any participating
22 attorney will receive a minimum amount of compensation.

1 Payments to private attorneys who are
2 participating in a Judicare model are substantially
3 below the prevailing market rates for the service area.

4 The LSC program relies on its own staff
5 advocates for the overwhelming majority of Legal
6 Services, even though they're using the Judicare
7 attorneys for part of their service areas.

8 Those Judicare attorneys are used to fill the
9 gaps in service, either by handling the same types of
10 cases as program staff or providing types of services
11 not handled by program staff in regions of the service
12 area where they might not have a physical office.

13 So, with that brief overview of the three
14 primary pro bono models that we are likely to hear about
15 today, or private attorney involvement models, I would
16 like to turn this over to Dan, who will talk more about
17 what Legal Services of Eastern Missouri does, and then
18 we will hear from two of the lawyers who actually
19 practice with his programs through either Judicare or
20 pro bono.

21 CHAIRMAN HALL: Thank you.

22 Dan.

1 MR. GLAZIER: Thank you.

2 Thank you very much, Karen, and I want to
3 thank you, Chairman Hall, and members of the Provisions
4 Committee, and of course, the LSC staff, and I feel like
5 I've done this several times today, but I do want to
6 formally welcome you to St. Louis, and two reasons I
7 think why it's significant to have this discussion in
8 St. Louis regarding the private attorney involvement in
9 the delivery of Legal Services is that the legal --
10 Legal Services of Eastern Missouri traces its own roots
11 to volunteerism, and the earliest known record of the
12 idea to provide legal help to the poor on the St. Louis
13 area appears in the minutes from a meeting of the Bar
14 Association of Metropolitan St. Louis in 1911. Services
15 were first provided to the poor by volunteers through
16 the bar association. A volunteer legal aid bureau was
17 later established by the City of St. Louis. So,
18 volunteerism runs deep here in St. Louis.

19 The second reason that I think it's
20 appropriate to be having this conversation about private
21 attorney involvement is that it is, in fact, the
22 hometown of William McCalpin, who played such an

1 important pivotal role not only in the saving of Legal
2 Services, as President Barnett pointed out earlier
3 today, but in the drafting and in the implementation of
4 the PAI provisions, the private attorney involvement
5 provisions that we're talking about today.

6 So, just appreciated that opportunity, I
7 guess, for a hometown plug.

8 I appreciate appearing before you today to
9 address the issue of private attorney involvement in the
10 delivery of Legal Services.

11 I know you had a very thoughtful, informative
12 discussion on this topic at your last Provisions
13 Committee meeting.

14 I actually read the transcript, and I learned
15 a lot from it, and it really was a most informative
16 previous meeting.

17 So, I wanted to just humbly give you my
18 perspective as an executive director, albeit a
19 relatively new director, a little more than a year, on
20 the importance of private attorney involvement to Legal
21 Services programs.

22 In my view, a strong volunteer lawyer project

1 is absolutely critical to the success of a Legal
2 Services program.

3 So much good can come from a strong PAI
4 component through a local Legal Services program.

5 Of course there is the vital assistance
6 volunteer lawyers provide in increasing the number of
7 clients that we serve. Providing more representation to
8 more persons in need is at the very core of what we're
9 about.

10 There are also, though, some subtle and also
11 very positive benefits to be generated, as well, from a
12 strong PAI program.

13 As was mentioned several times at the January
14 committee meeting, the private bar is so much more
15 likely to feel a connection with the local Legal
16 Services program because of their involvement in PAI,
17 and that has just so many benefits.

18 I mean there's some very tangible ones like
19 fund raising.

20 You know, more private attorneys are more
21 likely to give when they know what we're doing and they
22 feel that connection.

1 But also, it's getting a chance to see what we
2 do, see with their own eyes, and buying into what we're
3 doing, and the opportunity to have, really, some of the
4 most impressive, involved advocates in the private
5 sector involved with our program, and having them see
6 what we're doing on behalf of the poor, the low-income
7 folks that we serve, and supporting that and buying into
8 that can only help and improve the work that we do on
9 behalf of these clients.

10 And of course, these folks don't just speak to
11 the local legal community about what we're doing, but
12 they get out there and they speak to the general
13 community, as well, and so, you really do have a ripple
14 effect, and that's why I think the intangibles of what
15 comes from a strong PAI program just can't be minimized.

16 You know, good training is such an important
17 part of any strong volunteer lawyer program, and I can
18 tell you that because we have a good volunteer lawyer
19 program, it works in a dualistic way. It has helped us
20 to develop even better training.

21 As we're developing training for our private
22 attorneys, we are also sharing that training with our

1 staff.

2 Our staff is also doing the training, and it
3 absolutely just benefits everybody.

4 So, I know that several folks talked about, at
5 the last meeting, the importance of training. Well, we
6 are seeing that, and any help and any participation that
7 Legal Services Corporation can do to help us to work and
8 develop that kind of training would be extremely
9 appreciative and extremely helpful.

10 Also, we can't lose sight of the fact that,
11 while we are, unquestionably, the experts in poverty
12 law, there are areas of the law we don't confront, we as
13 Legal Services attorneys.

14 There are areas of the law we don't
15 experience, and so, to be able to use volunteer lawyers
16 to provide that perspective -- for example, in the tax
17 area, I mean there are cases where tax issues do come
18 about, and to have private attorneys who have that
19 expertise -- well, it's energizing for us, and of
20 course, it also really just completely benefits our
21 clients.

22 In looking at our program, I will say that --

1 tell you that there are approximately 9,000 lawyers
2 registered to practice law in our service area. We have
3 1,410 attorneys who are on our volunteers lawyers
4 project list, and our volunteer lawyers come from a
5 balanced proportion of solo practitioners, mid-size law
6 firms, and large law firms.

7 We also have a corporate in-house counsel
8 involvement, and we have law school clinic attorneys and
9 other non-traditional settings involved in what we're
10 doing.

11 In 2005, our VLP staff placed nearly 500 cases
12 with volunteer lawyers.

13 We recorded over 4,250 hours of volunteer
14 lawyer time, and have had some excellent results. I'm
15 happy to say that we're going to briefly highlight some
16 of those volunteer lawyers at our reception this
17 evening, who do such terrific work.

18 But the other thing that -- and those lawyers
19 participate in many of the substantive areas that we are
20 involved in. You heard about some of those earlier
21 today.

22 The volunteer lawyers are involved in areas

1 ranging from family law to immigration and all the other
2 substantive areas in between.

3 But I have to say, it's not just about the
4 cases.

5 We have -- a lot of our volunteer lawyers are
6 involved in our outreach sites, and we have many
7 outreach sites, and a lot of our volunteer lawyers are
8 very pleased to have that opportunity to go to these
9 sites, get out in the community, meet with the clients,
10 and sometimes what they will do is they will do our
11 intake for us, and they may or may not take those
12 individual cases, but they're connecting with the
13 clients, they are connecting with the work we're doing,
14 and we're getting some pretty impressive intake folks,
15 you know, getting the information, and seeing things
16 that we might not always see.

17 So, that's extremely valuable and should be
18 looked at, as well.

19 My volunteer lawyers also do community
20 education.

21 You know, I don't know that -- you know, when
22 you think about volunteer lawyer programs, you know,

1 don't just think of it, you know, in regards to cases.
2 There are so many other areas that our volunteer lawyers
3 can contribute in, and we make sure that that happens.

4 I will tell you that our volunteer lawyer
5 program can even be extremely helpful in an emergency.
6 One area where we're very proud of -- and certainly, a
7 lot of this was from the leadership from -- from the LSC
8 staff, as well -- is the way we and our volunteer
9 lawyers responded to Hurricane Katrina.

10 After Hurricane Katrina, we quickly connected
11 with several of our local bar associations and the law
12 schools and said we have got to mobilize our legal
13 forces.

14 We understood and believed that there was
15 going to be a significant number of Louisiana hurricane
16 victims coming up to St. Louis.

17 So, we got our staff to put together a strong
18 manual of Legal Services and areas to respond to in a
19 disaster, and we mobilized our volunteer lawyer troops,
20 so to speak, and we had meetings and we connected with
21 all these different groups, and we were ready, and we
22 were there, and we were ready to provide that work.

1 The only thing is the victims that were
2 supposed to come up from Louisiana actually never came
3 up in the numbers that we had expected, and so, while we
4 have helped some of these individuals, because some have
5 come, we really weren't able to put our full
6 mobilization in operation, but we did it, we were ready,
7 and we'll be ready for the -- you know, hopefully there
8 won't be, but we will be ready if there is another
9 disaster, because this, of course, wasn't just limited
10 to hurricanes. It was the legal issues regarding
11 disasters. And we have that manual done.

12 We have a strong -- oh, the other thing I
13 wanted to tell you is that we are beginning -- also, in
14 other areas, we're beginning preliminary discussions to
15 do alternative dispute resolution mediation as one of
16 the avenues of pro bono work. So, this is another area
17 that we're looking at for involving private attorneys.

18 We have a strong volunteer lawyer program, and
19 we're excited about standing even further.

20 Jim Guest, who is with me here today -- and he
21 is right over there -- is our new volunteer lawyer
22 project director.

1 He started in February.

2 So, he's new, I'm relatively new in the
3 position, and I've got to tell you, we're pumped, we're
4 juiced.

5 We are really committed to confront and
6 overcome some of the challenges to even further increase
7 our VLP involvement.

8 One of the challenges we face is one a lot of
9 programs face.

10 As we talked about earlier today, LSEM
11 encompasses both urban and rural regions. In the rural
12 areas, it is an even greater challenge to recruit
13 volunteer lawyers, because in some of those counties,
14 there are so few attorneys, and in fact, we even have a
15 couple of counties where there are no attorneys.

16 So, in those 14 counties in northern Missouri,
17 we have a Judicare program, where we have approximately
18 50 attorneys doing primarily family law, charging \$50 an
19 hour, up to 20 hours per case, and then that \$50
20 represents no more -- basically, no more than one-half
21 of the normal charge for the provisions of Legal
22 Services in that area.

1 That's how we garnered that figure, and how it
2 works is they do up to 20 hours. If they need more
3 hours on a case, the next 20 are basically pro bono, and
4 then, if they still need more time, we can approve
5 additional Judicare time.

6 One of our outstanding Judicare attorneys,
7 Adam Burkemper, is here to share his experiences in the
8 program with you, and he will be doing that shortly. I
9 will tell you that our Judicare attorneys, in 2005,
10 produced 1,402 hours of work.

11 Kevin Suffern is here with us, and he is our
12 managing attorney up in the Hannibal office, and his
13 office has the principle responsibilities of interfacing
14 with our Judicare lawyers.

15 Even with the challenges that we are facing,
16 we are launching an aggressive effort to increase our
17 number of volunteer lawyers in rural areas.

18 I mean that's been very difficult.

19 We have some Judicare, as we said, and
20 frankly, I will tell you that some of the Judicare
21 attorneys say, understandably, well, how can I do
22 volunteer, I'm already providing Judicare service at \$50

1 an hour, it's much less than I would normally do, and
2 so, I really -- I can't do more than that, and so, these
3 are distinct and unique challenges, and I will tell you
4 it's one of my goals, is to see if we can leap that
5 hurdle some, and see if we can bring in some more
6 volunteer lawyers into the rural areas, and I will tell
7 you we're going to hit the ground running, and we think
8 it's all about -- really, comes down to relationships.

9 We're going to -- we've already got plans to
10 meet with bar associations in some of these -- you know,
11 these counties that are up there, as many as we can.

12 You heard today from Judge Webber, who is
13 formerly a judge up in these rural areas.

14 Imagine if a judge such as Judge Webber
15 appears at one of these, you know, bar association
16 events up in one of these counties.

17 We think that's the kind of thing that
18 hopefully will reach some of these folks up there, and
19 we know they have a lot of competing challenges and all
20 those things, but we're determined to try to see if we
21 can make a difference in that regard.

22 I will say that, at your last provisions

1 meeting, Steve Scudder, who is the counsel to the ABA's
2 Standing Committee on Pro Bono and Public Service,
3 testified about the important role the individual Legal
4 Services board of directors can play in this effort.
5 Well, I absolutely agree.

6 Recently, we added a board member from one of
7 the counties where pro bono and volunteer lawyerism has
8 been low, has been a challenge.

9 The new board member has already met with Jim
10 Guest, and they are busily mapping out strategies to
11 bring in new volunteer lawyers into this county, and
12 we're hoping that this will bear fruit.

13 You will hear from shortly from Tom Glick, who
14 is a member of our board of directors and is one of our
15 leading small firm VLP attorneys, and he is, indeed, a
16 role model, and imagine how effective that is when Tom
17 can go into a meeting -- he's very involved in the
18 bar -- he can go into bar meetings and say this is what
19 I do, this is the time that I'm committing, you know,
20 and so, we really are thankful that he does that.

21 We are looking at innovative ways that we can
22 expand our -- we are in the process of completely

1 redesigning our website, which will include creative
2 ways to communicate with volunteers through electronic
3 newsletters, and will also include ways to bring in more
4 volunteers.

5 We think that this is an absolutely frontier
6 for us. We are very aggressively getting involved in
7 using technology to both increase our resources and to
8 hopefully grow and expand our volunteer efforts.

9 At the last Provisions Committee meeting, Mr.
10 McKay asked whether you, as a board, could play a role
11 in encouraging innovative efforts.

12 Well, Jim went to the Equal Justice Conference
13 in Philadelphia not too long ago, in early April, and
14 came back with several very interesting ways to increase
15 voluntary lawyer participation, and I wanted to share
16 them with you all.

17 Six states have adopted CLE rules, continuing
18 legal education rules, that permit pro bono work to
19 count towards CLE requirements.

20 In each of these states, the amount of credit
21 is limited, and the pro bono case must be referred by a
22 recognized Legal Services provider, but we think this

1 has real potential.

2 The opportunity to allow lawyers to get that
3 CLE credit by doing the important volunteer lawyer work
4 that we need to get done, we think has real, real
5 possibilities.

6 The other concept is that there is a movement
7 in the pro bono community to better utilize retired
8 attorneys, judges, and other inactive attorneys in
9 delivery of pro bono Legal Services.

10 The traditional system of pro bono practice,
11 however, is often not well suited for non-active
12 lawyers, many of whom no longer hold an active license,
13 carry liability insurance, or maintain an office with
14 support staff.

15 Several states have enacted rules that ease
16 the licensing requirements for attorneys interested in
17 doing pro bono work. While rules differ between states,
18 most require the pro bono work to be done through a
19 recognized Legal Services provider.

20 We think these ideas have great potential. We
21 think LSC's support for such concepts, with state
22 supreme courts, with state bar associations, would be

1 very welcome and very, very, very helpful.

2 I appreciate the opportunity to speak to you
3 on this issue, and I appreciate your interest. I know
4 that our clients will ultimately benefit from the growth
5 and development of LSC's private attorney involvement,
6 and at the end of the day, of course, that is what it's
7 all about. Thank you.

8 CHAIRMAN HALL: Thank you. Before going on to
9 the other presenters, just on that last point --

10 MR. GLAZIER: Yes.

11 CHAIRMAN HALL: -- so that I understand it,
12 the relaxing the licensing requirements -- you mentioned
13 that in the context of --

14 MR. GLAZIER: Yes.

15 CHAIRMAN HALL: -- retired attorneys and
16 judges. Is it that it is providing a way in which those
17 individuals can continue to practice law even though
18 they, what, are no longer paying their bar fees?

19 MR. GLAZIER: Yes, I think that's how it is
20 done in some of the states that are doing this and that
21 are looking at this, but what they're doing is they're
22 saying that if you do this work, if you will do this

1 work with the local Legal Services provider, all right,
2 you are licensed for the purposes of doing this work.

3 CHAIRMAN HALL: Uh-huh.

4 MR. GLAZIER: Okay. That's how it's -- my
5 understanding is that's how it's being done.

6 CHAIRMAN HALL: And therefore, the malpractice
7 insurance of the Legal Services office would cover that
8 individual?

9 MR. GLAZIER: That's right. And I will say
10 that -- that's right, that will, but I will say that,
11 you know, with the in-house lawyers -- and we do have
12 in-house lawyers, and we are committed to -- you know,
13 as a baby boomer, I'm aware that my generation is, you
14 know, getting -- you know, there's going to be a lot of
15 us that are going to be retiring, and we really want
16 to -- we think that's a real cutting edge, that we want
17 to capture that, and so, we're going to encourage more
18 in-house -- and of course, when an individual is
19 in-house, working as a volunteer, they do get our
20 malpractice -- you know, we do get coverage in that
21 regard, but I think one of the things I was referring to
22 is, you know, even the bar dues -- I think there are --

1 as I understand it, there are some states who are
2 relaxing or maybe waiving, you know, the bar dues if
3 these folks will do this kind of work in this kind of
4 setting.

5 CHAIRMAN HALL: Okay. Thank you.

6 MR. GLAZIER: Thank you.

7 MR. BURKEMPER: I'm Adam Burkemper. I'm from
8 Troy, Missouri.

9 I practice law with my sister, Rachel, and my
10 father, Tom Burkemper, and we have a general practice
11 firm right there on Main Street, and we're a general
12 practice firm, which is basically what you have to be if
13 you're a country lawyer, because there's a lot of folks
14 with a lot of different needs, and we can't really
15 specialize like lawyers -- big law firms down in St.
16 Louis and such.

17 I do primarily divorces, paternities, ex
18 partes, landlord-tenant stuff, for LSEM.

19 I've been asked to talk about the pros and
20 cons of the Judicare system, and how it kind of fits
21 into my practice.

22 I do better when I tell stories and I can just

1 kind of put it into a context for you, as far as how it
2 kind of plays into my practice.

3 As far as the pros go, there's no question --
4 I mean that's the obvious thing, that doing volunteer
5 work and doing the Judicare work is a no-brainer. It's
6 good for the community.

7 It's good for those people who can't afford
8 it, because there's so many people, at least in our
9 county, in Lincoln County, and surrounding counties,
10 that can't afford -- they can't afford a \$1,500 divorce
11 or they can't afford a \$750 uncontested divorce. They
12 can't even afford the filing fee of \$180 in Lincoln
13 County, and fortunately, through Legal Services of
14 Eastern Missouri, we're able to waive that requirement,
15 and I provide the services and take them through and
16 navigate them through the process of a divorce or a
17 paternity case, whatever it happens to be, and it's the
18 right thing to do, and it also builds a lot of faith
19 back into the judicial system that a lot of folks have
20 lost.

21 You heard Judge Webber talking about how a lot
22 of folks, poor folks, have lost their faith in the

1 system, and it's good for the system, and it's also good
2 for the lawyer.

3 It builds a good name for the lawyer as not
4 being a -- just looking after the dollar but actually
5 doing something back for the community.

6 I wanted to tell you guys a story about -- I
7 had a gal come into my office, and she was referred by
8 Legal Services of Eastern Missouri for a divorce, and
9 she's dying, and she probably will die within the next
10 year, and she has a rare nerve disease which is
11 attacking her nervous system and it's not allowing her
12 to walk very well.

13 It's destroying her muscles and all that kind
14 of stuff. She can barely walk, and when I met her, she
15 was working. She goes to work every day.

16 I don't know how she did it, but she did it,
17 and she had one child.

18 Her husband was a deadbeat, pardon my French,
19 but her husband would not pay child support. He would
20 not support his wife in any way. He wouldn't even see
21 the child of the marriage.

22 I had to keep bringing him back into court to

1 get him to pay child support, to get him to pay the
2 maintenance and some of the bills of the marriage.

3 They're upside down on everything, because he
4 hadn't paid anything and went out and bought all these
5 very expensive trucks and such and stuff he couldn't
6 afford.

7 After a hearing in Circuit Court in Lincoln
8 County, I was walking behind my client, and she had a
9 cane, and I kind of liken it to my 89-year-old
10 grandmother.

11 I feel as if I need to walk next to her and
12 have her hold my arm.

13 I didn't, but I feel like I should, and as
14 we're walking out of the courtroom, she fell, fell on
15 this cold hard floor, and I said -- well, you know, I
16 went down to go help her, and she looked back at me, and
17 she said with contempt in her eyes, don't you dare help
18 me, you know, don't you dare help me, and I realized
19 then that she couldn't stand having an attorney that was
20 doing this free work for her. It took away from her
21 independence. It took away from, I guess, part of her
22 pride. But she didn't have any other alternative, and

1 she needed her independence to fight that disease.

2 After the divorce was all said and done -- we
3 got it done about three or four months ago -- she sent
4 every lawyer and every secretary in our office a \$10
5 certificate to a local restaurant, and I've done
6 probably 30 cases, I guess, in the last three, four
7 years now that I've been a lawyer. She's the only one
8 that ever did that or sent any kind of thank-you.

9 It a neat way, on the pro side of that story,
10 you know, it's a wonderful program, and it's --
11 personally and professionally, it makes you feel really
12 good about the system and makes you want to go out there
13 and do more of them, but on the other side, they can be
14 less rewarding than other cases, which kind of leads me
15 into the cons of the program or of doing that kind of
16 work.

17 These kinds of cases are the highest
18 malpractice risk, hands down, because you're dealing
19 with people that aren't paying you. They have nothing
20 to lose.

21 They call you constantly, and they'll lie like
22 dogs to you, if you let them, and it doesn't matter how

1 many times I tell people you've got to be honest with
2 me, tell me what's going on, all that kind of stuff,
3 they'll lie to me, which is normal in a divorce.
4 Everybody lies about something.

5 But it brings me back to a statement that one
6 of my colleagues out in Lincoln County told me, this guy
7 who's been practicing law for about 20 years. He
8 said -- about Legal Services -- he says, you know,
9 they're not paying my malpractice insurance, you know,
10 and they're my highest risk. He said that's why I got
11 out of it.

12 Out of probably 15 attorneys out there, we've
13 got myself and two other guys that still do it, and one
14 of those guys is getting out. He's had enough of
15 domestic law.

16 So, now it's basically between myself and Mr.
17 Elliott out there.

18 That really stretches things thin, and there's
19 a whole lot more people that are in need of services
20 than there are lawyers out there, especially, like Dan
21 was saying, in the rural counties, boy, it's hard to
22 find them.

1 The other problem is that you find out that
2 these folks -- I don't know why, but it seems like they
3 just don't want to tell you everything. I had another
4 case up in Pike County. It was the first case I ever
5 tried. It was a Legal Services case, motion to modify.
6 Mom and Dad have a child. Four years later, Dad
7 decides that he's going to take this child from Mom, and
8 he had some reasons to take it but didn't seem very --
9 like he had much of a case. And she comes to me. We
10 file a motion to modify. The day of trial, in September
11 of 2002, we get into court, and the junkyard dog and the
12 lawyer on the other side puts this nurse on to have her
13 testify, and the nurse states that my client, the mother
14 of this child, had -- and we'll call him Joey, just to
15 put it into context -- had come in for a suicide.

16 She had attempted suicide, and they asked all
17 the normal questions, you know, have you ever tried to
18 commit suicide before, have you ever been homicidal?
19 Well, yes, I have.

20 Well, who have you been homicidal to? Well,
21 Joey. I held him underwater for 30 seconds and then I
22 thought better of it.

1 Well, you can imagine what that did to my
2 case, and of course, I asked her, you know, in the
3 middle of the case, what's this? Well, she leans to my
4 ear. She said it was only 15 seconds. She's wrong. I
5 don't know what to tell you, but you know, it's those
6 kinds of obstacles that you run into doing those kinds
7 of cases.

8 But I mean it's not just specific to LSEM
9 cases, but it's kind of across the board. But I just
10 notice, across the board, that with some of these
11 clients, if they're not paying you, you know, they tend
12 to not tell you everything, and you'll spend more time
13 on the case, on a Legal Services case, than you will on
14 most other cases, as well.

15 So, why do I do it, you know, if it has this
16 many cons and if it's a malpractice risk, and I asked my
17 dad that one time.

18 I said why are we doing all these Legal
19 Services cases? He's done more than anybody I know, any
20 lawyer five counties around. And he says because, as
21 lawyers, we're servants to the community, and as
22 lawyers, we have a duty to every one of those poor folks

1 that can't afford a lawyer; we have to do it.

2 My brother -- I asked him the same thing.

3 He's a judge now.

4 He practiced law for 10 years, and then he
5 went and took the bench, and I asked him, and the only
6 thing he said is you have to do it, and he didn't say
7 anything.

8 He was just -- that's the way he sees it, and
9 there's no argument there.

10 I guess that my father and my brother just
11 believe it's part of being a lawyer. Why do I do it?
12 What if I don't?

13 What if all these folks in the community that
14 are just desperate, you know, for some kind of Legal
15 Services -- if I don't do it, I don't honestly know who
16 will, and I think, going off what Dan was saying, it's
17 so important that more attorney involvement take place,
18 especially in the rural counties. That's all I have.

19 CHAIRMAN HALL: Thank you very much.

20 MS. SINGLETON: Mr. Chairman, is there time
21 for questions?

22 CHAIRMAN HALL: Sure. We can ask questions

1 now.

2 MS. SINGLETON: The cases that you handle
3 under the Judicare program -- do the people come
4 directly to you and you determine they're eligible, or
5 does the legal aid program --

6 MR. BURKEMPER: They go to Legal Services.

7 There's a 1-800 number.

8 I usually refer them there, if they can't
9 afford me, and then they check everything out, find out
10 what assets they have, find out if they're eligible,
11 because there are certain requirements, for a divorce or
12 for a paternity case, and then they write my clients a
13 letter that says you have 10 days from the date of this
14 letter to contact, you know, an attorney in Lincoln
15 County, and it's, you know, free, and they usually --
16 they always come and they meet with me, and then I
17 decide whether I want to take the case.

18 MS. SINGLETON: So, you can't -- even though
19 they refer a case to you, you can decline it.

20 MR. BURKEMPER: Right.

21 MS. SINGLETON: For any reason.

22 MR. BURKEMPER: Right. And I can withdraw, if

1 I find a reason to, as well.

2 MS. SINGLETON: And I take it your malpractice
3 insurance is what covers you even when you're doing the
4 legal aid cases --

5 MR. BURKEMPER: I have no idea.

6 MS. SINGLETON: -- the cost of their
7 malpractice?

8 MR. BURKEMPER: I don't know. I understand
9 that Legal Services has --

10 Kevin, do you know? I'm not sure, but I've
11 never had a malpractice claim against me.

12 I've had two fee disputes, but I've never
13 actually had a claim against me --

14 MS. SINGLETON: Two fee disputes with the
15 legal aid people?

16 MR. BURKEMPER: No.

17 MR. GARTEN: You talked in terms of -- Dan --
18 of volunteer lawyers working in-house were covered by
19 your malpractice insurance.

20 In Maryland, if referrals come from, say, a
21 Maryland volunteer -- the lawyer automatically knows
22 they're being covered under the malpractice insurance of

1 the referring agency.

2 It seems to me that this would be something
3 that would not only apply in Maryland but would be
4 elsewhere within the country, and I see somebody who
5 should know shaking their head.

6 So, I think this is something that you ought
7 to look into to confirm, and then perhaps we could
8 confirm to our various agencies if that is the case, so
9 that they can promote pro bono work and assure counsel
10 that they are covered.

11 I might tell you another item with respect to
12 malpractice insurance covering.

13 My understanding is that the number of cases
14 filed are minimal and that this is a very unusual
15 occurrence to have a pro bono client file suit or find a
16 lawyer willing to sue a lawyer that's rendering pro bono
17 services, and the amount of damages involved in many
18 cases, assuming there would be malpractice, may be
19 minimal.

20 Of course, to the individual, it may be
21 substantial.

22 But I think we're overreacting, based upon

1 what I've heard from you, as to the exposure that
2 lawyers have on malpractice claims.

3 MR. BURKEMPER: Well, I was talking mainly
4 that the kind of work I do, as well, has the highest
5 rates for malpractice.

6 Like Mr. Glick -- he does landlord-tenant
7 stuff and that kind of thing, and that's not nearly as
8 bad, so --

9 CHAIRMAN HALL: Karen, did you want to clarify
10 something?

11 MS. SARJEANT: I did.

12 I just wanted to say that my understanding
13 from programs that operate pro bono programs in-house
14 and refer cases out, or through a volunteer lawyer with
15 the bar association, that it is that organization's
16 malpractice that covers that case. It is not the
17 individual lawyer's malpractice.

18 MR. GLAZIER: The way we do it with Judicare
19 is there's a contract, and on Judicare, the way we do it
20 is the private attorney's malpractice is sort of
21 primary, but our coverage is secondary. That's how we
22 do it with the Judicare program.

1 MR. BURKEMPER: So, you're double-insured, I
2 guess.

3 CHAIRMAN HALL: Okay.

4 MR. MCKAY: In many ways, my question -- one
5 of my questions is answered.

6 I think Mr. Garten is correct. This concern
7 is overblown. But if there are attorneys in Lincoln
8 County who are not taking cases because they think their
9 malpractice is going to be hammered, perhaps -- and I'm
10 not just thinking about around here but throughout the
11 country -- we ought to do a better job getting the word
12 out that you do have double coverage when you take a
13 case from a local Legal Services office, and that's
14 important, and of course, the theme here is we're trying
15 to figure out a way to get more attorneys involved, not
16 have attorneys leave because of a perceived problem.

17 So, maybe that's something we could be doing
18 from our side, as well, but if I can just weave into
19 another part of the problem, Mr. Glazier commented that
20 there are 9,000 attorneys in his area, and as I
21 understand your number, it was 1,410 who have taken
22 cases.

1 So, we have 7,500 folks out there, attorneys
2 out there, who have not been exposed to the joys of
3 providing -- and I mean that seriously -- the joys of
4 providing Legal Services.

5 So, I guess the question is -- we have Mr.
6 Burkemper telling us that we're actually losing folks
7 because of a perception -- I know it was just an
8 example, but we really ought to be going out and
9 selling -- and you are dealing with different tools to
10 get more people -- but I guess one question I have for
11 you, Mr. Glazier, is what kind of outreach is there from
12 your office to get that other 7,500 informed, and what
13 are you doing to woo them to get on that list and join
14 the other 1,400?

15 MR. GLAZIER: I wish, to some extent, that --
16 and maybe I will, you know, a year from now, come back
17 and talk to you about where we're going with this. I
18 will tell you -- well, I mean we are -- what we have
19 done and what we will do -- you know, we do a lot of,
20 you know, communication. Our newsletter goes out to a
21 lot of different sources.

22 We are connected locally with the bar

1 associations, and do a lot of speaking, but I will tell
2 you that I believe that we, as a program, can do more,
3 and when I took this position, one of my priorities was
4 to do more -- I mean I think a lot of it is -- you know,
5 I think technology is a big part of it. I'm very
6 excited about getting our -- I mean we are completely
7 redesigning our website, and we have seen how programs
8 around the country have used websites and good web
9 design to reach more people, you know, and to make it
10 easy to sign up.

11 We'd like to make it so that you could sign up
12 as a volunteer lawyer through a website, you know, and
13 we don't have that at this point in time. So, we're
14 hoping to do that.

15 But I think, you know, a lot of it is -- it's
16 marketing, you know, it really is, and I strongly
17 believe that it's marketing, and that's why I'm excited
18 we brought Jim Guest along, because he has a marketing
19 background in not-for-profit, and you know, we believe
20 that we're -- you know, we're going to -- we know we're
21 going to hit challenges, and we know that it's not going
22 to be easy, and the very things that Adam is talking

1 about, we need to address, you know, but I'm sure -- I'm
2 sure that -- I hope that, a year from now, I will say we
3 have made major strides. But I also know there will be
4 much more to go, and I think that there may be, you
5 know, some sort of institutional barriers. I mean I've
6 heard things like, you know, people say, you know what,
7 I do free cases. Maybe I don't do it under your
8 program, but I'm doing free cases, you know. I think
9 people in private practice say that and mean it and do
10 it.

11 So, I think there are, you know, some
12 institutional barriers that we will see, but I can tell
13 you that my commitment is that, you know, we will reach
14 out to these folks and try to make, you know, their --
15 and I think it's relationships.

16 I really think the model of, you know, getting
17 the role models to say I'm doing it, you know, I can do
18 it, you know, so should you.

19 MR. MCKAY: I want to apologize. I think, as
20 I reflected upon my question, it sounded too accusatory.

21 I was trying to get some ideas, because we learn so
22 much by traveling around the country, and get one jewel

1 that we could pass on to others, and so, you are doing
2 great work.

3 I do remember what I was hesitating about when
4 I was a young lawyer, before I took my first case.

5 I don't know anything about landlord-tenant
6 law in Washington State.

7 They said, well, we have a brochure for you,
8 and we have a lawyer you can call anytime for advice.
9 Hell, I could handle that, and I was through my problem,
10 but it was because someone reached out to me, and then,
11 of course, I was hooked.

12 But the point is, as we were so impressed with
13 what we heard in Washington, D.C., in January, we're
14 trying to figure out ways that we as a corporation, and
15 our grantees, can get more attorneys involved, because
16 obviously, there's a wealth of experience here in the
17 St. Louis area, and we know that's the case throughout
18 the country.

19 So, thank you.

20 CHAIRMAN HALL: Tom.

21 MR. MEITES: Well, I probably shouldn't say
22 this, and I was thinking about whether I should, and I

1 said okay.

2 We do a lot of contingency work, and we've
3 learned through hard experience, if we don't charge our
4 clients something, both we and the client suffer.

5 We suffer because the client thinks we're free
6 and we're not worth anything, and they suffer because
7 they abuse the relationship, and you raised the point,
8 which is true, that some clients can be difficult. Some
9 clients who pay can be difficult, and some clients who
10 don't pay can be difficult.

11 I have not found that clients who don't pay
12 are less truthful than clients who do pay. I'd put them
13 both about on the same level. I'll just leave it at
14 that.

15 But there is a notion that if you're not
16 charging something, the relationship isn't as sound as
17 it should be.

18 I don't know what the Judicare regulations
19 provide, whether it's that you can charge something,
20 whether charging is a bad idea for PR reasons or other
21 reasons, but I'd like Dan and Adam both to comment on
22 two ideas.

1 One is, when a referral is made, that the
2 client be informed of clients' obligations to lawyers,
3 and second, the possibility of whether charging some
4 minimal amount, because that's what I'm talking about,
5 is -- would be a positive step towards making these
6 cases more attractive to the private bar.

7 MR. BURKEMPER: Well, I don't know if you are
8 familiar with the way the public defender system works.

9 I've had -- I've talked to a lot of lawyers just over
10 the past like two weeks, because I had this, today, in
11 the back of my head, and I thought, well, I'll talk to
12 other lawyers about it, you know, and we were discussing
13 how -- I've had probably three or four lawyers so far --
14 one this morning -- that said why don't they do it like
15 the public defenders do it, and that is that you're not
16 going to pay them a full month back after you're done
17 with the case, but they do order these folks to pay the
18 public defenders back \$300 or \$200.

19 But then you're obligating LSEM to become a
20 collection agency, as well.

21 So, it really doesn't work either.

22 But you know, as far as protecting myself and

1 letting the client know what their obligations are, I
2 always send out a letter, an engagement letter in the
3 beginning, as per the Missouri Bar, you know, telling
4 them what their obligations are and what mine are, and
5 you know, as far as charging them anything, you know,
6 one or two cases, I told them to give me money to put
7 into an escrow account, because I thought that
8 depositions might be inevitable, but you know, that's
9 not my money.

10 That's just for depositions or extraordinary
11 expenses such as publishing in a divorce, where you have
12 Dad that's gone or whatever.

13 MR. GLAZIER: Built into our retainer are
14 client obligations.

15 We go over with each and every client, you
16 know, the aspects of that retainer, and our attorneys
17 also, I think, send out that kind of information, as
18 well.

19 So, I mean I do think -- you know, I need to
20 say I think that, you know, everybody's experiences are
21 there and worthwhile, but I will say that -- I mean I
22 was, you know -- I've been a practicing attorney in

1 Legal Services for 24 years, and I just became this
2 administrator, and I have to say that, in my experience,
3 okay -- and I think, you know, there are -- you know, I
4 don't do family law. I did housing law. That's what I
5 did for most of my 24 years. I also did some public
6 benefits law.

7 I have to say that I did not experience the
8 gap because of the non-payment issue.

9 You know, there are other things that created
10 problems.

11 I represented homeless clients a lot of times.
12 Finding them, locating them -- you know, those were
13 issues.

14 But I have to say that the issue of the
15 non-payment, you know, was not something that I
16 experienced. But you know, we'll look at everything,
17 you know. As far as whether we can actually charge, I'm
18 not sure how we do that.

19 We're not permitted to do that.

20 MR. MEITES: I wasn't suggesting that you do.

21 I was suggesting that, at least my own experience -- I
22 deal with --

1 MR. GLAZIER: Yes, I understand.

2 MR. MEITES: -- people with kind of different
3 problems, but they call too often. You know, you're a
4 public utility.

5 There's a notion -- and my brother Mike here
6 has a little cash register next to the phone, and they
7 quickly get the message when they get the first month's
8 bill, and we don't have that resource.

9 MR. MCKAY: For the record, they're happy to
10 call me.

11 MR. GARTEN: Just to supplement what Mr. McKay
12 had to say, I believe that, statistically, lawyers from
13 rural areas participate at a greater percentage than
14 lawyers from larger cities, and the country lawyer has
15 been the backbone of pro bono Legal Services to a much
16 greater extent than elsewhere, and I see the executive
17 director agrees with that. So, you have another
18 statistic.

19 I'm disappointed with your percentage of
20 participation, though, as pointed out by Mr. McKay,
21 1,400 lawyers of 9,000. It seems to me to be on the low
22 side, and I presume that you're working on means of

1 getting it increased.

2 I mentioned this at the earlier meeting, on
3 the transcript, that in Maryland, we have mandatory
4 reporting, which has increased pro bono participation
5 substantially, and has also benefitted with what I call
6 checkbook pro bono, where lawyers report, instead of the
7 hours they put in, that they have made contributions to
8 organizations such as yourself.

9 CHAIRMAN HALL: Because we do have another
10 presenter, Bernice will ask her question, and then we'll
11 go to our final presenter, and maybe we'll have some
12 time at the end for some additional questions.

13 Bernice?

14 MS. PHILLIPS: Dan, you talked about community
15 education.

16 Can you tell us -- just talk a little bit
17 about that?

18 MR. GLAZIER: We have -- I mean we have had
19 our private attorneys, you know, going to -- they go and
20 they speak on areas that we may not be experts on.

21 For example, in our office, we don't do
22 guardianships, okay? And so, we have private attorneys

1 who have gone to different venues and spoken about the
2 issue, you know, of guardianship, how to do them, that
3 kind of thing, and we try to look at areas that we may
4 not -- you know, our position is, you know, we may not
5 have the expertise, but we're going to find the folks
6 that do, and as you saw, an example of community
7 education is, you know, at the Family Justice Center,
8 where we were earlier today, and the St. Patrick's
9 Center, where we passed by on the tour, we sometimes
10 have -- at St. Patrick's Center, we have had meetings
11 with the participants at St. Patrick's Center, homeless
12 individuals, and we have asked private attorneys to come
13 in and speak about, you know, some areas of the law that
14 they may not have had, you know -- you know, that these
15 individuals may not have had exposure to before.

16 So, I mean our philosophy is, you know, find
17 the resources, and the point I'm making is that the pro
18 bono attorneys can often be that resource.

19 CHAIRMAN HALL: Attorney Glick?

20 MR. GLICK: I want to pull out real quick and
21 talk about one thing that Ms. Sarjeant mentioned when
22 she was giving my resume to you.

1 That big service award that I got was for
2 doing a video presentation of master lawyers, and I
3 didn't really do -- I mean I did the interviews and the
4 editing, but the master lawyers are the ones that get
5 the credit, and the reason why I mention this to you
6 today, although he's stepped out of the room, has been
7 Mr. Mr. McCalpin was one of our -- one of the eight
8 lawyers we picked out from this area to interview as
9 what we saw as the pinnacle of legal participation in
10 the St. Louis community.

11 Okay.

12 So, I'm the city cousin, to tell you about
13 solo and small firm practice under the volunteer lawyer
14 program here in the urban areas.

15 About seven years ago, I hung out my own
16 shingle.

17 At the time, that meant that I left the safety
18 of a monthly paycheck, in excess of the amount due on my
19 student loans.

20 Naturally, this means that the expenses for my
21 firm were important, particularly at that point, when
22 there was nobody there but me.

1 So, when I got word of a free opportunity to
2 get my continuing legal education credits from a Legal
3 Services of Eastern Missouri program, I took that
4 opportunity and attended a seminar on housing and
5 landlord tenant matters.

6 Of course, the unstated quid pro quo for
7 attendance at a free CLE seminar was the passage of a
8 sign-up list for the volunteer lawyers program, which I
9 did sign up for, and I will say, at first, taking pro
10 bono cases was pretty easy.

11 At the time when I first took my first pro
12 bono cases, I would have easily have been able to
13 organize my office files with a single-digit numbering
14 system, and it was not at all difficult to take them,
15 and in fact, taking those pro bono cases largely cost me
16 additional time spent playing computer solitaire, which
17 I readily gave up at the time.

18 Today, my firm supports four employees, and
19 other pressures on my time include service as an officer
20 of the local bar association and, as you heard, a member
21 of our local board for Legal Services. I try to be an
22 active member of our Legal Services board, as well as a

1 donor, but I think that neither one of those roles is
2 nearly as important to Legal Services or the St. Louis
3 community as my role as a volunteer lawyer, because
4 that's sort of where the rubber hits the road.

5 When I was first asked to speak to you today,
6 I initially thought I would approach this presentation
7 by relating anecdotes of cases I had handled. Certainly
8 my position in the volunteer lawyer program, or VLP, has
9 generated some of my best legal war stories -- families
10 who were saved from homelessness, because I committed
11 three minutes of my time in a day to merely enter my
12 appearance and cause the matter to go away, or a unique
13 payment of attorney fees that I received in chocolate
14 chip cookies that almost certainly were made with
15 ingredients purchased with food stamps. They were
16 excellent cookies, I would point out, not even the Toll
17 House ones, better than that.

18 While these anecdotes would have been amusing,
19 they would have provided you with little additional
20 information that you can take back to LSC and hopefully
21 disseminate to other local affiliates throughout the
22 country.

1 So, instead, I set about considering the
2 larger picture of how Legal Services of Eastern
3 Missouri, or what we call LSEM, has facilitated my
4 success in the volunteer lawyer program and what other
5 grantees could do to further facilitate access by other
6 attorneys, particularly solo and small firm attorneys.

7 In Missouri, like most states, we have an
8 ethical duty to provide pro bono services. Furthermore,
9 we have -- the Missouri Supreme Court reinforces the
10 suggestion with annual reporting of pro bono hours.

11 The reporting is voluntary, but I think that
12 it does at least highlight to Missouri attorneys that
13 that's out there and remind them at least once a year
14 that they have that -- that they've sworn to uphold that
15 ethical obligation.

16 I think Adam did an excellent job reciting
17 sort of the basic reasons why his family had told him
18 that we do pro bono services because you have to, and
19 the benefits to society and the legal system are
20 obvious, but -- and while I think this sort of noblesse
21 oblige idea of why we do pro bono services is real and
22 important to keep in mind, I would argue there are

1 certainly very selfish reasons for the legal profession
2 to involve itself in pro bono Legal Services, also.

3 In the first half of the 20th century,
4 doctors, like lawyers, recognized an obligation to
5 provide free professional services for low-income
6 people.

7 However, in the second half of the 20th
8 century, doctors were relieved of this obligation by
9 Medicaid and Medicare programs and, subsequently, all of
10 our private insurance was modeled on a similar program.

11 We know the results and problems in the
12 provision of health care in our country, and we
13 frequently hear from our doctor friends of their loss of
14 professional autonomy and their inability to generate
15 revenue in their chosen field.

16 I'm pleased to live in a society where we
17 recognize the inhumanity of denial of certain basic
18 freedoms like medical care or Legal Services because to
19 people because of their inability to pay. However, I'd
20 suggest that the medical profession has taught us that
21 continued professional autonomy demands provision of
22 professional service to impoverished people in a manner

1 directed by members of that profession.

2 Adequate pro bono Legal Services by attorneys
3 is attorneys' opportunity to retain professional
4 autonomy and avoid some of the errors made by medical
5 professionals.

6 LSC, obviously, with its charge from Federal
7 regulation 1614 to fill that role, is the obvious choice
8 for lawyers who wish to maintain their professional
9 autonomy, as well as meet the ethical and moral
10 obligations which we know about so well.

11 This, of course, brings me to how LSC and its
12 local grantees can go about assisting the profession in
13 provision of Legal Services to impoverished people -- in
14 particular, to solo and small firm lawyers. I will tell
15 you something. It is not by providing opportunities for
16 pro bono services. I am provided with far more
17 opportunities for pro bono services by the clients that
18 come into my office every day than I could possibly
19 handle. Unfortunately, as the middle class disappears
20 in our country, there are large numbers of highly
21 skilled, highly trained, or otherwise professional
22 people who must live from paycheck to paycheck.

1 No one who lives on a budget -- and we all
2 live on a budget -- anticipates major legal expenses in
3 that budget.

4 So, there are a great many people that prevail
5 upon me to provide pro bono Legal Services to them.

6 My participation in the volunteer lawyer
7 program allows me to ensure that the limited amount of
8 time I can devote to pro bono services are devoted to
9 people who meet objective criteria for financial means
10 without my having to personally oversee the application
11 of that criteria.

12 This begins to touch on the most important
13 issue in the daily lives of solo and small firm
14 practitioners, allocation of their time.

15 If we surveyed lawyers and asked them why they
16 don't provide some or more pro bono services, the answer
17 would be because they lack the time to perform such
18 services while still working enough to provide for their
19 families and perhaps occasionally see those families.

20 As such, the most important thing that LSC and its
21 affiliates can provide for solo and small firm
22 practitioners are time management tools like the

1 pre-screening of candidates to ensure that people who
2 receive services are the people that need them most, and
3 this is not really a tremendous sacrifice for LSC and
4 their affiliates to do this, as they're federally
5 mandated to do that in advance of referring the clients.

6 Another example of time management tools is
7 the back-up support that we started to talk about
8 briefly during the questions for solo and small firm
9 lawyers.

10 When a case of mine, a pro bono case, takes a
11 turn into an unfamiliar area of the law for me and I
12 feel like I need to hit the library and spend a couple
13 of hours, or maybe three or four hours, I generally
14 don't do that for pro bono cases because of the ready
15 availability of the Legal Services lawyers who I can
16 call and ask my question of in about 25 seconds, as
17 opposed to two or three hours of research, or when a
18 case takes an even more odd turn and leaves the field of
19 law that I am familiar with at all, I can refer that
20 case back to Legal Services.

21 When a case becomes something that other
22 lawyers do better, I can send it back to Legal Services,

1 and they either send it out to another volunteer lawyer,
2 or in many cases, if it's become exceptionally complex,
3 in an area of poverty law that the in-house staff knows
4 more about, the in-house lawyers take over and handle it
5 from there, or sometimes a client's problem turns out to
6 only be tangentially legal in nature, and their problems
7 could better be described as social services.

8 It is an excellent opportunity for me that I
9 frequently wish I had for my private paying clients to
10 refer them to people who can more holistically address
11 their problems, like the social workers at Legal
12 Services, whether they're actually addressing those
13 problems or referring them out to other agencies.

14 They at least have some sort of satisfaction
15 where I would just really be able to focus on their
16 legal problems.

17 The most important time allocation function
18 that Legal Services provides for me, we've already
19 talked about some, and that's the intake. My intake
20 forms always seem to be filled out by paralegals from
21 the Legal Services staff, probably because I'm doing
22 housing, mostly, but I spend a great deal of my time

1 interviewing my private pay clients as they first come
2 in, and to be able to receive from Legal Services a
3 concise yet complete intake report from paralegals that
4 know the law and know what I'm going to need to know on
5 that report and not just tell me the story of this
6 person's life is an exceptional time savings for me and
7 really allows me to pick up the file and be ready to
8 actually start doing lawyer work rather than sort of
9 more counseling and winnowing out the issues.

10 Obviously, I'm suggesting that our program
11 here in eastern Missouri works well.

12 In addition to the time management tools,
13 another key component to our success locally is the
14 interrelationship of our voluntary bar association --
15 that is, the Bar Association of Metropolitan St.
16 Louis -- and Legal Services.

17 Just briefly on the Bar Association of
18 Metropolitan St. Louis, it is a voluntary bar that has
19 approximately 6,000 members.

20 I will tell you that many members are outside
21 of the 9,000 Dan quoted you, because people outside of
22 the St. Louis area -- lawyers outside of the St. Louis

1 area are also welcome to join the bar association, so
2 don't necessarily go comparing those numbers that you
3 already have with that 6,000, but a substantial
4 proportion of the lawyers that practice in and around
5 St. Louis are members of the bar association, and in
6 fact, as Dan already pointed out to you, long before
7 there was a Legal Services Corporation, possibly --
8 well, actually, 60 years before there was a Legal
9 Services organization, BAMSEL created the St. Louis
10 Legal Aid Society that is now known as Legal Services,
11 and to this day, both BAMSEL and LSEM recognize this
12 interrelationship, and I believe that much of the
13 success of LSEM compared to other possible local
14 affiliates comes from the strength of these ties with
15 the bar association.

16 Every month, the director of the volunteer
17 lawyers program writes an article for the bar published
18 in the widely read St. Louis Lawyer magazine, and BAMSEL
19 retains, of course, tight involvement in the board of
20 directors of Legal Services. All the lawyer members
21 are, if not appointed, approved by the bar association.

22 I think that I am currently the only member of

1 the governing body of both Legal Services and BAMSEL, so
2 you might imagine that this makes me the LSEM advocate
3 on the executive committee of the bar association, but
4 that is not the case.

5 I am certainly one link for information
6 between the two, but I honestly can't describe my
7 activities as advocacy.

8 Like many clubs or boards, the executive
9 committee of BAMSEL must delve into all manner of club
10 minutia -- and like any committee of individuals,
11 there's often great dissent on the executive committee.

12 However, I have never felt like an advocate for Legal
13 Services in this forum, because there is little, if any,
14 discussion over requests for support, either financial
15 or otherwise, from Legal Services. All of the members
16 of the executive committee, and the larger board of
17 governors of the bar association, uniformly recognize
18 the importance of LSEM and, in particular, the volunteer
19 lawyer program, where the bar association is necessarily
20 a pool of people from which we draw.

21 Other examples beyond the monthly column that
22 we run in the newspaper include a speech by the

1 volunteer lawyer program director at our twice annual
2 swearing-in ceremonies in order to try to indoctrinate
3 the newest lawyers into the volunteer lawyer program,
4 and many substantial ties between the largest sub-group
5 of our bar association, the Young Lawyers Division, and
6 the volunteer lawyers program.

7 Another successful aspect of our local
8 volunteer lawyers program is the recognition of the
9 participating attorneys in it.

10 There are several forms of recognition
11 associated with the program.

12 The most large-scale of these is an annual
13 awards lunch.

14 Every year, five or six volunteer lawyers are
15 honored in a relatively small ceremony. It's not a big
16 or fancy thing, and I don't know of anybody that ever
17 actually went out and worked to try to get one of those
18 awards, or campaigned for them. I don't think it's
19 something that could be done. But the receipt of such
20 an award -- and as you heard, I won one -- is
21 gratifying, and cements a continued relationship between
22 LSEM and the winning attorneys, as well as all of the

1 attorneys that attend that ceremony.

2 Such recognition, I would point out, is
3 relatively inexpensive.

4 In fact, through the sale of tickets at that
5 lunch, it could easily be revenue-positive for the local
6 affiliate.

7 Additional opportunities for recognition
8 present themselves at other times, as well. For
9 example, the giving of public speeches that Dan talked
10 about is certainly very flattering to the lawyers, and
11 this is not only beneficial to the volunteer lawyer
12 program but draws the local legal community into -- or
13 at least the individual lawyers, as they participate --
14 into the overall mission of the program and serves as a
15 source of candidates for the volunteer lawyer program
16 and for other programs that the local community is
17 needed for. For example, certainly my selection to be
18 on our board of directors is not unrelated to my
19 participation in the volunteer lawyer program. I'm
20 certain Legal Services would have had no idea I existed
21 if I hadn't participated in the volunteer lawyer
22 program.

1 In any event, my point is that such
2 replication is cheap and easily replicated in other
3 places, or perhaps even on a national level.

4 Okay. In addition to time management tools
5 and recognition, I would urge you to consider the need
6 to inform solo and small firm practitioners of how they
7 can successfully participate in pro bono projects. All
8 these things that I've told you about are great but
9 don't do any good if solo and small firm practitioners
10 don't know about them.

11 Solo and small firm lawyers need to be made
12 aware of the time management tools I talked about
13 earlier.

14 More importantly, they need to be placed in
15 the proper mind-set for volunteers.

16 There is a real tendency by solos to focus on
17 the bottom line. As the end of each month approaches,
18 the need to make payroll looms.

19 While there are many problems with this bottom
20 line approach to practice, it particularly squeezes out
21 of the calendar time for pro bono activities. One way I
22 combat this mind-set is to assure that my most lucrative

1 clients and my pro bono clients are treated the same.

2 Solo and small firm lawyers need to be
3 reminded, even while they are managing the office
4 finances, that their attorney's duties of diligent
5 representation flow in any attorney-client relationship
6 regardless of the anticipated fee.

7 So, in my office, I don't mark on the file tab
8 or anywhere on the outside of the file that it's a pro
9 bono case. In fact, I don't think I mark on it
10 anywhere. Generally -- I'm not stupid -- I know where
11 clients came from, but I make a point not to highlight
12 it to my staff or make it stand out when they show up in
13 court and sit next to me.

14 I would encourage you to develop training
15 programs that encourage solo and small firm lawyers to
16 take similar steps to not only know the substance of the
17 law, which is how I was originally involved in the
18 volunteer lawyer program, by attending CLE, but also
19 about the unique opportunities that volunteerism
20 presents and the benefits not only to the legal
21 community but also to the community as a whole.

22 I think that our local success of the

1 volunteer lawyer program comes from success at providing
2 effective screening and time management, maintaining a
3 close relationship with the local voluntary bar, and a
4 good substantive and practice training geared for both
5 solos and small firms, as well as on other occasions,
6 I'm sure, for large firm practitioners.

7 Thank you for your attention and thank you for
8 your support of our program and for visiting us here in
9 St. Louis. This is an excellent opportunity for us to
10 show off what we're very proud of, which is our local
11 programs. And I'm happy to take questions, as well.

12 CHAIRMAN HALL: Thank you.

13 Questions?

14 Sarah?

15 MS. SINGLETON: I have a question, and you may
16 have explained it, but it went over my head. When Karen
17 was introducing you, she said you were going to talk
18 about two different kinds of pro bono referrals, I
19 think, one which is in-house, where you run the pro bono
20 referral program in-house; the other is where someone
21 else, like a bar association, runs the pro bono referral
22 program, and now I'm not following where you get your

1 cases from.

2 MR. GLAZIER: He gets his cases from us, from
3 Legal Services of Eastern Missouri.

4 What I was getting from what Karen was saying
5 was that she was sort of delineating -- we have a
6 volunteer lawyer program that is part of the Legal
7 Services of Eastern Missouri program.

8 MS. SINGLETON: Okay. So, the voluntary bar
9 association that you were mentioning does not run the
10 volunteer lawyer program.

11 MR. GLICK: No, we cooperate with them. I
12 think we have essentially three forms of private
13 attorney involvement in eastern Missouri: Judicare,
14 which Adam talked about; the volunteer lawyer program,
15 which I talked about; and the retired attorney working
16 in-house program, or I guess any in-house volunteer
17 program.

18 MS. SINGLETON: And so, your program, then,
19 pays the full cost of whatever it takes to run the pro
20 bono lawyer program.

21 MR. GLAZIER: Oh, absolutely, yes.

22 CHAIRMAN HALL: You made a point -- and I know

1 there are some individuals who, in the audience, may
2 want to raise something.

3 I would just ask if we -- just to be
4 consistent -- that there is a place on the agenda for
5 public comment, and so, we will certainly bring you up
6 to make any points that you'd like at that time.

7 You made a point earlier in one of the kind of
8 justifications or how it has facilitated your success,
9 that one of the arguments we would be making to the
10 private bar is that -- using the medical model -- that
11 if we want to continue to have professional autonomy, it
12 is better for us to do it ourselves than expect it to
13 get imposed upon us.

14 That's a creative argument. Could you flesh
15 it out a little bit more?

16 Do you recall think there is that type of
17 threat that one can legitimately say to the bar, in
18 general, if we don't get our act together, we're going
19 to lose some of our autonomy?

20 MR. GLICK: I think that that's absolutely
21 true, and I think the best illustration of that would be
22 Judge Webber's comments at lunch.

1 There is this glorious system of laws and
2 courts and lawyers and judges in our country that,
3 increasingly, large portions of our population are being
4 denied access to, and at some point, those people are
5 going to say, hey, this is supposed to be how we protect
6 our freedoms.

7 If we have to pay a couple of thousand dollars
8 to get in the door, it's not really a system for us at
9 all, and at some point, that has to come to a head and
10 people have to start wondering what's wrong with our
11 legal system if it's not serving all the people that it
12 pretends to serve?

13 CHAIRMAN HALL: Okay. One other -- there may
14 be some other questions.

15 When you came -- and this is certainly coming
16 from my own position of, hopefully, influence. What
17 role did your law school have in instilling this value
18 that you must do this, or was this something that only
19 came about because of someone -- you know, the incentive
20 of taking the CLE course and then finding out that you
21 had to do something for having taken the course?

22 So, I guess I'm just trying to ask, was there

1 another place where this value was instilled, and was
2 the law school one of those places?

3 MR. GLICK: The law school -- I think the law
4 school could be one of those places, and I might have
5 overstated the importance of that CLE program.

6 I was fairly active and involved with Legal
7 Services even before then, mostly just as a donor,
8 though.

9 For me, the law school was not a particularly
10 important influence, in part because I went to law
11 school out of town, in Columbia, Missouri, where we do
12 have outreach programs where I know we at least recruit
13 attorneys from, but it just wasn't, for me, at that
14 time -- I know we had substantial links to the two St.
15 Louis law schools, both directly because of students
16 that work at LSEM and also through the -- the secondary
17 recruitment process through the local bar works
18 extensively with the student bar associations to try to
19 instill that, and the bar association also has various
20 scholarships to facilitate that, as well, and to try to
21 provide opportunities for students to work for LSEM over
22 the summer, as opposed to making thousands of dollars at

1 a big firm.

2 CHAIRMAN HALL: Okay. Thank you. Tom?

3 MR. MEITES: Well, you've come up with a lot
4 of good reasons why, if I were inclined to do pro bono
5 work, it makes sense to do it through Legal Services of
6 Eastern Missouri, but David has put his finger on it.

7 The philanthropic impulse does not beat in
8 every breast.

9 MR. GLICK: Right. I agree.

10 MR. MEITES: And those who have it, have it,
11 and those who don't haven't exhibited it, and what you
12 said about the doctor thing, which actually is an
13 original thought -- and the number of original thoughts
14 that I hear every day are less than one tenth of one
15 percent, so I thank you for that. That's not going to
16 persuade our free-riding brothers and sisters until it's
17 too late.

18 Let me go back to David's idea.

19 In my experience, the best way to get anybody
20 interested in doing pro bono work is to have them do it,
21 because once you do it, most people are converts, and
22 the one place where you have malleable people is law

1 schools. They are still malleable, plus they're looking
2 for hands-on legal experience.

3 MR. GLICK: I disagree. I think new lawyers
4 are equally --

5 MR. MEITES: Right, brand new lawyers, first
6 year.

7 And if you can get them then, when they're
8 young, then you have them, but how -- how can law
9 schools push their students into pro bono experience,
10 and how can the bar push its brand new lawyers into
11 trying at least one case?

12 MR. GLICK: Well, I think the most important
13 way that law schools could help to encourage lawyers to
14 take on more pro bono activity would be to try to find
15 ways for them to reduce their -- the student loan
16 amounts that they graduate with that they have to pay
17 every month, because that's what drives new lawyers to
18 take huge salaries at big firms, rather than work at
19 Legal Services or, on a larger scale, provide that time.

20 MR. MEITES: Even if I owed \$80,000, I could
21 take one free housing case.

22 MR. GLICK: I agree.

1 MR. MEITES: So, how do you get me?

2 I just graduated from Washington University
3 School of law and -- to take my first housing case,
4 knowing that if you get me on the first one, you may
5 have me for life.

6 MR. GLICK: Absolutely.

7 MR. MEITES: So, how do you do that?

8 MR. GLICK: Well, our way of doing that,
9 besides the law school initiatives that we talked about,
10 is, of course, inviting the director to that swearing-in
11 ceremony, where we're getting people that are being
12 sworn in.

13 They've just passed the bar, they're excited,
14 and they're also, frankly, showing up because they plan
15 to network with the attorneys that are there in order to
16 try to secure employment.

17 I think that is the key time to approach them,
18 but I think the other key to this is sort of beyond my
19 topic, because it applies to larger firms some, and I
20 think that since so many people -- so many new lawyers
21 look for large firm jobs, they have to be encouraged to
22 buy their firm to count that pro bono cases in the

1 billable hour requirements they have to meet, and that
2 can potentially apply to small firms, as well.

3 We're currently in the process of hiring our
4 first associate, who, in fact, is a student at LSEM that
5 we're hiring away from them, but I absolutely plan to
6 encourage her to continue her relationship with Legal
7 Services.

8 MR. MEITES: Thank you.

9 CHAIRMAN HALL: Lillian, I think they're kind
10 of subtly suggesting that you and I need to take a pay
11 cut.

12 We'll resist that notion for now.

13 MS. BEVIER: I'm not on this committee.

14 (Laughter.)

15 MR. GARTEN: I think the way you articulated
16 the discretion you've had in sending cases back, in
17 getting advice from the experts, are very good selling
18 points that I haven't heard previously expounded the way
19 you have put it, and I think that it was very
20 worthwhile, your setting that out for us.

21 MR. GLICK: And the intangibles of that are as
22 likely to hook somebody into pro bono services as not.

1 I largely met -- Dan, as you know, before becoming our
2 executive director, was our housing director, our
3 co-housing director, which was the kind of cases I had,
4 and I largely met and became friends with Dan as a
5 result of --

6 MR. GARTEN: It's like borrowing something
7 with a guarantee that you can return it in 30 days.

8 MR. GLICK: Absolutely.

9 MR. GLAZIER: If I may say, on that topic, I
10 will say that, in my 24 years of doing practice, you
11 know, courtroom practice, and the juggling of all those
12 cases and all those challenges, I will say that the
13 calls that I always felt I had to take, I needed to
14 take, was from the volunteer lawyers.

15 You know, regardless of, you know, what was
16 happening tomorrow in court, I felt it was very
17 important to do that, and I am hoping -- and I am
18 transmitting that priority to our staff, but it does not
19 take me a lot of work, because our staff already gets
20 it.

21 They get that, you know, these are calls, this
22 is help we have to do, because that's how important this

1 is.

2 CHAIRMAN HALL: On a couple of occasions,
3 Judge Teitelman has had his hand up, and though we have
4 another presentation, I would invite you now, before we
5 thank our panel, if you wanted to come up and either
6 address some points that have been made or make some
7 public comment before we move to our next item.

8 JUDGE TEITELMAN: I'll be very brief. Dan has
9 been a great director. He's a dynamic leader, and he's
10 been the director for a year, over a year. I was the
11 director for 18 years, and so, I have a little more --
12 maybe some knowledge, especially of some things -- for
13 example, corporate pro bono.

14 The Supreme Court of Missouri passed a rule
15 that says, even if you're not a member of the bar but
16 you're a corporate lawyer, you need to do pro bono in
17 the State of Missouri.

18 Also, our coverage -- our insurance coverage
19 is, I think, standard around the -- Legal Services --
20 you pay 50 cents per lawyer as pro bono as secondary
21 coverage, but for the corporate lawyers, it's primary
22 coverage, so they have no pro bono. Indeed, for \$100,

1 we covered Monsanto. Monsanto said what if we get sued,
2 but our lawyers -- they do have deep pockets. Monsanto
3 has deep pockets. For \$100, they're covered.

4 But I have to say, in 18 years as director,
5 five years as staff attorney and manager, they never got
6 sued, never had a complaint, never had a bar complaint,
7 and I was on the ethics committee of the State of
8 Missouri.

9 Mostly the complaints -- a lot of the
10 complaints came in against lawyers that have large
11 practices, mass practices.

12 No one has a larger practice than legal aid.
13 We never, not once, had a lawsuit against us or a
14 volunteer lawyer.

15 And the other thing is the Supreme Court could
16 do -- the courts could do a lot more on the pro bono,
17 but you know, as far as corporate pro bono, there's a
18 very strong effort on that from the Missouri bar, and
19 there's a -- and we will work with Tom a lot more. I
20 was president of the St. Louis -- I was elected
21 president of the St. Louis Bar while I was executive
22 director of legal aid, and unanimously president-elect

1 of the Missouri Bar, and there's much more we can keep
2 on doing in working with the great new volunteer
3 lawyers.

4 So, I just wanted to clarify just a couple of
5 points.

6 I do appreciate your time. Thank you very
7 much.

8 CHAIRMAN HALL: You're welcome. Thank you.

9 Karen?

10 MS. SARJEANT: I was just going to say that,
11 once again, we've heard several recommendations that I
12 think we can take back and work with staff on developing
13 ways in which we can start to share this with the
14 broader legal services community. There were lots of
15 recommendations again today.

16 One of the issues that comes up time and again
17 is law schools, and I think we want to have some
18 additional discussion about that, because once again,
19 most of us had our first experience in law school, and
20 you know, even though first-year lawyers are malleable,
21 I think law school is the time to get folks. So, we
22 will take all of this back again and come back with

1 something.

2 CHAIRMAN HALL: Thank you. And on behalf of
3 the Provisions Committee, I'd like to thank all of our
4 guests, even the one who has left, for continuing to
5 enlighten us on this topic.

6 It's something that this committee and, I
7 believe, the entire board is taking very, very
8 seriously, and every new suggestion, and even hearing
9 the same suggestion again from a different source, just
10 encourages us and increases the possibility that we can
11 make a difference or change.

12 So, thank you for your time, and thank you for
13 your insight.

14 MR. GLICK: I assume that my contact
15 information is somewhere in the material that you got.
16 Please feel free to ask me more questions, if you would
17 like, later.

18 CHAIRMAN HALL: All right. We will do that.
19 Thank you very much.

20 We do have at least one more -- I know our
21 time is somewhat short.

22 MR. MEITES: David, my meeting is going to be

1 very brief today, so feel free to --

2 CHAIRMAN HALL: Okay. That's fine.

3 Our next item on the agenda is a report from
4 one of our board members, Sarah Singleton, on the ABA
5 task force and its standards.

6 So, you can certainly share that with us at
7 this time.

8 MS. SINGLETON: Mr. Chairman, is it all right
9 if I do it from here?

10 CHAIRMAN HALL: Oh, it is totally okay for you
11 to do it from right there.

12 MS. SINGLETON: All right. Thank you very
13 much.

14 As you may know, I have had the privilege of
15 serving as the chair of the task force of the ABA's
16 Standing Committee on Legal Aid and Indigent Defendants
17 project to look at revising the standards for providers
18 of civil legal services to the poor, and I have had the
19 pleasure of working with a number of people who put in
20 long hours on that task force, many of whom are in the
21 room, and I would like to take a minute to recognize
22 some of those people. So, if you've been on the task

1 force or served as our reporter, would you mind standing
2 up, just so people know who you are?

3 (Applause.)

4 MS. SINGLETON: That's Linda Perle, Don
5 Saunders, and Terry Brooks is the staff counsel.
6 Helaine served on the task force, also, and was ably
7 represented, when she couldn't be there, by a staff
8 member, Janet Labella.

9 I think, because of our time limitations, what
10 I've been asked to do is to tell you what the status of
11 the BA standard is, and then just to talk -- or
12 highlight a few things for you.

13 First of all, the status is that, except for
14 what I'm hoping is minor editing, they are done and
15 ready to be presented to the SCLAID committee, which
16 will act on them on Monday. We have a meeting with
17 SCLAID on Monday, and we -- hopefully, they will approve
18 them.

19 They will then be sent to the ABA House of
20 Delegates for action at their August annual meeting,
21 which will be in Honolulu this year. So, we are very
22 hopeful that, by the end of the House of Delegates

1 meeting, there will be a new set of ABA standards.

2 Now, what are some of the things that these
3 standards have done that are noteworthy for this group?

4 Well, first of all, we changed the title. We
5 had some requests by various providers to not call them
6 standards for providers of legal services to the poor,
7 because there are many legal aid providers whose
8 programs don't deal with the people who are poor,
9 meaning at or below the poverty level.

10 They may be slightly above poverty level. It
11 may be a program for elders, which is not means-tested,
12 or a program for people who have disabilities, which
13 also is not means-tested, and we wrote the standards in
14 such a way that they could be applicable to all of those
15 programs, so it is now going to be -- the title will be
16 more generic.

17 The reason for the suggestion that we revise
18 the standards, or one reason, was that so many things
19 have changed since the last standards were adopted by
20 the ABA, and I'm sorry that Bill McCalpin left, because
21 truly, he was the leader behind the 1986 standards, and
22 I remember very clearly one thing he said to me when we

1 started this project was if you think you can do that in
2 the timeline you've set out, you're crazy, you're going
3 to need at least another year, and he was right. So, I
4 wanted to let him know that he had been vindicated.

5 But one of main things that changed since '86,
6 I think, is the nature of our delivery system.

7 Back in '86, most people thought that
8 LSC-funded programs were, if not the only provider,
9 certainly the major providers in every state, and they
10 were what everyone looked to to do almost all of the
11 legal aid work. That has changed since then.

12 LSC now, nationally, provides -- I think it's
13 close to 33 percent of the resources that are used to
14 provide legal aid in the states. That means that
15 two-thirds of the resources are coming from a source
16 other than LSC.

17 So, one of the things we had to do when we
18 wrote these standards was to remember that we were not
19 writing them only for LSC programs, there are other
20 kinds of programs, and we had to constantly be reminding
21 ourselves, when we were picking up language, to use
22 language that would apply to everybody, not just LSC

1 people.

2 However, we also knew that you had your
3 performance criteria project going on at the same time,
4 and I do not believe, having looked at what has now
5 been -- arrived yet, that there are any conflicts
6 between the two. At least I hope there are not. Or if
7 there are differences, it is driven by your requirements
8 and the LSC restrictions, as opposed to a difference in
9 philosophy.

10 So, that's one thing that's a little bit
11 different about these standards than the '86 standards.

12 Another difference that may be of use, if not
13 to LSC as a board but to LSC programs, is they have been
14 reorganized, and the old standards had things that a
15 lawyer working for a legal aid provider had to do mixed
16 in with things that a legal aid program had to do.

17 We have tried to separate the standards that
18 apply to the provider as a program from the standards
19 that apply to the practitioner who happens to work for a
20 legal aid program, and so, the first six sections deal
21 with what the provider has to do; section seven deals
22 with what a practitioner has to do. We hope that will

1 make them more user-friendly and useful to people in the
2 field.

3 Now, some of the specifics of what we looked
4 at -- in section two, we took into account this new
5 delivery structure, and we tried to say that every
6 program, when it is making its decisions about scope of
7 representation, types of cases that it will take, ought
8 to do it as part of a bigger system in its region or its
9 state, so that if a program decides it's only going to
10 give brief service in a particular area but it runs into
11 a case where someone needs full service, extended
12 representation, it should give brief service only if
13 there is some other provider within the system who could
14 provide, in the appropriate case, extended
15 representation.

16 So, we're trying to look at things not only
17 from a particular program's point of view but from a
18 whole system's point of view. That was one of the
19 things that we did.

20 We also -- if you look at section three -- and
21 you have a copy of the index here -- you can see we ran
22 the gamut from full representation and legislative

1 advocacy, administrative rule-making, economic
2 development, limited representation, which would include
3 legal advice and brief service, assistance to pro se
4 litigants, and finally, provision of legal information,
5 which would be legal education, when an attorney-client
6 relationship isn't even formed.

7 We saw all of those as parts of the delivery
8 system.

9 The old standard assumed or, oftentimes it
10 seemed they assumed, as though that full representation
11 was the only thing that was going on, and in point of
12 fact, that is not the case, and it hasn't been the case,
13 if it ever was the case, but it certainly hasn't been
14 the case since most of the '80s, so that we thought that
15 the standards ought to really recognize that there are
16 going to be times when, for one reason or another,
17 either efficiency or limitation on resources, a program
18 is going to be able to do only brief service or only
19 limited advice. Shouldn't we give them some help for
20 deciding when that is appropriate? And that's what
21 these standards and the commentaries try to do.

22 I think that those are the main things that I

1 have, given the limited amount of time, that I wanted to
2 talk to you about today, but as I say, there are other
3 people who were on the committee, who are here. They
4 may wish to say something, or you may have questions
5 about a particular standard, and I am glad to answer any
6 questions you have now or later, but I will just tell
7 you that I brought with me my copy of all the standards,
8 and this is the book, although they printed it
9 one-sided, so it will be half that thick when it's
10 finally out. But that is what we have been working on.

11 CHAIRMAN HALL: Now that you've shown me the
12 book, that does away with my real question, which was,
13 could we get a copy of it?

14 I think we will defer to those who are on the
15 committee who are connected to us in some way to ensure
16 that they have been looked at from a standpoint of
17 consistency with our own criteria or other types of
18 issues.

19 Are there any questions from any committee
20 member or board member? Tom?

21 MS. SINGLETON: We would be glad to get anyone
22 who really wanted a copy a copy.

1 CHAIRMAN HALL: Sure.

2 MS. SINGLETON: But just to hand them to
3 you --

4 CHAIRMAN HALL: Yes.

5 MS. SINGLETON: It would not be a good idea.

6 CHAIRMAN HALL: Tom, are you still with us?

7 MR. FUENTES: I'm still with you. I can't see
8 the book, but it sounds like a big one.

9 CHAIRMAN HALL: Take my word for it, it's
10 pretty thick.

11 Well, thank you, Sarah, for giving us that
12 update, and I assume your sense is that the House of
13 Delegates will approve it in August, and they will, at
14 that time, be published broadly.

15 MS. SINGLETON: That is my sense. When these
16 start to be circulated within the ABA, there could be
17 committees or sections of the ABA who want to have a
18 comment, and the group that has worked on it, or SCLAID,
19 will consider those comments, and may make some friendly
20 amendments to what is submitted in the beginning of May.

21 CHAIRMAN HALL: Uh-huh.

22 MS. SINGLETON: It's also possible there could

1 be some last-minute amendments. That happens with the
2 ABA. I don't see that as likely in this instance,
3 but --

4 CHAIRMAN HALL: Okay.

5 MS. SINGLETON: I think we pretty much have
6 what's going to pass, and I don't see any problem with
7 the concept of having the ABA House of Delegates pass
8 standards, since they've done it two or three times
9 already.

10 CHAIRMAN HALL: Okay.

11 Thank you.

12 Thank you and the other individuals who have
13 been involved in this process, because it is a very
14 important process.

15 Based on time and some other considerations,
16 items six and seven -- Helaine, you can brief us on
17 those in your report to the board. Is that possible?

18 MS. BARNETT: Yes, it is.

19 CHAIRMAN HALL: Okay. So, we'll just suspend
20 having a report at this time on the LSC performance
21 criteria and the mentoring pilot project, and we will
22 hear that tomorrow at the board meeting.

1 Any additional public comment at this time to
2 come before the Provisions Committee?

3 (No response.)

4 CHAIRMAN HALL: Any new business or items for
5 this committee to consider that any committee member
6 would like to raise?

7 (No response.)

8 CHAIRMAN HALL: Hearing none, I would consider
9 an act for adjournment of the Provisions Committee.

10 M O T I O N

11 MS. PHILLIPS: So moved.

12 MS. SINGLETON: Second.

13 CHAIRMAN HALL: Thank you.

14 Meeting adjourned. And thanks again to all of
15 our guests and presenters.

16 (Whereupon, at 3:41 p.m., the committee was
17 adjourned.)

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