

ORIGINAL

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

COMMITTEE ON PROVISION FOR THE  
DELIVERY OF LEGAL SERVICES

November 19, 1999

10:45 a.m.

Legal Services Corporation  
750 First Street, N.E.  
Washington, D.C.

COMMITTEE MEMBERS PRESENT:

Hulett H. Askew, Chair  
Nancy Hardin Rogers  
Edna Fairbanks-Williams

BOARD MEMBERS PRESENT:

Douglas S. Eakeley, Chair  
Maria Luisa Mercado

STAFF AND PUBLIC PRESENT:

John McKay, President  
Willie Abrams  
Bonnie Allen  
John Eidleman  
Ted Faris  
Julia Gordon  
Bob Gross  
Alan Hausman  
Glenn Rawdon  
Cindy Schneider  
Carolyn Worrell

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MOTIONS: 3, 4

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

1  
2 MR. ASKEW: Good morning. This is a meeting  
3 of the Committee on the Provision for the Delivery of  
4 Legal Services of the board. I'll note for the record  
5 that committee members Edna Fairbanks-Williams and  
6 Nancy Rogers are here, and we're joined by Maria Luisia  
7 Mercado. Doug Eakeley, who is an ex-officio member of  
8 this committee, will be joining us in a few moments.

9 The first thing on our agenda -- and this is  
10 in our book behind the tab for provisions -- is a call  
11 for an approval of the agenda. Before I do that, I'd  
12 like to amend the agenda in one way. Item four is  
13 report by LSC staff on state planning. I'm going to  
14 add item five, a report on competition to be given to  
15 us by Mike Genz, which is not on the agenda currently,  
16 and then the rest of the agenda will remain the same.

17 So I would make a motion we amend the agenda  
18 to that extent.

## M O T I O N

19  
20 MS. MERCADO: So moved.

21 MS. FAIRBANKS-WILLIAMS: Second.

22 MR. ASKEW: All in favor say "aye."

1 BOARD MEMBERS: Aye.

2 MR. ASKEW: Now, a call for an approval of the  
3 agenda as amended.

4 M O T I O N

5 MS. FAIRBANKS-WILLIAMS: So moved.

6 MR. ASKEW: And a second.

7 MS. ROGERS: Second.

8 MR. ASKEW: All in favor say "aye."

9 BOARD MEMBERS: Aye.

10 MR. ASKEW: The approval of the minutes from  
11 the committee's meeting of September 17th, the minutes  
12 were in the materials. Do I have a motion that they be  
13 approved?

14 M O T I O N

15 MS. ROGERS: So moved.

16 MS. FAIRBANKS-WILLIAMS: Second.

17 MR. ASKEW: All in favor say "aye."

18 BOARD MEMBERS: Aye.

19 MR. ASKEW: The minutes are approved. The  
20 first item on the agenda is a report by the LSC staff  
21 on the program information survey. Ted Faris is here  
22 with us and will give us that report. Ted, welcome,

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1 and tell us what you can.

2 MR. FARIS: Thank you, Mr. Chairman and  
3 members of the committee, for the opportunity to talk  
4 with you a little bit this morning about an information  
5 survey which we recently conducted.

6 This committee from time to time has expressed  
7 an interest in our existing case-service-recording  
8 system and has expressed a view, which I think is a  
9 fairly widely held, and that is that our existing  
10 system for counting cases does not adequately capture  
11 the true volume of the work that our grantees do for  
12 clients.

13 The purpose of the information survey, which  
14 we conducted, was to try to determine what types of  
15 activities do our grantees engage in besides that which  
16 meets our definition of a case. And also to try to get  
17 a sense of what practices our grantees currently have  
18 in place for keeping information about those  
19 activities.

20 With respect to our existing system for  
21 counting cases, there are three areas, in particular,  
22 where observers of the system have noted shortcomings.

1 One is as I indicated first of all that there are a  
2 number of services which programs provide that don't  
3 meet our definition of a case, and, therefore, the  
4 existing system does not capture that activity.

5 Secondly, the existing system doesn't tell us  
6 much about what our programs are not able to do. In  
7 other words, it doesn't tell us how successful our  
8 grantees are in meeting the demand for their services  
9 or anything about the extent to which our grantees are  
10 turning away clients because of inadequate resources  
11 and for other reasons.

12 Thirdly, the existing system doesn't tell us  
13 anything about the results of our grantees' work. This  
14 is particularly noteworthy because of the trend in both  
15 federal, state, and local government to emphasize  
16 results and also the corporation's own determination to  
17 adhere to the government Performance and Results Act.  
18 The significance of this is that we need to move away  
19 from measuring outputs, like counting cases, towards  
20 measuring outcomes, like what are the effects that  
21 representing clients has on the lives and legal  
22 problems of our programs' clients.

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1           The surveying part in a number of areas -- and  
2 I will mention briefly, and then I'd be happy to try to  
3 answer any questions you might have. First of all, the  
4 survey asked programs to tell us whether they have  
5 recently participated in or conducted an assessment of  
6 legal needs within their service areas. I should  
7 mention that we got a good response rate on this  
8 survey; over 180 programs, making up slightly more than  
9 70 percent of our current grantees to respond to the  
10 survey.

11           Of those, over 100 indicated that they had  
12 participated in some sort of legal-needs assessment  
13 over the past three years, and quite significantly a  
14 majority of those programs that have participated in  
15 needs assessments had sought out and involved people  
16 living in poverty, who are not current clients of the  
17 programs. So many of these needs assessments were  
18 actually reaching out beyond the known client  
19 population to people who haven't contacted programs to  
20 seek help with their legal problems.

21           Not surprisingly, the programs that had  
22 conducted needs assessments found that there is a

1 significant amount of unmet legal need across the  
2 country. A very small number of programs indicated  
3 that the legal need was 20 percent or less, but the  
4 majority of programs were estimating in the area of  
5 between 75 and 85 percent, and some estimated that in  
6 their service areas over 90 percent of potential  
7 clients with legal problems were not receiving the  
8 assistance of an attorney.

9           The second area in which the information  
10 survey inquired was given that some clients do contact  
11 the program and receive some assistance what kinds of  
12 assistance are they receiving. Is the assistance  
13 likely to resolve their legal problem, and what we  
14 found was, not surprisingly, that despite the recent  
15 emphasis on providing brief counsel and advice through  
16 centralized intake systems and other innovative  
17 methods, lots of clients have legal problems that would  
18 require a greater degree of assistance than programs  
19 are actually able to provide.

20           So, specifically, a majority of the programs  
21 responding to the survey indicated that they were  
22 providing a referral or some information, often not by

1 an attorney or a paralegal, to a client who had a legal  
2 problem that really needed the attention of an attorney  
3 or a paralegal.

4 Furthermore, a significant percentage of  
5 clients who were seeing an attorney or a paralegal and  
6 were receiving counsel and advice really needed a  
7 greater degree of representation to resolve their  
8 problem. Our programs estimated that as many as 50  
9 percent of their clients receiving counsel and advice  
10 would actually need a higher level of assistance to  
11 resolve their legal problem.

12 The types of assistances will not be a  
13 surprise to you, which programs are providing to these  
14 clients who might need a higher degree of assistance  
15 are the provisional pamphlets and other materials. The  
16 provision of oral information. Referrals to other  
17 organizations. Pro se clinics and a recent development  
18 is the development of Web sites. So 50 programs  
19 responding to the survey indicated that they have  
20 developed Web sites, which provide a new means for  
21 distributing information to clients.

22 The third area in which the information survey

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1 inquired was in the area of priorities setting and  
2 case-acceptance practices. We were very interested to  
3 know whether these days programs are turning away  
4 clients by excluding certain case types in their  
5 priorities, and we were very interested to learn that a  
6 majority of programs have either established priorities  
7 or have case-acceptance practices, which exclude  
8 certain common types of legal problems.

9           So, for example, half of the grantees  
10 responding to the survey indicated that there were  
11 types of divorce cases which they routinely did not  
12 accept for representation. As you probably know it's  
13 fairly common that a program will not accept a divorce  
14 for representation if there is no abuse and if there  
15 are no children in the family.

16           Furthermore, almost half reported that they  
17 don't do a significant number of consumer problems;  
18 bankruptcy being a very frequent example, even though a  
19 number of programs -- about 15 percent -- indicated  
20 that they don't do certain types of evictions or other  
21 kinds of land or tenant problems.

22           Lastly, in the area of outcomes, we were

1 pleased to learn through the survey that a significant  
2 number of programs, primarily because other funding  
3 sources require it, are currently keeping track -- at  
4 least, on a partial basis -- of outcomes or benefits to  
5 their clients. As you probably know, the United Way  
6 has been a leader in this area, and many IALTA programs  
7 across the country are considering or have already  
8 adopted requirements that programs report the outcomes  
9 or benefits to their clients.

10           The Legal Services Corporation is committed to  
11 going beyond counting cases, and in the coming months  
12 is going to be exploring different possibilities with  
13 respect to collecting information about services that  
14 don't meet our definition of a case, about collecting  
15 information, about people who are turned away or  
16 otherwise have unmet legal needs, and, lastly, in  
17 collecting some information about outcomes or benefit  
18 to clients.

19           So although that concludes my report, I'd be  
20 very happy to answer any questions that you might have.

21           MR. ASKEW: Edna.

22           MS. FAIRBANKS-WILLIAMS: Well, to get back to

1 my pet peeve about whether the people in the rural  
2 areas are not -- did these -- were they all telephone  
3 surveys? Vermont is starting a survey, and LSC was  
4 nice enough to give Macro -- I don't know -- 5,000, I  
5 think, to do it, and it's completely a telephone  
6 survey.

7 Well, yesterday -- or no -- two mornings ago  
8 Justice and I decided that we didn't like the way Macro  
9 was going to do it, because we have three layers of  
10 poor everywhere in the United States. We have the poor  
11 who might have a telephone. We have the terribly poor  
12 who don't have a telephone and are about to lose the  
13 roof over their head within the next five minutes, and  
14 then we have the pitiful poor who don't have a home at  
15 all.

16 And if you do a telephone survey, you do not  
17 get the three layers of poor. Only part of that. So  
18 we asked for some focus groups at the local OOA or the  
19 Office on Aging, where there could be a call in and  
20 poor people could have a say. When you do a random  
21 telephone, you could get anybody from a 60,000 person  
22 to a person that does get 25,000 a year.

1           So we also asked to have an income question in  
2 there of how much income they have when they were  
3 saying whether they had a serious legal problem or not.  
4 So if you're going to look at these surveys, I think,  
5 you should look at whether they're completely telephone  
6 surveys or not, because if they are, they're not doing  
7 anything for the poor.

8           MR. FARIS: Just so I understand -- and I'm  
9 sorry. I'm not in a position to tell you at this point  
10 how well the programs that conducted needs assessments  
11 were getting to the potential clients, who do not have  
12 telephones or otherwise --

13           MS. FAIRBANKS-WILLIAMS: Well, I thought I'd  
14 bring this up. I do constantly anyway to make sure  
15 that they get into the rural areas, and it's something  
16 that you should look at.

17           MR. FARIS: Thank you. That's a very good  
18 point.

19           MR. ASKEW: Nancy?

20           MS. ROGERS: No questions.

21           MR. ASKEW: Ted, let me ask you in your  
22 written report -- and maybe you said this and I didn't

1 hear it -- you have a conclusion at the end what will  
2 be done when the survey is completed in terms of what  
3 are we going to do with the results of the survey. And  
4 maybe you should tell me a little bit about that. I  
5 mean, what do you anticipate once the survey is  
6 completed we will do as a result of what we collect  
7 from the programs?

8 MR. FARIS: The next steps are basically this,  
9 Mr. Chairman. We want to do two things. The first one  
10 is to test some of the existing methods, and we would  
11 try to find resources to commit to working with a  
12 number of programs, perhaps, in demonstration projects  
13 on collecting information on outcomes or collecting  
14 information on applicants for services turned away.

15 The second thing we would do, based on what we  
16 know from the survey and what we would likely learn  
17 from doing a small number of demonstration projects, is  
18 to engage in a dialogue with the field and with other  
19 interested parties about the relative costs and  
20 benefits of collecting additional information. What we  
21 know about the existing case-service-reporting system  
22 is that it involves a non-insignificant burden on

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1 programs to give us accurate, reliable data about that  
2 portion of the work that they do.

3           When we talk about collecting additional  
4 information, that, of course, requires additional work,  
5 and we need, I think, to have a very careful discussion  
6 with lots of people about, first of all, what are the  
7 values of this additional information, should we be  
8 collecting it on a routine basis, and, secondly, what  
9 is the impact on programs of having to provide that  
10 information.

11           MR. ASKEW: Okay, good. Doug.

12           MR. EAKELEY: I apologize for getting in here  
13 late for your presentation, but what's the timetable  
14 for the next step?

15           MR. FARIS: The next step is to try to conduct  
16 a couple of demonstration projects in the Year 2000.  
17 As I said, we're looking for ways to find resources to  
18 do that. We don't want to present an unfunded mandate,  
19 as it were, to some grantees.

20           The second step is to have the dialogue, and  
21 that is already underway.

22           MR. EAKELEY: I'm -- my advice is to, perhaps,

1 not rush to adopt some outcomes, measurements, but, at  
2 least, move with all diligent speed to do that. And,  
3 perhaps, look to -- look in other areas to reduce  
4 regulatory and reporting burdens but attempt to measure  
5 what we know, we're required, and should be measuring,  
6 as well, because it should help us make our case to the  
7 Congress and to the public in terms of what grantees  
8 are doing for their clients.

9           And this, to me, has been and continues to be  
10 a very high priority, and, obviously, there's a  
11 resource of locations that need to be addressed, as  
12 well. But I would -- we were talking a bit ago about  
13 getting a strategic plan in place with an annual  
14 performance plan behind that, and I would expect that  
15 with those two will also come a lot greater focus and  
16 emphasis on performance measures. And it would be nice  
17 if that were in place before our tenures are over.

18           MR. FARIS: We're going to do everything we  
19 possibly can to make that happen.

20           MR. ASKEW: I appreciate the real chairman's  
21 comments, because that issue is going to be one that  
22 this committee, I think, is going to be interested in

1 following throughout the whole next year. So we'll  
2 want you to keep us apprised of how things are  
3 developing in the work that you're doing.

4           Secondly, I know out of necessity over the  
5 last few years we've had to survey programs, send  
6 questionnaires to programs, gather data from programs,  
7 frequently, on an emergency basis because an issue was  
8 developing that we didn't have all the data needed on  
9 it. And given the case-service reports and what we  
10 were getting in that front, we were required to do some  
11 of those things.

12           My hope is that ultimately we'll get to a  
13 system where we can simplify and regularize the  
14 reporting from the field, so that we'll have all the  
15 data we need, so that when those things pop up we don't  
16 have to do what we've been required to do; go back and  
17 ask additional questions, gather more data on an ad hoc  
18 or emergency basis from programs, and you're moving in  
19 that direction.

20           It's pretty clear to me, and it's going to  
21 take sometime, but the hope is that we'll get there,  
22 and at some point in the next -- in the Year 2000, I

1 think, we want to have a discussion, maybe involving  
2 some field programs, about are there ways we can  
3 simplify, regularize, but get all the data we're  
4 required to have and need to have in the way that's  
5 most efficient, using new technologies or other things  
6 but to make sure that we're doing it the least  
7 burdensome way for field programs but the most  
8 efficient way for us so that we'll have everything we  
9 need.

10 And when those questions or emergencies pop  
11 up, we've got it. We don't have to turn around and go  
12 back out and ask again for some more information.

13 MR. FARIS: I wholeheartedly agree and,  
14 furthermore, I would like to add that we intend to work  
15 in consonance with other funding sources so that we are  
16 not heading off in our own direction.

17 MR. ASKEW: That's great. Involving the IALTA  
18 community or other funders of legal services that we're  
19 all -- a dream would be that we're all doing the same  
20 thing at the same time. And that was the goal 15 years  
21 ago. We never met, but it's still a worthwhile goal to  
22 have today.

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1           At the risk of embarrassing you, Ted, I know  
2 that you're -- I should tell you that all the feedback  
3 I get from field programs is very complimentary of your  
4 work and your accessibility to programs and the way  
5 you've dealt with people who have been through some  
6 tough times recently. And I wanted to say that for the  
7 record, because I've heard that over and over again,  
8 and we appreciate what you're doing, and anything we  
9 can do to support and make sure that it accomplishes  
10 your goals for that, just let us know.

11           MR. FARIS: Thank you.

12           MR. ASKEW: Alan. There's something on this  
13 issue.

14           MR. HAUSMAN: Yes. Three things. I was only  
15 going to do two, but the last comment suggested I  
16 should do three. One, just so you know, we have formed  
17 a working group in the legal services community the  
18 core of which was the people that attended a meeting in  
19 Dallas with LSC.

20           We've added in the IALTA folks, who have two  
21 representatives in that group, and the person that's  
22 been doing the most mail -- to come in -- think about

1 this. Ken Smith. Ellen Swade is going to have  
2 representatives on that working group to work,  
3 hopefully, with the corporation as we go down this  
4 performance outcome, performance measures road.

5 We held a meeting -- of that group, sort of a  
6 hearing to hear from other folks about what their  
7 thoughts on the performance measure/outcome-measures  
8 issues, and we're following up with that. So -- just  
9 so you're aware of that.

10 MR. ASKEW: And we're working in concert on  
11 that, together, right?

12 MR. HAUSMAN: Yes. Secondly, I want to echo  
13 what you said about Ted, and I just want to say it from  
14 a slightly different perspective, which is we at CLASP  
15 have worked with Ted on CSRs, JOA stuff, a variety of  
16 things, and that working relationship has just been  
17 superb, and the information flow has been terrific, and  
18 we very much appreciate that. It's helped us a lot,  
19 and, I think, that needs to be said and really, Ted has  
20 been extremely accessible to us.

21 Third, I had one comment about GPRA, the  
22 Performance Result Act, which -- it just struck me the

1 other day. I read through eight GAO reports on GPRA,  
2 two of which were detailed discussions of what other  
3 agencies have done, including the Department of Health  
4 and Human Services and the Department of Labor, both of  
5 whom -- and Education -- sorry. All of whom make  
6 substantial grants to non-profit organizations. None  
7 of them have anything to do with the grant-making  
8 process. They're performance measures to meet GPRA.

9 MR. ASKEW: They don't influence the grant-  
10 making process?

11 MR. HAUSMAN: Yeah. That is -- they're not  
12 looking at what the grantees do. They're looking at  
13 what they're doing in the agency, which is just -- now,  
14 I haven't looked at all the -- I just looked at --  
15 these are the only GAO reports that exist. I looked at  
16 all of them, including one that just came out this  
17 week.

18 So it just struck me as quite interesting  
19 They're not looking at the grant-making process or that  
20 that's not what they're looking at. They're looking at  
21 performance of agency staff to meet outcome measures  
22 for the agency itself.

1           Now, I realize -- a completely different  
2 animal here, and don't misunderstand me -- and I  
3 remembered -- you know, I haven't read GPRA act  
4 closely. I've read it a little bit quickly. It just  
5 struck me as quite interesting.

6           I was trying to see what did other agencies do  
7 with their grantees under GPRA, and I started with Head  
8 Start, which is very similar to Legal Services.  
9 Nothing. Zero. And I looked at a couple of the other  
10 places in HHS where we do a lot of work and have a lot  
11 of contacts and talked to the grant people there, you  
12 know, they don't see it as affecting the grantees.  
13 They see it affecting their work, which means there's  
14 not a lot of help we're going to get from other  
15 agencies so far, which is too bad.

16           MR. EAKELEY: Perhaps their funding is a  
17 little more secure.

18           MR. HAUSMAN: No. I'm saying it's surprising  
19 to me that that's how they were viewing it, and also I  
20 don't think you're going to get a lot of wording in  
21 that. But there's one other place we can learn, and  
22 it's this.

1           Back in the late '80s, early '90s, there was  
2 the beginning of what it is now a fairly substantial  
3 development in social services around collaboration,  
4 and what was interesting about this development was, if  
5 you look at what was driving this development, was to  
6 develop outcome measures for social-service agencies,  
7 human-service providers, both government and non-  
8 government, and to develop ways of working together.

9           We got involved, because we did a piece on  
10 confidentiality with the Counsel's State School  
11 Officers and National Governor's Association, which  
12 they got us to all these meetings, which we kept  
13 talking about confidentiality between the agencies.  
14 This was another side of CLASP. And it's fascinating.

15           There's a lot of written material out of that  
16 experience with other human-service agencies at the  
17 state and local level. And a lot of writing has been  
18 done in various entities like the Counsel's State  
19 School Officers, the National Governor's Association,  
20 et cetera, on these things, and I think there is some  
21 learning that we can get because of looking at outcome  
22 measures.

1           So I'll work with the staff on that. It  
2 suddenly struck me the other day that all of that  
3 learning was very valuable.

4           MR. ASKEW: Thank you, Alan. That was  
5 helpful. We all know each other, but the reporter  
6 doesn't know us. So let me ask you if you speak to  
7 identify yourself for the reporter's benefit and maybe  
8 even come up to the table where there's a microphone.  
9 Okay. Any other questions?

10           Thank you, Ted. Don't let this all go to your  
11 head. Just keep up the good work.

12           MR. FARIS: Thank you, Mr. Chairman. I think  
13 I'm sufficiently embarrassed now that I'll leave.

14           MR. ASKEW: The next item on the agenda is  
15 report from the LSC staff on state planning, and Bob  
16 Gross is with us again for his regular report to us.  
17 Bob.

18           MR. GROSS: Thank you. Honorable Chairman and  
19 members of the committee, as I think you're referred to  
20 as the real chairman, it's a pleasure to be here again.  
21 I have a cold, so I hope you can hear me.

22           The LSC staff and consultants have been really

1 busy since your last meeting.

2 MR. ASKEW: We have a document, don't we, that  
3 we should have in front of us? Is it this?

4 MR. GROSS: Yeah.

5 MR. ASKEW: Okay.

6 MR. GROSS: Remember that as I speak what I'm  
7 not going to talk about, which was going on  
8 contemporaneously, was the competition process.

9 During the time since your last meeting, there  
10 were two major initiatives that the state planning --  
11 in the state planning area. You recall at the time of  
12 your last meeting I wasn't there, but you heard a  
13 report on our efforts to undertake a second technical-  
14 assistance initiative. You recall in April we had made  
15 \$150,000 worth of grants to the field.

16 The second initiative could not result in  
17 grant awards, because those funds were depleted, but,  
18 instead, they had to come from management and  
19 administration funds, which required intensive work by  
20 all of our staff and a special thank you to Suzanne  
21 Glasow, who was involved in reviewing all the contracts  
22 that were written as a result of that effort, because

1 that was the way we had to go. We could not make  
2 grants.

3 The results are contained in the first  
4 attachment in this goldenrod Legal Services Corporation  
5 Technical Assistance, September 1999, which resulted in  
6 arranging \$229,000 worth of technical assistance to 24  
7 states and some national projects, as well. You can  
8 look through the list. The second page shows the  
9 cumulative result of our technical assistance \$379,000  
10 in the past year.

11 The second effort in September -- I just want  
12 to highlight a few of these that I think I'm  
13 particularly -- and I think we're all particularly  
14 pleased about. We worked with the Management  
15 Information Exchange fund raising project to do some  
16 work in the south, where, as you know, some of our  
17 grantees receive 95 percent of their funds from Legal  
18 Services Corporation. There's a terrific need to  
19 expand their resources and to strengthen their  
20 partnership with the state and local bar.

21 And so our effort there will result in some  
22 statewide, private-bar campaigns that Dennis Dorgan,

1 the fund-raising project, will assist with. This group  
2 was preceded by trips to Southern states by our staff  
3 and working with those states so that they concurred  
4 they would go at this in a coordinated statewide  
5 manner.

6 And so we really look forward to broadening  
7 the partnership in those states and deepening the  
8 support and producing, as a result also, the financial  
9 expansion that they desperately need.

10 Other grants or rather contracts are going to  
11 help some states that seem in some ways a little stuck  
12 on their planning. We were able to contract with John  
13 Scanlon, who some of you may know, did some excellent  
14 work in Pennsylvania. His strength is really  
15 leadership development, and so he's going to be doing  
16 some work in Tennessee and Missouri.

17 I met the facilitator, as did Cindy Schneider,  
18 from Texas, who we're contracting with, who is a  
19 wonderful woman, who, I think, has gotten Texas sort of  
20 off the dime on planning. By their own admission, they  
21 were kind of stuck. There were a year of meetings, but  
22 didn't feel they were productive. They hired this

1 person. We were able to support that, and, I think,  
2 that there's some progress going on in Texas on the  
3 state planning front.

4 Indiana, all four program boards have voted in  
5 principle to merge into a statewide program. We were  
6 able to contract with John O'Rango, who has done some  
7 work in Colorado on their statewide merger to work with  
8 the programs in Indiana.

9 Wayne Moore, who you know is sort of the  
10 father of hot lines, we were able to buy a little bit  
11 of his time to work with Ohio, Virginia, and we hope  
12 Kentucky on further development of their access intake  
13 systems.

14 Technology, Glenn Rawdon will tell you more  
15 about this, but I happened to meet the person we're  
16 working with in Oklahoma, who is going to help develop  
17 a statewide technology plan for three programs there.  
18 It was fascinating. The first thing he talked about  
19 with great excitement was integrating technology with  
20 the courts, and I thought we picked the right person.

21 Florida, we have a contract with another  
22 person, who does leadership development and

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1 facilitation, and is going to work with them. They're  
2 exploring something interesting, which is -- they're  
3 calling it energetic advocacy. I call it sort of how  
4 to keep the flame alive in tough times and keep client  
5 focused. They're also going to look at configuration  
6 in Florida.

7 In the leadership area in Michigan, something  
8 interesting we're going to experiment with is doing  
9 some work around leadership development as it ties into  
10 state planning and as it looks towards board leadership  
11 and middle-management leadership, as well as executive  
12 leadership.

13 And in Minnesota, in addition to helping them  
14 with phase two of their technology plan, we're seeking  
15 a study on some work on evaluation systems. In some  
16 states where there is a IALTA program that has  
17 undertaken a regular round of evaluations. In other  
18 states there is nothing. In Minnesota there hasn't  
19 been any kind of regular evaluation, and so they're  
20 going to look at whether that should be peer  
21 evaluation, who should run it, how should it be done.

22 All of these, which have potential for being

1 national models, in the contracts there's language  
2 about replicability. So I think in addition to the  
3 direct benefit that this work is going to provide to  
4 the states involved, we're going to see some additional  
5 benefit to the whole community.

6 And I can't emphasize enough how much work the  
7 staff put into this, because it required brokering  
8 arrangements between programs and contractors, making  
9 sure that we targeted states that could benefit from  
10 these sums of money and that were ready to move  
11 forward. I think I counted in the last few months  
12 there are about 20 states that the staff visited.

13 This may -- some of it may be a little bit  
14 before your last meeting, but there was a lot of time  
15 spent ranging from a day in a program to a week in a  
16 state to repeat visits. John Eidleman just back from  
17 Virginia, our second trip there. But we're in  
18 Mississippi, Alabama, Louisiana, Arkansas, Kentucky,  
19 Tennessee.

20 Virginia I mentioned. Missouri several times.  
21 Texas. California, I think Anh Tu needs an apartment  
22 out there for the amount of time she spent in

1 California. Illinois. We visited the program here in  
2 the District. New York. Pennsylvania.

3 A lot of travel, and, I think, that that's  
4 resulting in a better understanding of what LSC is  
5 getting at through its state planning and a better  
6 understanding of where the states are, both in terms of  
7 the opportunities that they face, as well as the  
8 challenges.

9 So, I think, that this technical assistance is  
10 greatly appreciated, and it's making a difference. All  
11 of that -- work on that. The travel, I think, made in  
12 some ways our state planning decisions this year  
13 easier, less controversial. I think people had a  
14 better understanding of what was likely to result when  
15 we looked at their state planning process.

16 And as in the past, we continue to use sort of  
17 a collective approach where through a series of  
18 meetings, LSC staff, consultants, discussed each state.  
19 We're a year into this process from the date of their  
20 state plans. So we're not looking just at their state  
21 plans, which are sort of stale now, but by reports that  
22 have been submitted since then, by information that

1 we've gained through visits and other communication.

2           And sort of the third set of materials  
3 outlines where we ended up with that, but as in the  
4 past, three different funding-term lengths. Three-year  
5 funding in those states where we've seen significant  
6 progress. Two-year funding where we've seen a fair  
7 amount of process, but there's some major issues that  
8 we think need to be addressed. In some states their  
9 configuration is one of those issues and some states it  
10 is not.

11           And one-year funding -- and there were two  
12 variations this year with that. The first is where a  
13 state is going through a reconfiguration process, as in  
14 Indiana where they've decided, as in Nebraska, where we  
15 decided it, and they're following through on that. In  
16 Pennsylvania where it's consistent with the state plan  
17 that they ultimately submitted and which we approved.

18           And then the second alternative variation was  
19 in Virginia where we have said this time we really do  
20 want you to look at this. We told you before we don't  
21 have a map. We don't have an outcome, but we've talked  
22 for a couple of years about configuration being an

1 issue that we're concerned about.

2           And, in addition, the planning report that we  
3 received from Virginia showed in an eight-month period  
4 of time some committees were established, but there  
5 weren't very many meetings. There's a list in their  
6 reports of planning efforts, and they're all ongoing,  
7 but there really hasn't been a lot going on. So we've  
8 said let's take a real hard look at this, and we don't  
9 know the outcome, but it's going to be one-year funding  
10 while we work together in your state.

11           I hope you'll be able to say about these  
12 decisions the kind things you said about Ted, about all  
13 the staff. We really haven't heard a lot of feedback.  
14 Most of the places that I've presented this at the  
15 NLADA conference before the FCC. The attention turned  
16 right to Mike Genz and not to state planning. I hope  
17 that means that it's working well, and that it's  
18 producing stronger systems, and that people are  
19 beginning to see the results of their hard work.

20           MR. ASKEW: Thank you, Bob. Nancy.

21           MS. ROGERS: Yes. It does sound like  
22 tremendous progress. And I'm sorry just to jump right

1 into a question.

2 MR. GROSS: Sure.

3 MS. ROGERS: The one-year funding, in one  
4 sense the one-year funding here seems to be at the  
5 instance of a particular state plan or helpful to the  
6 state plan. But we each got a copy of the NLADA board  
7 resolution about various kinds of short funding, and it  
8 seems to assume that a one-year, short funding is  
9 somewhat punitive. Not as punitive as less than a  
10 year, but that it's problematic and should only follow  
11 certain procedural guarantees.

12 And I'm not sure if this is the right point at  
13 which to discuss that, but I'd like --

14 MR. EAKELEY: That's the next item on the  
15 agenda.

16 MS. ROGERS: Okay. I'll hold my question  
17 then.

18 MR. ASKEW: The president has come to  
19 participate in that discussion.

20 MS. FAIRBANKS-WILLIAMS: I had one question.  
21 With the state funding -- of course, we're doing a  
22 survey in Vermont, and I'm finding fault with their

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1 surveys. You already heard.

2 Are you checking that when you do do a state  
3 that is already working on state funding or state  
4 planning that they are doing a so-called map or  
5 whatever to know that they're reaching all parts of the  
6 state? I don't know if you've ever seen the map that I  
7 did --

8 MR. GROSS: I'm ready for another one. Yes, I  
9 have.

10 MS. FAIRBANKS-WILLIAMS: Well, I want to know  
11 if other states are just -- say, if they've got a large  
12 place like Philadelphia or whatever if they're just  
13 operating in Philadelphia and not in the further  
14 outreach regions, or if all their cases are within the  
15 bus line of the office or if they're getting way out?  
16 I know some of them have satellite offices out and some  
17 states don't.

18 MR. GROSS: I think you're absolutely right to  
19 keep raising this issue, we hear it all the time in  
20 almost every state where there is concern that rural  
21 clients are not getting the same level of services as  
22 urban clients. And --

1 MS. FAIRBANKS-WILLIAMS: Are you asking your  
2 state planners what they're doing for that -- to find  
3 out what's going on?

4 MR. GROSS: Yes. And, I think, our individual  
5 staff could tell you in detail about each state, and I  
6 know that Vermont -- and I know what they're  
7 undertaking with their study, and, I think, it's a  
8 state that needs -- all states need to keep hearing  
9 your voice about that. And if they're not hearing  
10 ours, we need to make it louder.

11 MS. MERCADO: Along with the rural we've got  
12 rural that includes a specific -- cities have on  
13 migrant and Native-American client communities, which  
14 rural language -- variety of other factors, as well.

15 MR. ASKEW: Did you want to say something?

16 MR. MCKAY: Yeah. If I could just say that  
17 Bob is aware of a number of specifics, which are not  
18 just related to rural versus urban. Cindy Schneider is  
19 here, for example. When we looked at some of the  
20 planning in the city of New York, we had some real  
21 concerns about whether there was coverage amongst the  
22 federally funded programs and the non-federally funded

1 programs in New York on Staten Island.

2 And so we tried to bring this analysis from  
3 our standpoint -- it is a project being led by state  
4 planners, so it's really their leadership, and we've  
5 pushed a lot of states to go through that process.

6 If you look at the 981 program letter, the  
7 philosophy is there, and I agree with Bob. I think  
8 your continuing to push this is very, very helpful. I  
9 think we have a lot of situations where you've got  
10 program boundaries. They've kind of hardened over  
11 time, but when you look at it, we may not have a  
12 hundred percent comprehensive, integrated services, and  
13 that's what we want them to do.

14 And I have invited, by the way, the Native  
15 American group, whom I met with in Long Beach, and I  
16 know that -- again, Cindy Schneider, who is planning  
17 the migrant conference for the spring, we've invited  
18 those individuals to become more engaged in state  
19 planning and ask questions about filing state plans.  
20 Why don't you play more attention to the Native  
21 American communities in your state plan? Why do you  
22 have an adequate plan in place to meet the needs of

1 migrants within your state.

2           So, I think, that's a very good question to  
3 ask. Of course, your map, which was presented at the  
4 Native American conference, was, I think, very well  
5 received in that way. But I appreciate it and I hope  
6 Bob does.

7           MR. ASKEW: Bob, last year about this time we  
8 were criticized somewhat for our failure to interact  
9 with field programs as much as we possibly could have  
10 before these decisions were made. This year there has  
11 been much more interaction, and the feedback letters  
12 were very detailed and very explicit.

13           Would it be fair to say that when these  
14 decisions were made that they really didn't come as a  
15 surprise to programs that we were dealing with, given  
16 the amount of interaction this year?

17           MR. GROSS: I would -- at the conclusion of  
18 making our decisions, our staff called the state  
19 planning contact and as many programs as we could to  
20 let them know what they would be reading about. And, I  
21 guess, a member of our staff is here, and my sense is  
22 that those calls did not get a lot of surprise attached

1 to them with one exception, I guess. There might have  
2 been some states who thought that they would get one  
3 year and they received two, but I didn't see any  
4 surprise --

5 MR. ASKEW: I haven't seen those complaints.

6 MR. GROSS: -- the other way.

7 MR. ASKEW: Well, I think, that indicates that  
8 the staff responded to the constructive suggestions we  
9 received from last year's process, and the process was  
10 improved, if you want to put it that way, this year,  
11 and that people may not have been pleased, there may  
12 have been some concerns, but they weren't a surprise,  
13 given all the interaction that occurred over the course  
14 of the year. Doug.

15 MR. EAKELEY: I just wanted to comment. I  
16 think that the state planning initiative is very likely  
17 to be one of the lasting and most important legacies of  
18 the corporation or, at least, of this sort of  
19 generation of the corporation. It has profound ripple  
20 effects and extends far beyond the meager funding we  
21 are able to offer.

22 And it is a legacy -- it becomes one that is

1 due to the truly herculean efforts of the staff and  
2 John McKay's leadership and their commitment and the  
3 commitment of leaders in the community, who have time  
4 and again been truly selfless in putting their clients'  
5 interest ahead of other personal and valid interests in  
6 making what, for many, represent exponential leaps into  
7 an unknown and an unknown led by a corporation, which  
8 has hand-to-mouth funding from time to time. But I  
9 really do think that the staff are due a great deal of  
10 applause, and it makes me feel very proud to be part of  
11 this organization.

12 MR. GROSS: Thank you.

13 MR. ASKEW: Thank you, Doug. Very well said.  
14 Yeah.

15 MR. MCKAY: I want -- we have a number of our  
16 colleagues who are here, and Carolyn Worrell is here.  
17 Cindy Schneider. John Eidleman. Willie Abrams. We're  
18 missing on two -- and Pat is also missing, but, you  
19 know, everyone has done a tremendous job.

20 I got two E-mails from Anh Tu, who is now gone  
21 to Vietnam on personal time, and two very important  
22 pieces of information. One, that one of the project

1 directors in the Bay Area with whom we've had some  
2 difficulty has determined to leave her organization,  
3 and in Arizona the IALTA directors have determined to  
4 mirror the LSC grant decisions in competition and in  
5 our grant decision, which it's possible for IALTA to  
6 come in after the fact and say we don't agree with LSC,  
7 and we're going to fund the program that you determine  
8 not to fund. We're going to make up for it by taking  
9 IALTA funds away from the LSC-funded programs.

10           The IALTA programs in Arizona, although as you  
11 know because you received the initial correspondence  
12 about a year ago, were not on the same page as the  
13 corporation, and that, as I just said in my E-mail to  
14 Anh, is a tribute to her hard work.

15           What it means after we make grant decisions is  
16 that the staff, led by Mike and with Bob's leadership  
17 in state planning, have done a tremendous amount of  
18 followup, and the work really starts when we make our  
19 grant decisions. It feels like -- and you hear the  
20 report -- we've made a grant decision in Ohio where we  
21 spent a tremendous amount of time in Ohio, working with  
22 them, and they've done a great job.

1           So I give the field programs a lot of credit  
2 here, our staff, and I want to end by just saying Bob  
3 Gross has done an absolutely stupendous job here. It  
4 is -- as I said to you earlier today, Nancy, it's not  
5 over. We've got a long ways to go, but Bob is the  
6 architect in a lot of ways in this process.

7           He took an idea and said, "Here's how it will  
8 have to play out in the field. These are the resources  
9 we're going to have to bring," and he wrote the  
10 philosophy involved. And so I personally owe a lot to  
11 Bob Gross, all of us do for his leadership, and it is a  
12 remarkable accomplishment.

13           MR. ASKEW: Thank you. Does that meet the Ted  
14 Faris standard? I should note, John -- looks great.  
15 Returned from Virginia. All his limbs were intact.  
16 We're making progress.

17           Thank you, Bob. The next item on the agenda  
18 is the competition, report on competition, and Mike  
19 Genz is with us. Welcome, Mike.

20           MR. GENZ: Thank you. Good morning, Mr.  
21 Chair, members of the committee. You all didn't want  
22 to feel good all morning, did you?

1 MR. ASKEW: A dose of reality here.

2 MR. GENZ: Just remember all those wonderful  
3 people who are doing that wonderful work out there are  
4 also doing competition.

5 MR. EAKELEY: I mean my remarks to extend to  
6 the effort that goes into the granting -- the grant-  
7 making process also by the way.

8 MR. GENZ: Thank you. When I think back the  
9 last couple of years when I was concerned about we  
10 weren't getting enough feedback on the competition  
11 process, that's taken care of now.

12 I'll deluge you with several handouts. What  
13 I'll be talking from is the one sheet that's entitled  
14 "Legal Services Corporation Competition Decisions FY  
15 2000."

16 MR. ASKEW: Is it this one, Mike?

17 MR. GENZ: That's right. We have some more in  
18 back. What I want to do first is cover the decisions,  
19 and then talk a little about the process that went into  
20 them to give that some airing.

21 So on that page we have, as you will remember,  
22 a very large contingent this year of 217 service areas

1 compares with just a little over a hundred last year.  
2 Service areas in competition 165 basic field with 36  
3 migrant and 16 Native American. So we have about 175  
4 applications altogether to deal with.

5 We only got multiple applicants for service  
6 areas in two places; one was in Arizona, and that was a  
7 result of the reconfiguration work that we had done  
8 where we had two new service areas, EZ five, and then  
9 AZ six, that combined earlier.

10 So that you had in most service areas two  
11 existing programs within those, and one of those  
12 programs bid for all of the programs that were up in  
13 Arizona. The results are on the sheet. We gave grants  
14 to Community Legal Services and to Southern Arizona  
15 Legal Aid.

16 In California we had one competition, and that  
17 went to our current provider, Legal Aid for the Central  
18 Coast. And you had a -- the competition there was a  
19 private firm. We visited both of those. Did a  
20 capability assessment and made this decision, based on  
21 the review panelists' decisions.

22 We have so many areas in competition. We only

1 had 73 renewals; renewal applications, and all 73,  
2 renewal applications were granted for the full  
3 remaining terms. Some of them had one year remaining,  
4 and the others two years.

5 With respect to migrant grants, as I indicated  
6 there were 36 migrant grants up this year and all were  
7 made for one year. That enables us to be able to look  
8 at all the migrant grants next year. As you know,  
9 there will be a conference coming up in March of the  
10 migrant programs, and we'll be able to respond to any  
11 feedback from that conference by having the migrant  
12 grants up at that time.

13 In California Bay we have one consolidated  
14 service area. We'll be granting that service area a  
15 two-year funding. We had approximately 10 service  
16 areas -- programs that were in competition because of  
17 quality concerns that were identified last year in  
18 2000. I'm sorry. In 1999.

19 What happened in those procedures and what  
20 will happen again this year for those that were given  
21 one-year funding was they're given the letter,  
22 identifying our concern, they were asked to respond,

1 did respond, we dealt individually with each of them,  
2 and determined that the concerns that we had were  
3 resolved, either that it was -- that we got further  
4 information in some questions, and that took care of  
5 our problems, or that programs did different things.  
6 Addressed the concerns that we had. So all of those  
7 were funded for the full term.

8           The funding decisions, based on quality-  
9 assessment concerns that were identified in this year  
10 were seven programs receiving one-year funding, three  
11 receiving other funding, depending on site evaluations.  
12 Two of those are for four months and one of them is for  
13 six months. And two service areas to be recompeted.

14           The seven programs that will receive one-year  
15 grants the procedure will be the same as it was last  
16 year. They will be contacted very soon in writing, and  
17 that will begin a dialogue to address those concerns.

18           For the three with shorter terms, we are --  
19 we're going to set up capability-assessment visits as  
20 soon as possible in the new year to resolve the  
21 concerns that we have, either what was on paper is not  
22 truly reflective of what's there, the quality is fine.

1 They will be extended at that point to the term, either  
2 the one year or to the full term or, perhaps, we'll  
3 have to take other steps.

4 Two service areas, both of which we had done  
5 capability-assessments on this period of time will be  
6 recompeted. So those are the results.

7 I want to go into a little bit into how our  
8 process works. Each proposal was read and evaluated  
9 and rated, first by an initial reader. Most of the  
10 time that person is the state responsible person. In  
11 some cases we have outside readers. When we have  
12 outside readers, then the state responsible person  
13 reads it again and reviews that evaluation and makes  
14 the final decision as to what the term will be.

15 Then there's a secondary review within our  
16 office. Three people going over it again and looking  
17 at the papers, reading the question "C" to see if the  
18 evaluation makes sense. Then I take that step again,  
19 reviewing the applications. Then it's given to the  
20 president for his final review.

21 As for how the reading is done, it's based on  
22 the standards, the American Bar Association standards

1 and the LSC performance criteria. When we started out  
2 this in '96, we just gave our reviewers, as we had the  
3 applicants, those documents and asked them to do the  
4 review on the basis of that.

5           It soon became evident to us that we needed to  
6 do more than that, and so what we did is four  
7 reviewers, we took each question and we looked at the  
8 standards and applied it, and then made statements  
9 about how those standards and the criteria should apply  
10 to each question.

11           Then in April of 1998 we provided that  
12 information, as we still had terms of the evaluation  
13 guidelines, which gives -- which boils this information  
14 down to what are the elements for each element of the  
15 narrative that we're looking for we've derived from the  
16 standards and derived from the performance criteria.  
17 This is a document that we published in '98 that's --  
18 that we refer to in each of our competition packages  
19 that gives guidance for this.

20           What we tell our reviewers this is the -- this  
21 is the standard information. By all means, feel free  
22 to read the document and see should there be an

1 exception in this case. Is there something that maybe  
2 isn't said that it's ideal in here but for the  
3 circumstances of the program, for its history, for his  
4 geography, that something else might work or be better.

5 For example, we have very elaborate standards  
6 about public/private attorney involvement, about  
7 different structures for private-attorney involvement  
8 situation, but when you read the application in the  
9 small-world program about the executive director, who  
10 doesn't have any of those structures but who practiced  
11 law in that area for 15, 20 years and is able to call  
12 people up individually and say, "Jane, Hank, this is a  
13 case I know that would be good for you," and when that  
14 works and he places hundreds of cases that way then the  
15 reviewer is free to say, "This is excellent, even  
16 though it doesn't -- isn't within the system or the  
17 book."

18 So about four or five things I'd like you to  
19 understand about our process. First, I've already  
20 talked about is that it's based on the standards and  
21 the criteria, and we have tried and will work harder to  
22 make that clear. That this is available. It's

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1 accessible in this form. And also it's accessible in  
2 terms of where the SRPs are out there and were willing  
3 to help, want to help, and communicate the dialogue  
4 about how this will work better.

5           The second thing I want to specify is that  
6 this is a review that's based on the documents that we  
7 receive primarily. Also on LSC information --  
8 information we've had from further evaluations or from  
9 compliance -- information what have you, but it's based  
10 strictly on the sources. It's not based on feeling or  
11 sense or rumor or innuendo or anything like that.

12           The next thing I want to mention is that this  
13 is an RFP. It's an application for doing work in the  
14 future. So programs are free to say we don't have a  
15 particular system that's sort of separate from the  
16 individual and -- but we're going to establish it.  
17 We're working on our intake system, and we're going to  
18 do that, and the way evaluators are asked to evaluate  
19 that is to say, oh, okay, that's fine. If you can do  
20 it, this is prospective, just as an application is  
21 prospective. So you get credit for that. If we  
22 haven't made that clear, then we need to do that.

1           The next thing, of course, to make clear is  
2 that the consequence of a bad written evaluation is  
3 short funding. It's not termination of funding. It's  
4 we're going to go out there and examine it on the  
5 scene. Make sure and be helpful to the extent to which  
6 we can.

7           I'll leave it there for the time being and  
8 entertain any questions.

9           MS. FAIRBANKS-WILLIAMS: I heard you right to  
10 say it was read at least three times by three different  
11 people?

12           MR. GENZ: That's correct. It's not --  
13 certainly, to the extent to which the third is mine and  
14 maybe the fourth, if there was another reader. I'm not  
15 reading every line of it. I'm going back -- I'm going  
16 from the evaluation and then going back to individual  
17 questions that raise flags and looking at the  
18 narrative.

19           MR. ASKEW: Doug.

20           MR. EAKELEY: You mentioned that part of the  
21 file -- if it's an existing grantee -- is something  
22 that's considered in the evaluation process?

1           MR. GENZ: That's correct. We're -- under the  
2 regulation, we're required to and do look at all of the  
3 information we have from grant-activity reports to --

4           MR. EAKELEY: Well, I'd like to -- what is the  
5 content of that file? What is it? How informative is  
6 the background information on a grantee up for a  
7 renewed grant?

8           MR. GENZ: We have the annual grantee report  
9 on information, such as the staffing and the budget of  
10 the organization, and we have their case numbers for  
11 all those cases. We have those for all, and we have  
12 those analyzed by categories and what have you.

13           Budget is often helpful. Budget information  
14 to compare with what they say. If they talk about  
15 training work, do they have money budgeted for  
16 training. The information about personnel is  
17 important. If you have offices -- several different  
18 offices, what are the experience levels and what is the  
19 staffing in each office. So that information is  
20 available to us.

21           MR. EAKELEY: And what other -- I'm sorry.  
22 Were you --

1           MR. GENZ: The only thing else would be the --  
2 we -- the compliance office is a partner with us in  
3 this, and they provide us with information that we need  
4 to report. Do we need grant assurances about, for  
5 example, the composition of the board or what have you?

6           And they work this over individually  
7 themselves. They look through their complaints, and  
8 they look through their visits, and they report to us  
9 anything that we need to include in our process.

10          MR. EAKELEY: I have a followup.

11          MR. ASKEW: It's okay. Don't apologize.

12          MR. EAKELEY: To what extent is there any  
13 interaction between applicant and staff during the  
14 application process or the ensuing evaluation process?

15          MR. GENZ: With respect to the application  
16 process, we've indicated that we're open for inquiries.  
17 We have a situation where questions can be faxed to us.  
18 SRPs can also be contacted.

19          There's the applicant-information session  
20 that's advertised that's a particular telephone -- a  
21 large telephone interview situation for folks to call  
22 in. We get -- I'm not sure how many. I think we had

1 50 this year; 50 applicants on that call.

2 With respect to the evaluation process, SRPs  
3 are free to -- I'm sorry -- state-responsible people  
4 are free to call up and check information.

5 MR. EAKELEY: Are applicants given an  
6 opportunity to amend or modify or supplement their  
7 application as part of this interactive process?

8 MR. GENZ: Certainly, if we contact and ask  
9 for further information, then we accept any  
10 supplementation and put it into our -- process.

11 MR. EAKELEY: Does that happen?

12 MR. GENZ: It has happened some. I don't  
13 think it happened a great deal this year, given the  
14 numbers.

15 MS. MERCADO: You mean it wasn't an automatic  
16 thing that you did it? You have an evaluation,  
17 something strikes an evaluator, they need more  
18 information or it's unclear. You don't automatically  
19 contact the grantee back again to get that information,  
20 right?

21 MR. GENZ: That's right. We've not done that  
22 automatically for every question.

1 MR. ASKEW: Nancy?

2 MS. ROGERS: Yes. I wonder if you could  
3 describe the difference between what someone has to  
4 submit every year, if they have three-year funding, and  
5 what would have to be submitted at the end of the first  
6 year if they have one-year funding?

7 MR. GENZ: If you have one-year funding, then  
8 you're going through the application process that I've  
9 described. You're filling out the narrative and the  
10 data that you otherwise submitted just regularly to  
11 corporation it's also considered --

12 MS. ROGERS: How would you characterize the  
13 difference --

14 MR. GENZ: Together --

15 MS. ROGERS: -- in -- burden? I assume  
16 there's a manual from everybody, right?

17 MR. GENZ: Right. We have the renewal  
18 application. I think it's more burdensome to fill out  
19 the narrative. The narrative is a 45-page narrative,  
20 going over 19 questions. What we ask from our renewal  
21 applicants is what changes have there been in what you  
22 described for us in the last year.

1           We also ask about the state planning work that  
2 they've done, which is the same as the narrative  
3 question. But other than those two, the differences in  
4 state planning, the process is easier for the renewal  
5 application.

6           MS. ROGERS: Do we know -- is there any way to  
7 characterize the differences? Is it somebody working  
8 40 hours? Is it 20 people working 40 hours?

9           MR. GENZ: Oh, goodness, I hope not.

10          MS. ROGERS: In terms of one versus the other?

11          MR. GENZ: I would just be guessing. It's  
12 probably 1/3 the amount of time for the renewal  
13 process. That's just a guess.

14          MR. ASKEW: Doug.

15          MR. EAKELEY: I'll yield if somebody --

16          MR. ASKEW: No.

17          MR. EAKELEY: I'm obviously trying to address  
18 the concerns in the NLADA resolution, but was any  
19 recipient who got a less than one-year funding this  
20 year put on less than one-year funding solely because  
21 of the poor quality of an application?

22          MR. GENZ: Let me take a look at that list and

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1 see. It's certainly possible in the process that an  
2 application looks -- that's almost totally non-  
3 responsive puts us in a situation where we need to go  
4 out there and look at it. We have the time and  
5 resources, because we did -- as we did in other  
6 situations, we would have done that before December.

7 This short funding is one of concern to us,  
8 and we understand the burden it puts, and, certainly,  
9 whenever we can -- and we'll try to hard next year --  
10 to do visits when we need to do them. Before this  
11 process, rather than after, we will do that.

12 MR. EAKELEY: But you had told us before that,  
13 in addition to the four corners of the grand  
14 application, you have interaction with grant recipients  
15 and applicants, and then you've got this state planning  
16 process --

17 MR. GENZ: Right.

18 MR. EAKELEY: And the compliance process all  
19 factoring in. What's the likelihood that the  
20 corporation has serious quality concerns with a program  
21 and does not communicate those in advance of the grant  
22 or this year's grant decisions?

1 MR. GENZ: We certainly do have all that  
2 information available to us, and thank you for pointing  
3 out the fact that those people are out there and in  
4 contact. So there are -- there certainly are  
5 possibilities that this information is known.

6 It's also true that this isn't necessarily for  
7 people with, either one-year funding or shorter. The  
8 first time that we've had this short funding or  
9 dialogues about this.

10 MR. EAKELEY: My last question was more about  
11 the communicating of concerns in providing  
12 opportunities or encouragement to address those  
13 concerns in advance of the funding decisions. That  
14 happens?

15 MR. GENZ: It didn't happen in two of the  
16 short-funding situations here. It did happen in one.

17 MR. EAKELEY: And we're correcting or we're  
18 addressing those going forward?

19 MR. MCKAY: Well -- I mean, some of them, if I  
20 may, Mr. Chairman, are --

21 MR. EAKELEY: I don't want to get into  
22 specifics.

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1 MR. MCKAY: No. But there are some --

2 MR. EAKELEY: I'm just focused on the process.

3 MR. MCKAY: There are some cases, as Mike was  
4 pointing out, where the application -- it receives a  
5 score to help sort of have some basis for the different  
6 reviewers to compare the results. And my understanding  
7 in the briefing I got is that we had several -- if it's  
8 several, maybe only two -- but several where the score  
9 was so shockingly low on the application itself that it  
10 triggered the need to go out into the field and be on  
11 site and review it.

12 And so to that extent, we do have several  
13 places where they probably didn't get that kind of  
14 feedback in advance, and, frankly, we weren't aware of  
15 how dire the situation was until we reviewed the  
16 application. As I looked through this list, the  
17 majority -- more than the majority of them received an  
18 on-site visit, either from us or from an IALTA funder  
19 or had some other direct contact with us, and this  
20 could not possibly have been a surprise to any of them.

21 MR. GENZ: The other thing mentioned was the  
22 IALTA funders, and those reports are very helpful. We

1 get them -- as part of the competition process, we ask  
2 for evaluations of any other funders, and we review  
3 them, and they're often very helpful.

4 MR. ASKEW: Nancy.

5 MS. ROGERS: And what is your reaction to  
6 their statements that before putting a program on one-  
7 year funding there where always be a peer review, on-  
8 site visit?

9 MR. GENZ: The way I read that was that it was  
10 before less than year that there should be a peer  
11 review or an on-site visit. If it were read the other  
12 way, my reaction would be that to understand the nature  
13 of the one-year funding is that this is not -- this is  
14 saying -- this is a processing saying we are pointing  
15 out concerns that we would want addressed, a  
16 communication that we want to have. It's not saying  
17 that this is a program that we are judging totally  
18 deficient.

19 Also, with respect to the numbers of that, it  
20 would be very difficult and also burdensome on the  
21 program to have us coming down and doing that sort of  
22 evaluation before.

1           MR. MCKAY: I'm going to address this also.  
2 Let me answer that question, if I can.

3           MR. ASKEW: Okay. Why don't we turn to you,  
4 John, if you'd like to address that.

5           MR. MCKAY: Thank you, Mr. Chairman. I wanted  
6 to have an opportunity to comment on the NLADA  
7 resolution. I just want to pick up with Nancy's  
8 question. I think -- we appreciate very much the  
9 suggestions of NLADA, and we're going to study them.  
10 We've already talked about them.

11           This was passed by NLADA before I arrived, and  
12 I did not have an opportunity to listen to the  
13 discussion by the NLADA board. I've spoken with a  
14 number of the participants. I think I have a good  
15 sense of what's going on.

16           I think when you listen to Mike's review of  
17 the process, one of the difficulties of the suggestions  
18 is that you go on site first. We -- part of the  
19 meaning of the application process is that it should be  
20 revealing of something. We have a large number of  
21 programs nationally.

22           If our staff, who review them all of whom are

1 experienced field personnel, review it and see red  
2 flags, they can be of two kinds. One will be the kind  
3 that the reviewer will believe are correctable, and  
4 there are some that may not be where, in fact, it looks  
5 like a financial -- there may be financial issues or  
6 absolute systemic problems in the program that a  
7 decision is made by our staff and then vetted up  
8 through the process might describe that says, "We need  
9 to give them very short funding and get out there  
10 immediately, because this is a very, very difficult  
11 situation."

12           Fortunately, we have very few of those, but I  
13 would not agree with -- and I don't think our staff  
14 would recommend, although we are going to consider of  
15 NLADA's recommendations. I would not agree with the  
16 proposition that you must go on site before you take an  
17 action with regard to their funding.

18           We have the opportunity within the grant  
19 process to identify issues and they are severe enough  
20 then I think we need to go on site, and we may do  
21 something like, as we have in several cases, given  
22 three-month or four-month funding, and within that time

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1 frame, the pressure is on us and our staff to get out,  
2 get in the field, evaluate it, see if the situation is  
3 as extreme as the application reveals itself to be.

4 So, I think, it would be incorrect to require  
5 an on-site visit, which would -- under, I think, it's a  
6 little inconsistent when you read it, because it would  
7 seem to say that you have to give at least a year's  
8 funding, even to the programs for whom the application  
9 reveals extreme problems, of which we had not yet been  
10 made aware.

11 But, again, I think, that rather than quibble  
12 with the NLADA proposal, I would hope that this will  
13 cause some additional dialogue between us and them, and  
14 we welcome the suggestion. I think -- always we want  
15 the most and best information before we make decisions  
16 that affect the grants, and we're all after that.

17 So, I think, we can work together. I  
18 certainly think that where IALTA programs and other  
19 non-LSC entities visit field programs and write reports  
20 that we should consider those. There are some who  
21 think that we should -- I disagree with that, and, I  
22 think -- you know, we have some very -- examples where

1 IALTA reviewers now, many in conjunction with state  
2 planning, are out in the field with formal review  
3 teams, conducting assessments of their recipient, IALTA  
4 recipients, and they are happening.

5           And Ohio is a very good example where Bob  
6 Clyde has gone out now and has conducted assessments of  
7 IALTA recipients, which happened in many cases to be  
8 LSC recipients, and if you were to get a list of the  
9 consultants that Bob used in Ohio, you would see that  
10 they're the very same consultants, including some of  
11 our project directors, peer-type review from other  
12 areas, and you'd be very impressed with the teams that  
13 Bob has sent in to programs in Ohio.

14           And, frankly, we did review the IALTA Ohio  
15 review reports on some of our recipients, and they did  
16 come into play here, and, I think, that's wholly  
17 appropriate.

18           With regard to the resolution, Mr. Chairman, I  
19 did get a chance to review this after I arrived at  
20 NLADA, and I spoke about it, as you know, because you  
21 were there along with the board chairman and Tom  
22 Smegal, at the NLADA civil caucus.

1           I think the most important point here is to  
2 acknowledge that NLADA is correct in saying that our  
3 grant decisions can give a perception -- and let me  
4 just read from their resolution now -- "creates the  
5 perception of racial, ethnic or other bias in LSC's  
6 grant-making-decision process."

7           And I agree that a perception like that can be  
8 created. What I said -- and probably has been created.  
9 And what I said in an NLADA civil caucus I want to  
10 repeat here, and that is that I believed that the  
11 environment for that perception is a responsibility of  
12 the Legal Services community at large to address. And  
13 LSC should be an important player and a partner in  
14 addressing the diversity environment in the Legal  
15 Services community.

16           And I point here, as I pointed out in my  
17 remarks, the LSC recipient system is one that is  
18 created through a system of grants. An obvious  
19 statement to make to the LSC board, but it's important  
20 to point out that we don't hire board chairs. We don't  
21 hire executive directors. We don't determine who the  
22 deputy director is or the people who are likely to move

1 into management within our programs.

2 But I do think we can do important things like  
3 modeling, like training, like working with other  
4 national leaders like NLADA, who can have a much more  
5 direct input on who the leadership, in terms of board,  
6 who the leadership, in terms of management in our  
7 grant-recipient system can be.

8 And that includes raising the issue of  
9 diversity, and I specifically asked NLADA to work with  
10 us as we go through the state planning process. And I  
11 pointed that in 981 we specifically encouraged as one  
12 of the points of analysis of all state planners was a  
13 consideration of diversity in the outcome of state  
14 plans, and their -- you know, when you look at the  
15 seven criteria in 981, it's not just the last one that  
16 talks about configuration of programs but all aspects  
17 of developing a comprehensive integrated system.

18 They include important personnel decisions  
19 that will be made by boards of directors around the  
20 country, and, I think, can be influenced by the  
21 leadership of LSC, by NLADA, by the American Bar  
22 Association, and others, but we have to take steps.

1           I challenge the community and challenged  
2 ourselves and challenged myself to develop a plan for  
3 diversity for the National Legal Services community,  
4 and that is what I pledged LSC's resources to  
5 participate in.

6           I've already been in contact with Clint Lyons,  
7 the president of NLADA. We are meeting at the end of  
8 this month. I am working with some on my staff to  
9 develop some suggestions, which will sort of spread the  
10 burden, which it should be.

11           I think, the burden should be spread among the  
12 National Legal Services community, and we should  
13 address this in a real way. First, we need to conduct  
14 an assessment, and, I think, that's the easy part.  
15 But, secondly, we need to come up with real and  
16 measurable steps to advance diversity, and, I think, we  
17 can do that. I think we can do it in training. I  
18 think we can do it in terms of working -- paying closer  
19 attention to vacancies that occur in the Legal Services  
20 community.

21           If there's an executive-director position  
22 available, who's working with the board at that program

1 to make sure that they are considering diversity in  
2 their appointment of the executive-director position.

3 In my view that needs to be laid in in a more  
4 comprehensive way where it's planned and a way that's  
5 supported by the National Legal Services community.

6 And that means you have to bring resources to it.

7 I expect at the end of the month to propose  
8 significant ideas and specific suggestions to Clint  
9 Lyons and others that he and I may want to bring to the  
10 table. So in that light I view that as a very positive  
11 way to read this, and I, again, reiterate that there's  
12 no question but that we give them the community's  
13 concern with diversity, which is totally justified.

14 And the current state of diversity in the  
15 Legal Services community that any action by LSC to  
16 place anybody on a review-type status where we're going  
17 to go on site could be perceived in that way, simply  
18 because the community has a significant issue with  
19 diversity that we all need to address.

20 But, again, I hasten to point out that the  
21 issue of diversity is one of hiring and retention, and  
22 that is not something that LSC directly controls, and,

1 I think, that the resolution -- I'm going to read the  
2 resolution from the standpoint that it directs all of  
3 us in the National Legal Services community to move  
4 forward and have real steps the community takes to  
5 address the diversity issue.

6 MS. MERCADO: I guess I would take -- and I'm  
7 sure you're talking about the -- impact on the fact  
8 that five of the 11 recipients that got short funding  
9 were minority project directors. And I take that to  
10 mean the opposite actually, which is that in spite of  
11 the fact that in those areas you have some diversity  
12 exhibited their diversity is actually being cut by the  
13 fact, whatever it is, the evaluation or just -- I'd be  
14 real interested to know what the total number of  
15 minority project directors are nationwide when you  
16 compare the statistical analysis, as we have a lot of  
17 statisticians on the staff, five out of 11 that are in  
18 short funding what that equals to.

19 Because that's where the factoring -- where  
20 the problem comes in, and is that a problem of, you  
21 know, has there been any communication or training on  
22 how they're supposed to do these applications and what

1 is the source of that? Or are we saying, in effect,  
2 that all minority project directors or a great number  
3 of them are bad directors and shouldn't be Legal  
4 Services project directors?

5 I mean, I don't know what is to be read by  
6 that, but that's what it's coming across as. I mean,  
7 what are the number of minority directors nationwide?

8 MR. GENZ: I don't have that number. That's a  
9 number we need to get and get to you. By no means, are  
10 we saying that there's no -- that's certainly not the  
11 case. Certainly, the people that I know that are out  
12 there are doing the great work.

13 Remember that this is a process that's been  
14 going on for four years, and for four years we've had  
15 between 10 and 15 programs identified, and there's  
16 never been an issue before like this.

17 MS. MERCADO: Do we know what those figures  
18 were before, or is this just an odd year?

19 MR. GENZ: I didn't get them exactly. I went  
20 through, I think, there would have been one or two on  
21 some of the years.

22 MR. EAKELEY: But, I mean, let's -- they had

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1 217 areas to deal with this year. An enormous number,  
2 and only 10 were funded for less than a year, and the  
3 numbers break out --

4 MR. ASKEW: No. Three were funded for less  
5 than a year.

6 MR. EAKELEY: Three were funded for less time.  
7 I'm sorry. But, I mean, I used the word herculean  
8 effort before, but this was a truly herculean effort.  
9 And I haven't seen anything to suggest that there was  
10 any invidious motivation to select out from that for  
11 receipt of punishment programs who were headed by  
12 people of color.

13 But that's the way it broke out this year, and  
14 it's not the end of the story. It's part of a process,  
15 but, I think, that putting this issue aside and the  
16 larger issue that John McKay mentioned, I think, that,  
17 again, the staff did an extraordinary job. And it's a  
18 process that keeps improving as we go also, and we  
19 learn as well from our mistakes, but this was, again,  
20 just a very impressive effort. And the resolution  
21 should not take away from all the positive  
22 accomplishments that --

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1 MS. MERCADO: No. But I'm just saying --

2 MR. ASKEW: Yeah. Let me second what Doug  
3 just said and also say that, I think, Doug's remarks at  
4 the opening assembly down at NLADA and John's remarks  
5 at the civil caucus were very constructive, very well  
6 received, I think, by the people who were there, and  
7 had focused on the future and what we do about this  
8 firm here.

9 We are not afraid of or resistant to  
10 constructive feedback from any source. I think we've  
11 shown that as a board and as a staff over the last six  
12 years. And some of the state planning changes that  
13 were made are indicative of that. When we hear  
14 constructive criticisms, we will respond to those in a  
15 constructive fashion. That's what we're doing.

16 I think John is on the track with Clint and  
17 others to move forward on this. It's a community  
18 responsibility, as well as our responsibility, and  
19 that's what we're saying.

20 One thing I have suggested to Mike that just  
21 like in state planning last year frequently what the  
22 field and even our extended and sometimes dysfunctional

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1 family sees is the end result of what we do and don't  
2 know how we got to those results.

3 We might be able to do a little bit better job  
4 of explaining our processes, as you've done here today,  
5 to others so that when we make a decision like this  
6 people will understand it was a result of a very  
7 careful, very thoughtful, very extensive process, and  
8 it wasn't based on rumor or innuendo or instinct.

9 And, therefore, maybe going forward from here  
10 one thing we can do is find ways to continue to  
11 coordinate, explain, integrate people into what we're  
12 doing, so that when those decisions are made, everybody  
13 understands.

14 They can still disagree, and we'll still have  
15 debate about those issues, but there won't be this  
16 question of wait a minute. How did you get there? We  
17 don't understand how you got there. That's one of the  
18 constructive, I think, we can do, as well as what John  
19 is doing in terms of continuing the dialogue about how  
20 we possibly can do better in the future.

21 MR. GENZ: Thank you. That's an excellent  
22 suggestion. We'll definitely take it up.

1 MR. ASKEW: Nancy.

2 MS. ROGERS: Is there still time?

3 MR. ASKEW: Yeah.

4 MS. ROGERS: I know that we stopped the peer-  
5 review site visits because the funding for that was  
6 pulled out, and so that puts us in a difficult spot  
7 that way, as well as the time process doesn't really  
8 allow for it in the new competition that was suggested  
9 for us.

10 But when you mentioned that there were IALTA  
11 organizations in a number of the states that actually  
12 peer reviews, I wondered if there are enough of those  
13 that if we were satisfied with that as a fair review,  
14 and there were only a few left, if we could institute  
15 regular peer-review site visits in the remaining  
16 states? Is that feasible within our limited finances?

17 MR. GENZ: We could certainly try to look to  
18 that, and there are several outstanding states that do  
19 really good work on the peer review, but they're a  
20 minority that are doing that in the IALTA context.

21 MS. MERCADO: It's not the majority of states  
22 that have one?

1           MR. GENZ: No, by no means of the quality of  
2 Ohio or Florida or Michigan. Those are rare. One of  
3 the wonderful results of the state planning process is  
4 that that's encouraged states to be doing that, so more  
5 are doing it now than they had, and we'll hope that  
6 that expands.

7           MS. ROGERS: So that's not really financially  
8 feasible for us to be visiting all the remaining  
9 programs?

10          MR. GENZ: Not at this point. So,  
11 approximately -- I mean, even the limited visits that  
12 we do in this context are like \$5,000. So we'll just  
13 have to do as many as we can.

14          MS. ROGERS: Well, you know, in thinking  
15 budgetary wise, is that something that we ought to be  
16 looking when we're doing funding appropriations  
17 requests in the future as far as instituting back the  
18 peer review that we used to have before we got cut on a  
19 lot of that funding, so that you do have that on-site  
20 review to see whether or not there are any problems  
21 with those grantees. I mean, that's an additional  
22 request for actually getting the kind of compliance and

1 quantity -- Legal Services that you want that we now  
2 don't have.

3 MR. MCKAY: Well, I think we're unlikely to  
4 see in the near term a comprehensive peer-review system  
5 funded out of LSC. I think you're more likely to see a  
6 combination of -- programs will see more on-site visits  
7 by funders, including the LSC, and they will include  
8 IALTA peer review. They will include more programmatic  
9 reviews, and one of the things about the one year or  
10 less funding is, which we were a little perplexed by at  
11 NLADA, from our standpoint when we put a program on  
12 one-year funding or less in the few cases where we did  
13 that that means that we put a large number of resources  
14 into those programs. They will get on-site visits from  
15 us. They will get very specific feedback from us. And  
16 so the activity in the program actually increase,  
17 rather than decreases, and every opportunity is given  
18 for the program to correct the problem.

19 As Mike pointed out the last term, all of the  
20 programs corrected the deficiencies that were placed on  
21 that sort of short funding, and that occurred in part  
22 because they received a lot more attention from us. I

1 don't think in the near future, although everyone wants  
2 it to occur that I have spoken with, we'd like to see  
3 peer review reinstitutionalized.

4           One of the things we're working on is to -- in  
5 our compliance effort -- to continue the trend that  
6 Danilo has led -- Danilo Cardona has led, which is make  
7 sure that our compliance people are serving two  
8 functions.

9           One is to -- well, typically, they're  
10 responding to a complaint or to another issue raised,  
11 but that our compliance staff is working more closely.  
12 Mike just said a partnership. That's what we're  
13 striving here. That a partnership between compliance  
14 and programs continues.

15           We find that the compliance staff spend as  
16 much time teaching as they do in resolving the issue  
17 that may have brought there. And so we have very  
18 experienced people like Bill Sulik and David De la  
19 Tour, who have been working more closely in the last  
20 two years with programmatic staff, in my judgment, than  
21 they ever have, so that when they go out into the  
22 field, they are -- they're providing some on-site

1 assistance.

2           And you're right, Maria. I think one of the  
3 biggest issues has been the isolation of our programs  
4 from each other, from other programs, from their peers,  
5 and that's been an affect of the reduction in funding  
6 that we're slowly trying to put back into place. So  
7 I'd like to get where you are.

8           I don't think -- we certainly can't be there,  
9 as you'll learn when we look at FY 2001, which is  
10 coming up, but, I think, everybody is in agreement that  
11 we need to move in that direction.

12           MS. ROGERS: I think it might be an  
13 interesting thing to put into the dialogue that you're  
14 going to have to ask where in terms of priority is the  
15 peer review on-site visit regularly done if we are  
16 going back to Congress and are saying we'd like these  
17 additional things. Is this the number-one thing that  
18 would be added on, or is it number two, three, or four?

19           I know that we had positive reactions to it  
20 when it was ongoing. I just don't know how -- where it  
21 lies in terms of a list of priorities.

22           MR. MCKAY: Well, our first priority in terms

1 of that kind of staffing is going to be in the  
2 compliance side, and that, in part, is a reaction to,  
3 one, being able to assure Congress that before we have  
4 a problem in which the Inspector General or the GAO or  
5 somebody else has to be out in the field that LSC  
6 management has been out there with our teachers,  
7 teaching people about what it takes to get this done  
8 right and in compliance.

9           And what we're seeing interestingly --  
10 something I hadn't seen when I first came to the  
11 corporation -- is the referrals from our compliance  
12 staff directly to the programmatic staff to go out. We  
13 may solve the initial problems. Counseling occurs in  
14 the program, but then the programmatic staff follows  
15 compliance staff in to do capability assessment and  
16 training.

17           And we've seen that now on a number of  
18 occasions this year. It had gone on in the past, but,  
19 frankly, I hadn't focused on the important partnership  
20 between compliance and programs.

21           So, I think, our first priority is to make  
22 sure that we have adequate ability to assure compliance

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1 and do the teaching that's necessary. And, I think,  
2 peer review -- being able to do peer review, would be a  
3 very close second.

4 MR. ASKEW: Okay. Let's don't lose sight of  
5 the fact that up until a few years ago everybody had a  
6 one-year grant, and moving to the three-year grants,  
7 was an attempt to stabilize and regularize things. And  
8 the large majority of programs are in that situation.  
9 It's really a small percentage of programs that are  
10 given one year or less, and, I think, what we've heard  
11 today is a constructive response to what I think the  
12 resolution as a while was entered in a constructive  
13 sense of let's have a dialogue.

14 Thank you, Mike.

15 MR. GENZ: Thank you.

16 MR. ASKEW: I need the guidance of my  
17 committee and of the presenters here that are left on  
18 the agenda. We -- we're supposed to break in five  
19 minutes for lunch, and we have two more items on the  
20 agenda.

21 We have two alternative ways to proceed. One,  
22 we can put our friends from the Project for the Future,

1 move them up on the agenda and have them go next, and  
2 Mike and I had talked to them about a 30-minute  
3 presentation, which will carry us into the lunch hour.  
4 Or we could break for lunch at 12:30 and come back  
5 after lunch and continue the committee meeting.

6 The agenda this afternoon for the board is for  
7 the Operations and Regulations Committee to continue  
8 its meeting, but there's no other committee meetings.  
9 We could reassemble as a committee after lunch and do  
10 it then. I'll look for guidance, both from the people  
11 who are on the agenda, as well as from my committee.  
12 Julia.

13 MS. GORDON: We were actually prepared for a  
14 10 minutes, not 30, as per Mauricio. So we're happy to  
15 do a short version.

16 MR. ASKEW: I'll have to speak to Mauricio,  
17 because Mike and I talked about 30 minutes. The only  
18 thing I'm concerned about, Julia, is, frankly, we have  
19 a lot of interest in that, and I know Doug has a lot of  
20 interest in your presentation. And the questions may  
21 take it much longer than 10 minutes.

22 But lunch is no pressing need for me. I'm

1 quite willing to stay in terms of food. It's just  
2 really an issue of whether we need to break or people  
3 have other commitments at 12:30. Nancy, any  
4 preference?

5 MS. ROGERS: I don't care.

6 MR. ASKEW: Edna?

7 MS. FAIRBANKS-WILLIAMS: No, I don't care.

8 MR. EAKELEY: I have a commitment that I can't  
9 move, unfortunately, but I'll just be a little bit late  
10 for it, if you'll forgive me for walking out on the  
11 middle of questions and answers, but I want to stay for  
12 the presentation. I don't want to miss that.

13 MR. ASKEW: Okay. Why don't you come forward,  
14 and let's start with that, and if it opens up a lot of  
15 questions and answers, we may have to break, at least  
16 briefly.

17 Julia Gordon and Bonnie Allen have joined us.  
18 I'm going to ask you to introduce yourselves and then  
19 the Project for the Future to us, and then, I think,  
20 we'll have some questions for you.

21 MS. ALLEN: Okay, great. Well, I'm Bonnie  
22 Allen, and this is Julia Gordon. And thank you very

1 much for this opportunity to talk with you about the  
2 Project for the Future of Equal Justice.

3 We actually have worked with a number of the  
4 LSC staff, and so we have, in fact, I think, a very  
5 good working relationship. We've worked with Bob Gross  
6 and some of his staff, Willie Abrams, Pat Hanrahan, and  
7 others in a number of the states that we are working  
8 in, as you are, working to develop some core capacities  
9 to move states in terms of developing comprehensive,  
10 integrated systems.

11 What we're going to do today is highlight --  
12 I'm not going to go into all of the project activities.  
13 This little green card gives you a quick preview of  
14 some of the specific initiatives that the project has  
15 development. We're going to focus on two of them, but,  
16 first, let me just spend a few minutes giving an  
17 overview and a little bit of the background for the  
18 benefit of those of you who may not know the history of  
19 the project.

20 The Project for the Future of Equal Justice  
21 was funded two years ago, Julia? Julia was the first  
22 one in the project or one of the first ones in. It is

1 a joint initiative of class in NLADA. It's funded by  
2 the Open Society Institute in the Ford Foundation, and  
3 its primary mission is to expand and strengthen the  
4 national infrastructure that supports the development  
5 in every state of a comprehensive, integrated system to  
6 provide low-income people with the information and  
7 advocacy that they need.

8 We have concentrated on four or five capacity  
9 areas, and we're going to talk about two of them today;  
10 technology, training, resource development, and  
11 substantive law, which encompasses several things;  
12 strengthening state-level advocacy, the need for states  
13 to develop alternative systems that can handle the  
14 restricted work that the LSC-funded programs cannot  
15 handle.

16 Looking at some specific initiatives and how  
17 the substantive law is changing. One initiative that  
18 class was focusing on through the project is the  
19 intersection of housing law and welfare law and how  
20 that affects the way that legal services programs  
21 approach their work.

22 In the resource development area, which is the

1 area that I concentrate on, we brought together about a  
2 year ago a very broad-based group of advisors, drawing  
3 from other non-profits, the private sector, the  
4 business community, private law firms, as well as local  
5 project directors, state-level legal services folks,  
6 IALTA directors, to have a discussion about how we  
7 could focus our work in the resource-development area  
8 that would be most productive and not duplicate the  
9 efforts of MIE and some of the other organizations.

10 And what we came up with were two initiatives.  
11 One, which I'm going to talk about in a little bit more  
12 detail today, which was an image-building campaign or a  
13 public-awareness campaign. And the other is a  
14 strategic outreach to the philanthropic world, the  
15 foundation community.

16 The public-awareness campaign has really  
17 developed into, I think, a very exciting project. We  
18 started it by hiring a firm here in Washington, Belden,  
19 Russonello & Stewart, to take a look at already  
20 existing public-opinion data about how the American  
21 public views civil legal services for the poor. And  
22 they did that work over the summer, and if you're

1 interested in the reports, we have them in our office,  
2 and John as a copy. Mauricio has a copy, I think, but  
3 those are available. It's public information.

4 And what they did is they looked at polls and  
5 surveys and focus groups that had already taken place  
6 through either the ABA, LSC, ACLU, other organizations,  
7 and there are a few other polls, Gallop Poll and Harris  
8 Poll, that looked at Americans' views toward civil  
9 legal aid for the poor or anything that was close to  
10 that.

11 And, in fact, they found out that there really  
12 isn't very much data out there about public opinion in  
13 this area. So they also looked at public opinion in  
14 regard to poverty in general, and I won't go into a lot  
15 of detail about that. There's a little bit of  
16 information in these manila-covered sheets about that  
17 data. There's more information in the full reports.

18 But, very briefly, that work revealed a  
19 fundamental tension in values between Americans'  
20 commitment to fairness on the one hand and a very  
21 strong sense for the need -- for individual  
22 responsibility and that this tension fluctuates over a

1 period of time.

2 In 1992, for example, when the Clinton  
3 administration first came into office, fairness was a  
4 little bit higher, and then in '95, '96 when the  
5 welfare-reform debate was taking place, those values  
6 flipped and individual responsibility became higher.

7 The open society -- was funded to conduct in-  
8 depth message research that will probe that tension in  
9 more detail, as well as ask a lot of other questions.  
10 We're going to be conducting 10 focus groups over the  
11 next few months in different parts of the country.

12 That research process is guided by an advisory  
13 group, and Mauricio sits on that group. There's both a  
14 small steering committee that's made up primarily of  
15 national constituents representatives, and then a much  
16 larger advisory group that's made up of representatives  
17 of the private bar or the IALTA community, foundation  
18 representatives, a pretty broad group of people.

19 At the end of the research process, the next  
20 step will be to put together a national public  
21 awareness campaign. We'll have a message strategy.  
22 The research will be available to the entire community,

1 and, I think, it's important to point out that OSI  
2 funded the consultants directly, and the reason that's  
3 important is because no one -- no single organization  
4 will "own" that product. And they did that very  
5 intentionally, so that state and local groups and all  
6 the other national organizations will all feel that  
7 they had equal access to that information.

8           So the message research, the tag line, and the  
9 research that surrounds it will be available to various  
10 groups nationally, at the state level, and the local  
11 level to tailor to their own needs. But we also will  
12 be implementing a national campaign with a message and  
13 with all kinds of different media kits, press kits,  
14 community-foundation kits, private bar -- we'll be  
15 working closely with MIE to put together private-bar  
16 campaign kits to get the message out. And it's a dual  
17 purpose, both to increase funding in the private sector  
18 for civil legal services, and also to increase public  
19 support.

20           Interestingly, we started out thinking that  
21 this would be a fairly strategic campaign, designed to  
22 assist our advocates with funding raising, but we

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1 broaden it after a lot of dialogue, because we came to  
2 the conclusion that you can't really separate those two  
3 things out. You can't separate public support and the  
4 decisions and influencing policy makers from private  
5 support. That they're very interrelated, in fact, and  
6 so the campaign will be both to increase funding and  
7 also to improve our image with policy makers, as well.

8           The -- just very briefly I'll touch on one  
9 other resource-development initiative, and then turn it  
10 over to Julia. We are doing a lot of work trying to  
11 build relationships in the foundation world. And  
12 there's an exciting event that's going to take place  
13 next summer where we are partnering NLADA, and the  
14 project specifically with be co-sponsoring with women  
15 in philanthropy, which is affinity group of funders  
16 that focuses on funding women's and girls' issues and  
17 MIE.

18           So it will be the three organizations  
19 together, co-sponsoring a conference in Chicago for  
20 grant makers, for foundations on why they should fund  
21 legal services. And this is really the first  
22 opportunity formally that we've had to get before an

1 audience of grant makers and make our case. And the  
2 hope is that there will be other opportunities. We're  
3 working with other affinity groups in the Counsel on  
4 Foundation, as well, to try to develop similar  
5 relationships.

6 And, again, that has an advisory committee  
7 that's made up of a very broad range of stake holders  
8 in our community and will be involving some of our  
9 project directors and IALTA directors. And, certainly,  
10 would be interested in any ideas that the Legal  
11 Services Corporation has about that initiative, as  
12 well. Julia.

13 MS. GORDON: Thanks, Bonnie. Before I talk  
14 about the technology-related initiatives, I do want to  
15 just say a little bit more about the project generally,  
16 because, I think, people don't necessarily know the  
17 structure and scope of the staff.

18 There are currently five people who are fully  
19 funded. Their salary comes entirely from the projects'  
20 grant. Bonnie and I are the two senior staff of those  
21 five. An additional person works as the project  
22 coordinator over at NLADA, which is where Bonnie is

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1 located.

2 I'm over at CLASP, where I have a Web master  
3 and a Web-site assistant who work over there. In  
4 addition, we have the half-time participation of an  
5 NLADA senior staff attorney, as well as, of course, the  
6 very devoted efforts of Martha Bergmark and Don  
7 Saunders at NLADA and Alan Housman at CLASP. So that's  
8 the universe of who works on this stuff and where we  
9 are.

10 In talking about the area of technology, I  
11 would say the most important thing we've learned -- and  
12 so I want my remarks to be in this context -- is that  
13 you can't talk about technology in a vacuum. It's not  
14 just this thing that hangs out there. Any work on  
15 technology has to be related to and, in some cases,  
16 even can help drive a discussion of program and state  
17 mission, and technology has to be employed in the  
18 service of that mission.

19 Any efforts -- there's so many new toys out  
20 there that any efforts to use technology that are not  
21 very grounded in mission and specific program goals are  
22 bound to, at the very least, spend a lot of useless

1 money. And, you know, at worse, really create some  
2 tensions in a program or in a state around resources  
3 going toward technology. So all of our efforts around  
4 technology are in the context of some kind of delivery  
5 mechanism.

6 I want to talk briefly about four things that  
7 we've done. It's hard to talk briefly about four  
8 things, so I'll be really brief, and then you can ask  
9 me additional questions.

10 The first is that we have been trying to work  
11 to encourage states to do a good job of strategic  
12 technology planning as part of their state planning  
13 efforts. And recently we've begun to work more  
14 intensively with individual states. We just ran a  
15 workshop at the NLADA annual conference where we  
16 brought together a group of key state leaders from  
17 seven different states, including, in some cases, the  
18 Alata director, as well as key project directors and  
19 other staff, to learn about some technology innovations  
20 available to them, to hear about how some states who  
21 are in the lead are doing what they're doing, and then  
22 we worked with these states in this workshop

1 intensively with individual facilitators to talk about  
2 concrete steps that they could take as soon as they got  
3 back from Long Beach to move ahead in technology.

4           And I was pleased that that workshop seemed to  
5 be a success, and that, you know, at least, several  
6 states have some additional information to move forward  
7 in their planning efforts.

8           In the past year the project has convened  
9 something called the Information Management Advisory  
10 Group, IMAG, which we've pronounced image, and this is  
11 a group to examine how the civil-legal assistance  
12 community can pool its knowledge and information  
13 electronically, so that it's accessible to everybody  
14 and can be used to best advantage by everybody involved  
15 in this system, including both advocates and clients.

16           That group includes representatives from many  
17 major organizations involved in technology, including  
18 Glen Rawdon from LSC, Patty Pap from MIE, folks from  
19 National Support Centers, folks from programs, and  
20 technology experts from outside the Legal Services  
21 community, including a chief information officer from a  
22 major law firm, who's a national leader on legal-

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1 information management. David Goldsmith, who's a  
2 technology consultant, who in his previous life created  
3 Handsnet, and Handsnet is new technology. And Ron  
4 Staudt is a vice-president at Lexis and a professor at  
5 Chicago Kent Law School.

6 So that group -- similar to the public-  
7 awareness effort, that group is an effort to bring  
8 leaders in the community together to talk about what  
9 the community needs to do as a whole to create an  
10 electric resource that is not owned by any particular  
11 organization or set of interests. The first activity  
12 of that group has been to talk about creating Web-site  
13 portals. That's a buzz word that's out there in the  
14 technology world now that you may have heard.

15 A portal is a Web site that is the first place  
16 you go if you want to be presented with an array of  
17 information possibilities in a particular area, and the  
18 two portals we're talking about creating are a portal  
19 for Legal Services advocate information that would  
20 include both advocates at staff programs and, you know,  
21 pro bono lawyers or anybody else doing this kind of  
22 work and the portal for clients.

1           Increasingly, clients -- the client-eligible  
2 population are beginning to receive legal information  
3 from the Internet, although the "digital divider," the  
4 distinction between where the middle and upper-income  
5 population with respect to computer ownership and use  
6 and the lower-income population is -- although that  
7 divide is wide, an increasing number of low-income  
8 people do have access to the Internet, if not from  
9 their home, which is less usual than through community  
10 technology centers, libraries.

11           They're getting information that their kids  
12 bring them back from school where many of them have  
13 access to computers, and while the Legal Services is  
14 slowly beginning to put a lot of client information on  
15 the Internet, lots of other folks out there who don't  
16 actually have the best interests of this population in  
17 mind are also beginning to put information out there.

18           And we consider of critical importance to  
19 start creating a site that can get kind of the seal of  
20 approval that we can brand as the site where low-income  
21 people can receive legal information that's tailored  
22 toward their needs that's created in a way that's most

1 user friendly for them and that's connected to the  
2 system of civil-legal assistance. So those folks who  
3 cannot be assisted just by reading something on the  
4 Internet can be funneled into the system to receive  
5 additional assistance.

6 So those -- we're just getting to this  
7 slightly harder questions of how we're going to fund  
8 this and who's going to actually do it, but the work is  
9 underway. We unveiled some mockups of the portals in  
10 Long Beach to a crowd that was surprisingly  
11 enthusiastic for 7:30 in the morning. So we're  
12 encouraged about moving forward on that.

13 In addition, the project has overseen a hot  
14 line outcomes assessment over the past several months.  
15 That assessment is being overseen by an advisory  
16 committee that includes John Eidleman from LSC, Wayne  
17 Moore from AARP, and folks from the field, including  
18 both long-time hot line either, you know, supporters or  
19 hot line directors, as well as some people who have  
20 been slower to jump on the hot line bandwagon in order  
21 to insure that the advisory group is really looking at  
22 this issue fairly.

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1           We've just completed phase one of this  
2 assessment. Phase one consisted of 44 interviews of  
3 existing hot lines, and here we focus just on program  
4 hot lines, rather than statewide, centralized hot  
5 lines. And we looked -- we conducted indepth personal  
6 interviews with the programs and looked at their CSR  
7 data for the before and after periods of implementing  
8 the hot line.

9           To do the study, we've retained some social-  
10 science experts, who were quite rigorous in looking at  
11 the data and deciding what data was clean enough to  
12 really draw conclusions from. Of the 44 programs,  
13 ultimately, only eight had adequate and clean data from  
14 the before and after periods for at least two years  
15 before and at least two years after the implementation  
16 of the hot line.

17           That meant that there were no significant  
18 changes in their service area, no significant changes  
19 in the way they reported their cases, no significant  
20 changes in, you know, anything else that would affect  
21 the numbers. And, unfortunately, our nice pool of 44  
22 did shrink to the point where the statistical and

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1 quantitative data is perhaps not as helpful as we had  
2 hoped.

3           However, the qualitative data has been very  
4 helpful in identifying what the key issues are with hot  
5 lines, what these programs and their staff perceive as  
6 the major advantages, some of the drawbacks, some of  
7 the key choices that need to be made, and the design of  
8 the project.

9           Most important phase one of this study is  
10 providing us with valuable input for designing phase  
11 two. Phase two is going to be a bigger, longer, and  
12 more expensive study where the researchers will  
13 actually go to programs and be in touch with hot line  
14 clients.

15           This study will look at outcomes and will  
16 attempt to correlate outcomes, both with hot line  
17 design and with substantive area of law in an effort to  
18 see if there are particular areas of law that are more  
19 suited to this approach or if there are particular  
20 designs that have any impact on what the client  
21 outcomes are.

22           Because there's so little -- as Ted discussed

1 before -- outcome data for ordinary program operations  
2 in non-hot line representation, it's virtually  
3 impossible to do a study that compares the outcomes of  
4 non-hot line representation with hot line advice and  
5 assistance. To do something like that, would require  
6 quite a lot more money than anybody has so far  
7 indicated they might be interested in giving us,  
8 although, obviously, at some point, if we could do  
9 that, that would be very useful.

10 Last, I just want to briefly mention that the  
11 project helped put together a public-private  
12 partnership with an organization called Language Line  
13 Services. Language Line is a spinoff of AT&T that  
14 provides over-the-phone interpretation from English  
15 into more than 140 different languages. And through  
16 this partnership, Language Line is agreeing to give  
17 significant discounts to civil-legal assistance  
18 programs to use their services.

19 Many of the programs have already begun to use  
20 their services. Some of the bigger hot lines rely on  
21 their services. Could not do their job otherwise, and  
22 we were very excited that Language Line was interested

1 in partnering with the community. They have  
2 contributed a significant sum of money that went toward  
3 the NLADA annual conference and that will go toward  
4 offsetting the cost of some project staff to help  
5 disseminate information about how programs can better  
6 reach non-English-speaking communities.

7           Although it's a for-profit organization in the  
8 very competitive telecommunications industry, Language  
9 Line actually started with a group of volunteers who  
10 were helping police, fire fighters, and other public-  
11 safety officers, and they have a strong community  
12 commitment, and they seem as excited about this  
13 partnership with us as we are.

14           So that's some of what's -- and I will say one  
15 other thing about technology, because we haven't heard  
16 from him yet, is it has been a blessing to have Glen  
17 Rawdon on staff here at LSC. In addition to the good  
18 work he's doing out in the field, I have mostly, you  
19 know, created the National Technology Project alone.  
20 There's really no one else doing this at the national  
21 level, and to have Glen around to bounce ideas off of  
22 and to work on projects together, I think, makes a big

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1 difference for both of us, and I hope we continue to  
2 work together as closely as we have been.

3 MR. ASKEW: Thank you. There's a lot there  
4 obviously, and let me see if committee members -- Edna,  
5 do you have any questions? Comments?

6 MS. FAIRBANKS-WILLIAMS: (Shaking head.)

7 MR. ASKEW: Nancy?

8 MS. ROGERS: No.

9 MR. ASKEW: Maria?

10 MS. MERCADO: (Shaking head.)

11 MR. ASKEW: Let me ask you, Bonnie, in my  
12 other life -- and I do have another life -- I'm  
13 involved in Georgia with this public trust and  
14 confidence commission that every state is being asked  
15 to set up because of the ABA and the National Center  
16 for State Courts and the Conference Chief Justice's  
17 efforts.

18 And their efforts are based on data they have,  
19 which shows public trust and confidence in the system  
20 of justice is at an all-time low. And, in fact,  
21 there's some scary data out there about what the public  
22 thinks about the system of Justice. Not Legal Services

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1 but the system as a whole.

2           And some of the data -- and up front I'll tell  
3 you the presentations made by John Russonello and the  
4 woman from the Women's Philanthropy group at NLADA were  
5 remarkable. I thought they were quite interesting and  
6 informative and inspiring in some ways. But I thought  
7 some of Mr. Russonello's data was contradictory to data  
8 I've heard from other sources about the public's  
9 confidence in our system of justice. And that he gave  
10 some figure at some point that 60 percent of people  
11 surveyed had strong confidence in the system or  
12 something like that, and I've heard the exact flip of  
13 those numbers, particular, for minorities.

14           But for the public as a whole, 35 to 40  
15 percent -- only that number -- has confidence in our  
16 system. And what you're doing is a part of that --

17           MS. ALLEN: Right.

18           MR. ASKEW: -- is influenced by that sort of  
19 data. Are you all aware of these efforts or involved  
20 in any way these efforts that are going on all around  
21 the country to have these commissions on public trust  
22 and confidence address the issue of how is this system

1 responding to these public concerns about the  
2 unresponsiveness, the elitism, the discrimination that  
3 goes on within the system of justice? Are you all  
4 involved in that in any way, I guess, is the long --  
5 the question to my long statement?

6 MS. ALLEN: We're not involved in it directly.  
7 We are somewhat aware of it. I will certainly talk to  
8 John Russonello about making sure that he has access to  
9 the information and the research that's going on in the  
10 different states.

11 I know the Florida bar -- not that  
12 specifically -- but the Florida bar just went through  
13 some message research in developing their new logo, and  
14 they certainly looked at some of those issues.

15 Interestingly -- and I'll be glad to send you  
16 the full reports -- the way that the questions -- what  
17 John Russonello reported was really the result of only  
18 a few questions in some focus groups that they did on  
19 the criminal-justice system, but he didn't get into  
20 this in his workshop. But if you break that down,  
21 you're right. Minorities answer those questions  
22 differently and lower socio-economic-group

1 representatives answer those questions differently.

2           And even though, I think, he reported that  
3 something like 60 to 70 percent of Americans think we  
4 have a pretty good justice system, lawyers specifically  
5 are very, very -- there's very low and poor images and  
6 opinion about lawyers. So the way you break out those  
7 questions really matters, and it's very complicated.

8           So even though you can make that one sweeping  
9 statement, well, we have the best system in the world,  
10 when you get into some of the specific questions it's  
11 not so glowing. So -- but your specific question I'll  
12 make sure that John is -- has access to what's going  
13 on.

14           MR. ASKEW: There's another issue that every  
15 state has been asked to set up a commission or a  
16 committee on public trust and confidence. There should  
17 be some way to try and encourage Legal Services  
18 advocates to be involved in those commissions, either  
19 get on them or participate in the discussions they're  
20 going to have, because they can go all over the place.

21           The National Center for State Courts has sent  
22 out very explicit sort of instructions about how to do

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1 this and what we want you to do and the information we  
2 want you to gather. One, the information could be  
3 quite useful for you all to have, but, secondly, Legal  
4 Services advocates should be involved in those  
5 discussions to make sure that issues are of a  
6 particular concern to us are not overlooked as they are  
7 doing a much broader look at the system within their  
8 state and the public's perception of that system.

9 And then, secondly, they're supposed to  
10 develop an action plan to address those concerns, and  
11 the action plan should be -- certainly be considerate  
12 of the concerns that we have as they go forward.

13 MS. ALLEN: Okay, great. Well, I'll make sure  
14 we look into that. One other point -- Ms. Williams, is  
15 it? I'm sorry. I haven't --

16 MR. ASKEW: Edna.

17 MS. ALLEN: Edna. You raised some rural  
18 issues earlier, and I wanted to mention that some of  
19 the feedback that John Russonello got at our conference  
20 was on the rural issue to make sure that the focus  
21 groups -- that some of the questions that were asked  
22 and some of the case studies that were posed addressed

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1 rural client needs.

2 And so we've actually added a focus group in  
3 Birmingham that will be a -- made up of rural folks.  
4 So that research is going to be available, as well, and  
5 we'll be able to test out whether poverty is perceived  
6 differently in rural areas, whether some of the types  
7 of cases are different, and, I think, that's going to  
8 be an interesting research product.

9 The focus groups, just for everyone's general  
10 information, people are free to go if you can get  
11 yourself there. I mean, we don't have money in the  
12 budget to fly people around, but it's open, and so  
13 folks who are interested in attending focus groups.  
14 Mauricio will have the schedule or you can call me.

15 There's going to be one in Baltimore on  
16 December 7th in the evening. One in --

17 MR. ASKEW: When you say attend, what does  
18 that mean?

19 MS. ALLEN: That means you can go --

20 MR. ASKEW: Sit on the outside and watch?

21 MS. ALLEN: -- sit behind the magic mirror and  
22 observe. And, I think, that we can -- up to 10 to 15

1 people. So Birmingham on December 8th and LA on  
2 December 15th, and then will be some other ones in  
3 January. But folks who are interested in attending, as  
4 long as we can handle the capacity, you're free to  
5 attend, and, I think, it's going to be an interesting  
6 process.

7 MR. ASKEW: Let LaVeeda know about the  
8 Birmingham if you can a chance.

9 MS. ALLEN: Okay, I will. Definitely.

10 MR. ASKEW: Well, I'm sorry our time is so  
11 compressed, because what you're doing is of quite a bit  
12 of interest to us as a board and to the staff. And  
13 we'll look forward to hearing from you in the future  
14 about the progress you're making. Good luck.

15 MS. ALLEN: Thanks for having us.

16 MR. ASKEW: I always thought you worked for  
17 NLADA, Julia, until Alan told me last night you work  
18 for him. My sympathies go -- but, good luck.

19 MS. GORDON: Thanks.

20 MR. ASKEW: We have one more item on the  
21 agenda, and that's to hear from Glenn Rawdon, whose  
22 name has been mentioned here several times already

1 today. Can Glenn come forward?

2 I apologize to you, as well, Glenn, for the  
3 lateness of the day, but I'd just ask you to introduce  
4 yourself, because this is the first time we've had a  
5 chance to hear -- to meet you and hear from you.  
6 What's your responsibilities here, and then what you  
7 have to say to us.

8 MR. RAWDON: Okay. Mr. Chairman, thank you  
9 for the opportunity to be here. Ladies. I appreciate  
10 the opportunity, not only to be here today, but to be  
11 here at LSC at all in the position that I'm doing. So  
12 you will know I'm a program counsel, just like the rest  
13 of Mike's staff, except that I don't have any  
14 particular states that I work with. I'm working solely  
15 with the states on technology. So, in effect, I have  
16 50 states that I'm working with, plus Puerto Rico and  
17 the other territories.

18 The way I came into this position is that I  
19 met Mike Genz about a year and a half ago and was  
20 talking to Mike about, gee, LSC doesn't have anybody  
21 there, focusing on technology, but if you want us to be  
22 upgrading our technology, you really need to get

1 somebody in there, focusing on technology.

2 MR. ASKEW: Where were you then?

3 MR. RAWDON: I was doing a training in Atlanta  
4 on case-management software, and Mike had been invited  
5 to attend. And so he met me there, and we were having  
6 lunch, and you know how it is when you get somebody  
7 with LSC and you're with one of the programs. You want  
8 to tell them everything LSC is not doing correctly.

9 So what happened was Mike listened to me, and  
10 then called me to invite me to apply for the position.  
11 I said, "No, no, Mike. I didn't mean me. I meant you  
12 need somebody else," and Mike said, "No, we want you to  
13 apply." So I applied for the position, and I'm now  
14 here and been here since June, and I'm so happy that  
15 Mike called me and asked me to do this, because I'm  
16 just really enjoying my work.

17 I'm working with people all across the country  
18 to help them with their technology efforts. I put  
19 together a little two-page list of activities kind of  
20 in an outline form to show you some of the things are  
21 ongoing.

22 We've talked about some areas like statewide

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1 planning. Technology lends itself very well to working  
2 on a statewide effort, because when you've got an area  
3 that has six or seven different programs in it, they  
4 can't all have someone with an expertise in technology.  
5 It makes a lot of sense for them to come together and  
6 to get a statewide coordinator on technology.

7 This is one of the things that I've been kind  
8 of preaching to people since I started they ought to do  
9 this, and one of the pleasures for me is one of the  
10 first things I did when I came here was go to the  
11 Southeast Project Director's meeting in Tampa, where  
12 the project directors from the southern states were  
13 there, and we organized some meetings of those  
14 directors. And one of the groups we talked with were  
15 from Tennessee, and I got to give them my spiel about I  
16 think this is the place you start, that type of thing.

17 Well, they invited me back to do a training at  
18 their statewide meeting in October that they were  
19 having in Tennessee, and they announced to me at the  
20 time that they had all gotten together and decided to  
21 fund a state coordinator on technology. And they're  
22 advertising for the position, and, hopefully, by the

1 first of January, they will have this person on board,  
2 working with them with all the programs on statewide  
3 technology.

4 MR. ASKEW: They haven't offered you the job,  
5 have they?

6 MR. RAWDON: No, they have not offered me the  
7 job. Another thing -- I'm from Oklahoma. I came here  
8 from the program in Oklahoma, and Oklahoma applied for  
9 a technical-assistance contract to hire a consultant  
10 there to work with the state on a statewide technology  
11 plan. If you've read much of the Oklahoma plan, they  
12 haven't actually done a lot on statewide planning.  
13 This is the first effort that we've seen. Technology  
14 is an easy area for people to agree on that they ought  
15 to be working together.

16 And so this is one of the things that I'm  
17 putting a lot of effort into. As you'll see, the top  
18 thing on my list is I've put together an outline for a  
19 manual for people to do on statewide planning for  
20 technology. And part of the technical-assistance-  
21 grants contracts that we let were for Steve Gray and  
22 Michael Hertz to do some sections on that.

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1 I'm going to do some sections, and I'd like to  
2 put together a blueprint for them that basically can  
3 tell them a formula that they can use to coordinate  
4 their statewide technology, to get one Web site, to get  
5 their brief banks up, to use the Web site for pro bono  
6 efforts.

7 I really would like to give them some guidance  
8 so that they're not all recreating the wheel. We've  
9 seen a lot of good efforts from places like New Jersey  
10 and Michigan. Ohio is moving that way. Minnesota has  
11 made a lot of progress. I'd like to share that  
12 information around the other programs so that they can  
13 learn from what's already been done and put this  
14 together into one resource.

15 Another thing that I believe very strongly in  
16 is in providing training. So you can see I've done a  
17 session at the Southeast Project Director's meeting.  
18 Court, which is Ohio, West Virginia, and Michigan.  
19 That was a group of advocates there.

20 South Carolina invited me down to speak to a  
21 group of managers. They were not the attorneys. They  
22 were the people in the offices who are actually working

1 in management assistance there. And then MIE invited  
2 me to do a training that they had managers in the  
3 meeting where I'm working more with managing attorneys.

4 So I got to see a broad base of people in the  
5 last five months and do training sessions with them on  
6 how they can use technology in what they're doing.

7 Now, understand one thing about my position on  
8 technology. I don't see technology as just a bunch of  
9 nice toys that we can put out there and everybody can  
10 play with and have fun. I see technology as tools to  
11 help our clients. If I didn't think it was going to  
12 help our clients, I wouldn't be doing this, because for  
13 the first 20 years of my legal career, I was self-  
14 employed.

15 I came to Legal Services just five years ago,  
16 because I believe very much in helping the type of  
17 people that we help here at Legal Services. I got  
18 tired of charging clients \$150 an hour when they make  
19 \$8 an hour. I believe that technology can do a lot to  
20 move forward these efforts on helping our clients.

21 I really believe in what we're doing on our  
22 statewide planning and getting access to everyone and

1 also in what we're doing to expand the Web sites so  
2 that people who don't have access to an attorney  
3 because with the funding we have, we can't help  
4 everyone. I mean, we all know that. But if we can  
5 move some of these efforts into helping them through  
6 technology with the Web sites and such, we're going to  
7 meet the people that we haven't met before.

8           And I'm really excited about this. Now, one  
9 of the things that I've been trying to do is to be a  
10 resource for our programs. So that every place I speak  
11 I give out my card, I give out my contact name, my E-  
12 mail, so that anybody with any of the programs who  
13 wants to call me can, and I'll try to help them on  
14 their technology questions.

15           I also try to help them on coordinating what  
16 they're doing. I'm going to Pennsylvania at the end of  
17 the month with John Eidleman to help them plan out a  
18 regional system for intake, but when they were getting  
19 together the preliminary information on this, they  
20 called me to see if I could refer them to some programs  
21 that have already done this, so they could go make on-  
22 site visits, which I did and got input back on the ones

1 that they found very helpful.

2           They haven't really had a central resource for  
3 this type of information, and I want for them to look  
4 to LSC as the first place they go to when they need  
5 help on technology. Someplace they can turn to. We're  
6 going to be expanding the section on technology on the  
7 Web site, so that whereas most of the last year we've  
8 had one paper up there on the Y2K problem, working with  
9 Ted, we're going to have a whole section on technology.

10           And I've got approval to hire an intern that's  
11 not going to be a legal intern but someone who knows  
12 how to work on Web sites, and we're going to expand the  
13 technology section. So that when our programs have a  
14 question on technology and they want to see where to  
15 start, they can come to us. Before they've had to go  
16 to Julia's Web site, because it's much better than ours  
17 on technology.

18           I mean, she's got a great site out there, and  
19 not that I don't think they should go to her site. I  
20 just -- a little jealousy there. I'd like to see our  
21 site expanded a little bit too. And where they've done  
22 something, I'll put them over to there. I'm not going

1 to recreate what they've been doing.

2 We've done a lot to help programs. Now,  
3 you've heard also about the problems we've had with the  
4 CSRs. I'm working with a committee to revise the CSR  
5 handbooks, and one of the things that I've been trying  
6 to do as we focus this committee is look to how we can  
7 use the case-management software that our programs are  
8 using to do their intake and to report the statistics  
9 to us. How we can build safeguards into this software  
10 so it's going to make it where the data is more  
11 accurate.

12 And everybody here has been very cooperative  
13 with that, and as soon as the CSR handbook is done,  
14 we're going to do case-management-software standards  
15 and working with major vendors that do this. Get them  
16 to implement this. So that everybody's life will be a  
17 lot easier. That's what software there is to be a  
18 tool. And so if we can make it more user friendly and  
19 make it easier for them to get the information that we  
20 need and get it accurately, then I think we should be  
21 using that tool.

22 In that regard we're going to be putting on

1 with Julia and the project at the ABA Equal Justice  
2 Conference in April we're going to be putting on a pre-  
3 conference on case-management software, because we want  
4 -- although we want it to be accurate in reporting the  
5 information to Legal Services, we also want it to be  
6 more of a tool for the advocates in helping our  
7 clients.

8           Right now -- at least the way I have seen it  
9 is that case-management software has been fueled by  
10 doing intake and getting the CSR information to LSC.  
11 But if you look in the private legal sector, case-  
12 management software is a lot more than that with  
13 helping the advocates manage the case, to prepare the  
14 case, to be ready when they go into court, and we've  
15 lagged behind in Legal Services in having those types  
16 of tools available for our advocates.

17           And I'm very interested in bringing together a  
18 big group of people, including the advocates that use  
19 this, to that conference, so that we can get input on  
20 how can this be shifted so that it does what we need to  
21 do for reporting but it also helps in our  
22 representation of our clients. And I'm really excited

1 about doing that.

2 Another thing that I've been doing is I always  
3 thought that LSC should try to help our programs as  
4 much as we can. We can't always find money to give  
5 them, but maybe if we can save them money it will be to  
6 have the same effect. I've worked out a tentative  
7 agreement with two legal research sources, one called  
8 Lexis, which you've probably heard about, and another  
9 small one called Lois to offer their services to our  
10 programs at fees that are lower than what they've  
11 normally been offering these.

12 For example, Lois normally offers the program  
13 -- it's like \$98 a month. They've agreed to do it for  
14 \$49 a month for any of the LSC programs. Julia asked  
15 me if I would get in touch with the places and see if  
16 they would also extend this to NLADA members, and so I  
17 contacted both of those, and I've pitched this to them,  
18 and, I think, that they will agree to that. So that  
19 not only will these reduced fees be available for the  
20 LSC, but also for any member of NLADA.

21 I've also been talking with West about doing  
22 the same thing, although it's a little harder to find

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1 somebody in West that can make a decision. And I've  
2 also been talking with New Horizons, which is a  
3 national firm that does computer training, because  
4 another thing that I think is very important is not  
5 just getting hardware on desk but in teaching our staff  
6 to use these to the fullest advantage.

7           And I've accused many Legal Services programs  
8 -- of the training program in Legal Services for  
9 computer training is how to open a box knife so that  
10 you can get the box open and put it on the desk and  
11 that's where we stop, and I don't believe in that. And  
12 so I want to see if New Horizons will extend an offer  
13 to us so that we can get reduced prices for training.  
14 They offer training in all types of computer  
15 applications nationwide, so that our advocates, our  
16 staff, can get in and get the training that they need  
17 to.

18           MS. FAIRBANKS-WILLIAMS: Now, would this be  
19 training in repair or minor repairs things, as well?

20           MR. RAWDON: No. This is training in how to  
21 use the applications on the software. This would be  
22 things like how to use Word, how to use Word Perfect,

1 how to use Excel. This is actually training in the  
2 software on the computers themselves. This isn't  
3 training on the repairs.

4 Now, looking to the future, I've got a few  
5 things here. One of the technical-assistance grants  
6 that we did was for Orange County with John Tull. Many  
7 of you know John Tull. To help the Orange County  
8 project. Bob Cohen is very ambitious in what he wants  
9 to do in extending pro se materials to our clients over  
10 the Web.

11 And all of this costs money, so we were able  
12 to provide a technical assistance to Orange County by  
13 hiring John Tull to look to put together a package for  
14 this where we can go out and find the money to help  
15 them do this. We can't give them the money, but if we  
16 can help them find the money, then that's going to be  
17 very useful.

18 North Carolina is also being very innovative.  
19 They're putting together a case-management system that  
20 will be based entirely over Web software, so that you  
21 won't have to have a special package. You can do it  
22 from any machine, which will include the pro bono

1 attorneys or anyone, and they've invited us to  
2 participate on that. And so we're participating in  
3 that, as well.

4 And then also Julia talked to you about the  
5 IMAG Group, which is going to try to put together  
6 access of information, making it easier for our  
7 advocates and for our clients to find this information.  
8 There's lots of good information out there, but it's in  
9 a myriad of different places, and if we can make a  
10 central location to make this more accessible, then  
11 that's going to be very important.

12 And I feel very privileged that Julia invited  
13 me to participate in this group. So we're moving on  
14 lots of different fronts. We're getting to do -- I'm  
15 getting to do lots of different, exciting things on  
16 this. And so I'm not going to Tennessee. I can't  
17 think of a place that would be more exciting than in  
18 this position right now with the moving forward on  
19 technology. So, again, I want to thank you.

20 MR. ASKEW: Thank you. Nancy.

21 MS. ROGERS: Being someone who doesn't  
22 understand the technology, I wonder if you have

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1 assessed some of the Web-based programs that we've seen  
2 like the one from Pine Tree and Seattle and decided  
3 what are the essential -- really fine parts of those --  
4 and whether it's possible for LSC to do a kind of a  
5 template that makes the next state development of a  
6 program like that a lot easier?

7 MR. RAWDON: Yes. In fact, if you see the  
8 first thing on preparing the manual on state planning,  
9 one of those sections will be entirely on setting up a  
10 statewide Web site and incorporating the things like  
11 what Pine Tree has on theirs. And I work with Hugh all  
12 the time on different sections, and he's been very  
13 helpful in coming together with us on suggestions and  
14 all that.

15 So, yes, I intend for us to come up with a  
16 model that they can follow so that they don't have to  
17 -- Minnesota has just finished doing this process. So  
18 we're going to incorporate things that Minnesota has  
19 learned into this manual, as well. So the states that  
20 have been successful in this effort already we want to  
21 incorporate what they've learned into one resource, and  
22 then distribute it to all of our programs.

1 I'm not saying you have to follow this, but if  
2 you'd like to see what's worked in other states and --  
3 not only just tell them in general terms but,  
4 specifically, you know, have a committee that does  
5 this, and it will probably take you this long to do  
6 this. It will probably cost you this much for a  
7 consultant to do that. So they can actually budget  
8 from this. Then I think that will be very useful to  
9 them.

10 MR. ASKEW: Maria? No. Anything else?

11 MS. ROGERS: I'm sorry, Bucky.

12 MR. ASKEW: That's all right.

13 MS. ROGERS: One of the proposals I've heard  
14 people talk about in Ohio is the proposal to make the  
15 Legal Services Web site the same Web site as for the  
16 bar as a whole or to make it a part of a for-profit Web  
17 site. And I wonder if you have thought -- I'm sure you  
18 have thought through the advantages and disadvantages  
19 of those kinds of combinations, and I wonder what  
20 you --

21 MR. RAWDON: If you want my honest opinion, I  
22 like it where the Legal Services Web site is its own

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1 Web site in the particular state, but not that each  
2 program has to have its own Web site. I've seen  
3 proposals to put them in with the bar's Web sites, but  
4 I don't know. I think that something gets lost in  
5 that. You know, that's just my opinion.

6 I've liked the ones like Pine Tree whether  
7 everything for the whole state is in one central Web  
8 site. What I'd really like to see, though, is Julia's  
9 concept to come to fruition where that there's one  
10 national Web site that then incorporates all of the 50  
11 statewide Web sites. So that a client logs onto the  
12 Web and they say, "What do you want?" And they say, "I  
13 want legal assistance." They say, "What's your Zip  
14 code?" And, boom, it moves you over to show you all  
15 the legal resources.

16 LSC and non-LSC funded sources altogether for  
17 that particular problem area in that particular Zip  
18 code. I don't know if you've seen a program out of  
19 Ohio that you were talking about. Have you seen the  
20 Sophia program there?

21 MS. ROGERS: No.

22 MR. RAWDON: This is one that is funded by

1 TIAP, and is now running -- I believe it's in the  
2 Dayton area, and it's all the LSC programs, non-LSC  
3 programs, all the social-service agencies all in one  
4 resource there. So when someone calls in, anybody can  
5 refer them to the proper agency in that whole area, and  
6 it's really impressive.

7           And I would like to see those types of efforts  
8 replicated on statewide bases so that our clients  
9 aren't just helped with legal problems. It's a more  
10 holistic approach, so that any type of problem that  
11 they're having they can quickly get to someone that can  
12 help them with it.

13           MR. ASKEW: Thank you very much, Glenn. We've  
14 heard very good things about the work you're doing, the  
15 skill you've brought. Clearly, you're enthusiastic,  
16 which is very nice to see. You're also a man of great  
17 wisdom, because I noticed you associated yourself with  
18 Ted Faris, which everybody -- Julia did, as well.  
19 Which everybody seems to be trying to do today. Thank  
20 you very much.

21           MR. RAWDON: Thank you.

22           MR. ASKEW: Any other business before the

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1 committee?

2 Any public comment? Anybody brave enough to  
3 make a public comment?

4 Lunch is in the IG's conference room on the  
5 11th floor on the other side from the executive office.

6 Motion to adjourn. Thank you very much for  
7 participating today.

8 (Whereupon, at 2:30 p.m., the committee was  
9 adjourned.)

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