

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

COMMITTEE ON PROVISION
FOR THE DELIVERY OF LEGAL SERVICES

OPEN SESSION

Saturday, June 12, 1999

9:25 a.m.

The Westin-Tabor Center
1672 Lawrence Street
Denver, Colorado

COMMITTEE MEMBERS PRESENT:

Hulett H. Askew, Chairman
Edna Fairbanks-Williams
Maria Luisa Mercado
Nancy H. Rogers (via telephone)
Douglas S. Eakeley

BOARD MEMBERS PRESENT:

F. William McCalpin
John T. Broderick, Jr.
Ernestine P. Watlington
LaVeeda M. Battle
John Erlenborn

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STAFF AND PUBLIC PRESENT:

John McKay, President
James Hogan, VP, Administration
David Richardson, Treasurer/Controller
Victor Fortuno, General Counsel and Secretary
Edouard Quatrevaux, IG
Danilo Corduna, Acting VP Programs
Mauricio Vivero, Government Affairs
Leonard Koczur, OIG Staff
Laurie Tarantowicz, General Counsel OIG
Suzanne B. Glasow, Associate General Counsel
Joan Kennedy, Human Resources
Jay Brown
Anh Tu
Mike Genz
Bob Gross
Sue McAndrew
Matt Tanana, Mutual of America
Alan Houseman, CLASP
Jon Asher, Colorado Legal Aid
Margaret Abrams, Project Safeguard
Meera Mani, The Clayton Foundation
Jerry Lemberger, Colorado Legal Aid
Mario Rivera, Colorado Legal Aid
Gregory Hobbes, Assoc Justice Colorado Supreme Court
Bennett Aisenberg, President Colorado Bar

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P R O C E E D I N G S

1
2 CHAIRMAN ASKEW: Good morning. This is a
3 meeting of the Committee on the Provision for the
4 Delivery of Legal Services. All the Committee members
5 are here, either in person or by phone. Nancy Rogers
6 is with us by speaker phone. Good morning, Nancy.

7 MS. ROGERS: Good morning, Bucky.

8 CHAIRMAN ASKEW: We have a good connection.
9 First item on the agenda is the approval of today's
10 agenda. Before we vote on that, I'd like to add one
11 thing to the agenda. This is in your book, the agenda
12 behind the tab saying, "Provisions," right before tab
13 10.

14 After item four, the staff report, Alan
15 Houseman is going to speak to the Committee for around
16 five minutes on behalf of the Center for Law and Social
17 Policy. Other than that, with that one addition on the
18 agenda, it stands as in the book.

M O T I O N

19
20 CHAIRMAN ASKEW: May I have a motion for its
21 approval?

22 MS. FAIRBANKS-WILLIAMS: So moved.

1 MS. ROGERS: Second.

2 CHAIRMAN ASKEW: And Nancy seconds. The
3 agenda -- all those in favor say aye.

4 (Chorus of ayes.)

5 CHAIRMAN ASKEW: The agenda is approved. We
6 have two sets of minutes before us. If you'll
7 remember, at the last meeting, we asked the staff to
8 redo the minutes from the February 21 meeting, because
9 they were a little too summary. And so we have the
10 minutes for the February 21st meeting of the Committee,
11 and the April 16th meeting of the Committee.

12 I have a few minor typographical changes to
13 the minutes, but nothing of substance to them, that I
14 will give to Victor after the meeting this morning.
15 Does any Committee member have any changes to the
16 minutes?

17 MS. ROGERS: I do not.

18 M O T I O N

19 CHAIRMAN ASKEW: A motion they be approved.

20 MS. FAIRBANKS-WILLIAMS: So moved.

21 MS. ROGERS: Second.

22 CHAIRMAN ASKEW: Nancy seconds. All those in

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1 favor, say aye.

2 (Chorus of ayes.)

3 CHAIRMAN ASKEW: The minutes of the April 16th
4 meeting are also in the book. Other than Mr. Gibbs'
5 name being misspelled throughout the minutes, there are
6 a couple of other also typographical changes, which
7 I'll give to Victor, but other than that, there are no
8 substantive changes, that I saw, to the minutes. Does
9 anybody have any changes?

10 M O T I O N

11 CHAIRMAN ASKEW: Do I have a motion they be
12 approved?

13 MS. FAIRBANKS-WILLIAMS: So moved.

14 MS. ROGERS: Second.

15 CHAIRMAN ASKEW: All those in favor, say aye.

16 (Chorus of ayes.)

17 CHAIRMAN ASKEW: The next item on the agenda
18 is a field presentation on the developments LSC funding
19 Legal Services in Colorado. Both I and staff members
20 have had conversations with Jon Asher about the
21 presentation today.

22 Originally, the board had a strong desire,

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1 while we were here in Denver, to visit the program or
2 to do something to observe the delivery of legal
3 services in this community. Unfortunately, because of
4 time pressures, and items that we had to deal with
5 yesterday afternoon, we weren't able to do that.

6 So I spoke to Jon and asked him if he could
7 not only expand the presentation that he and the other
8 program directors were planning to make on state
9 planning here in Colorado, asked also to provide the
10 Committee with something about the activities of the
11 program in Denver.

12 And he has brought with him some folks this
13 morning who will speak to us, and so I'm going to
14 introduce Jon Asher, the director of the Legal Aid
15 Society Metropolitan Denver to introduce our speakers
16 to us. I think all of you know Jon and met him, heard
17 from him last night. Welcome, Jon.

18 MR. ASHER: Thank you. Mr. Chairman, Mr.
19 McKay, and members of the Committee, I'm Jon Asher, I'm
20 the director of the Legal Aid Society of Metropolitan
21 Denver.

22 And as the chair said, at his request, we've

1 broken our presentation into two parts. I will
2 introduce the two terrific people who are with me this
3 morning to talk about some of our partnerships and some
4 of the work that -- not only that we do, but that
5 others in this community are doing.

6 The second part of the morning will be focused
7 on merger. Jerry Lemberger, the director of Pikes
8 Peak, and Mario Rivera, the director of Colorado Rural
9 are here. I think that your staff, Mr. Gross and Ms.
10 Anh Tu, may want to put that presentation into some
11 sort of context for you. Anh's been trying to put me
12 in context for two years, so this morning should be no
13 different.

14 (Laughter.)

15 MR. EAKELEY: She's been trying to put us in
16 context for six years, Jon.

17 MR. ASHER: That's right. So it is really my
18 privilege this morning to have with me Margaret Abrams,
19 who is the director of Project Safeguard, which is a
20 small, although growing, non-profit advocacy
21 organization in the metropolitan area, that provides
22 advocacy and assistance to victims of domestic

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1 violence, and with whom we work, I think, closely. You
2 will hear whether she thinks closely in a minute.

3 And Ms. Meera Mani, who is the president and
4 director of the Clayton Foundation. She will explain
5 more of that, but it is a large provider of early
6 childhood and Head Start programs, as well as
7 historically, a number of other programs.

8 And I've been fortunate to work with both
9 Margaret and Meera for a number of years, and I will
10 now ask Margaret to explain a little bit about her
11 program, and then Meera about the Foundation, if that's
12 okay, Mr. Chairman.

13 MR. ASHER: That's wonderful. Thank you, and
14 welcome.

15 MS. ABRAMS: Great. Well, thank you. I'm
16 glad to be here this morning. And as Jon explained,
17 Project Safeguard is a non-profit agency that has
18 provided basically legal advocacy and crisis
19 intervention to domestic violence victims in the Denver
20 metro area since about 1984, I think.

21 And we really grew out of, I think, the
22 philosophy that the civil legal system was a

1 particularly overlooked and sometimes misunderstood
2 resource for domestic violence victims. And a remedy
3 that the should be able to access and utilize as they
4 are seeking to leave abusive relationships and find
5 safety for themselves and for their children.

6 So we provide information, support, court
7 accompaniment to domestic violence victims throughout
8 the restraining order process, and basically help them
9 figure out how to navigate their way through the
10 various resources and systems that are available to
11 them.

12 We have advocates that are in Denver's
13 protective orders court every day, and I am sorry you
14 didn't get there yesterday, but if you're going to be
15 here next week, feel free to come visit. It's
16 certainly an interesting place. It's one courtroom
17 that is really devoted strictly to protective order
18 issues.

19 So we, our staff at Project Safeguard, is
20 there to help throughout the temporary restraining
21 order process, and get them through that piece. It
22 also gives us an opportunity to do some screening, in

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1 terms of which cases may become more complex as they
2 proceed down the road.

3 And certainly early in the 1980's, as our
4 program was growing, we recognized we could get women
5 often through that piece, but then they still have to
6 face other issues with perhaps contested permanent
7 restraining order hearings, and certainly divorce and
8 custody issues.

9 So in 1992 we developed what's called the
10 Permanent Restraining Order Project, which I think is
11 one of the most creative and effective collaborations
12 that I've seen come along in a long time.

13 Basically, it's Project Safeguard, legal aid,
14 the Colorado Women's Bar Association, and DU Law School
15 that work together to provide legal resources for women
16 as they proceed through that piece.

17 Project Safeguard is, as I said, able to
18 provide some of that up front screening at the
19 temporary restraining orders. We take intakes over to
20 Legal Aid immediately after court every day, where then
21 Legal Aid can further do screening to figure out what
22 cases they can pick up, and the piece with the Women's

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1 Bar Association then, we recruit volunteer attorneys
2 from the community to also be available to help with
3 the permanent restraining orders, given that that is a
4 fairly time-limited piece that they can contribute,
5 permanent restraining orders happen every morning at
6 8:30, so we're able to give a pretty clear idea, to
7 attorneys who want to do pro bono work, what that time
8 commitment is going to look like from them. And it
9 also gives them an opportunity to get some pretty
10 intensive training that the Legal Aid staff and our
11 staff do for those private attorneys around domestic
12 violence issues and legal remedies available to
13 domestic violence victims.

14 So it really has been a great way to try and
15 conserve legal aid's resources for those cases that are
16 going to be perhaps more complex and need some of that
17 ongoing assistance and representation and funnel out
18 those cases that can either be handled then by private
19 attorneys in the community, or cases that can kind of
20 go through with some information and assistance from
21 our advocacy staff.

22 So in a nutshell, that's what the PRO project

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1 looks like. And it's also been neat, because it's a
2 very -- it's a project that very much can be replicated
3 in other communities, given the right ingredients, and
4 seems to have -- it's a real -- it's a project that has
5 very successful outcomes for everybody, because it has
6 been a way to really increase the number of women that
7 are getting representation that they so desperately
8 need and help spread out the resources.

9 MR. ASHER: And it now covers more than just
10 Denver.

11 MS. ABRAMS: Yes.

12 MR. ASHER: But Adams County, Arapahoe County,
13 and it is a terrific collaboration between the project,
14 our staff, and as Margaret says, both the Women's Bar
15 and the clinical program at DU Law School. Sometimes
16 it's not an even partnership, but it's always a
17 partnership.

18 MS. ABRAMS: That's true.

19 MR. ASHER: Let's see if we have any questions
20 for this piece of it, before we go on to the second.
21 Yes, Maria?

22 MS. MERCADO: Yes, on the -- you were saying

1 that the Women's Bar does the permanent restraining
2 orders. I assume, I guess, by what you're
3 representing, that the courts do restraining orders and
4 separate orders without necessarily tying it into the
5 divorce, so they wouldn't be involved --

6 MS. ABRAMS: Correct.

7 MS. MERCADO: -- in processing that
8 separation, and whatever property issues or custody
9 issues would be involved?

10 MS. ABRAMS: Right. The restraining orders
11 have a very fast turn around time. The permanent order
12 has -- the permanent hearing has to be within 14 days
13 of the temporary, and can pretty much be heard as an
14 entirely separate order from any divorce or custody or
15 property issues.

16 MS. MERCADO: And what would be the percentage
17 of cases that the private bar would take that would
18 entail more of that? For the contested custody case?

19 MR. ASHER: Some. Not as many as we'd like.
20 It is easier to get private attorneys to do a
21 restraining hearing than it is to do a contested
22 custody case that may take years. That's why we triage

1 those cases.

2 And those that are likely to go from the court
3 of limited jurisdiction, where you can get care and
4 control, temporary custody and protection, to a full
5 divorce hearing, those are many of the cases that we
6 would then take on and not refer to a pro bono counsel.

7 But we have a small, but committed group of
8 family practitioners who do a couple a year. But we
9 certainly are working to increase the family law piece.
10 But Ms. Abrams and others have been very successful in
11 Colorado in expanding the County court, the court of
12 limited jurisdiction's ability to respond to violence
13 and the victims of family violence, and even handle
14 some issues of property, visitation, and custody short
15 of going to the court of general jurisdiction and
16 actually filing a divorce, which tends to be slower,
17 more cumbersome, and in which pro se is a little more
18 difficult.

19 So Project Safeguard and its advocates are
20 there to help people without entering appearances, but
21 to help people secure the temporary protection they
22 need. Then within 10 days to 2 weeks, that petitioner

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1 has to return to make that restraining order permanent.
2 Frequently, if they're not represented, and the abusive
3 party comes in, whether the judge tries to prevent it
4 or not, that woman, or that victim, is likely to be
5 revictimized verbally and threatened even in less than
6 totally overt ways.

7 Those are the cases where Project Safeguard
8 gets us involved, and either our lawyers, or volunteer
9 lawyers from the Women's Bar are so important and so
10 essential. And it's their triage that makes the
11 difference between whether people can get help or if
12 they don't.

13 MS. MERCADO: And how do the clinics play a
14 role?

15 MR. ASHER: They tell us, essentially, the
16 limited number of cases they can take each semester,
17 and we then send them those cases. That's why I say --

18 MS. MERCADO: Right.

19 MR. ASHER: -- sometimes the partnership,
20 quite honestly, in that piece, is better than --

21 MS. MERCADO: And would the clinic be -- they
22 would take full-blown cases as well?

1 MR. ASHER: Some semesters, yes.

2 MS. ABRAMS: A very limited number. Yes, in
3 some semesters.

4 MS. MERCADO: Okay. Thank you.

5 CHAIRMAN ASKEW: What's your funding,
6 Margaret?

7 MS. ABRAMS: We are primarily grant-funded, as
8 a non-profit. A lot of our funding comes from victim
9 assistance, county victim assistance funds. We get
10 some VOCA, Victims of Crimes Act, and VALA funding.

11 CHAIRMAN ASKEW: Is there any state funding
12 for domestic violence?

13 MS. ABRAMS: I'm sorry?

14 CHAIRMAN ASKEW: Any state funding for --

15 MS. ABRAMS: Well, Governor Owens just signed
16 a bill, I understand, so there hopefully will be. But
17 previously, there has not been. We've strictly been
18 supported by local money and private foundations. COL
19 has certainly been an ongoing funder --

20 CHAIRMAN ASKEW: That's our IOLTA program.

21 MS. ABRAMS: -- for us as well.

22 CHAIRMAN ASKEW: Right. Great. Other

1 questions from board members? Nancy?

2 MS. ROGERS: No, thank you.

3 CHAIRMAN ASKEW: John McKay?

4 MR. MCKAY: Margaret, is there some way that
5 we, at the corporation, can assist in helping to
6 replicate this program, and what thoughts do you have
7 about national replication, if we could impose on you
8 to help us with that, because I think all of us are
9 pretty excited about what you all have done here.

10 MS. ABRAMS: Well, I think it is very
11 replicable. Given a community that has some type of
12 domestic violence advocacy that can maybe do that up-
13 front triage, and then coordinating that with the legal
14 services that are available in that community as well.
15 And certainly, I think we would be very available to
16 help provide information and support and training
17 materials and all of those pieces that we've really put
18 together in this community.

19 MR. MCKAY: Great. Well, I think between the
20 corporation and NLADA, and some others, that we ought
21 to get back and talk with you some more about this
22 exciting project. Thank you.

1 MS. MANI: Thank you for the opportunity to
2 speak with you. Can you hear me?

3 MR. EAKELEY: Yes.

4 MS. MANI: Because usually people say that I'm
5 not loud enough. The Clayton Foundation has been
6 around several years. In fact, we're celebrating our
7 hundredth anniversary this year. And we've been
8 committed to serving disenfranchised families and
9 children, and the target audience has changed over the
10 years. It was named in George W. Clayton's will when
11 he died, as white orphan males, and we did that for
12 several years. And then went back in and changed the
13 definition through the courts, of the term beneficiary,
14 because the intention of the will was really to work
15 with the local disenfranchised community.

16 And so we -- that has been our commitment over
17 years and years and years. Most recently, we have
18 worked with very young children and families in
19 northeast Denver. And with a view to really reducing
20 welfare dependancy, to working with children birth to
21 five years of age, so that they can enter school ready
22 to succeed, and to work collaboratively with child and

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1 family serving agencies to really catalyze systemic
2 change where we see barriers. And in this connection,
3 we have worked closely over the last 10 years with
4 legal aid.

5 Under Mayor Peña's administration, and his
6 leadership, the community started looking at the notion
7 of how welfare families, especially long-term
8 recipients, can re-enter the world of work, and without
9 hitting the cliff effect, really continue to be
10 successful as they stop receiving welfare and move
11 towards self-sufficiency.

12 Around that time, we at the foundation heard
13 of the opportunity to apply for a multi-million dollar
14 grant from the Administration for Children, Youth, and
15 Families in Washington called a Comprehensive Child
16 Development Program, which we applied for and we were
17 one of 25 sites in the nation to get funded for it.

18 And the goal for that program was really to
19 provide comprehensive services to families to reduce
20 welfare dependency, to work with children to be ready
21 to enter school, and the goal unique to Colorado was to
22 inspire systemic change.

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1 How we defined comprehensive services in
2 Colorado at the time was really to bring to the table
3 pro bono services, legal services, for families and had
4 -- we had a formal partnership with legal aid. This
5 was in 1989. And we served these families for six
6 years through that partnership, Legal Aid with its
7 partnership with the Colorado Lawyers Committee was
8 able to conduct an in-depth sort of legal audit for
9 every family to get a sense of their status, in terms
10 of health, housing, domestic issues, education and
11 training issues, and once the profile was established,
12 the -- each family was assigned an attorney. And this
13 attorney worked with this family on multiple issues.

14 This is what sort of distinguishes this from
15 other pro bono work, which are single issue focused.
16 But really here the family had a family lawyer, and
17 they worked with issues that were identified as part of
18 the audit, and issues that also came up subsequently.
19 So things like obtaining restraining orders, things
20 like housing eviction, things like working on medical
21 bills that should have been paid by Medicaid but were
22 actually charged to the family, and this was ongoing.

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1 This worked with varying degrees of success,
2 depending on the issue itself, where the families were
3 at, in terms of their motivation to follow through on
4 some of these things, and also where some of the
5 systemic barriers were.

6 As the audits were completed, Legal Aid got a
7 pretty clear sense of what some of the common barriers
8 and themes were among families. One such barrier was
9 really child support enforcement, and it was
10 overwhelming, the number of families that had that as
11 an issue. And so meetings were scheduled with the
12 Department of Social Service Child Support Enforcement
13 Division, and I think they tracked pretty closely some
14 of the enforcement issues and tried to hold the
15 department's feet to the fire, in terms of doing what
16 they needed to do.

17 This partnership lasted six years and was very
18 successful for some families, less successful for
19 others. But what we learned in the process is that all
20 too often in human services we talk about comprehensive
21 services outside the context of legal issues. And it
22 is impossible to move families towards self-sufficiency

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1 if we really do not provide them the legal support that
2 they need to move their way through the various
3 bureaucracies that more often than not, work
4 counterproductively. So this was an important thing
5 for us.

6 As we moved on, we began to realize that we --
7 the project ended and we continued. We took on an
8 Early Head Start program, serving children zero to
9 three, and we also have a Head Start program serving
10 children three to five. We serve 317 children on our
11 campus.

12 And now, a partnership with Legal Aid, which
13 is slightly different, which is they are our legal
14 counsel for the organization. We really wanted the
15 partnership because they understood the issues of the
16 families and children we serve. Several of our staff
17 are from the community, and have been trained to do
18 these jobs. And so we felt that the partnership with
19 them would be a productive one as we sort of move
20 forward in this. And that's where we are now, and
21 John, is there anything else?

22 MR. ASHER: No. We were -- I must admit, in

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1 the other 24 sites, they had all of the nutrition,
2 health, early childhood development, home visits on a
3 weekly basis, on-site parenting classes, they had all
4 that. None of the other 25 approached Legal Services
5 about the need for some level of legal access as part
6 of moving these families from dependency and welfare to
7 work. And we were both daunted by the notion of
8 finding counsel for 100 families, but also we're really
9 very privileged to do so.

10 We went to the big firms and told them we had
11 an opportunity for them to become house counsel. They
12 didn't know what we quite meant by that, but they
13 thought it sounded pretty good, so they started to be
14 counsel for an entire household, kids, parents, and the
15 like. And it really has grown into a terrific
16 partnership with the early childhood.

17 I had the opportunity frequently myself to
18 consult with Meera and her predecessor and the like on
19 a variety of issues, frequently simply brokering what
20 we think they really need, but also to keep our
21 involvement in early childhood and in the needs of
22 families which impact the individual representation

1 that we do at the -- through the program so often. So
2 thank you.

3 CHAIRMAN ASKEW: Thank you.

4 MS. FAIRBANKS-WILLIAMS: Do you continue on
5 after they go into grade school with the individual
6 learning programs if they're disabled, or whatever, of
7 just through Head Start?

8 MS. MANI: We work on transition until
9 children -- we have connections with families until
10 they are in grade three. And so we do have some
11 ongoing connections with families as they move into
12 grade school.

13 MR. ASHER: And they are now doing a lot of
14 training of Head Start teachers, consulting with other
15 Head Start programs.

16 CHAIRMAN ASKEW: When you used the word
17 "campus," what did you mean by campus?

18 MS. MANI: It's a -- it actually is a campus.
19 It's a physical space. It's 20 acres, red sandstone
20 buildings. If you ever get a chance to visit -- which
21 we were hoping that would have been able to this
22 time -- we would love to have you come and see it.

1 The campus was constructed between 1902 and
2 1911. And it's -- it was -- they were dormitory
3 buildings that are now being used for programs for very
4 young children.

5 CHAIRMAN ASKEW: John?

6 MR. BRODERICK: I just wanted to ask a
7 question. I was kind of intrigued by this house
8 counsel concept, which was somewhat tongue in cheek,
9 but it sounds very innovative to me. Can you tell me a
10 little bit about the kind of services that they
11 provide, and how long they serve these families in that
12 capacity and what kind of response have you received
13 from the private practice?

14 MR. ASHER: Some of that depends on the -- the
15 greater the needs of the household, of course, the more
16 some lawyers chafed and others really came close to
17 becoming members of the family. It ranged from having
18 very --

19 Well, there are two parts to it. One is the
20 legal audit and the legal check-up. And we found that
21 with some families, they found that -- or young,
22 female-headed households found it very intrusive and

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1 overwhelming. That is, to go through every public
2 benefits program, every sort of housing problem from
3 conditions, to evictions, to a variety of consumer
4 problems and employment. I mean, people -- "Why are
5 you prying into" -- I mean, for some people it really
6 felt overly intrusive and somewhat overbearing, and we
7 backed off. For others, they found it very helpful.
8 It was early in the movement of preventative legal
9 check-ups with corporations. I mean, it was very
10 trendy and for some families it worked well, and for
11 others, they found it a little much.

12 We tried to use that within the program, and
13 we found that if you did it early in a divorce, it was
14 -- that's not why people came to us. They didn't want
15 to get poked and prodded and have more invasive testing
16 than what they came for.

17 So too, if you waited until the case was over,
18 it was too late. They disengaged from you as a lawyer
19 to a certain extent. There might be a magic moment in
20 the relationship, when you could do part or all of it,
21 and we still try to do that. That was also true with
22 the households.

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1 So it was not easy to -- 100 families is a
2 significant number, and there was turnover each year.
3 But some of them did well, others did not. As Meera
4 said, we expected that a significant number of these
5 families would have consumer problems, housing
6 problems, we thought some would have child support
7 problems. Virtually 100 percent had some sort of issue
8 around child support enforcement, or a lack of
9 establishing paternity or getting child support. And I
10 think we were able to work with the department to raise
11 the visibility not of that as an issue, but as an
12 overwhelming, persistent problem earlier.

13 Now, the rest of the country is caught up with
14 welfare reform and child support. We were a little
15 ahead of that, or we were -- somebody said, "When
16 you're on the cutting edge, you just get cut."

17 (Laughter.)

18 MR. ASHER: But so we certainly didn't fix
19 that problem, but we got a lot of private lawyers
20 invested in finding ways to support these children. I
21 just don't want to over -- sometimes it was hard. And
22 a lot of our -- I mean, the private Bar, I think, in

1 doing pro bono work, frequently is very able to
2 identify and solve the concrete legal problem. This
3 gave many pro bono lawyers from some of the biggest,
4 fanciest law firms an opportunity to see what poverty
5 does.

6 The problems, for a lack of available and
7 affordable housing, not an illegal eviction, the
8 problems were not having money to meet your basic
9 needs. It's not whether you were technically eligible
10 for what was AFDC or food stamps. And I think the
11 enormity of the oppression that comes from not being
12 able to economically meet that which most of us take
13 for granted empowered people to have a view of the
14 world that you don't get from simply dealing with the
15 repossession or a divorce. And I think that may well
16 have been the most powerful and most important part of
17 it.

18 Now, some shy away from that. Some want a
19 retreat from the reality, and say, "I, you know, I
20 can't do anything about housing." Others came close to
21 adopting families and finding ways of getting the kids
22 the help they need, or finding better housing.

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1 So part of what I think our role is in terms
2 of representing our low-income community is making sure
3 they're not as invisible as some people would like.

4 CHAIRMAN ASKEW: It's a powerful-sounding
5 story to me. What the president commented to me about
6 is what Meera was presenting. And it sounds like one
7 of the powers of it is the impression it can have on
8 the private attorneys, or the law firms that get
9 involved in this, the influence or effect it can have
10 on them as well. Maria?

11 MS. MERCADO: I'm just curious, just to
12 ducktail some of the comments that you were just
13 making. In looking at an issues that is not a question
14 of being evicted, but a question of, for example, not
15 having affordable housing, did any of these counsels
16 that work on it, that being one issue, did they go
17 further in looking at, you know, "How can we get and
18 build affordable housing, and how to we garner the
19 resources and the different agencies that exist and
20 different foundations that exist to build affordable
21 housing for people?"

22 MR. ASHER: Well, some of the -- yes, some of

1 the transactional lawyers are still involved with the
2 Coalition for the Homeless.

3 One of the other firms had the city attorney
4 under Mayor Peña go to work for them, and they started
5 to represent the Denver housing authority and so our
6 relationship with them on many situations changed a
7 little bit.

8 They were then into the business of
9 reallocating. I think that's the euphemism for
10 evicting our clients. But -- so it varied a little
11 bit.

12 But we do need, and are working on ideas to
13 expand our role in helping to support some of the
14 economic development. But there are a lot of
15 transactional lawyers for whom that's an attractive
16 opportunity.

17 The other issue in that regard, not only did
18 Colorado just fund for the first time legal services,
19 but domestic violence. Colorado was one of two states
20 in the country that provided no general fund
21 appropriation for victims of domestic violence,
22 Colorado and Arkansas. Arkansas now is alone.

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1 We had a check-off on income tax returns, but
2 no direct general fund appropriation. So you know,
3 we're making modest, slow, incremental progress, but
4 the legislature approved the state income-earned income
5 tax credit for the first time. We're trying to
6 mobilize the tax and business section of the Colorado
7 Bar to work with low income clients. Not only to apply
8 for the federal earned income tax credit, but also now,
9 we have the new Colorado -- it's a hook, the earned
10 income tax credit. Because as low income people go
11 from welfare to work, the earned income tax credit
12 becomes a vitally important source of actual income and
13 money. And so our ability to get more of our clients
14 signed up for the tax credit is like an additional
15 paycheck each year. Not huge, but it's significant.

16 MR. EAKELEY: Great. Thank you, Margaret and
17 Meera, for being with us. And we're sorry we didn't
18 get to visit your site yesterday, but --

19 MS. ABRAMS: That's okay.

20 CHAIRMAN ASKEW: It was my fault.

21 MR. EAKELEY: It's incentive for us to come
22 back.

1 MR. ASHER: Meera's camp is a little bigger
2 and prettier than Margaret's but it's -- nonetheless,
3 they do very important work.

4 MS. MANI: I'm sure you've seen courtrooms
5 before.

6 CHAIRMAN ASKEW: They were going to take you
7 to the actual domestic violence courtroom that does all
8 of the protective orders.

9 MR. EAKELEY: Right. Thank you.

10 CHAIRMAN ASKEW: I'm going to ask Don, too, to
11 come forward, and the three program directors from
12 Colorado, who are going to make a presentation to us on
13 state planning.

14 MS. FAIRBANKS-WILLIAMS: I thought you put out
15 a health thing in there.

16 CHAIRMAN ASKEW: No, he's coming at the end of
17 this.

18 MS. FAIRBANKS-WILLIAMS: Oh.

19 CHAIRMAN ASKEW: I've invited Anh for two
20 reasons. One, she's the program officer for Colorado,
21 and she's going to introduce this panel to us, and
22 secondly, today's her birthday.

1 (Applause.)

2 CHAIRMAN ASKEW: Twenty-fourth birthday. And
3 it seems like there was a conspiracy in the office to
4 give Anh the easiest states in the United States to
5 work with. We've been seeing some press coverage of
6 her work in the bay area, but Anh, why don't you
7 introduce the panel to us, and then we'll hear from
8 each of them.

9 MS. TU: Thank you, Mr. Chairman, members of
10 the committee, and John. I asked Bucky for the
11 opportunity to introduce Mario Rivera, who is the
12 current executive director for Colorado Rural Legal
13 Services, Jon Asher, executive director of Legal Aid
14 Society of Metropolitan Denver, Jerry Lemberger,
15 executive director of Pikes Peak/Arkansas River Legal
16 Aid.

17 I asked permission to do that, not because
18 these three need introduction in front of you, because
19 we were the beneficiary of your hospitality last night,
20 so you have had the chance to meet with them all, but I
21 like to have the opportunity here to publicly sort of
22 put into context the work that the corporation has had

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1 with the programs in Colorado.

2 As Bucky, you just said, I do have some
3 assignment in California and Arizona, and Colorado,
4 which I view it not as tough, but as challenging and
5 interesting assignments. I am -- I feel it is my
6 privilege that I am given the opportunity to work with
7 people who are so dedicated, so experienced, so -- I
8 mean, just the best that you have at Legal Services.
9 So I consider it a privilege to me to work with them,
10 although the task at hand is very difficult.

11 I want to get back to Colorado and just to
12 tell you that this is the -- five years from now,
13 whenever I leave Legal Services Corporation and if I
14 write a book and a chapter about Legal Services, this
15 would be the thing that I would like to write about,
16 because what you have in staff planning in Colorado is
17 the best that I think the corporation has seen in the
18 whole country.

19 It is something that the programs have done
20 all by themselves, because they have support in the
21 private Bar, because they -- and that did not come by
22 itself, because only the directors, particularly in

1 Denver, and Jon Asher, has worked very hard over many
2 years to cultivate.

3 And the state planning, it has come about in a
4 very, very productive way. It's because it has
5 leadership, and the leadership of the three people who
6 are sitting here.

7 It was not -- state planning was mandated by
8 the corporation. But a state-wide program for Colorado
9 was not mandated by the corporation. It was something
10 that we asked programs --

11 MR. ASHER: Now you tell us.

12 (Laughter.)

13 MS. TU: No, it is something that we asked
14 programs all over the country --

15 MR. MCKAY: Ahh, could you just put that last
16 statement in context?

17 (Laughter.)

18 MS. TU: Well, what I said to Jon and to Jerry
19 and to Mario is that I do think that the sum that they
20 are about to present to you will be much greater than
21 its parts, which are the three programs. And that
22 it -- I guess that the one thing that I wanted to say,

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1 and it came to me yesterday as I was talking to, you
2 know, various members and their staff and their family
3 I came to realize something which I do want to share
4 with you. That the policy that the corporation, under
5 Jon's leadership, has tried to implement, which is to
6 have effective state planning, is potentially a very,
7 very positive -- I mean, it's a positive move in, you
8 know, in the direction of serving more clients and
9 having more -- provide clients with more access and
10 more effective representation.

11 And I think that we -- I know that the Bar and
12 Jon will share the cost on that. What I'm saying is
13 that it is not -- it is difficult. It is not easy for
14 our grantees, and that's what I've seen when talking to
15 the staff. It is very difficult.

16 And Jon and Jerry and Mario are some of the
17 best people that I have come into contact with. They
18 are selfless, they are very dedicated people. They are
19 truly committed to providing the best quality legal
20 representation for clients that they know how to do.
21 They work, they are willing to put aside their self
22 interests, their program's interest, and they are

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1 willing to take some flack from their own staff to do
2 that.

3 That does not mean that -- the fact that they
4 have been able to do it and do it successfully does not
5 mean that it's easy. And when I talk to the staff and
6 their family yesterday, I realize that it has come at a
7 great cost to them. And I don't know whether there is
8 anything the corporation could do to help sort of ease
9 that, but I just -- as people who initiated this, we
10 should be aware of that, and we should show our support
11 and our appreciation and -- to the people who actually
12 are on the front line. Thank you very much.

13 CHAIRMAN ASKEW: Thank you, Anh, that's quite
14 an endorsement of the three programs and what they've
15 been through here. We're going to start with Jerry?

16 MR. LEMBERGER: Yes, sir.

17 CHAIRMAN ASKEW: Okay.

18 MR. LEMBERGER: That is quite an endorsement,
19 and thanks for those kind words -- more than kind
20 words, Anh Tu. If we can live halfway up to what you
21 told the board we are here, we're doing pretty good.
22 So thank you so much.

1 MR. ASHER: Somebody said about an
2 introduction, "My father would have liked that. My
3 mother would have believed it."

4 (Laughter.)

5 MR. LEMBERGER: Thank you so much for giving
6 us the opportunity to address the members of the Legal
7 Services Corporation board and committee and staff that
8 are here, and our friends that are here, about our
9 exciting merger initiative here in Colorado.

10 We'd like to present our material in three
11 pieces. The first piece by Mario Rivera, to cover the
12 history of our state planning process and past
13 initiatives that we've taken toward moving toward
14 closer cooperation, possible consolidation of some
15 functions.

16 I'll next discuss the details and progress of
17 our merger initiative thus far, and Jon will wrap it up
18 with the lessons we've learned so far in our little
19 process. So Mario?

20 MR. RIVERA: Thank you, and good morning.
21 When I was thinking about the history of the merger in
22 Colorado, I divided it into four parts, or four

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1 chapters. And I will be revealing with you what
2 happened during the first three chapters, and then
3 Jerry will advise you as to the fourth chapter, which
4 is what we're in right now.

5 Chapter number one occurred back in 1984, when
6 the project -- programs at that time decided that they
7 had been talking about and reviewing the issue of
8 mergers. They were concerned and interested, curious
9 as to whether it would benefit the state to merge.

10 And they hired an outside entity, the
11 Technical Assistance Center to do a survey, review all
12 the activity going on at the various programs and make
13 a report. They came up with a one-inch report that
14 basically -- I mean, one inch thick report that
15 basically said that they could not recommend, based on
16 the information at that time, for merger.

17 However, one of the things that they pointed
18 out was this. Systems that are currently invading the
19 financial management and data management areas are
20 sufficiently divergent that major systems modifications
21 would be required to accommodate a merger.
22 Furthermore, we have found that some of the differences

1 in program design and delivery are based upon
2 individual value preferences or choices of the
3 independent entities and that some reconciliation of
4 these differences would be critical to a merger by
5 choice.

6 When they received this report, the boards
7 apparently felt that the benefits, the possible
8 benefits of merger, would not outweigh the critical
9 changes and modifications that had to be done. So
10 basically, the issue was dropped and that was the end
11 of chapter one.

12 I thought that was important to mention to you
13 to let you know that the issue has been discussed for
14 several years here, and the answer was something that
15 continues to be, until recently, whether or not a
16 change in basic fundamental operations would be done,
17 would be beneficial in order to go into merger and get
18 the benefits of merger.

19 Chapter two began in July of 1995, when the
20 corporation sent out program letter number one
21 entitled, "State Planning." That was followed in
22 August 1995 by program letter number four, entitled,

1 "Criteria for State Planning Recommendations."

2 Pursuant to these program letters, here in the
3 state of Colorado, we formed a state-wide legal
4 services group. And that was divided into several
5 committees. One of the committees was entitled,
6 "Internal Legal Services Deliberations Committee." I'm
7 going to refer to that committee just as the Committee,
8 because of the long name.

9 This committee decided to tackle several
10 issues. One of them, which was the operation of
11 ongoing training to staff in light of the loss of the
12 State Support Center, continuation of services to
13 Native Americans and migrant farm workers, the proposed
14 changes in Congressional appropriations, improving the
15 coordination and greater efficiency throughout the
16 Legal Services delivery area, the centralization
17 intake, and the possibilities via a headline system,
18 analyzing the potential for merger and consolidation,
19 especially in the following areas: Have pro bono legal
20 counsel examine labor implications since one legal
21 service program is unionized and the others are not,
22 have pro bono CPA's work on a cost benefit analysis we

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1 feel is important in order to convince everybody that
2 this was beneficial, and number three, have a couple of
3 members work on ensuring that rural areas would receive
4 appropriate representation if there were to be a
5 merger, and to improve technology.

6 The first meeting was held in July of 1995,
7 and it continued for the next three years. During the
8 next three years, it seems to me, that between the
9 statewide group and the three committees and other
10 subcommittees, we must have met -- hundreds of meetings
11 and generated a thousand tons of paperwork.

12 But we generated a lot of paperwork, we
13 reviewed it, we read it, we discussed it, and we had
14 papers generated from within our membership, we wrote
15 up papers, we looked out to see what was available
16 throughout the nation by way of information and
17 materials that we could use, and we sent for them, got
18 them, and copied them and distributed to our membership
19 so that everybody was well informed.

20 And some of these were -- we came out with
21 papers written on how, with one statewide program
22 compared to a two-program plan and that to a three-

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1 program plan, we had a report on the labor issue. It
2 was received and discussed. The CPA's submitted a
3 sample of how a one statewide program could be staffed,
4 and the inventory was done of all the present
5 technology equipment that we had, a proposed set of
6 bylaws was done for in case we decided to merge, a
7 committee of members read through all of these, and we
8 discussed them. But the end result was that we were a
9 very informed group, but we didn't move.

10 (Laughter.)

11 MR. RIVERA: And then due to the slow progress
12 that was going on with this committee, what we decided
13 to do, the project directors on our boards, was to
14 start some other committees dealing with some of these
15 issues. And we organize these committees and reported
16 to the main committee, which adopted the subcommittees
17 as their own, and one of the benefits of this was that
18 as the separate committees met and made decisions or
19 had discussions or recommendations, reports were made
20 back to the whole committee, which included a cross
21 section of providers and stakeholders in the process in
22 the state. They reviewed what we were doing, they gave

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1 us suggestions, direction, and advice, and they
2 participated so that the end product was a product of
3 everybody contributing, even though most of the late
4 work was done by the directors on the boards.

5 One of these committees dealt with training,
6 and as a result of their efforts, they put forth in the
7 state the first statewide training for Legal Services
8 staff that had been done since the demise of the State
9 Support Center.

10 Another committee had to do with technology,
11 and they really worked hard and came up with a proposed
12 plan for -- a technology plan to cover the whole state,
13 if we merged, this is how -- the equipment that we'd
14 need and the software that we would need. We have that
15 in place as a plan.

16 Another committee dealt with priorities. At
17 this time, we have three programs that set priorities
18 separately on their own differently, and for the first
19 time, we had a committee that put together a needs
20 assessment for the whole state, and recommended
21 statewide priorities that were subsequently adopted by
22 all three boards. So now we have a statewide

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1 systematic priorities.

2 Another committee was put together to work on
3 the CSR issue, to make sure that all programs were in
4 compliance. And this committee was working real hard
5 until LSC changed its directives.

6 (Laughter.)

7 MR. RIVERA: And it kind of slowed us down.
8 We were almost finished, and now we have to go back to
9 continue that.

10 And although all these things were being
11 accomplished by subcommittees, and actually by the
12 committee, not much, if anything, was accomplished in
13 regard to centralized intake and merger. This seems to
14 be the more difficult issues we were dealing with.

15 And this continued, like I said, for three
16 years. The third chapter of this story starts in May
17 of 1998. At that time, we were looking at what was
18 going on, and let me read to you a short memorandum
19 that I think started the third chapter.

20 It was a memorandum that I wrote to Jon with a
21 copy to Jerry in regard to a possible merger, and it
22 was on el Cinco de Mayo, that's May 5, 1998. Let me

1 read it to you. This was from me on behalf of CRLS and
2 the board. "After attending the meetings regarding the
3 statewide Legal Services Committee of April 27th, I
4 began wondering just what was going to happen to Legal
5 Services, and when. We have been reviewing this issue
6 for the last three years without seeing any results.
7 Many people have put in a lot of time and effort.
8 Quite a few of the persons on the newly organized
9 committees are new to the committees.

10 "For a while I thought we might come to the
11 point of deciding this issue, but we stopped looking at
12 it, and decided to await results of technology. I have
13 a feeling we dropped the ball by not continuing to
14 discuss whether or not we should have any mergers, or I
15 don't think it'll work in Colorado.

16 "As you know, at CRLS we have been struggling
17 with our CSR's and in making changes. During a recent
18 state strategic planning meetings, we found ourselves
19 not really being able to plan because of the lack of a
20 decision on whether we should merge or not. At this
21 time we were trying to make some changes to satisfy
22 some LSC concerns, and I am in the position of perhaps

1 duplicating a lot of items. This duplication will
2 result in wasted time, funds, and efforts that I
3 will -- would hate to make. Some changes in the next
4 few months that would -- unless the statewide committee
5 makes by some miracle, a decision, I'm afraid that once
6 we make some changes we may be reluctant to change
7 again.

8 "I would like to try to jump-start the
9 possibility of merger at this time, because I feel the
10 statewide committee will not make a final decision any
11 time soon. Therefore, I have received permission, and
12 actually have been ordered by the CRLS board to ask you
13 if your board would be interested in discussing the
14 issue of possible merger with the CRLS board committee.
15 I have not had a chance to talk to Jerry Lemberger, but
16 CRLS board has ordered me to also check with his board
17 to see if they're interested in making these
18 discussions.

19 "My own personal opinion is that the statewide
20 committee will recommend either that there be only one
21 or two programs in the state, and therefore, some kind
22 of merger will take place, although I don't think a

1 merger between the -- any two -- the three programs is
2 the best plan for the state, it might start some action
3 with regard to this issue. We'll be having a board
4 meeting soon and let us know."

5 As a result of that memorandum, the three
6 project directors and board chairs met via telephone
7 conference and we all agreed that it was worthwhile to
8 entertain the issue of merger.

9 And we proceeded to accelerate that issue and
10 we formed a committee made up of the three program's
11 boards and a staff. We had about 20-some-odd members
12 on the merger committee, and we started meeting.

13 First thing we did was we reviewed and passed
14 out all the materials that were pertinent from the
15 first three years, so that people were up to speed as
16 to where we had been, and we started moving forward.
17 We realized these were critical issues, so we moved
18 slowly, cautiously, and most of the members of this
19 committee were also on other committees, so that kind
20 of slowed us down somewhat. We were meeting on the
21 average of every two months or so, and we did that for
22 a little while.

1 Then come November of 1998, a few months
2 later, we decided, in looking at what we were doing,
3 that we were just spinning our wheels and not getting
4 anywhere. So one of the merger committee members
5 suggested that we needed outside facilitator to come in
6 and help us, guide us toward where we needed to go.

7 We looked around, realizing it was going to
8 cost us money. We didn't have any money. At that time
9 we asked LSC if they had any money for -- that they
10 could let us have, and they said, "No, not at this
11 time."

12 So in December, at the NLADA convention in San
13 Antonio, the three of us met with Mr. John Arango, and
14 even though we didn't have any money, we agreed to hire
15 him to be our facilitator starting in January of 1999.

16 And 1999, I guess, is the start of chapter
17 four. Before we get to that, in December of 1998, CRLS
18 was advised by LSC that they were not going to renew
19 the grant. However they did for 1999, however they did
20 make us interim providers of legal services in our
21 service area through June 30th. What that meant to me,
22 as a director of CRLS is that we had six months to

1 really see where we were going and what we were going
2 to do.

3 There were only two options. One is to merge
4 and the other one was to close the doors. At that
5 time, I took some time to review what I'm telling you
6 right now, and reviewed back all the stuff that we had
7 gone through, all the meetings, remembering what was
8 discussed, remembering what the positions were of the
9 other boards, the other staff, and the things didn't
10 look to good for me at that time.

11 In my office I have a big picture of Don
12 Quixote, and I like to think that I'm a somewhat
13 believer of the impossible dream. But this was asking
14 for too much, to have us merge within six months and we
15 reported it to all the boards and we started chapter
16 four, which David is going to talk to you about, and
17 he'll tell you where we got from there.

18 CHAIRMAN ASKEW: Thank you very much.

19 MR. LEMBERGER: Thanks, Mario. Chapter four
20 really begins with the miracle that Mario had wished
21 for, although I think it was in a little different
22 manner than he would have wished in the first place.

1 Up until this time, we had made a lot of
2 progress, as Mario has told you, but we really weren't
3 on a serious track towards statewide merger in the
4 foreseeable future until the corporation took its
5 action concerning the termination of funding for
6 Colorado Legal Services -- Colorado Rural Legal
7 Services, excuse me.

8 The notice of this action at the end of the
9 year was what I'd characterize as the catalyst that
10 propelled our three programs into our current merger
11 initiative.

12 But what we did is we tried to react to it in
13 as positive a manner and begin to view LSC's action as
14 an opportunity in the following ways.

15 We had a number of options available to
16 address this new circumstance, including Denver Legal
17 Aid, could have competed on its own for the CRLS
18 territory, Pikes Peak/Arkansas River Legal Aid could
19 have done the same thing on its own. Denver and Pikes
20 Peak could have joined together and competed for the
21 CRLS area. Those first three possibilities would have
22 left and foreclosed participation by the experience,

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1 and the expertise of the CRLS management staff and
2 board would have left them out of the picture in coming
3 up with a solution of what is right for clients here in
4 Colorado.

5 Another alternative that was proposed and
6 discussed by the boards was that Denver and Pikes Peak
7 join with CRLS and keep CRLS at the bargaining table,
8 or at the merger table and compete for the service
9 area. And that's what we decided. This was an option
10 that I feel very proud of, and we combined, then, the
11 expertise of all three programs, not leaving anybody
12 out of the table, and treated each other and worked
13 very hard at treating each other as equals with a
14 purpose of starting with as clean a sheet of paper as
15 possible to design and implement a merge statewide
16 program that would improve access and legal services to
17 our clients.

18 Our existing merger committee now consists of
19 the leadership of all three boards of directors, the
20 three program directors, and mostly importantly I think
21 to me, members of each of the program staff that were
22 selected by the program staffs themselves to be

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1 represented on the merger committee and be around the
2 table with us, and we think that we've got some very
3 good spinoffs about that.

4 In my opinion, the committee did two smart
5 things that were essential to the progress that we've
6 made since the first of the year, which I would
7 characterize as a relatively short time for the
8 undertaking that we're doing at the moment, and that is
9 one, we worked very hard to maintain our cooperative
10 attitude and good will. Because we thought that was
11 important, to facilitate getting things done.

12 And two, as Mario had told you, we retain an
13 exceptional facilitator to guide us through our
14 process, and we couldn't have done it without having a
15 higher gun like that to help us. And that's John
16 Arango out of Al Godon & Associates in New Mexico.

17 The initial work product of the committee was
18 completed in mid-March and it was a plan for the
19 statewide program. In appropriate details, it outlines
20 the purpose and principles of the program, the service
21 delivery strategies and the rationale for those
22 strategies, the allocation of resources to each one of

1 the strategies, the legal needs to be addressed by the
2 program, program values, and the goals of the program.
3 And that was a pretty big document and we felt pretty
4 good about that, and so did our boards, and they all
5 adopted it unanimously.

6 We have some materials that I'm going to
7 mention here that would be available to the committee
8 or to the board or any members of the staff. Of course
9 we've already sent them to the staff. This being one
10 of those documents. It's part of a memorandum of
11 agreement I'll mention later that all three boards
12 unanimously approved and signed to merge.

13 The committee then organized, after coming out
14 with its initial plan, it organized the membership into
15 three separate subcommittees to work on the details of
16 the plan to bring back to the full committee and then
17 to the boards for review, the details of how to put the
18 plan together.

19 The first subcommittee was the governance
20 committee, and the governance subcommittee's central
21 task was to develop the new program's bylaws. The key
22 challenge to the committee was to develop a scheme to

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1 ensure as much as possible that the selection process
2 for the new board of directors provided us members on
3 that board with a statewide focus as opposed to members
4 whose interest would be local control at the expense of
5 a statewide focus. Thus being what we characterized,
6 and have seen in the past, being a divisive factor that
7 might hamstring the board from actually doing what it
8 needed to do.

9 And we think we came up with a pretty good
10 scenario that way. The bylaws, the latest draft -- and
11 we're probably about one draft away from finalizing the
12 bylaws at this time -- they've been adopted along the
13 way by the boards and they're available to you as part
14 of our memorandum of agreement.

15 The next subcommittee was the personnel
16 subcommittee. It addressed such issues as equalization
17 of salaries, because all three programs in the state
18 had different salary scales. The CRLS salary scale is
19 about 49 percent lower than the Denver salary scale.
20 My program --

21 MR. ASHER: Ours is too low.

22 (Laughter.)

1 MR. LEMBERGER: My program salary scale is
2 around 28, 29 percent lower than the Denver program,
3 and we made a policy decision at the committee which
4 the boards have approved, that one of our goals would
5 be to equalize salaries of all the three programs
6 within three years. That's going to cost us about
7 \$500,000, but we think that we might be able to do
8 that. But it's a big task.

9 Other issues addressed by the committee were
10 fringe benefits, when layoffs may take place, which is
11 a very important factor. Salaries and fringe benefits
12 were pretty important to our staffs, but especially the
13 layoff dates, or when we would not lay off personnel at
14 -- until a certain date.

15 My staff particularly participated very
16 vigorously in the committee, knew what was going on,
17 and yet still our staffs are rather paranoid. At least
18 mine certainly is, about what's going on, because I
19 can't answer for them. None of us can answer all of
20 their questions, and that's a very frustrating thing.
21 So the personnel committee has tried to do as much as
22 we can to make sure that the staffs understand what's

1 going on. It also addressed personnel policies to a
2 certain extent, and to a certain extent union issues.
3 As Mario said, one of our programs right now is
4 unionized and has been for some time, with the UAW, and
5 that's Jon's program at Denver Metro Legal Aid. My
6 staff, just this week informed me that they have been
7 working with the union and have had their straw vote,
8 or whatever it may be, and they want to unionize. So
9 we're going to be addressing that as part of my, you
10 know, responsibilities with my board next month.

11 We've never had that kind of initiative
12 before, but this is not something that's easy for the
13 staffs really to be relating to, as far as their
14 future, even though they were really very involved with
15 coming up with the plan.

16 The memorandum also concerns these issues and
17 we have some materials that are available to look at
18 those, if you wish to.

19 The last committee was the administrative
20 support and delivery committee. And that committee
21 developed a structure of the centralized leadership and
22 administration of the new program. It also developed

1 something that we really didn't have here in Colorado,
2 but we think is going to be an essential piece of our
3 success in a merge program, and so we would do what I'm
4 characterizing as biting the bullet, and that is put
5 our resources to something that we really hadn't done
6 in an outward manner before, and that is develop a part
7 of the program, an essential piece of the program,
8 which is the advocacy support structure, support
9 structure for advocates for the whole state.

10 We've always done good cooperatively between
11 our staffs with subject matter experts that would help
12 other programs, and that sort of thing, but we really
13 didn't have a concrete structure of subject matter
14 experts in this state that had a statewide focus,
15 rather than on their own program. And we think that's
16 what this is going to do. And Manuel Ramos is going to
17 be our leader of that advocacy support piece, and he's
18 just an outstanding individual.

19 The plan also has our outline of a plan for a
20 centralized hotline telephone intake system for the
21 whole state, and that's one of my bailiwicks that I'm
22 developing at this time. And we're going to bit the

1 bullet and we're going to fund that as well, because we
2 think it's an important piece.

3 At appropriate times, the work products and
4 recommendations of the committee were taken back to
5 each board of directors for discussion, lots of
6 discussion. My three board meetings, where we started
7 discussing these things, are looking at minutes that
8 are 25 to 35 pages type-written, not verbatim, because
9 we had some great discussions on my board, and I know
10 Mario's and Jon' boards did as well.

11 But at each stage, when the dust cleared, the
12 boards unanimously approved everything we did along the
13 way. And from an advocate's point of view I'm very
14 happy about that, although that was really a very big
15 job for the directors, because that was really our
16 bailiwick in this matter.

17 We submitted our joint proposal for a merge
18 program to service the CRLS service area to LSC on June
19 1st. It's been received and you guys are doing
20 whatever you need to do. It was a very interesting
21 narrative for the directors to write for that grant,
22 because we were trying to figure out over the next six

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1 months -- or however long the grant is for, and I think
2 it's six months -- whether we would talk about what
3 CRLS is going to continue to do for a while, or what
4 we're going to do as a merge program in the future or
5 somewhere in between.

6 So it was -- the corporation, when they start
7 looking at us, I have to add please take pity on us,
8 because we're trying to do exactly what we thought we
9 needed to do, and we weren't exactly sure what that
10 was.

11 On Thursday of this week, the merge committee
12 completed its last working meeting. A final report to
13 the boards is being drafted at this time and they'll
14 review an act on the progress made thus far.

15 We may have another meeting of the merger
16 committee, and we're hoping that that meeting will be
17 with the new selected board of directors to answer any
18 of their questions and give them our two cents about
19 what we think ought to be happening in their decision-
20 making process.

21 A due diligence document prepared by David
22 Butler, our chair of the statewide planning group, is

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1 under execution at this time by all three programs
2 preparing the documentation for the merger. And we're
3 working very hard at completing our merger by October
4 1st of this year. That's where we are, and I thank you
5 for your attention. Jon?

6 MR. ASHER: Mario and Jerry asked that they be
7 given the opportunity to tell you what really happened,
8 and ask me to share with you briefly some of the
9 learnings from all this.

10 I was asked to give a talk to elder law
11 attorneys in December of 1997, I believe, and they
12 asked me to trace a little bit of the history of elder
13 law. I think it's because I'm now old. And I went
14 through a lot of the cases, and a lot of the changes,
15 and then I said, "And what does this mean?" And I
16 said, "How the hell do I know?" And I sort of feel the
17 same way.

18 We have now completed, as Mario said, a study
19 in 1984, we started planning in 1995, had a lot of fits
20 and starts, but I think the learnings, really, are
21 many.

22 On a sort of technical basis, I think that

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1 John Arango's insistence that we forestall dealing with
2 the difficult issues of governance, personnel, programs
3 structure, office location, and to focus first, as
4 happened in Washington state, on an overall vision of
5 where we wanted to be as a statewide delivery system
6 was essential in giving us touch points, and a backdrop
7 from which to test and make decisions on what were very
8 difficult and hard issues for the individual program
9 boards and directors.

10 We developed that plan that included both LSC
11 funded programs, non-LSC funded programs. Those things
12 that the programs might do themselves, and those that
13 our clients needed but we would not ourselves probably
14 provide. Not just restricted work, but some ADR, which
15 is likely to be essential and alternative dispute
16 resolution and mediation. It may be our role to help
17 make sure that's available for clients. It's unlikely
18 we will deliver that product ourselves.

19 But the plan, as you will see, and maybe some
20 of you have already, is visionary and it gives us a
21 basis from which to look at whether we're committed and
22 whether individual or specific decisions move us in the

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1 direction of higher quality legal services.

2 Two, I don't think there is any question that
3 the corporations significant, be it correct or
4 incorrect, intervention with Colorado Rural Legal
5 Services moved the process from a snail's pace to a
6 sprint. And that without the actual intervention of
7 the corporation, we certainly would not be where we
8 are, and we certainly would not be moving as quickly --
9 and I still think thoughtfully -- in the direction of
10 merger.

11 So without the president of the corporation's
12 firm commitment on the issue, without Bob Gross, and
13 certainly Anh Tu's constant thoughtful involvement with
14 us, we would not be there. But the corporation
15 couldn't have done it alone.

16 Now, the corporation could have mandated other
17 changes, I mean, or Denver Legal Aid could have done
18 other things, as Jerry said. In terms of the scenario,
19 I don't want it to sound as if there weren't ugly or
20 necessary things you might have done. But without the
21 absolute firm commitment of the three program
22 directors, that it was not our programs, but our

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1 clients that mattered, we would not be where we are
2 today.

3 So the lesson is it has to -- when it works
4 well, it has to be a symbiotic relationship between the
5 careful assessments of the corporation, thoughtful
6 intervention, but also I think a vision of the program
7 directors that this is where we need to go.

8 Now, I don't want people to think our boards
9 aren't important. I think the boards are the final
10 repository of authority, but they don't get anywhere, I
11 don't think, totally on their own. And they certainly
12 would not have gotten to merger if left to their own
13 directions.

14 Sometimes it was just that the three of us
15 agreed. Sometimes it was that we had to work really
16 hard to make accommodations, and to figure out.

17 Denver is not unique, or Colorado, in many
18 places. Much of the rest of this state views Denver
19 with a good deal of suspicion. People think that
20 Denver is a great big vacuum cleaner sucking all the
21 resources from rural Colorado into the big city, not
22 unlike Atlanta or possibly Seattle, I suppose, or other

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1 places.

2 So the CRLS board wanted to make sure that it
3 maintained resources in the rural area. My board kept
4 asking me, "What are we going to lose in order to
5 support rural delivery? What's going to happen to what
6 we think is a pretty good program in Denver, as we pick
7 up and try to deal," with what at least they viewed as
8 not quite as good a program in some of the rural areas.

9 Whether they're right or wrong about those
10 judgements, all of us had to navigate very different
11 perspectives and different interests. And we did it, I
12 think, because at some point, the three of us agreed
13 that we would put our self-interest aside for the
14 interest of clients.

15 Let me give you one example. CRLS, I believe,
16 has frequently made the difficult choice to maintain
17 shelves of offices and to pretend that they had access
18 by under funding administration, under funding
19 salaries, certainly doing away with the director of
20 litigation and advocacy, not being willing to
21 experiment with centralized intake, all against the
22 advice of their executive director, I might say.

1 And we came up with the plan, and Manuel
2 Ramos, our director of litigation, wrote a thoughtful
3 piece. I know it's thoughtful, because Alan Houseman
4 even told me he thought that it was pretty thoughtful.

5 (Laughter.)

6 MR. ASHER: Well, Manuel wrote a piece about
7 how we would expand from Denver's support mechanism, to
8 a statewide support. So if we had a lawyer in rural
9 Colorado, they would have access to electronic mail and
10 to the highest quality advocacy support we could build.
11 And that would cost money, and that would take some
12 time.

13 Now, we all agreed on it. That was the simple
14 part. But Mario wrote a memo to his board and said, "I
15 have looked at the plan for centralized support. Not
16 only do I think it makes sense, but it ought to be big
17 and it ought to be housed in Denver and we ought to
18 build on what Denver Legal Aid currently has." Now, he
19 also put in an "I told you so for a long time," but
20 that's neither here nor there.

21 (Laughter.)

22 MR. ASHER: Mario did not have to go out on

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1 that limb. He could have agreed with what we were
2 doing, but need not tell his board that, "I strongly
3 support this, and you need to build this into your
4 thinking for a new statewide program," but he did. So
5 too, Jerry didn't have to chair the thankless task of
6 the subcommittee dealing with office location and
7 office selection. You'll get some material. We have
8 now sent out surveys on the criteria to all of the
9 judges and Bar leaders, just as we did with our
10 priority statement, and you'll see that we're getting
11 some very interesting feedback on that.

12 So at some point, it took the three of us
13 getting together and recognizing that a statewide
14 program was fine if it was our collective legacy, not
15 our individual futures. And I think we all absolutely
16 believe that.

17 It sometimes scares my staff when I tell them
18 that I really don't care a great deal about the Legal
19 Aid Society. I still care passionately about the work
20 that we do. But the Legal Aid Society is simply a
21 vehicle that allows me, and gives me some income, which
22 my kids and wife on occasion like.

1 You know, I told my sons a number of years ago
2 that it was my job to transmit values, not resources.

3 (Laughter.)

4 MR. ASHER: And they said, "A little lunch
5 money would still be nice."

6 (Laughter.)

7 MR. ASHER: The -- and I think we really did
8 believe, at some point, that we could either defend our
9 individual institutions, or we could look broadly at
10 the needs of clients in this state, and see whether we
11 could fashion a greater good and a statewide program
12 that would meet more of those needs.

13 I have very little, but some doubt, that five,
14 ten years from now we will look back at this, and say,
15 "Now, why did it take us so long?" And, "Why didn't we
16 do this earlier?" And nonetheless, the next couple
17 years are going to be incredible trying and difficult.
18 And that it will take the best that all of us can bring
19 to the effort of navigating those bumps and those
20 detours and all of the difficulties that are on that
21 road.

22 But nonetheless, I think that if you want an

1 example of where a commitment to bringing key actors
2 and players together, and that statewide planning can
3 make a difference, Colorado is not possibly the best,
4 but certainly not a bad example of where it can work,
5 if people are committed to client service and a broad
6 vision beyond the artificial boundaries of current
7 programs. Thank you.

8 CHAIRMAN ASKEW: Well, thank all of you. I --
9 that's quite a remarkable story. I think if we look
10 back to 1995 and program letter one, when all of
11 this --

12 MR. ASHER: I ought to read that some time.

13 (Laughter.)

14 CHAIRMAN ASKEW: -- where all of this began,
15 and see where it has ended up, I think, for -- not
16 speaking for the president, but for John McKay, and for
17 Bob Gross and Ahn, and the rest of us at the
18 corporation, this is what made all that effort
19 worthwhile, I think, to hear what you've presented here
20 today. And for us as board members who followed this
21 through this committee and through the board, and heard
22 some of the reaction from states that you would have

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1 expected a bout of some resistance, or questioning of
2 what our motives were, or what we were trying to
3 accomplish here, what was presented to us today has
4 made it to me, at least, clear that this was worthwhile
5 and productive. And I'm quite proud of what you all
6 have been able to do, and I wish you the best of luck
7 as you go forward with it.

8 I would like to see other committee members,
9 if board members have questions --

10 MR. EAKELEY: Well, I hope the book will be
11 published.

12 (Laughter.)

13 MR. ASHER: Only if I'm writing.

14 CHAIRMAN ASKEW: Nancy?

15 MS. ROGERS: Yes, I'm really amazed and
16 pleased with the stories that you've told. I -- at the
17 beginning, Anh said that we should think as a board and
18 our resources, that the process has been resource heavy
19 and resources have been low for delivery of legal
20 services. And I wonder what you anticipate would be
21 the resource strength of the next couple of years,
22 which would look at the remaining issues?

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1 MR. ASHER: You mean on our energy, or on
2 money, Nancy?

3 (Laughter.)

4 MR. ASHER: The -- it's funny. Let me also
5 express our appreciation to the corporation for the
6 technical assistance grant we have. It helped defray
7 the cost of our consultants, it will defray the cost of
8 a little consulting service on blending fringe
9 benefits, it's going to allow Jerry and one of our
10 intake supervisors to leave tomorrow night for Orange
11 County and Long Beach and Seattle to actually visit
12 their hotline and intake sites so that we can have a
13 better sense of what it will really take and cost this
14 staff, a thoughtful centralized intake system, and then
15 finally, it's our -- some of the resources that you
16 provide are going to allow us to have a statewide staff
17 meeting kickoff with Bar leaders and others to launch
18 the new statewide program hopefully later this year, at
19 which some of you will absolutely be invited, and
20 hopefully be able to attend.

21 But Nancy, let me just -- it's sort of ironic.
22 The figures aren't real good yet. But if we look at

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1 what we currently anticipate to be a thinner than the
2 three, but an adequate administration, we look at basic
3 costs for a centralized intake system, when we add the
4 cost of centralized advocacy support, it comes to just
5 over an additional million dollars over current
6 expenditures.

7 The irony is that in 1996, that's exactly what
8 the state of Colorado lost in LSC funding when we
9 absorbed that big cut. We had no idea about that.

10 Now, those figures may be off a little bit.
11 We are recrafting a technology proposal from being one
12 that's sort of stitched together, the three program
13 needs, to what within a month will go out to
14 foundations as a new statewide proposal.

15 We're -- I mean, we saw that Minnesota just
16 got a \$750,000 grant from a foundation for technology.
17 I don't think we'll be able to get that sort of money,
18 but we have a number of possible foundations for that
19 piece. We think we will be able to attract some money
20 from some -- on the centralized intake system.

21 It's funny, one of the big concerns of many
22 staff and local Bar leaders is that we will lose local

1 identity and local support if we become a statewide
2 program. And I think that is a legitimate concern and
3 a real possibility. It is not inevitable or necessary.

4 I think our ability to attract local money
5 will be greater, because we're more efficient, but only
6 if we have a good product to sell. And if we have a
7 good product to sell on the ground in local
8 communities, those local communities will appropriately
9 support that. And I think we're all committed to doing
10 that and doing that well. But it is going to take
11 money.

12 That, I hope, will be offset by considerable
13 increased local and foundation money, at least for some
14 of the fixed costs, but there are also going to be
15 tradeoffs between direct delivery and staff, and some
16 of those other needs. We have always shortchanged
17 capital investment. Some of the programs in Colorado
18 have shortchanged support and advocacy support and
19 technology, and we're all committed to reversing that
20 while doing it in order to be more efficient and to
21 maintain service not as a way reducing service.

22 But if you know, Nancy, where \$1.1 million is

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1 available, I'd be glad to talk to you about that.

2 PARTICIPANT: That's the bottom line.

3 MS. ROGERS: Yes, but what happens if I don't
4 happen to know, and no one else does? Does the plan
5 fall apart?

6 MR. ASHER: I think Jerry -- it means we will
7 phase it in slower than we would like, and it means
8 that we will have somewhat fewer staff than we do now.
9 It is our hope that that will be a balance of the two.

10 MR. LEMBERGER: And Nancy, since our funding
11 cuts of a few years ago, we have worked very hard here,
12 and aggressively, in Colorado, to make up some of that
13 money with little dribs and drabs of grants here and
14 there to support a number of things, domestic violence
15 being a very lucrative area for us, not a whole lot of
16 money, but a lot bigger money than if we hadn't tried
17 for it.

18 So we're going to be working very
19 aggressively, as Jon talked about in a couple
20 instances, to raise more funds to support what we want
21 to do. But we are sure that it's the right thing. Our
22 boards are supporting us on that, and one of the things

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1 is staff concern about if we're using resources to do
2 technology, to do a centralized intake system, what
3 happens to the staff advocates that we have? I mean,
4 we want to protect those as much as possible.

5 We don't want to throw out the baby with the
6 bath water, because that's really where our services
7 are provided, from our advocates. And so we want to
8 protect that as much as possible, and we'll be as
9 aggressive as we can. So of course, if you're having a
10 little extra money in the budget at LSC, we'd certainly
11 be happy to take it.

12 MR. MCKAY: Well, if I may comment on that, I
13 think one of the values that we receive when we hear a
14 presentation like this is, as extraordinary as it is,
15 is that it sends us back with renewed vigor to do our
16 job, which is to obtain as much funding as we can. I
17 mean, the states, as the three of you have set them out
18 with a great introduction from Anh Tu, are the success
19 on behalf of clients.

20 And we have to -- it makes the story we tell
21 to members of Congress much more real to hear your
22 presentation, know that you speak not only on behalf of

1 your staffs, but on the clients that we currently serve
2 and those we have never reached in Colorado. And
3 there's -- that obviously is an assumption that you've
4 made.

5 And if I may, Mr. Chairman, I just want to
6 commend in particular -- Jerry pointed out a key
7 moment. I think another key moment was Mario Rivera's
8 selflessness in the creation of that memo, which Mario
9 probably doesn't know I saw it an appropriate time
10 after that, and paused in my daily work to look and
11 just think about how selfless that was, how you created
12 that memorandum and took that action out of concern for
13 clients in Colorado, and I wanted to publicly thank you
14 for that, because I think it was a remarkable gesture
15 of leadership. Thank you.

16 CHAIRMAN ASKEW: Thank you. Any other
17 questions? Well, thank you, group, for being here
18 today, but also for what you've been doing, and we'll
19 follow your developments with great anticipation.

20 MR. ASHER: And, Mr. Chairman, we do have the
21 materials to review.

22 CHAIRMAN ASKEW: Please, yes. And anybody who

1 would like a copy of that maybe should let Anh know
2 today, if you'd like a copy of the materials they
3 referred to in the presentation.

4 The next item on the agenda is a staff report
5 on planning and competition. Mike and Bob? Hey, we're
6 doing pretty well on the agenda. Can we take a five
7 minute break for those of us up in years to take a rest
8 stop here? And we will -- it's about five of, we'll
9 convene probably at 11:00 a.m. to start back.

10 (A brief recess was taken.)

11 CHAIRMAN ASKEW: Let me mention a couple of
12 things to board members before we go on to the next
13 panel, there's an article from the Denver Rocky
14 Mountain News about Jon Asher and his program that I
15 have a copy of, and copies are being made to give to
16 you. Jon has a copy.

17 Over Jon's objection, I think, are we copying
18 and circulating --

19 MS. MERCADO: We got some this morning.

20 CHAIRMAN ASKEW: Oh, you've already gotten it?

21 MS. MERCADO: We got it this morning.

22 CHAIRMAN ASKEW: Oh, good, I --

1 MS. MERCADO: Thank you.

2 CHAIRMAN ASKEW: We also have copies of the
3 documents they refer to here, and I'm going to ask
4 Nicki to pass those out, maybe put them at your place
5 over lunch, a large stack of stuff, so that everybody
6 will have a copy. And we have extras for people here
7 in the audience that would like to learn more about
8 this.

9 Okay, we have Mike Genz and Bob Gross with us.
10 Bob, I can't think of a better introduction to talk
11 about state planning, than what we just heard for the
12 last hour. I don't know --

13 MR. GROSS: You're absolutely right, honorable
14 Chairman, members of the committee, members of the
15 board. In all my years in Legal Services, I've tried
16 to avoid following Jon Asher.

17 (Laughter.)

18 MR. GROSS: And now I see that there are two
19 other magnificent people that I'm going to try and
20 avoid following also. I'm neither their father nor
21 mother, but I did believe what Anh said about them, and
22 I think you can see why.

1 I wanted to just say, if this were some kind
2 of presentation in court, I would just say, "Submit
3 it," and leave. And that's about all I want to do,
4 really, except add a couple of things.

5 Jon mentioned that there's a role for LSC as a
6 catalyst, and I think that that's very true. I think
7 that aside from that, the -- what lessons I've learned
8 and what we've heard today is that it takes vision and
9 leadership in the states as well, and we were lucky to
10 see that here is so strong and effective.

11 And the process of state planning is to work
12 with folks in the state to try and identify that
13 leadership, try and talk about vision, to try and
14 promote a relationship that moves the state forward, it
15 requires us, as you've heard me say many, many times to
16 listen carefully, it requires us sometimes to be a
17 catalyst in ways that people initially don't
18 appreciate.

19 We hope that they come to a point where we're
20 working together towards a common vision, a shared view
21 of more and better services for clients, and that will
22 enable change to occur. And this is most definitely

1 about change. And as Anh said, and as you could hear,
2 that's not easy, and it requires our patience, as well
3 as our being a catalyst. It requires also our
4 persistence, our commitment, and I think as the
5 strategic planner that the corporation has working with
6 them -- consultant -- said, requires a great deal of
7 courage, I think, on all parts, particularly as you
8 move into an area that is new and different.

9 I just wanted to read for you our state
10 planning initiative has been going on now for about 18
11 months in its renewed phase. Of course, it did start
12 in 1995. And it's evolving, and as you know, as a part
13 of that process, we right feedback letters to the
14 states about their plans. And now, because the plans
15 were submitted in October, we've been visiting the
16 states more actively. And our feedback tends to
17 respond not just to the written document in October,
18 because that would be foolish, but to what the
19 circumstances are today.

20 But the interesting thing is, we now have our
21 first feedback letter on our feedback letter from
22 Pennsylvania. I just wanted to read a portion of this

1 to you.

2 "The state planners" -- this is from the chair
3 of the statewide steering committee in Pennsylvania,
4 and it says -- "The state planners are very proud of
5 the Pennsylvania plan. It represents a disciplined
6 review of the Pennsylvania civil legal services
7 delivery system. And charts a realistic course that
8 moves a collection of independent organizations toward
9 a shared vision of an effective and efficient service
10 delivery system.

11 "The Pennsylvania plan shares the vision of
12 the Legal Services Corporation of an integrated,
13 statewide system, and challenges Legal Services
14 provider organizations to commit to and demonstrate by
15 their actions, a delivery system that is focused on
16 providing more and better services for clients."

17 I think you might have heard the same thing
18 from our strategic planner, from the corporation, but
19 also from Colorado, about the importance of looking at
20 the current environment, critically charting a
21 direction and moving forward on it, and having a goal,
22 which is what this is all about, which is about, as

1 Pennsylvania wrote, "more and better services to
2 clients."

3 They also said, "The LSC has played a
4 prominent and necessary role in focusing attention on
5 this issue, and has largely served as the catalyst."

6 As you may recall, Pennsylvania didn't always
7 appreciate that role, at least in the beginning, that
8 we played.

9 But finally they concluded, "It is obvious to
10 us in Pennsylvania that LSC president John McKay and
11 the LSC staff passionately believe in a vision for
12 legal services that demands an integrated, efficient,
13 and effective delivery system. We in Pennsylvania
14 share that vision, and want to assure LSC that we are
15 partners in attempting to achieve the shared vision in
16 a way that is best for our state."

17 These are the goals that we seek to achieve.
18 The structure in Pennsylvania is different than the
19 structure in Colorado, the history is different, the
20 resources are different, how it plays out structurally
21 will be different, but the commitment, the sharing of a
22 vision, and charting the direction, and moving towards

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1 it with a statewide vision is really important, and
2 that's what we tried to accomplish.

3 CHAIRMAN ASKEW: Great. Thank you.

4 MR. GROSS: I should add, we owe the Colorado
5 folks additional thanks, because they have made the
6 materials that they've been putting together as they go
7 along available to the national community. And I
8 commend them to you. They are excellent in terms of
9 kind of a history, a story book of how this came about,
10 in terms of charting a new vision and a delivery system
11 for all clients in this state. And we've circulated
12 those materials and people are asking us for additional
13 copies, and they are following up with even more
14 specific materials, the how-to's, that I think is very
15 generous of them, and I think we appreciate it.

16 And this booklet that you have is just sort of
17 a compendium background book that sort of tells you
18 some of the major pieces that the corporation has
19 produced in that last 18 months of state planning. I'm
20 not going to go over it, it's too heavy. We'll send it
21 to you, but at some point, I think you'll find it shows
22 the developments that you've heard before, and it

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1 concludes with our letter -- at least this booklet does
2 -- the current chapter, four or five, with our letter
3 in response to CLASP and NLADA for their thoughtful
4 critique of our effort.

5 And I'm sure Alan will address the field
6 vision and where he thinks things are at, but I think
7 we want to thank them for what they've done. We hope
8 that the letter, as you'll see, it responds to the
9 concerns. We understand from whence they arise.

10 The theme of our letter, I think, was
11 demonstrated more by what you heard in this room about
12 our goals to work closely in partnership with states,
13 and moving forward to more and better services for
14 clients.

15 CHAIRMAN ASKEW: Thank you, Bob. Now, Mike
16 Genz, that's G-e-n-z.

17 MR. GENZ: Yes, thank you, Mr. Chair,
18 honorable members, I -- before I begin, I want to thank
19 the chair for his helping in my lifelong effort to get
20 my name spelled correctly.

21 (Laughter.)

22 MR. GENZ: I also want to thank Jon and Jerry

1 and Mario for their extraordinary work and my thanks to
2 them.

3 We talk in these categories of state planning
4 and competition and technology, and our native American
5 work ethic. I want to make -- just make a point that
6 for us, we're all working on this sort of all the time.
7 It's all part of one piece of our efforts to help and
8 work with the field and in productive and helpful
9 change. That's only in part an effort on my part to
10 get in the glory of the extraordinary work that those
11 people are doing.

12 I'm going to briefly address the competition
13 process, where it stands, and then also I'm going to
14 note the Native American conference that happened a
15 couple of weeks ago right near here in Estes Park.

16 The competition process is right on the edge,
17 coming into full swing for this year. Hopefully not
18 the edge that Jon Asher talked about, the cutting edge.
19 In less than two weeks, we'll have applications from 34
20 states. In another four weeks, we'll have applications
21 from an additional nine states. And essentially, we'll
22 have August and September to process those, to deal

1 with them. It the largest cohort that we've had since
2 competition was staggered.

3 For us, the challenge is to carefully review
4 all of these applications. Certainly when there is
5 more than one application, our job is to make that an
6 effective, and defensible, and good, and fair decision.
7 And for all of them, it's to make an accurate quality
8 assessment, to assure you and to assure Congress that
9 we have quality representation out there.

10 At the same time we're doing this, we have to
11 work extremely hard on the state planning work. It's
12 with the same people, the same staff as to do those
13 things, to come to the same deadline.

14 We've talked and talked proudly of the
15 marriage of competition and state planning, in terms of
16 the interconnectedness of the work that we do.
17 Unfortunately, they had the same wedding date of this
18 October situation. And so we have to do it the same
19 time we're doing all this competition. We have to be
20 out in the field visiting states, doing analysis,
21 talking to folks on the phone when we're not there, in
22 all of the states that we're dealing with.

1 We're ready for this on the competition end.
2 We have Ted Faris, who has gotten us automated from the
3 information management office, so that all the
4 repetitive chores are done. We don't have to do them,
5 and so that our analytical work is much better than --
6 is done to the extent it can be, so that we're just
7 adding what we need to add.

8 We have -- we've recruited 17 excellent
9 consultants to help us, to help us with the reading, to
10 help us with visits when we need to make those, and to
11 help us with the review panels when we're going to need
12 those. We filled two or three vacancies, and we're
13 going to fill the third very shortly, so we're ready
14 for those tasks.

15 The chart that you have in front of you, I
16 won't go over it except to say that you have -- it
17 indicates the 43 states that are in competition. I say
18 43 states, it isn't all service areas in those 43
19 states. For most of them it's all service areas, but
20 for some, it's just some of the service areas, either
21 because of state planning decisions made in 1998 and
22 1999, or because of quality decisions made in the

1 Fiscal Year 1999 competition. So we have a total of
2 217 service areas, which affects 185 current programs.

3 It's too early to say very much about the
4 multi-applicant situation that we have. The last
5 column, or the column to the right, for those of you
6 who are left-handed, is -- gives us the situation with
7 respect to multi-applications. All we have so far, is
8 we have the notice of intent to compete for the first
9 group. Those came in on June 1st, and that's for the
10 first group of 34 states. All we really know at this
11 point is we know in some states, where the word none
12 is, that there will not be multi-applicant competition
13 in those places.

14 We don't know about the nine states where
15 we're not going to get the notice of intent to compete
16 until July, and we don't know with respect to the few
17 notice of intent to competes to receive, a total of
18 four that we received, we don't know whether that will
19 be a real application or not.

20 So the only strong information we have here,
21 is where it indicates none, that we will have a single
22 application in those states for the service area.

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1 I did want to very briefly mention also the
2 Native American conference three weeks ago in Estes
3 Park. It was attended by representatives of all of our
4 30 Native American programs. We were represented on
5 the management side by John McKay, and on the board
6 side by Edna Fairbanks-Williams. Our effort was led
7 by, or the program itself was led by Carolyn Worrell
8 and on to -- it may seem to you that Anh is involved in
9 most everything that we do. That's because she is
10 involved in everything that we do. An extraordinarily
11 -- hopefully you've certainly seen it today.

12 This conference addressed all the hard issues.
13 First and foremost, and structurally, it was about
14 delivery, about tribal court representation, about the
15 same sort of issues that we talked about in basic
16 field, the technology and pro se representation, fund
17 raising, specifically applied to the needs and
18 situations of the Native American population and
19 programs. We dealt with the hard issues, how to
20 equalize funding among Native American programs, and
21 how state planning can -- should just relate to these
22 efforts.

1 What came out of the conference was a
2 commitment on the part of all parties to soon and
3 seriously address this funding equalization question
4 commitment on the part of Native American programs, to
5 participate actively in state planning on the part of
6 the corporation, to be conscious of state planning, of
7 the unique role of the Native American programs.

8 Tangibles included conference papers that were
9 done before hand, and conference papers that are being
10 done afterwards. There's a list serve web page. That
11 servers already up, the web page is coming that will
12 carry these documents, that will carry dialogue on the
13 issues and also on substantive law for this area,
14 simply developed by these people.

15 Intangibles, or course, are the better
16 understanding of what other folks are doing, and what
17 works, and a set of connections and friendships. Thank
18 you, Mr. Chairman.

19 CHAIRMAN ASKEW: Thank you both. Do we have
20 any questions from committee members? Board members?
21 Keep up the good work. Everything seems to be moving
22 in the right direction, so thank you both very much.

1 MR. MCKAY: Mr. Chairman, I want to thank Mike
2 Genz and in particular some of the folks that work with
3 him, Anh Tu, Carolyn Worrell did a tremendous job with
4 sort of very low-overhead staffing, what I thought was
5 an excellent conference. I went and stayed for the
6 entire conference.

7 We had as they say in diplomatic terms, "A
8 full and frank discussion," which I think was very,
9 very productive. We hope to continue -- we will
10 continue this dialogue directly with national leaders
11 and individual participants in performing legal
12 services in Indian country, and there are some serious
13 issues which I think the chairman of the committee, if
14 we were to cross examine him, would have some
15 substantial knowledge when we say equalization of
16 funding in the Indian country.

17 But we have moved some ideas forward, we
18 expect to follow up on them. I know you're going to
19 hear in a moment from Alan Houseman. Alan submitted, I
20 thought, an excellent paper in advance of the
21 conference. And this is a real important issue for us,
22 because we have really, at this point, two specific

1 populations that the LSC act in history and this board
2 is committed to, and they are Native Americans and
3 migrant populations. Our intention is to conduct a
4 similar conference on migrant representation next year.
5 We will have learned from this one and we will do even
6 better, but I was very impressed. And I want to thank
7 our staff, who really did a terrific job in putting
8 this conference together.

9 CHAIRMAN ASKEW: Thank you.

10 MS. MERCADO: Yes. No, I just wanted to
11 commend the staff and also in listening to the
12 presentation of the programs in Denver, as to looking
13 at all the fine proclamations that you have to
14 represent and not given way to a lot of the pressure to
15 solely focus, as is natural, to say, "Well, we're going
16 to put the programs where the largest population
17 exists," which generally are your urban areas, which
18 means that you're rural areas, your special populations
19 get omitted. And of course, those are probably the
20 most vulnerable of the populations that don't have
21 access to Legal Services so I'm very glad that you're
22 looking at making sure that those services are, you

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1 know, those different client populations are being
2 represented.

3 CHAIRMAN ASKEW: Thank you. Alan? Alan, I've
4 tried to remember when the last time you appeared
5 before the board and committee, and it's been many
6 years. You've been ably represented by Linda Perle,
7 the class has been ably represented by Linda Perle in
8 your absence, but --

9 MS. MERCADO: Just correction. He appeared
10 yesterday.

11 MR. MCKAY: You said "this committee."

12 CHAIRMAN ASKEW: I said "this committee." No,
13 I didn't. I said the board and committee.
14 Nevertheless, welcome, Alan.

15 MR. HOUSEMAN: Thank you, Mr. Chairman. Doug,
16 members of the board, Mr. McKay, and everybody else,
17 including staff. I, too, like Bob Gross, know better
18 than to follow Jon Asher. Usually I try to do
19 something smarter. I try to make Jon Asher the
20 presenter and claim credit for it, which in some sense
21 I could do today.

22 I want to just address state planning fairly

1 briefly. I want to bring you up to date a little bit
2 on some of what we're doing at NLADA and CLASP, and a
3 few reflections on where we are in sort of the LSC
4 efforts on this.

5 As you know, I think, I am the principle
6 author of the discussion draft document that was put
7 out by NLADA and CLASP under the auspices of the
8 Project for the Future of Equal Justice, which
9 attempted to set out in a comprehensive way the
10 characteristics of what an integrated, comprehensive
11 integrated delivery system should look like.

12 It was not a document that was unique, it
13 built on a lot of work of others, including LSC staff,
14 but it attempted to do that. And that document has
15 really provided the framework for the work that the
16 Project for the Future of Equal Justice is now doing,
17 and the framework for much of the work that we're doing
18 at NLADA and CLASP in our legal services work.

19 And I'm, of course, also the author of the
20 February 16th memo to which Bob Gross made reference.
21 I think all of you have seen, and which the
22 corporation's response is in your book. Given that

1 background, I thought it might be somewhat helpful to
2 give you some of my reflections. Let me start by
3 saying what others have said, but I want to say on
4 behalf of NLADA and CLASP, it's critically important
5 that LSC do what it's been doing in state planning,
6 helping states move towards a comprehensive, integrated
7 statewide delivery system. And the LSC staff, John
8 McKay, Bob Gross, and many of its staff members, Anh Tu
9 and others, should be commended for their leadership on
10 this.

11 The way I look at where we are, and it's not
12 necessarily a unanimous opinion in our community, as
13 you'll hear in a second, my basic philosophy is, "More
14 of the same is unacceptable." And we have to be doing
15 a much better job reaching more clients more
16 effectively than we have been, if we're going to
17 survive.

18 Now, the way I like to start this little talk
19 -- it's not going to be very long -- was just to
20 mention one thing that's fairly obvious, but I want to
21 sort of start there. When LSC made its decisions in
22 December, they came as this dramatic surprise to the

1 Legal Services community and to many members of the
2 Bar. Never before had LSC acted based on a planning
3 process to make grant decisions and service delivery
4 decisions.

5 I expected there would be a reaction to this
6 at the NLADA convention, because the decisions came out
7 right before it. I was frankly stunned by the adverse
8 reactions that we ran into there. There were a number
9 of private meetings where I was just blown away by many
10 of the key leaders in our community who were adamantly
11 opposed to what LSC was doing, they were totally
12 critical of what the project was doing, and they wanted
13 NLADA and CLASP to stop any involvement in state
14 planning, and to take on the corporation head on.

15 We chose not to do that, but we did believe
16 that there were some concerns that were being raised
17 that had to be articulated to LSC. And so we wrote a
18 memorandum that came from Don Saunders, the civil
19 director of NLADA, it came from Bob Gillette, who is
20 the director of the funding criteria committee, which
21 is the only functioning sort of group in Legal Services
22 right now that provides policy input into the actions

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1 of NLADA and CLASP, sort of our accountability
2 mechanism -- that will soon change, but it's the case
3 for the moment -- and myself.

4 And what we tried to do there was we tried to
5 state and address both for the immediate future and for
6 the long-term future, a concern that I would sort of
7 characterize this way. That LSC needs to act carefully
8 and prudently, with adequate notice of its intentions,
9 to both recipients of the Bar and other stakeholders.
10 And it needs to act within a framework that is known
11 and understood by all.

12 And so the memo tried to make some suggestions
13 to John and the staff about those two issues. I want
14 to make quite clear what the memo did not do, because
15 some people have suggested that it did something else.
16 The memo did not suggest that the December decisions
17 were incorrect, or that the process used in getting
18 there was somehow flawed. That is not in the memo. I
19 personally believe, and I know that Don joins me in
20 this, that the December decisions of LSC were correct,
21 and that the staff work that went into them should be
22 praised, and that the decisions that John made were

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1 right and bold and took courage. That's my view on
2 those.

3 And it -- but I think it's important to
4 realize that there were some real legitimate concerns
5 that some people had about both the process and the
6 criteria. I want to add right at the -- right now,
7 quite quickly, that since the December decisions, I
8 have no idea whether it was really in response to our
9 memo. Perhaps it wasn't.

10 LSC has been in more effective communication
11 with recipients and stakeholders, the staff have gone
12 out of their way to engage in a number of states and
13 communicate effectively with the key players. And in
14 my view, the LSC decision-making process has improved.
15 There is greater clarity about the rationale for
16 configuration decisions, and it's also clear now, quite
17 clear, what recipients within a state must do to pass
18 muster.

19 However, there remain in our community and in
20 a number of states a number of leaders -- and I want to
21 be clear about leaders -- who do not agree with the
22 fundamental proposition that it's the goal of a civil

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1 legal assistance system in a state is to create a
2 statewide comprehensive system. And there are friends
3 of all of ours -- Mr. Chairman, you and I have a very
4 close friend who maybe hasn't articulated this as
5 strongly, but believes it -- and there are others who
6 we all know who are true leaders who don't believe this
7 message. Now, you could say maybe they don't get it,
8 but my view of this is that we all, LSC, and us at
9 NLADA and CLASP need to listen. And yes, I think even
10 learn from them. And to take into account the kinds of
11 concerns that they're raising.

12 For example, we at NLADA and CLASP received a
13 recent letter from the Midwest, from project directors
14 in the Midwest, which argued that LSC and NLADA and
15 CLASP were on a track to create what they labeled
16 Platte River Legal Services, a mile-wide and an inch
17 deep. And they argued and they believe -- some of
18 them, at least believe it, really -- that what is at
19 stake here is that we are all trying to replace legal
20 representation and specialized advocacy with some kind
21 of a centralized, statewide hotline, brief service
22 brief advice system. Now, I don't believe that for a

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1 minute, but there are some -- when you are -- when you
2 engage with some of the more thoughtful people who
3 believe this of what we are doing, there is some
4 learning that I've come out of it with, and I think
5 there's some learning from all of us. We can't write
6 these leaders off. We shouldn't marginalize them. We
7 have to engage them in an effective way and in an
8 effective dialogue, and we've got to listen to them.

9 And that's what I think is critically
10 important now in states where there may not be a
11 configuration decision on this table, but there may be
12 serious problems in reaching an integrated state
13 delivery system.

14 Also, there remain many in our community, some
15 among the leadership, some all of us would call
16 leaders, who frankly don't agree that merger
17 consolidation of small programs or even larger programs
18 will necessarily result in a more effective and
19 efficient system, or will enable states to develop a
20 comprehensive integrated delivery system. You heard
21 today so eloquently sort of a refutation of that
22 position, and I -- there's nothing to say. They've

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1 said it better than I could say it.

2 But I think we need to be aware, and we need
3 to act, and both you, obviously, and us in our
4 capacities, that there is strong feelings about merger
5 and consolidation, that we do not know all of the
6 answers to this, that we are in some sense making some
7 decisions and pushing people in directions that may
8 have unintended consequences, both in the short and
9 long term.

10 And that it's possible that there are other,
11 many other ways to reach a state-integrated system, and
12 we all know that, and we all believe it, and LSC has
13 articulated that, and there are some states that
14 clearly -- like New Jersey and others -- have moved in
15 a way that didn't address merger and consolidation and
16 have set up an integrated delivery system. There are a
17 number of ways to get there. We all know that.
18 There's not a line here about configuration and
19 consolidation of merger. But the reality is that a
20 number of people still are of the belief that that is
21 the primary message of the corporation and of NLADA and
22 CLASP, which it isn't. But they are, and I think we

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1 have to listen to them. We have to engage them in some
2 way.

3 In fact, I think the key to this is both now
4 and for the future, we all must work hard to engage and
5 to obtain a buy-in of all recipients, the leadership in
6 the recipient community, Bar, and other stakeholders.
7 Jon Asher said this far better than I, but we need to
8 do that if we are going to succeed in this endeavor.

9 I'll end by saying the one step we are doing
10 at NLADA and CLASP, is we have set up a new system of
11 communication with all states. Don, Lynn and I have
12 divided up the states, we are communicating with them
13 in a proactive way periodically, and we are -- have
14 asked each state to set up a representative from those
15 states, or in larger states two representatives, which
16 we communicate with periodically both about state
17 planning as well as other issues.

18 And out of that, this beginning dialogue, I
19 think we're going to be in a better position at NLADA
20 and CLASP to work with states to move them towards the
21 vision which we all share with you. It complements,
22 obviously, what you're trying to do. But our goal here

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1 is to keep people informed, understand what they're
2 doing, and to be able to bring to you, as I tried a
3 little bit to do today, some of the real concerns that
4 people who are truly members of our community and
5 leaders share so that we all can act in a better way as
6 we go down this road, which we must keep doing.

7 Those are my thoughts and brief reactions.
8 Thank you, Mr. Chairman, for letting me appear here.

9 CHAIRMAN ASKEW: Thank you, Alan, for the
10 thoughtful and constructive comments. I read the
11 letter in December, and I sense you had a strong hand
12 in writing it, that it was a very constructive approach
13 to addressing these issues, and I think it was very
14 helpful at the time in helping us and helping the staff
15 focus on some of those issues.

16 I know there's a response in our book back to
17 you from the staff that just came out recently to a lot
18 of that. But I think you're right, that we are moving
19 together in the right direction on this, but we need to
20 continue the dialogue with people who are critically
21 important in making it happen.

22 Are there are others that have questions or

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1 comments? Doug?

2 MR. EAKELEY: Are there ways in which the
3 corporation should be more engaging or engaged with
4 those who see our approach as being a Platte River
5 approach, or with those who see still the corporation's
6 approach being a cookie cutter?

7 MR. HOUSEMAN: Well, I think -- I'm not sure
8 there's a simple answer to this. One answer is I think
9 that some kind of an opportunity to have a frank
10 dialogue that permits those people to make their case
11 in some kind of a setting where there's an opportunity
12 for response, or make -- would be a useful thing, and
13 we may be able to do that at the NLADA convention this
14 year. I think LSC staff and John and others have to
15 participate in that. I -- and the reason I feel that a
16 step like that, which some people would think is a
17 totally process-oriented and probably silly, might make
18 a difference, is in fact because I thought the dialogue
19 at the Native American conference that Jon and I and
20 Steve Moore and a number of other people at that
21 conference entered into about state planning -- the
22 dialogue in the Wednesday day -- that was, I thought, a

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1 dialogue that both educated and moved forward, and that
2 without that dialogue being on the table, and it was
3 set up the night before, or the day before, with a
4 panel that involved a couple of -- one person who's
5 losing his program over this in Arizona and was quite
6 critical. I thought that dialogue moved everybody
7 forward. And without the dialogue itself, I'm not sure
8 we would have gotten as far as I think we got in that
9 meeting.

10 So I think an honest dialogue that permits
11 some real sharing of information and thoughts is a
12 helpful way to proceed. I know it sounds process-
13 oriented and silly.

14 Secondly, I just want to reiterate one thing.
15 Your staff is doing a much better job -- I'm not -- you
16 had an overwhelming task back in the fall, so in a
17 little time you had a huge task to do. As I said, I
18 thought you did it well. You're doing a much better
19 job of engaging in the states and dialoguing with
20 people, and you've had time to do that, and you're out
21 there, and you're, you know, that is a critical part of
22 it. What we're trying to do at NLADA and CLASP is to

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1 do that too, ourselves, to open that up and to be much
2 more proactive in that. So I think all of those put
3 together will begin to make a difference.

4 CHAIRMAN ASKEW: Maria?

5 MS. MERCADO: Yes, I know that the letter that
6 was sent to the corporation and the corporation's
7 response seemed to be that the key essence of the
8 release, as I saw it, was in trying to get some
9 direction from the corporations to what kind of
10 standard or criteria you're looking at when you're
11 doing state planning, as to whether or not programs
12 merge or whether they integrate some of their
13 activities or how it is that you handle that. And I
14 wasn't real clear in reading the response or in the
15 letter that was sent about specific recommendations
16 about what should be some of the standards and criteria
17 that we look at.

18 And maybe that's somewhere else, but at least
19 in the memorandums that I looked at, there wasn't that
20 kind of specifics played out. And as part of what you
21 anticipate this dialogue is fleshing out some of those
22 possible criteria or standards.

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1 I know that part of the response from the
2 corporation was that we couldn't do automatic standards
3 for every state, because every state has different kind
4 of programs, different regions, different populations,
5 different factors that come into work, and I understand
6 those. But in that realm, should there be maybe some
7 bare bone criteria or standards that we would look at
8 in doing that? And I'm not sure if you are looking at
9 a further dialogue to come out and flesh out what those
10 standards and criteria should be between your idea,
11 CLASP, and LSC.

12 MR. HOUSEMAN: Yes, well, let me first respond
13 by saying that in the memo of February 16th, near the
14 end, there was an effort to sketch out a set of factors
15 that should be considered around configuration. Maybe
16 it wasn't thorough or deep enough. That's quite
17 possible. But there was an attempt to set out some
18 factors to suggest to the corporation as a framework
19 around this issue.

20 I think the response of the corporation sort
21 of speaks for itself, said well, we're using many of
22 those, we're taking them into account in our decision

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1 making. I suppose we could push to have some kind of
2 formalization of factors. I think at this point, my
3 view would be that's not what we were proposing in the
4 memo, that's not what we need. I think that the
5 factors that we laid out in the memo and where LSC is
6 now, I think -- frankly think -- they're taking into
7 account many of those factors, whether they were
8 already doing them or not, I don't know, but they seem
9 to be, in my view, taking those into account in the
10 decisions they're making. I'm not sure we need more
11 dialogue around those particular factors or criteria.

12 I mean, we can engage in it, but I'm not sure
13 we do. We do engage in it somewhat privately, I must
14 say, but I'm not sure publicly we need to. That's my
15 own quick reaction to your question.

16 MS. MERCADO: Well, I -- and I have to
17 apologize, because we actually didn't get your memo.
18 We got the memo of the response, so I can't --
19 unfortunately, I'm only gleaning from the response
20 things that you outlined and so based on that, I
21 assumed that there weren't any particular criteria.

22 But it would be helpful if we could look at

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1 his memo as well, just to sort of get a bigger picture
2 of what --

3 CHAIRMAN ASKEW: I think he's talking about
4 something different, Maria. We got his memo of
5 December 1998, that -- the May 20 --

6 MR. HOUSEMAN: No, no. It's May --

7 MR. EAKELEY: She's talking about the February
8 16, 1999 memo.

9 CHAIRMAN ASKEW: But the -- are we talking
10 about the law, when you're talking about, that was from
11 you and Bob Gillette and Don --

12 MR. HOUSEMAN: Yes.

13 CHAIRMAN ASKEW: Was when?

14 MR. HOUSEMAN: February 16th.

15 CHAIRMAN ASKEW: Well, that was circulated to
16 the board.

17 MR. HOUSEMAN: I don't know.

18 CHAIRMAN ASKEW: Yes, that was circulated to
19 everybody. And that's what the May 25th memo responds
20 to. So we did get that, but I'm like Maria. I didn't
21 remember -- I didn't recall --

22 MR. HOUSEMAN: Well, it's the wrong memo.

1 CHAIRMAN ASKEW: Yes. Unlike most of
2 Alan's --

3 (Laughter.)

4 MS. FAIRBANKS-WILLIAMS: Well, I was
5 particularly happy that you talked about rural
6 delivery, because I've been after them for a long time
7 to do that for every one, so that we would know if they
8 were just surrounding their home office and not getting
9 into the interlands, but so far they haven't taken my
10 suggestion. But every opportunity that I have, I give
11 them a little jab.

12 MR. MCKAY: I think it's pretty clear to those
13 who participated in the Native American conference that
14 you believe in that approach. That was a basis of
15 Edna's presentation --

16 MR. HOUSEMAN: Yes.

17 MR. MCKAY: -- that I thought was very
18 effective.

19 MR. HOUSEMAN: Yes, it was.

20 MS. MERCADO: John, I was just going to say,
21 you know, whenever you amend this state planning
22 background material, since we have the response from

1 the corporation, it would be helpful to get the info
2 from NLADA and CLASP as far as --

3 MR. MCKAY: I agree.

4 MS. MERCADO: -- as far to what's in their
5 position, so that you get a better view of it.

6 MR. MCKAY: I agree, and I know the author and
7 I will have a word with him, and we'll make sure you
8 get those materials. That's a very good suggestion.

9 MR. EAKELEY: But would it require a separate
10 bound volume?

11 MR. MCKAY: No.

12 MR. HOUSEMAN: It wasn't that long.

13 MR. MCKAY: And may I just say, because I
14 think Alan raises a number of points. I'm not going to
15 respond to all of them. I really want to just thank
16 Alan Houseman and Julie Clarke is here for NLADA. Bob
17 Gillette has sort of floated around in the disembodied
18 form of the FCC, however that's going to reconstitute
19 itself. But all three very productively commenting to
20 the corporation.

21 We've been pretty shameless, as Alan has
22 implied, at just stealing their ideas and suggestions.

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1 A lot of communication has occurred between Alan and
2 Bob Gross at different times, Karen Sarjeant and Mike
3 Genz, individual programs counsels such as Anh Tu,
4 Cindy Schneider, John Idleman and others, who really,
5 in the framework of this, have approached it as counsel
6 to programs.

7 And so they really are different in every
8 case. We have adopted more guidelines rather than
9 criteria, because remember the concept is to try to
10 motivate state planners to come to this. So we're sort
11 of caught between providing the strongest possible
12 guidance that we can in advance, and still giving the
13 programs the opportunity to develop a plan on their
14 own. This is the contradiction, really in the
15 difficult process that we've had to engage in.

16 But I think what's really clarified this are
17 two important decisions. The first is the one that
18 Alan Houseman mentioned, which was that our national
19 partners have made a decision that rather than throwing
20 up their hands and saying, "These are too difficult,
21 these are too hard," they have, in fact, supported the
22 philosophy of comprehensive integrated programs.

1 That's very clear in the memo that came from CLASP,
2 NLADA and the FCC. And I think that was a courageous
3 decision on their part.

4 Now having said that, we have not only in that
5 memo, but in different conversations between Alan and
6 myself, Alan and Bob Gross, Karen Sarjeant, and Bob
7 Gillette and others, we've had some very difficult
8 conversations, mainly because Alan and others have
9 advocated, I think, appropriately, the concerns from
10 the field. This is exactly the way it should work. If
11 we were doing nothing, and we were not actually causing
12 serving in some cases, as a catalyst for change,
13 everything would be just smooth and nice.

14 But I want to say that some of the
15 conversations have been difficult, and they have been
16 tough processes. Some we've accepted, some we haven't
17 accepted. As you read our response you will see that
18 that's clear. But the advocacy by Alan and Linda and
19 Clint Lyons and Bob Gillette and Don Saunders has been
20 very powerful on behalf of the field, including those
21 who don't agree with what we're doing, and that's
22 appropriate.

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1 So while we've had a tendency at times, I'm
2 sure incorrectly, to think not of it as Platte River
3 Legal Services, but sort of Stork Legal Services, that
4 some are burying their heads in the sand, the reality
5 is that there are substantial concerns out there we
6 need to listen to that will inform the way that we work
7 with programs in the field. So we welcome that, and I
8 wanted to thank Alan.

9 The second important event were the decisions
10 themselves that were made around state planning this
11 past year, because how we responded in places like New
12 Mexico, where we did not make configuration an issue,
13 because in fact the New Mexico planners committed to
14 strengthening the center, they committed to technology
15 plans, and it made configuration, their decision to
16 keep the current configuration, something that we could
17 endorse, and we did.

18 We did something different in California. We
19 split the state up as they suggested, made different,
20 completely different decisions and feedback within
21 California, and really the third example I would select
22 would be Nebraska, where we said, "Unfortunately, the

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1 state planners, whether because we didn't properly give
2 guidance, or really they just chose not to participate
3 in the process, and in fairness, that was -- I think
4 that's the decision that we made, that we had to choose
5 the solution for them. That is the least favored of
6 our approaches.

7 But now having put those up for the community
8 to see, I think that informs almost as well as some of
9 the characteristics that have been issued in both
10 program letter 98-1 and 98-6, and the various -- the
11 draft discussion memo that Alan referred to, those
12 things taken in sum, I think, are providing much better
13 guidance today to state planners than we could possibly
14 have given a year ago. And part of that is a series of
15 experiences.

16 So I just wanted to finish by thanking Alan.
17 He's in a difficult position, but what he has done has
18 been a very strong contribution. I've had separate
19 conversations with Clint Lyons and Clint has similarly
20 expressed support for what we're doing, but very
21 heavily caveated because they do represent those
22 leaders in the field. And I want to say their advocacy

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1 on behalf of those leaders has been very powerful and
2 has modified and changed the way we conducted state
3 planning.

4 MR. EAKELEY: And we'll continue the dialogue.

5 CHAIRMAN ASKEW: Alan, let me ask you one
6 question, then we're going to adjourn. You mentioned
7 as a part of your presentation, the Project on the
8 Future of Legal Services.

9 MR. HOUSEMAN: Equal Justice, yes. Whatever.

10 CHAIRMAN ASKEW: Project on the Future of
11 Equal Justice? Okay.

12 MR. HOUSEMAN: That's what we call it now.

13 CHAIRMAN ASKEW: I doubt if any board member
14 really knows what that's all about. I certainly don't
15 know, and I don't want you to address it today.

16 (Laughter.)

17 CHAIRMAN ASKEW: What I would like to do,
18 maybe -- he's ready. What I'd like to do maybe is ask
19 you if it would be appropriate, maybe, to put it on the
20 agenda for a future meeting of this committee and have
21 whoever the appropriate persons are make a presentation
22 to us on what that is and where it's going, so that we

1 would know more about it.

2 MR. HOUSEMAN: Sure. I think that would
3 helpful. The project -- the sentence about it, and I
4 think you need a, you know, much more detail. I'll
5 make sure you get that, and I think it should be on one
6 of your committee meetings about it.

7 The Project for the Future -- we call it now
8 the Project for the Future of Equal Justice is a joint
9 CLASP/NLADA project funded by the Ford Foundation and
10 the Sorros Foundation. It has five full-time staff
11 members, three part-time staff members, and about eight
12 consultants that work considerable amount of their time
13 for the project.

14 And we're working on a whole variety of areas,
15 one of which I'll just mention briefly, is we also have
16 a -- two, and then I'm done. One is, we've got funding
17 and as part of the project, to set up a technological
18 support project, which we're just about to staff, to
19 work with every state to try to make sure it's
20 developing a technology scheme along the lines of the
21 Colorado stuff that you just heard.

22 And secondly, as part of the project, we have

1 money for an evaluation of hotlines, which has never
2 been done before, actually, in a thorough way, and
3 we'll finally get some hard information out about them.
4 Those are the kinds of things we are doing.

5 MR. EAKELEY: How much coordination is there
6 between the project and the corporation, or what
7 opportunities are there for collaboration --

8 MR. HOUSEMAN: Well, the best example of that
9 is the corporation and the project, as well as some
10 others, conducted a conference at Airlie House this
11 September. It was jointly sponsored on technology, and
12 it was clearly and absolutely a joint effort.

13 MR. EAKELEY: Are we engaging you, or are you
14 engaging us in consultation or planning about our 25th
15 anniversary celebration or opportunity to communicate
16 better with the public about access to justice and
17 equal justice?

18 MR. HOUSEMAN: We're not involved in your 25th
19 anniversary, as such. I mean, we know about it.

20 MR. EAKELEY: You're going to celebrate it
21 with us.

22 MR. HOUSEMAN: Yes, I hope. Of course. We

1 are engaged in an effort similar to your public effort,
2 public media effort, and we're trying to make sure
3 those two work in tandem. Ours is directed much more
4 at helping local recipients develop a message that they
5 can effectively use, but we're working together on
6 that.

7 We're also working together on training, we
8 have a big training agenda as part of the project, and
9 we've been working with your staff on that.

10 So I think -- I'm not saying there aren't some
11 bumps along the way, but I actually think there's
12 pretty good coordination and fairly effective
13 communication. But I think the board would really
14 benefit from a presentation.

15 CHAIRMAN ASKEW: The Seattle meeting is
16 probably not a good time to do it, but in November, in
17 Washington, although that's quite a ways from now,
18 would be a good time.

19 MR. HOUSEMAN: Well, there's one thing. We do
20 have a short -- I didn't write it -- piece --

21 (Laughter.)

22 MR. HOUSEMAN: -- that describes exactly what

1 we're doing right now.

2 CHAIRMAN ASKEW: We probably ought to
3 circulate that.

4 MR. HOUSEMAN: I'll be glad to get it out to
5 whomever, or send it directly, however you want. We
6 also -- another final thing is the -- we have a
7 website, it's called Equal Justice Website,
8 www.equaljustice -- one word -- .org.

9 That is run out of CLASP, but it's the website
10 for the project. And you'll see that that has a huge
11 amount of material on it, far beyond --

12 CHAIRMAN ASKEW: Thank you, Alan, as always.
13 Considering any other business, did anyone have any
14 business to bring before the committee? Any public
15 comment?

16 We're going to reconvene the board meeting at
17 1:00?

18 PARTICIPANT: 1:00 p.m. in this room.

19 CHAIRMAN ASKEW: 1:00 p.m. as opposed 1:15, I
20 think the agenda said. In this room, lunch will be
21 served.

22 MR. MCKAY: Lunch will be served in the Lake

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1 Room across the hall.

2 MR. EAKELEY: And Nancy, we'll call you back
3 at 1:00.

4 MS. ROGERS: Okay. Thanks a bunch.

5 CHAIRMAN ASKEW: Thanks, Nancy.

6 MS. ROGERS: Bye-bye.

7 M O T I O N

8 CHAIRMAN ASKEW: Is there a motion that we
9 adjourn the meeting?

10 MR. EAKELEY: So moved.

11 CHAIRMAN ASKEW: Second?

12 MS. FAIRBANKS-WILLIAMS: Second

13 CHAIRMAN ASKEW: The meeting is adjourned.

14 Thank you very much.

15 (Whereupon, at 11:55 a.m., the meeting was
16 adjourned.)

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