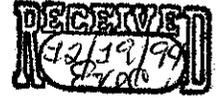


ORIGINAL



LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

PROVISION FOR THE DELIVERY OF LEGAL SERVICES  
COMMITTEE MEETING

Monday, December 12, 1994  
9:15 a.m.

Washington Court Hotel  
525 New Jersey Avenue, N.W.  
Lincoln Room  
Washington, D.C., 20001

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P R O C E E D I N G S

MR. ASKEW: I call this meeting to order. This is a meeting of the Provision for the Delivery of Legal Services Committee of the Legal Services Corporation Board of Directors. I note for the record that committee members Nancy Rogers and Edna Fairbanks-Williams are here.

The first item on the agenda is the approval of today's agenda. Do I have a motion?

M O T I O N

MS. ROGERS: So moved.

MS. FAIRBANKS-WILLIAMS: Second.

MR. ASKEW: Approved. Approval of the minutes of our last meeting, November 4th, 1994. Any corrections or additions to those minutes?

(No response.)

MR. ASKEW: Do we have a motion for their approval?

M O T I O N

MS. FAIRBANKS-WILLIAMS: So moved.

MS. ROGERS: Second.

MR. ASKEW: They stand approved. The main item, probably the only item on our agenda today, is to discuss the proposed committee meeting schedule in calendar year '95. It

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1 really doesn't describe what we want to do today totally.

2           What we would like to do is go into the matters  
3 that we discussed yesterday at the full board meeting about  
4 the next few board meetings and our timetable for considering  
5 items under the jurisdiction of this committee, consistent  
6 with the goals and objectives that we set for the board for  
7 the next few months.

8           And I have asked John to discuss with us the  
9 schedule for at least the January and March meetings of the  
10 board, and what are those items that we settled on yesterday  
11 that need to be brought before this committee and then,  
12 ultimately, before the board at each of those meetings, and  
13 then get into further discussion, if need be, of each of  
14 those matters.

15           This also is an opportunity for the committee to  
16 explore maybe a little more in depth with John some of the  
17 things we talked about yesterday in terms of where we stand  
18 with peer review, monitoring and evaluation, compliance,  
19 complaint investigation, the issues under John's  
20 jurisdiction, as well as the other matters involving  
21 provisions, such as national and state support, funding of  
22 population groups. All of those matters.

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1           So if other committee members don't have another  
2 suggestion, what I propose we do is we have a discussion with  
3 John about our schedule for January, our schedule for March,  
4 make sure we have a very clear notion of what we want to do  
5 at each of those meetings, what matters will need to come  
6 before us; make sure that we don't need to meet in between  
7 those two meetings, which my initial reaction is we don't  
8 need to have to have a meeting in between the January and  
9 March meetings. But that is open for discussion today if we  
10 conclude that may be necessary.

11           So that by the end of this committee meeting, we  
12 can report to the board that we have a pretty clear idea of  
13 the schedule of how each of these matters is going to be  
14 brought before us and settled and that we'll be able to bring  
15 them back to the board in a timely fashion.

16           John, maybe the best way to proceed with this,  
17 rather than going through these items one by one as we did  
18 yesterday at the board, is talk about first maybe the January  
19 meeting and what are those items that need to come before us  
20 in January; discuss those, and make sure that when we finish  
21 we have a very clear idea of what our schedule is going to be  
22 for the next two committee meetings and the matters we need

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1 to bring before the board.

2 So let's start. Is that all right wi

3 Let's start with the January meeting. I took notes yesterday  
4 of the things we discussed and I know you have prepared a  
5 list of your own. Why don't you start with your list and  
6 let's make sure that it's in agreement with the things we  
7 discussed yesterday and see if there are any things that  
8 we're missing.

9 MR. TULL: Thank you, Mr. Chairman. The three  
10 things that my notes indicate were discussed yesterday in the  
11 planning process that were earmarked for January were a  
12 report on the client engagement conference, a staff report of  
13 our review of the recommendations from that conference, and  
14 any recommendations that might be made to the board at that  
15 time.

16 I believe when we get to March there was  
17 also a notion that some of the client engagement would also  
18 be -- some recommendations might come to the board in March,  
19 but certainly a preliminary reaction would be what we had  
20 talked about for January.

21 The second --

22 MR. ASKEW: Let me stop you right there.

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1 MR. TULL: Sure.

2 MR. ASKEW: My understanding is James is preparing  
3 a report from the conference which will both describe the  
4 conference and also have conclusions and recommendations that  
5 the conference attendees came out with.

6 So it's your belief that by the end of January the  
7 staff will have some initial reaction to those  
8 recommendations or some proposals for us to consider in terms  
9 of implementation of some of those ideas?

10 MR. TULL: Well, at least initial reactions. We  
11 have not seen the report yet so -- and yesterday was actually  
12 the first day, although some staff members were at the  
13 conference. So it wasn't as if there was anything that was a  
14 surprise, but we haven't seen the full detail of the results  
15 of the conference yet.

16 And when the report comes to us it will -- what  
17 will be appropriate for action immediately we'll report to  
18 the board on it. If it calls for action by the board, make a  
19 recommendation or report on the action we have taken.

20 Just based on the report, the oral report yesterday  
21 of James and of Edna and Ernestine, there are certainly some  
22 which when we get into -- some which we may need to make a

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1 formal recommendation for in March as to some of the  
2 more -- the funding of the projects and that sort of thing.

3 MS. FAIRBANKS-WILLIAMS: But you can go forward  
4 thinking about the mailing of things and things like this?

5 MR. TULL: Certainly. I think some of the  
6 recommendations the communications capacity and the mailing  
7 and getting information to the client community and to  
8 members of the -- persons who were at the conference, et  
9 cetera, certainly we can act on and we'll report to the board  
10 in January the actions that have been taken.

11 MRS. FAIRBANKS-WILLIAMS: If you could get all the  
12 client members of the board into a name -- into a filing  
13 system or whatever, you'd have that done ahead of time.

14 MR. TULL: Yes. We are -- right now what is  
15 happening internally is we have just -- I think I reported  
16 yesterday to the board that we have just finished putting  
17 into place a brand new computer system that has everybody on  
18 the network, and are beginning a process, or in the early or  
19 first stages of the process, of developing a capacity to do  
20 the creation of serious databases for all our information.  
21 And one of those will be information that's on the refunding  
22 application, which is where the client board members'

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1 addresses and the mailing list will come from.

2 I would hope we could have it done by then. It's a  
3 complicated process to create a database that includes all of  
4 our information, and it's the total process of doing that is  
5 a much longer time frame than January. It's several months  
6 long. But the refunding application is an easy piece of  
7 information for us to feed in.

8 In theory, we have a capacity to do it now just  
9 from with -- many programs have submitted the information on  
10 disk to us, although we have software questions whether it  
11 will work the way we want it to. But certainly we'll strive  
12 to do that.

13 MS. FAIRBANKS-WILLIAMS: Ours wasn't too compatible  
14 to what you were --

15 MR. TULL: Right, which is what we ran into.  
16 Exactly. So we're hoping next year to be able to just do it  
17 by modem and not have the same sets of problems. But that is  
18 certainly high on the list because of the interest expressed  
19 in that at the conference.

20 MR. ASKEW: Any other questions about client  
21 engagement?

22 (No response.)

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1 MR. TULL: The second area that we spoke of  
2 yesterday was private attorney engagement involvement and  
3 the -- I think the president spoke of three activities that  
4 are going on in that area, one of which was for the staff to  
5 make a presentation to the board of a policy statement  
6 regarding the use of private lawyers. And that we would  
7 contemplate also taking up in January.

8 Do you want me to go to the third or did you want  
9 to ask any questions about that?

10 MR. ASKEW: On PAE/PAI you said there were three?

11 MR. TULL: Well, there's three. The study is  
12 under -- is going on now. Whether we will have a report on  
13 that by January is uncertain. I think it's probably unlikely  
14 because it's a fairly massive undertaking.

15 But the delivery working group that is working on  
16 private attorney involvement, now becoming private attorney  
17 engagement issues, is working with us to think through what a  
18 policy statement might be. And that is what we would  
19 anticipate having available.

20 The third stage is a much longer agenda which is  
21 what Alex, I think, yesterday spoke of as really  
22 significantly widening the lens that we look at private

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1 attorney engagement through and ways to engage private  
2 lawyers in our work in a much broader way than we -- than  
3 just the delivery of service to the client.

4 MR. ASKEW: So for the January meeting the only  
5 thing we really should expect is probably the policy  
6 statement where today ends?

7 MR. TULL: Correct.

8 MR. ASKEW: But the other things will have a longer  
9 time frame?

10 MR. TULL: Right.

11 MS. ROGERS: When I went to one of the working  
12 group meetings, there was some concern that Esther's study,  
13 although it would be helpful, wouldn't be everything that  
14 they really needed to develop a good policy, ultimately, with  
15 regulations.

16 Do you know what is missing? It wasn't clear to me  
17 what would not be covered by her study if she got funding.

18 MR. TULL: Well, her study is just pro bono. It's  
19 not compensated. It's not adjudicata contract lawyers, and  
20 it's designed to make some recommendations, or just the  
21 report to the board foundation as to what's going on  
22 currently.

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1           We have met with Esther and have talked about a  
2 joint approach to this study so that we can -- much of the  
3 information that is going to be useful for her study we have  
4 in our files and it's really appropriate for us to look at.

5           What she can do and what she contemplates doing  
6 with her funds is to do on-site visits to pro bono -- to  
7 private -- for her, pro bono programs that are -- that stand  
8 out as being particularly good in order to get a better sense  
9 of why they are good.

10           What we would do, and we would cooperate with that  
11 study, and what we would do would be the same for some  
12 compensated models. And the goal is to come out at a time  
13 frame where we can have available to the board and to  
14 ourselves the results of that study.

15           And then she will -- I think she has an August  
16 date when she has to submit a report to Ford, which is  
17 really -- the report to Ford, I believe, is really -- it's  
18 designed to be a report to the public and it will go to Ford.  
19 But they really view it, I think, as an opportunity to have a  
20 publication which will be of publishable quality.

21           MR. ASKEW: Okay.

22           MR. TULL: And then the final is a set of

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1 preliminary recommendations regarding law schools and the  
2 initiatives that we might take next year with the money which  
3 has been earmarked for law school clinics.

4 MR. ASKEW: Any questions about that?

5 (No response.)

6 MR. ASKEW: Okay. Would there be utility at the  
7 January meeting to also have further discussions -- well, let  
8 me back up. Do you anticipate by the end of January that the  
9 performance criteria will be in a stage or at a stage of  
10 development that they could be circulated to the board  
11 members before that meeting, or is that too ambitious a date?

12 MR. TULL: Well, the answer to both questions is  
13 yes. The timetable that we are on for revisions of the  
14 performance measures is late December or early January.  
15 Those are the kinds of timetables that have a particularly  
16 nasty habit of slipping, from in my experience.

17 So what I would hope we would be able to do would  
18 be to circulate to the board the revised performance  
19 measures. But I think rather than setting it for a  
20 discussion at that time, it may be that they may show up in  
21 board members' mail boxes two or three days before the  
22 meeting.

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1           And they are really quite long and involved,  
2           and I think it wouldn't be really adequate time, I think, for  
3           board members to read it and review the materials. And it's  
4           not -- there's not a time pressure on it. I think it would  
5           be helpful in March when we have a report with -- I think the  
6           performance -- the peer performance evaluation system when it  
7           talks about a report and a snapshot of that actually in the  
8           May meeting.

9           So we could either talk about the performance  
10          measures as a part if there was some interest in the board's  
11          part, having received the measures or the criteria and  
12          wanting to discuss them in March. We certainly could,  
13          although I think probably would make sense in the context of  
14          the snapshot.

15          MS. ROGERS: I wondered, you know, in my  
16          notes mixing together both the the financial and the  
17          performance and compliance -- I guess those are three  
18          different things -- the kinds of checks on what's going on,  
19          there were about seven kinds of those checks.

20          I wondered if it would be possible for somebody on  
21          the staff just to do a one-page list of all the kinds of  
22          checks there are on how money is being spent so that we have

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1 when we are asked about it, which I have been asked several  
2 times, are able to just actually state these are the steps.  
3 Just a possibility.

4 And the IGs responding to complaints and self-  
5 study, which itself is a check. I am sure someone looks at  
6 the self-study when it comes in. There is on-site  
7 performance review, there is compliance review, there is the  
8 annual refunding, and there is the complaint process to you,  
9 as well as to the IG.

10 Now, so if we had just a brief, one sheet list of  
11 those and how frequently they happen, that would be helpful.

12 MR. TULL: Certainly. Yes, we can. It might be  
13 helpful to do it in a one-page -- do it with a flow chart  
14 that really shows how they relate together, as well as the  
15 sequence and the frequency of their occurrence.

16 MR. ASKEW: My reaction to the discussion yesterday  
17 was that the board was very impressed, probably, and pleased  
18 with what they heard about the developments, and many board  
19 members were not aware of all that was going on.

20 And it's probably of value to -- that's why I raise  
21 the issue about the performance criteria, whether they would  
22 be ready by January, because I think that will further

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1 impress the board with the quality of this work and the  
2 comprehensive nature of all of these things.

3 If there is some way to give us a little preview of  
4 that or a summary of that, because we will get questions, we  
5 are getting questions, and there will be questions raised, as  
6 we begin the appropriations authorization process as it  
7 happens to have some of those things.

8 MR. TULL: Well, we could certainly if there is a  
9 delay in the revision of the performance measures we could  
10 certainly send out current measures and the on-site manual,  
11 which I think does give -- many of the issues raised  
12 yesterday and the concerns raised -- I shouldn't call them  
13 concerns -- the questions about how various aspects of the  
14 system are treated and what the strategy is to effect them or  
15 should be to effect them, the response frequently was that  
16 peer review does, in fact, focus on that.

17 And I think the measures and the on-site manual,  
18 which is a sort of interview guides and the kinds of things  
19 to look for certainly, I think, highlights that.

20 So we could send the current measures out  
21 immediately with an indication that these are currently under  
22 revision, if you like.

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1           MR. ASKEW: Do you think that would be useful or is  
2 that overkill at this stage? I imagine that's a substantial  
3 amount of material.

4           MR. TULL: No, it's like one of these board books.

5           MR. ASKEW: Okay.

6           MR. TULL: It's not, you know -- the measures are  
7 probably 18, 20 pages long and the -- it's probably 50 pages.

8           MR. ASKEW: I think it would be useful. I was  
9 impressed. When I spoke at the client conference I had asked  
10 for some material in advance and -- that I could prepare.  
11 And one of the things I got was the performance measures on  
12 client engagement, I guess, that are in draft form.

13                   And I referred to them in the remarks I made  
14 because I think they were both very impressive in terms of  
15 the comprehensive nature of them, but I think for the clients  
16 who were at the conference it was quite meaningful for them  
17 to hear what the corporation was looking at or asking of  
18 programs when it went in to do peer reviews in terms of the  
19 role of clients, the involvement of the program in the client  
20 community, those sorts of issues that are covered in a much  
21 more thorough way than we have ever done before.

22                   And the thing that went unspoken yesterday, which

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1 we certainly know and I think a lot of the programs know, is  
2 that in the last twelve years a lot of the work that went on  
3 is not really related to quality. And that was really not  
4 the issue.

5 What we are striving toward is looking at quality  
6 and making that leap while, at the same time, we are meeting  
7 our statutory responsibilities and meeting our compliance and  
8 complaint investigation responsibilities, but also focusing  
9 more on quality and assisting programs in meeting their  
10 responsibilities, which hasn't been happening for the last  
11 twelve years.

12 And these performance measures give you a  
13 real -- just the few that I saw on the issue of client  
14 engagement, if they are indicative of the rest of them, give  
15 you a real clear sense of the real change that's going on in  
16 that regard in terms of what the corporation is asking for,  
17 looking at, what the peer reviewers are engaged in  
18 discussions.

19 And I happened -- I started to say this yesterday.  
20 I happened at the reception in the NLADA to be there when  
21 Mark Morrow and his staff person who got the award from NLADA  
22 came up and spoke to you and told you how valuable the peer

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1 review visit to their program had been -- I mean a totally  
2 unsolicited thing -- and wanted to know if these people were  
3 available to come back or could they consult with him in the  
4 meantime, because they found the on-site experience to be so  
5 valuable.

6 And they wanted to have the opportunity to further  
7 discuss with these people who came to visit them some of the  
8 ideas that were presented to them, which is exactly what we  
9 want to see happen from this.

10 MR. TULL: Well, I think I commented yesterday to  
11 the board that there is a number of tangential benefits that  
12 have come out of the peer review process that sort of keep  
13 cropping up every day.

14 I also ran into someone at the NLADA conference,  
15 someone who I knew had been a team captain at a Native  
16 American program, someone who was a director of a Native  
17 American program herself, and, you know, thanked her for  
18 doing it and asked her how it was.

19 And she said that it was the most valuable  
20 experience she ever had in legal services in terms of her  
21 growth as a manager, her going to another program and seeing  
22 that program and then reflecting her own leadership and

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1 management approaches off of another program. She said she  
2 got wonderful insight into things she did well and things  
3 that she was rethinking. So I think it really is --

4 MR. ASKEW: -- a two-way street.

5 MR. TULL: It's a two-way street. And it  
6 really -- it's going to have a very positive impact on -- and  
7 particularly as we train more and more peer reviewers, I  
8 think it's going to have an impact on client engagement  
9 because we're training -- every team has a client member and  
10 we're training an increasing number of members of the client  
11 community, many of whom haven't been active outside their own  
12 programs, their own communities, who now are getting exposure  
13 to other programs and understanding a set of issues that have  
14 a larger dimension. It is, I think, going to have a positive  
15 impact on a lot of fronts.

16 MR. ASKEW: Great. Well, for purposes of the  
17 January meeting, we've got these three.

18 MR. TULL: Now that we've finished congratulating  
19 ourselves for our fine --

20 (Laughter.)

21 MR. ASKEW: You didn't say anything nice about me  
22 during this.

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1 MR. TULL: I'm sorry, I did want to point out that  
2 it wouldn't have been possible without the chair and the  
3 committee's good work.

4 MR. ASKEW: Thank you.

5 MR. TULL: You're welcome.

6 MS. FAIRBANKS-WILLIAMS: Can I stop you just a  
7 second? You had asked him for a one-page skipper that they  
8 could use if they have to go on the Hill. Nancy had said  
9 something about it. If they mail out proposed criteria, but  
10 that's still not a fast one or two pages of -- I think we  
11 should have that.

12 MR. ASKEW: Do both?

13 MR. TULL: Yes, I understand the request to be  
14 both.

15 MR. ASKEW: Would you like to see the whole package  
16 as well?

17 MS. FAIRBANKS-WILLIAMS: No, but I think that the  
18 rest of them want the one or two pages to just carry with  
19 them.

20 MR. ASKEW: Right.

21 MS. ROGERS: I don't know how rigid the agenda is.  
22 There is one sort of discussion topic I wanted to throw out.

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1 I've been, over the last year, really trying to think through  
2 the question of dispute resolution in legal services. And I  
3 know that there are a couple of folks looking at it and I  
4 have talked to them. Mike Lewis is working on a working  
5 group and I've talked to him not recently but a month ago.  
6 And Linda Singer on the other committee of the ABA section on  
7 dispute resolution focuses on legal services.

8 And I think I mentioned yesterday that Tom Weeks  
9 from Ohio was doing this interview nationally about -- with  
10 legal services folks as to their views on it. And I -- my  
11 own view in thinking over this is that there is no regulatory  
12 response we ought to make; that just as private attorneys  
13 shouldn't be told when to use dispute resolution, legal  
14 services lawyers shouldn't be told when to use it in a  
15 directive way because there are times when it's really not  
16 appropriate. It's something that you just need to develop  
17 expertise on when to use.

18 On the other hand, I think sort of like the private  
19 bar, the legal services bar isn't necessarily up to speed.  
20 Not, you know, to any greater -- they're not behind to any  
21 greater extent than the private bar, but it doesn't mean that  
22 there isn't more use of it that they could make that would

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1 result in their using their time for more clients a little  
2 bit more efficiently and sometimes getting a little better  
3 results.

4 And I guess I -- recently I've -- when talking  
5 about the budget and so forth coming up, I have been actually  
6 asked by people is there something positive that -- some  
7 positive changes in Legal Services Corporation that relate to  
8 the way lawyers represent clients; for example, are they  
9 beginning to use more dispute resolution processes.

10 And I don't know whether there is more going on  
11 than just those few things that I have mentioned. I know  
12 that the old board had a couple of grants and the last time I  
13 asked there hadn't been any reports in. I don't know whether  
14 there is any more thinking going on whether there is  
15 something we could be discussing at this point.

16 I don't think it goes much beyond training in terms  
17 of the implications for the national, so I'm not sure you  
18 need to fund any demonstration projects. It's really just  
19 whether lawyers incorporate this in their practice and it  
20 doesn't take a demonstration project to do that. So I just  
21 am throwing it out for a response, I guess.

22 MR. TULL: Well, I think the -- I think there is a

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1 set of issues that cluster around alternative dispute  
2 resolution at the macro and the micro level that we haven't  
3 gotten to but need to get to. One is, I mean, just the very  
4 question you ask, which is what is, in fact, going on.

5 My sense anecdotally from having known lots of  
6 programs over the years and visited them and talked with  
7 people is that there are pockets of places throughout legal  
8 services where alternative dispute resolution is a very  
9 active part of their work, particularly in domestic relations  
10 areas. And they work closely with local ADR components of  
11 the courts or more private, both formally and informally, in  
12 terms of referral of clients, as well as actually having a  
13 formal relationship.

14 There are other places where the courts themselves  
15 are, in their own sort of reform activities, are thinking of  
16 a variety of ways to use mediation and ADR and other  
17 approaches to dispute resolution as a way to facilitate their  
18 own operations. And legal services programs participate in  
19 those discussions in thinking about how those approaches can  
20 benefit low income people and make certain that they also  
21 aren't structured in a way which is detrimental to low income  
22 people.

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1           But, again, I think that tends to be on a case-by-  
2 case basis. It's not something that there's a coordinated  
3 strategy to encourage. I think one of the things that we  
4 need to do and the Legal Service Corporation can and should  
5 do -- and it's a question of when, not if -- is to first to  
6 much more methodically examine ADR and its use so we can  
7 answer the question what is happening, just as we are doing  
8 with private lawyers and the use of private lawyers to  
9 extract from the community -- that learning what we can about  
10 what's going on on both those issues, on both the  
11 participation and the forum of the court system issue and,  
12 specifically, what's happening because it's -- I think it's  
13 important that we -- that we communicate back to our field  
14 programs the benefits, the opportunities, the risks.

15           And it's certainly an area in which there is an  
16 expansion of focus on it for a number of reasons. And if  
17 we're not ahead of the curve on that in terms of how it  
18 affects our clients -- and I say we, I mean programs at a  
19 local level -- we're going to lose an opportunity, I think,  
20 or else be playing catch-up with a system that really is not  
21 designed to benefit our clients.

22           MS. ROGERS: There are a couple of -- just as

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1 you're saying, a couple things that occur to me. One is I  
2 know that in this journal that I co-edit we ran an article  
3 about a program in California in which the legal services  
4 program convinced the private dispute resolvers to donate  
5 their time when legal services clients were the parties. And  
6 I can send you a copy of that.

7 But that's something that I know from talking to  
8 mediators they are quite willing to do. It's often they're  
9 willing to do some pro bono work, but if they are mediating  
10 most of the time they don't feel like they are up to speed in  
11 a lot of the areas in which they would be actually  
12 representing clients. But they would be quite willing to  
13 donate their time as mediators because that's something they  
14 do all the time and, therefore, could do it fairly  
15 efficiently.

16 And it might make it possible for legal services  
17 lawyers, like others, to pick from the best of the mediators  
18 when they are involved in a dispute without concern about a  
19 possible fee.

20 So it might be that that together with -- I know  
21 that programs -- there are scattered programs that Tom Weeks  
22 will write about in this article that it might be interesting

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1 to hear about and maybe, you know, when there is something  
2 the corporation is sending out just about stories about  
3 what's going on to include that would be a good thing. And  
4 we can clip it and use it when we're doing stories.

5 But one other thing I noticed that when we were  
6 touring the consumer law center, that the consumer law center  
7 has been involved in several Reg. Negs. and has been at the  
8 table and participated in that process.

9 And I think that that is a little different than  
10 perhaps the public's perception, which may be that the legal  
11 services lawyers simply wait until it's over to become  
12 involved, but to indicate that where there are these  
13 processes going on that are consensual processes that are  
14 there at the table participating I think would be another  
15 good thing.

16 MS. FAIRBANKS-WILLIAMS: Do you have copies of  
17 those grants that she spoke about, the reports of grants?

18 MR. TULL: The grants are -- I'm not sure what  
19 you're referring to -- are probably the migrant ADR projects,  
20 which I'll have to check to see what the status is on them in  
21 terms of reporting or not.

22 I have had a conversation with the person in charge

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1 of them and with Mike Lewis, actually, who did some work with  
2 in a meeting some months ago with all of the project  
3 directors to help them jump-start their activities because  
4 the grants -- a problem with those grants is it's an effort  
5 to use ADR in a circumstance where it may be beneficial but  
6 it's the hardest community to set it up in because it's in a  
7 community where there is very -- there tend to be very  
8 difficult disputes.

9 And if we were doing it in order to really test out  
10 ADR and to encourage it, we ought to start in a place where  
11 it's easier to sow the seeds and watch them grow than to sort  
12 of restart it trying to grow seeds in the desert. And we  
13 haven't quite gotten -- you know, building -- planting roses  
14 in the --

15 MS. FAIRBANKS-WILLIAMS: I was wondering if it  
16 would just be something that we might want to report on the  
17 Hill as having --

18 MR. TULL: Well, we certainly will look at -- your  
19 question will more than nudge me to go back and find out the  
20 status and see what --

21 MS. FAIRBANKS-WILLIAMS: See what kind of a report  
22 you can come up with.

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1 MR. TULL: Yeah.

2 MR. ASKEW: The program that you wrote about in  
3 your newsletter, was that the bay area program, Lauren  
4 Hallinan's program that had the JAMS?

5 MS. ROGERS: Yes.

6 MR. ASKEW: There was a JAMS nationally offered to  
7 make available like a million dollars worth of free ADR  
8 services through their member offices around the country, and  
9 they set up an advisory board. They put me on the advisory  
10 board and they met in New York City during the ABA convention  
11 of 1993 and I was not able to go because it conflicted with  
12 another meeting.

13 As far as I know, it hasn't met again. I'm not  
14 sure but I wondered. Do you know if that, the JAMS project,  
15 has had any success in the last year?

16 MR. TULL: I don't.

17 MR. ASKEW: I haven't heard anything about it.  
18 Okay, that's something I may need to follow up on because --

19 MS. ROGERS: I wonder if legal services programs  
20 know about that offer and that they can take advantage of it  
21 nationally.

22 MR. ASKEW: They did a mailing, I think, and they

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1     tried to get some publicity through the MIE. I think they  
2     had an article in the MIE newsletter and some other things,  
3     but I haven't heard anything about it in the last nine months  
4     or so, so I don't know if anything has developed.

5             MR. TULL: I just remember hearing about it and  
6     being shocked and dismayed that we had to get another acronym  
7     to our overtaxed lexicon.

8             MR. ASKEW: In terms of the January meeting of the  
9     committee, is there anything on this whole set of issues that  
10    the committee needs to either hear about or discuss having to  
11    do with peer review, monitoring, evaluation, complaint  
12    investigation, any of those set of issues in January?

13            MR. TULL: I think not. The discussion yesterday  
14    pegged reports on both those into later board meetings, March  
15    and May. But I think in January, certainly if you would like  
16    an update, we certainly can do it.

17            But peer review, we will still -- we'll just be in  
18    the -- right in the middle, literally, of the first round  
19    because most of the January peer visits are scheduled for the  
20    latter two weeks in January so there will not be much to  
21    report other than we're out and beyond what I reported about  
22    yesterday in the course of the planning process.

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1           And compliance, I think we had talked -- the  
2 discussion yesterday had been for a report on compliance in  
3 March because at that point the on-site visit compliance  
4 visits will have been designed and tested and we should be at  
5 the first stages of implementing them so a report will be  
6 untimely for them. Probably not January.

7           MR. ASKEW: Nancy or Edna, do you see any other or  
8 think of any other items that we need to bring before us in  
9 January that we haven't?

10           MS. ROGERS: No.

11           MS. FAIRBANKS-WILLIAMS: No.

12           MR. ASKEW: Okay, March. March will be a busy  
13 meeting, it sounds like.

14           MR. TULL: Well, of the things that are provisions,  
15 there were a number of items which were talked about  
16 yesterday which were board items that I had in addition to  
17 the list that I have here. And I may have missed some  
18 because it seemed like there were more than the four I had  
19 here, but I think there were other areas but you may -- your  
20 notes may correct me on this.

21           We had several reports. The first was a report on  
22 technical assistance and the second was the report on support

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1 and the report yesterday indicated that there is two tracks  
2 with the support, one of which is the set of action on the  
3 monies which were set aside in the December meeting.

4 MR. ASKEW: I had that down for June.

5 MR. TULL: Well, June was the report on the study  
6 of national support and allocation of monies among existing  
7 centers. The resolution that the board adopted in December  
8 had two -- actually, had three pots of money but they break  
9 out into two categories.

10 One was allocation of monies among the existing  
11 centers, and that would be reported on in June. The other  
12 was money for unmet needs and for coordination and  
13 collaboration, and that we would expect to have a report to  
14 you on in March.

15 The third area was compliance oversight, and the  
16 fourth was client engagement.

17 MR. ASKEW: That compliance oversight would be just  
18 a report from staff?

19 MR. TULL: Yes.

20 MS. ROGERS: When you say client engagement, I  
21 notice that Alex used it -- client engagement and self-help.  
22 Is client engagement short for client engagement and self-

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1 help?

2 MR. TULL: Well, I think the -- one of the  
3 compelling objectives that led to the recommendation for in  
4 the '96 mark an inclusion of money for client engagement and  
5 this year the seven hundred and some thousand dollars that  
6 was earmarked for client engagement was to accomplish an  
7 objective of assisting clients to find ways to help  
8 themselves and become self-proficient in identifying and  
9 solving their own problems.

10 Client engagement, I think, is a term which  
11 encompasses a number of activities. One of the principle  
12 goals, though not the sole goal, is that.

13 MR. ASKEW: You may have blocked this, John, but I  
14 think Alex, your president, committed you to a report on the  
15 elderly at the March meeting, or maybe the president is going  
16 to make that report.

17 MR. TULL: Yes, you're correct.

18 MR. ASKEW: And that -- I assume that's a  
19 discussion of what do we want to request in 1996 for a new  
20 initiative around the elderly, not anything that we would be  
21 doing in '95.

22 MR. TULL: Well, there may be a '95 strategy. I

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1 believe one of the things which there has been some  
2 discussion with HHS around is working with the Administration  
3 on Aging directly with their office, which was done when Paul  
4 Litterman was placed there by the corporation to coordinate  
5 activities to address legal problems of older persons.

6 And there has been some -- there has been a meeting  
7 with the head of the office at HHS that would be responsible  
8 for that and some preliminary discussions about that as a  
9 possibility. So I think, among other things, the president  
10 probably was thinking that we would have some report that  
11 either seemed to be a worthwhile thing to do and to advise  
12 you of that, or that it appeared not to be for whatever  
13 reason.

14 MR. ASKEW: Mr. McAlpin was telling me yesterday  
15 for the benefit of the project directors from Missouri that  
16 are among the audience here in the room that a AAA, an Area  
17 Agency on Aging, in Missouri has now requested from the IOLTA  
18 board that IOLTA funds be given directly to the AAA.

19 And I know that in Mr. Teitlemen's case in St.  
20 Louis, you are the recipient of AAA funds; is that right?

21 MR. TEITLEMEN: As is Mr. Haliburton.

22 MR. ASKEW: As is Mr. Haliburton. But there is a

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1 very mixed record even within the State of Missouri that  
2 clearly nationally on whether legal services programs are  
3 participating with AAAs, receiving funds, or whether the AAAs  
4 are even using the funds that are set aside.

5 MS. FAIRBANKS-WILLIAMS: Ours are contracting with  
6 our legal aid for services that they want. Our AAA are --

7 MR. ASKEW: I know there are some programs that  
8 have very good relations and some programs have no relations  
9 at all, and some AAAs that aren't spending the funds that I  
10 think they're statutorily required.

11 But it was, I guess I could say worrisome to me,  
12 that here that a AAA might be competing with legal services  
13 for IOLTA funds within a state, which I think was not  
14 anticipated by anyone.

15 But that is something where I think some  
16 coordination at the national level could probably be very  
17 helpful to local programs if the area agency in Washington or  
18 in the national office would help send messages to the local  
19 area about what was intended statutorily.

20 MR. TULL: I think they are very interested in the  
21 information we can provide them about how best to set up  
22 programs to use Title III monies on a local level. Often

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1 what happens is there is not a certainty about the best use  
2 to make of the money. It's not very much money in many  
3 counties because it's a percentage and it's an optional  
4 service. It's a mandatory service but the amount is not  
5 mandatory.

6 MR. ASKEW: Suggested to be five percent; is that  
7 right?

8 MR. TULL: I think that's -- was that the -- it  
9 used to be that. I don't know.

10 MR. TEITLEMEN: One percent.

11 MR. ASKEW: One percent?

12 MR. TULL: It's gone down.

13 MR. TEITLEMEN: It's not the whole budget. One  
14 percent of 3(d).

15 MR. ASKEW: So in many counties it's a minuscule  
16 amount of money.

17 MR. TEITLEMEN: That was one of the concerns in  
18 Missouri because I know that Dick and I are probably at the  
19 one percent or above the one percent in some situations we  
20 pursue a little too far. You say, great, you know, the one  
21 percent. I mean, that's part of the insurance as well.

22 But Mr. McAlpin, as always, prepared an eight-page

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1 memo which he distributed the IOLTA that really crystallizes  
2 all the issues. It's certainly usable to anyone in the  
3 field. It's a superb memo, well researched.

4 MR. ASKEW: It will be useful if this became an  
5 issue before the IOLTA commission or just useful generally.

6 MR. TEITLEMEN: I was concerned when they gave the  
7 money to this IOLTA. IOLTA gave the money for this trip  
8 away. The word will travel very quickly to all AAAs in the  
9 country that it's a source a funds.

10 MR. ASKEW: And he identified -- that was Richard  
11 Teitlemen from St. Louis, director of the program. That's  
12 fine.

13 Okay, well, that's five issues for March that I've  
14 got. Anything else? Did we miss anything? I was just  
15 looking through my list from yesterday and I don't -- the law  
16 schools, it would be too soon to talk about law schools for  
17 '96 in March. That's more likely to be a later board  
18 meeting; is that right?

19 MR. TULL: Well, law schools, we have a preliminary  
20 recommendation on. We have a preliminary recommendation in  
21 January and then whether we would -- there would be further  
22 discussion in March, I think, is a -- will be a function of

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1 what those recommendations are.

2 MR. ASKEW: For the '95 funding?

3 MR. TULL: Right.

4 MR. ASKEW: Okay.

5 MR. TULL: There is a possibility that for March  
6 the veterans grant issues would be, again, depending on the  
7 degree to which it appears possible and prudent and  
8 appropriate and all those things to -- for us to begin to  
9 take on some of the costs of administering that grant.

10 MR. ASKEW: Okay.

11 MS. FAIRBANKS-WILLIAMS: And if we do take on the  
12 costs of administering that grant or whatever, I would like  
13 to know exactly what the service is that we're providing. I  
14 would like a breakdown of exactly what we're doing to see if  
15 it's a duplication of something else.

16 MR. TULL: Okay.

17 MR. ASKEW: Who on your -- someone on the staff who  
18 has been very active --

19 MR. TULL: Chris Sundseth is the person who is --

20 MR. ASKEW: Right.

21 MR. TULL: And it's a grant which is administered  
22 in an usual way because it's not Legal Services Corporation

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1 monies. It's an appropriation for the veterans law pro bono  
2 project in which the veterans -- the court of veterans  
3 appeals is kind of a co-partner although we are the  
4 administrator of the grant. So Chris is responsible for sort  
5 of serving as liaison to the court and among the various  
6 grantees. Because it's an unusual arrangement --

7 MS. FAIRBANKS-WILLIAMS: But if we service the  
8 grant we are responsible for it, so we should know what's  
9 going on.

10 MR. TULL: Oh, yes, absolutely. No, that's  
11 absolutely --

12 MS. FAIRBANKS-WILLIAMS: And I don't think we know  
13 enough of what's going on.

14 MR. ASKEW: I'd love to have Judge Steinberg call  
15 up and explain to her.

16 MR. TULL: I met with Judge Steinberg just the  
17 other day for several hours.

18 MR. ASKEW: Let me ask you this. Alex raised the  
19 issue yesterday of fundraising and we didn't talk  
20 specifically about a timetable for that or where any funds or  
21 support would come from within the corporation if there were  
22 an effort to support the fundraising effort among programs.

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1                   Would you consider that to be one of the unmet  
2 needs in support and could be included in that group of  
3 issues around unmet need, or is that different, not to be in  
4 that cluster of issues?

5                   MR. TULL: Well, there is differing views on that,  
6 as you might guess, from the delivery working group. But the  
7 delivery working group and we have consistently taken the  
8 position that the term "unmet needs" refers to unmet  
9 substantive needs in terms of the focus of the monies which  
10 the board set aside.

11                   There is a recognition that there are unmet needs  
12 in the delivery system and at a support level that include  
13 management issues as well as fundraising and resource  
14 leveraging issues and that they need to be attended to.

15                   But there is, in terms of priority, for the monies  
16 in national support and the state support line item that they  
17 really -- the intent of those is to go to addressing the  
18 needs of legal substantive legal needs of clients and that's  
19 the road that we've been proceeding down.

20                   But not -- by proceeding down that road, not  
21 saying, therefore, we are going to ignore the importance of  
22 the other issues but just feeling that we need to look

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1       somewhere else for the resources to address this.

2               MR. ASKEW: So this would more likely be a '96  
3 issue than a '95 issue in terms of any support we can give to  
4 the fundraising effort?

5               MR. TULL: Well, it certainly is a major -- not a  
6 major. It is a significant portion of the proposed '96  
7 budget mark of which there would be discussion of later. And  
8 so the capability of addressing significant resources to the  
9 fundraising needs of the delivery system will be in '96.

10               There may be a possibility in '95 of providing some  
11 assistance. We have some unallocated money in the basic  
12 field line item which is available for -- I mean, it's a  
13 small amount of money and we husband it carefully, as you  
14 might guess, to try to use it for projects that are -- will  
15 be of benefit for the entire system, not just in an  
16 individual program.

17               And the possibility of some of that monies being  
18 available for fundraising is certainly there, although it  
19 competes among a lot of needs. And we just haven't --

20               MR. ASKEW: Gotten to that stage.

21               MR. TULL: -- really looked at that issue in a hard  
22 way in terms of need, cost, and available resources.

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1 MS. ROGERS: It's a related item but not really a  
2 funding item, but more of a staff item. And I don't know at  
3 what point the staff will be at a high enough level that we  
4 can respond.

5 But I have been impressed that in two different  
6 meetings with different sets of project directors and a  
7 meeting that I had with the staff, one whole project, this  
8 came up in each one of them that they wished there were  
9 somebody on the LSC staff who was systematically looking to  
10 see whether bulk purchase or bulk consulting on particular  
11 items that came up consistently would be possible when they  
12 mentioned everything from computer research purchase to  
13 various kinds of fringes, whether if there were a national  
14 approach that a program could opt into. If it were organized  
15 nationally there would be some efficiencies of scale that  
16 would be possible.

17 Two, somebody who would clip things that came up in  
18 every program that really were just management things like  
19 how you deal with burnout of computer operators and other  
20 management related issues that were new to management in all  
21 sorts of small offices and could simply be clipped and sent  
22 in to them.

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1 I don't think that's really a board issue in the  
2 sense of there is any policy involved. I just pass it on to  
3 you as a consistent suggestion that I keep getting that seems  
4 like a sensible one. It may be that there is somebody  
5 already looking at it and maybe we don't quite have the staff  
6 to do it, but if we can it seems like a sensible suggestion.

7 MR. TULL: Well, we -- I think it is a sensible  
8 suggestion and one that we haven't acted on for reasons of  
9 staffing. But as we staff up with program officers and  
10 undertake a couple other initiatives which will lead to a  
11 capacity to respond to the suggestion as we develop a  
12 communications strategy, a piece of that will be  
13 communication to the field about a whole range of things and  
14 the notion of significantly improving our capacity to store  
15 and find and use the information that we have within the  
16 corporation will allow us to, on your suggestion of clipping  
17 stories and getting them out, that we don't have a capability  
18 of doing that now, not just because of staffing but because  
19 the way that information is kept is so primitive it would be  
20 hit or miss to be able to do that effectively. But that  
21 we're moving resolutely to fix.

22 And the fixing of it will allow sending out of that

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1 information in a variety of ways, including one of things  
2 that we're -- we've had conversations with field  
3 representatives who are interested in technology issues is  
4 developing a capability for a folder on Handsnet to send  
5 information like that where it can be downloaded by modem  
6 instead of us, you know, stamping envelopes and sending it  
7 out in a much more expensive way.

8           And on the bulk purchasing of the -- again, there  
9 is two pieces of that. One is the computers, specifically  
10 computers and Lexus and Nexus and, you know, all of this  
11 various software, et cetera, as well as technology. And  
12 we've been nudged by some of the field organizations that  
13 wrestle with computer issues, the hackers, to think about  
14 that.

15           And as we staff up with program officers one of the  
16 questions on our plate will be how to use the program  
17 officers to deal -- a program officer or part of a program  
18 officer to deal with issues around technology, one of which  
19 would be that.

20           Sort of a national benefits package is something we  
21 spoke about yesterday, and it's probably a Fall issue in  
22 terms of just when we can get to it, but it's certainly

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1 something that -- there is some discussions going on now.

2 I think I mentioned it that one of our staff  
3 members did meet with a board member and I think a staff  
4 member of NEBO, which is the national benefits organization  
5 that exists now. And it was much more of a courtesy visit.  
6 It's not any planning going on but it was for them to apprise  
7 us of what they're doing and what their thoughts are and just  
8 to begin to make a connection that might be beneficial in  
9 time.

10 MR. ASKEW: Some of these fall into technical  
11 assistance sorts of issues also in terms of being able to  
12 assist programs. If my memory is correct, I think the  
13 corporation made efforts back in the late '70s to do some  
14 bulk purchase arrangements or enter into national contracts  
15 with suppliers to provide legal services programs paper at a  
16 reduced cost or furniture at a reduced cost or whatever.  
17 We'd have to look back and see. My memory is that didn't  
18 work too well for some reason. I'm not sure why but --

19 MR. TULL: It may be the savings were just  
20 not -- there is so many discount ways that that's discounted  
21 that maybe that the savings isn't that great in comparison  
22 with the --

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1 MS. ROGERS: And that different places cost --

2 MR. ASKEW: Yes, and shipping it, or there is no  
3 supplier that has offices everywhere that would be  
4 convenient. That sort of thing. But it's certainly worth  
5 exploring when there is the opportunity to do it.

6 Is that it for March? Can we think of anything  
7 else?

8 (No response.)

9 MR. ASKEW: It looks manageable to me. Maybe June  
10 will be the one that -- why don't we -- it's a little more  
11 ambitious than I thought, but why don't we see about June,  
12 the June meeting, because I do see some things on here that  
13 we discussed yesterday that will be ripe for June, assuming  
14 that's the schedule we adopt later today is a January, March,  
15 June schedule.

16 Have you gotten that far in your thinking, John,  
17 about what would be coming up in the summer?

18 MR. TULL: Well, there is two things which we -- I  
19 think, actually, we talked about June in the meeting. I  
20 think it's actually likely to be a May meeting because if the  
21 meetings are every other month June would be a month we would  
22 skip.

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1           So assuming that's a correct assumption, we talked  
2 about a report on the performance accountability performance  
3 evaluation process current status, and the second was the  
4 report on support, the longer range support issues.

5           MS. ROGERS: And by that you're talking about  
6 support of staff?

7           MR. TULL: Support of the --

8           MS. ROGERS: Of the national --

9           MR. TULL: -- national state support and,  
10 particularly, the look-see at the support, our current  
11 national support system and a set of decisions about  
12 allocations of funds among the existing centers.

13           MR. ASKEW: Now, training, recruitment, retention,  
14 was discussed yesterday. Was that added to the list for that  
15 meeting?

16           MR. TULL: Well, training is a part of -- will be a  
17 part of the support report because it is one of the functions  
18 that is identified as a support function at both the state  
19 and a national level. And certainly part of the discussion  
20 will be a coordinated training agenda how to kind of work  
21 toward more integrated approach to training.

22           And recruitment and retention, I think we had

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1 talked about yesterday that being an issue which has a number  
2 of faces which show up in different places. The degree to  
3 which sort of program quality affects it that that really is  
4 part of the performance evaluation, the degree to which some  
5 of the issues like a benefits package which is national in  
6 scope which makes it more attractive for someone to come and  
7 work at a legal services program and a pension plan, that  
8 sort of thing. I think we talked about that as a Fall issue.

9 MS. ROGERS: I think there was a communications  
10 part of it, and I don't know whether you -- sort of  
11 recognition communications.

12 MR. TULL: That was the other part. I knew there  
13 was -- right, right.

14 MS. ROGERS: But June might be a good point at  
15 which to have a target of discussing what that program would  
16 be.

17 MR. TULL: What is happening.

18 MS. ROGERS: Because I assume communications will  
19 be busy in the first few months just gearing up. And at that  
20 point maybe it could focus back out in the field and I  
21 thought some of the suggestions you had were good. Someone  
22 mentioned to me that -- one project director, that staff had

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1 missed the recognition of service, just that it was 25 or 30-  
2 year service. It wouldn't have occurred to me anyone would  
3 miss that but my --

4 MR. TULL: We hold on to very small awards in this.

5 MS. ROGERS: But to think about if we want to  
6 replace that with something we think might be as much or more  
7 meaningful than that. Maybe by June you could have a person  
8 involved in communications thinking about that.

9 I think about communicating what I think to be a  
10 real level of professionalism, commitment, and sacrifice  
11 among those who serve in the field. I think it's just a  
12 story that needs to be told again and again just being  
13 recognized.

14 MR. ASKEW: I think we had discussed yesterday that  
15 perhaps by what I was then referring to as the June meeting  
16 but it's really going to be a May meeting, is beginning a  
17 discussion about law schools for '96 in terms of what we  
18 might be suggesting to the Audit and Appropriations Committee  
19 would be an appropriation request, piece of the request for  
20 '96 and are we going to change our approach in '96 from what  
21 we're doing in '95.

22 MR. TULL: Well, we will have been in terms of the

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1 '96 appropriation the time for a discussion about what we  
2 would request would be earlier than June because we at that  
3 point will probably finish the hearings.

4 MR. ASKEW: Well, they may in terms of a dollar  
5 figure -- well, you're right. I mean the dollar figure would  
6 already be in the appropriation request. But in terms of do  
7 we want to change the emphasis of the use of that money to go  
8 more along the lines of some of the things Nancy has  
9 suggested --

10 MS. ROGERS: I'm not suggesting anything in the use  
11 of the money.

12 MR. ASKEW: Okay.

13 MS. ROGERS: I'm abstaining.

14 MR. ASKEW: Okay.

15 MR. TULL: I think the question of as we look at  
16 the delivery system broadly and all these -- many of these  
17 items are part of what Mr. Quatrevaux described yesterday as  
18 a bottoms-up look at the delivery system, which he felt was  
19 appropriate and timely and helpful, I think, that the range  
20 of initiatives that may respond to that ought to be quite  
21 broad.

22 And one certainly would be what I think could

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1 relate to what has been in the past a fairly narrow focus of  
2 law school, relations with law schools to just clinics. And  
3 the delivery working group and the meeting which was held  
4 last March of persons from law schools -- it was occasioned  
5 by the law school clinic question but it led to a much  
6 broader discussion about relations between legal services  
7 providers and law schools, as well as law school clinics  
8 around a set of thing which should be beneficial to both to  
9 clients and also to law schools.

10 That, I mean, just sort of roots that are back  
11 there last March may still have some tendrils that are  
12 spreading in terms of some thoughts about things that we  
13 might do.

14 Whether that is something to set now as an agenda  
15 item, it strikes me as maybe one that may as we kind of  
16 wrestle with some of the issues and have a better sense of  
17 the landscape we're in, that that may be an appropriate one  
18 to add but it may be premature to say now that --

19 MR. ASKEW: For today's purposes we don't need to  
20 put it on the list, I would think. As we go through January  
21 and March, we'll see.

22 MS. ROGERS: There's one thing that one idea just

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1 to throw out, and I don't know if it's a good idea. But we  
2 had talked about burnout as one of the problems way back, and  
3 I wonder if a program in which sometimes legal services  
4 lawyers come and work at the corporation might not be  
5 something to consider.

6 I know that in the law school field there is a  
7 program in which people take a year's leave and spend a year  
8 at the Association for American Law Schools. And so one  
9 staff position is a rotating position filled always with  
10 faculty members who come in, if I understand correctly what's  
11 going on there.

12 And I don't know whether such a thing would be  
13 useful to the corporation. If it would, it does have that  
14 side benefit that it's a way, a kind of a renewal system for  
15 lawyers in the field.

16 Again, if this were a regulator and, therefore,  
17 we're got to figure out the conflict of interest issues but  
18 it seems to me that they probably are surmountable as long as  
19 someone gives it some thought how you deal with those. So  
20 just another --

21 MR. TULL: It's an interesting idea. I think the  
22 conflict issue is quite manageable.

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1           MR. ASKEW: Especially if that person is working on  
2 the technical assistance side or program relations side  
3 that's not related to compliance review. I think it's a  
4 wonderful idea, both in terms of value to the corporation,  
5 sort of keeping in touch with field issues and how field  
6 people are responding to some of these things.

7           You have someone there who is recently from  
8 that community but also in terms of it also could be a  
9 recognition -- part of the whole recognition idea that you  
10 proposed. It could be reward or some kind of -- to do that.  
11 It's a good idea.

12           Anything else for June?

13           MR. TULL: No, that completes my list.

14           MR. ASKEW: Given the schedule, my initial reaction  
15 is I don't see that we will need to have committee meetings  
16 in between board meetings. I mean, we don't have to commit  
17 to that today, obviously, but it doesn't seem to me that --  
18 this is a manageable schedule, it looks to me, to be done in  
19 January, March, and May.

20           And other committees may have more pressing needs  
21 but at least for us I think we can -- I don't see any reason  
22 for us to hold in-between meetings unless John, of course,

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1 feels that he needs to have the committee gather to provide  
2 him guidance. But beyond that --

3 MR. TULL: I will advise you as soon as I do.

4 MR. ASKEW: I think this is a very workable  
5 schedule and I'll report this to the board this afternoon  
6 this is what our current plan is, obviously subject to  
7 amendment depending on how things develop in the first couple  
8 months of the year.

9 But this looks to be covering all the things that  
10 came up yesterday and a workable schedule, both from our time  
11 but also in terms of the needs of the corporation in terms of  
12 timing to get decisions made to move the goals and objectives  
13 along that we discussed yesterday.

14 It's a lot of work though, John, so I hope you get  
15 some program officers on staff. You guys really need --

16 MR. TULL: Well, me too, Mr. Chairman. I think  
17 we're going to and I'm looking forward to it. I thought when  
18 Nancy suggested we have someone come in from the field to  
19 help avoid burnout I thought she was talking about us.

20 (Laughter.)

21 MR. ASKEW: Well, we heard a brief comment  
22 yesterday that -- and you don't need to be specific about

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1 this, but that you are pleased with the pool of applicants  
2 for the program officer position.

3 MR. TULL: Quite.

4 MR. ASKEW: It looks like that that is on target  
5 to -- that help is on the way, it sounds like.

6 MR. TULL: Yes, very strong pool.

7 MR. ASKEW: Great.

8 MS. FAIRBANKS-WILLIAMS: So when you hire these  
9 people you will mail us a small bio of each one?

10 MR. TULL: Yes, that's an excellent idea. Thank  
11 you. And we will.

12 MR. ASKEW: Rick.

13 MR. TEITLEMEN: Rick Teitlemen. I would think in  
14 the same context if the Legal Services Corporation staff at  
15 some point wanted to rotate into programs, especially if it  
16 were going to have the same experience as John and Martha and  
17 others, that would be very welcome. I'd love to have --

18 MS. ROGERS: Do a switch.

19 MR. TEITLEMEN: Get to the real -- I mean, a  
20 different perspective.

21 MR. TEITLEMEN: That would be a real opportunity  
22 for some of our staff who haven't had an opportunity to

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1 actually see programs except through the narrow lens of the  
2 previous process and are quite anxious to and really would  
3 broaden their horizons in a way they would welcome.

4 MR. ASKEW: Would they be covered by your  
5 malpractice policy, Rick?

6 MR. TEITLEMEN: We've got the pro bono attorneys.  
7 Everyone is covered.

8 MS. FAIRBANKS-WILLIAMS: One of ours switched to  
9 the -- for a part of the year to the law school clinic, one  
10 of our lawyers to teach down there.

11 MR. ASKEW: Great, okay. John, is there anything  
12 else that you know that needs to be brought to the attention  
13 of the committee?

14 MR. TULL: I don't believe so. I think the  
15 planning session yesterday --

16 MS. FAIRBANKS-WILLIAMS: We've given you enough  
17 work for March?

18 MR. TULL: I think I'll have enough to do. If I  
19 don't, I think I'll call up for sure and ask for more.

20 (Laughter.)

21 MR. ASKEW: The last item on our agenda is to  
22 consider and act on any other business. Does any committee

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1 member have any business you would like to bring before the  
2 committee?

3 (No response.)

4 MR. ASKEW: Any comments from the audience? Dick,  
5 I understand you have done some peer reviewed, haven't you?

6 MR. HALIBURTON: I have.

7 MR. ASKEW: This is Dick Haliburton from the Legal  
8 Aid out of western Missouri. Would you like to make a  
9 comment or two about that?

10 MR. HALIBURTON: Well, I participated in the first  
11 half of the comparative demonstration project. In talking to  
12 John, I guess it may contain the second half. But I found --  
13 and also in the first -- well, the first demonstration  
14 projects review standards so I've been to five programs, I  
15 guess, altogether.

16 And from a program director's point of view, I have  
17 found the experience to be just extremely enlightening and  
18 helpful to me. In my almost -- I think almost universally  
19 regard of the peer reviewers by the programs that we have  
20 been to has been positive.

21 People, staff, many staff that we've talked to  
22 said, "Gosh, we have never talked to a monitor before. I

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1 mean, nobody has ever come to this office. This is great.  
2 We can actually tell you about our cases." That sort of  
3 thing.

4 So I think that, all in all, the program has been  
5 very valuable. There are some bugs. I know they're being  
6 worked out and I'm sure will continue to be, but a very  
7 positive experience from both sides, I think.

8 MR. ASKEW: Great. Yes, Rick.

9 MR. TEITLEMEN: One of my staff attorneys was a  
10 peer consultant in Wisconsin and he -- it's interesting. He  
11 came back with a better realization what it is to be a  
12 director and what it is to monitor a program that he wouldn't  
13 have had in our own program. He'd see one program.

14 And he really had a good feel for outstanding  
15 programs throughout the country, the ones he looked at, and  
16 but also from a staff perspective to have a sense of what it  
17 means to manage a legal services program and what it's about.

18 MR. ASKEW: So if your colleague project directors  
19 ever asked you if it would be of utility to allow your staff  
20 or to make time for your staff to go on a peer review visit,  
21 would you encourage them to do that? I mean, it's in the  
22 program's interest to do that?

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1 MR. TEITLEMEN: I think they did ask. I mean we  
2 paid for his time. I don't know that we paid for his  
3 transportation -- I don't think so -- to Washington. But it  
4 was requested, do you want to -- will you pick up some of the  
5 costs, and we said absolutely.

6 MR. ASKEW: But if you got a call from a program  
7 director in Indiana who says they're asking me to allow my  
8 litigation director or my managing attorney to go, would you  
9 tell them absolutely?

10 MR. TEITLEMEN: Absolutely. It's a benefit to the  
11 program directly. Direct benefit.

12 MS. ROGERS: It really is good news to hear that.

13 MR. ASKEW: Yes, it is important. And I think  
14 because it will be directors who will have questions about  
15 can I free up this person's time or this is a benefit to the  
16 program he or she is going to see, but is there any benefit  
17 to this program that we can justify this. And it's important  
18 to hear that, yes, there are benefits.

19 MR. TEITLEMEN: You bring new ideas back to your  
20 program. We learn from each other.

21 MR. ASKEW: Great. Did you have something else you  
22 wanted to say, Dick?

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1 MR. HALIBURTON: I was just going to let Nancy know  
2 that I guess in the sort of microsphere of ADR, we have a new  
3 program that was part of the Americor project, a new ADR  
4 program. And I know there are some other programs around the  
5 country, some other ADR programs dealing with domestic cases,  
6 but that is what ours is doing.

7 And so we have three new attorneys who are going to  
8 be -- who have been trained now as mediators we're sort of  
9 launching that project and hope to, depending on how it  
10 works, incorporate that into our program from here on out.

11 I've also been working with the local family court  
12 which established a new mandatory mediation program in our  
13 county so we may be taking on some additional kinds of  
14 mediation cases for them, maybe on a contract basis or  
15 something.

16 So, you know, I would be happy to keep you informed  
17 or whatever about how that's going, or you'll probably hear  
18 about it as the Americor projects -- working the projects.

19 MR. TULL: The Americor project participants were  
20 all sworn in the other night.

21 MR. ASKEW: I told Kathleen I was sorry I  
22 didn't -- that we didn't know they were meeting at the same

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1 time as the NLADA convention. I would have been nice if they  
2 could have come over and visited the board or if we could  
3 have seen or heard a little bit more about what --

4 MS. FAIRBANKS-WILLIAMS: Ernestine and I went to  
5 visit them over there.

6 MR. ASKEW: I heard Ernestine and -- Ernestine had  
7 them in tears.

8 MS. FAIRBANKS-WILLIAMS: Yes, she had -- well, that  
9 was in the afternoon at the Ramada. She did the training  
10 thing and then we went to the reception after that.

11 MR. ASKEW: Kathleen gave me a copy -- it's in my  
12 bag now -- of a publication I guess she had put out which  
13 listed every one of the volunteers, their backgrounds, where  
14 they were going. It's quite impressive to read. It might be  
15 interesting to send that out to the board members to read.

16 And maybe at some point in March or June if we have  
17 some time is to hear a report on that or think about maybe  
18 bringing in a couple of those volunteers to speak to the  
19 board. I think it's a real interesting, exciting sort of  
20 thing.

21 And I think I read something in the paper the other  
22 day that that's on the endangered species list, either the

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1 authorization or appropriation for Americor for next year may  
2 be in danger now. Hopefully, that's not the case and they  
3 will continue.

4 MS. ROGERS: I may have one question out of order.  
5 What has happened with the competitiveness project?

6 MR. TULL: Comparative demonstration project?

7 MS. ROGERS: Comparative demonstration project.

8 MR. TULL: We're -- this hasn't formally finally  
9 been decided by Alex, but what we're recommending to him is  
10 that the project continue but in a significantly modified  
11 way. There is not money in the budget to continue it in  
12 terms of the full -- the prize money.

13 In our submission to Congress last year for this  
14 year's budget included money to continue it, including the  
15 prizes, and that was not one of the things that the  
16 appropriations committee chose to -- committees chose to  
17 provide us money for.

18 What we have heard from the projects, however, is  
19 that -- I mean this isn't uniformly true because we haven't  
20 done a survey of all of them, but in informal interaction  
21 with the projects that are the competitors what we have heard  
22 is that they would like to have the benefits of feedback from

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1 the process and also several of them said they would also  
2 like to have someone come back and look and see the degree to  
3 which they have changed, improved.

4           Because of the design of the comparative  
5 demonstration project they were robbed of one of the benefits  
6 of peer review, which is they didn't -- they never had the  
7 opportunity sit down with peers and to interchange with them  
8 and get advice and strategize because that was viewed by the  
9 consultant who was the purist in terms of competition and the  
10 study of competition as being an inappropriate intervention,  
11 which I think is a right judgement in the context of a  
12 competition.

13           It certainly was frustrating to both the peers and  
14 to the programs who, you know, had this wonderful wealth of  
15 knowledge that was sort of present somewhere and, you know,  
16 said we ain't giving it to you; we can't let you see it.

17           So they wanted some way to get access to that and  
18 we will -- what we are proposing to do is do a second round  
19 of visits to use some or all of the team members from the  
20 first visit so they'll have the benefit of having seen the  
21 before and after. But my instinct is to perhaps have a  
22 couple of other people on the team who weren't there before

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1 because our teams are now more diverse than they were.

2 The people who did the comparative demonstration  
3 project peer reviewers tended to be project directors mostly  
4 and what we've done with more recent peer reviews is have  
5 many more managers, have client -- we've got administrators  
6 and to have that mix be available as well for the second  
7 visit, which seems appropriate.

8 MS. ROGERS: Were they promised a prize?

9 MR. TULL: No, they were -- the understanding was  
10 subject to -- they were paid at the beginning an amount of  
11 money. I think it was \$30,00, 20 to 30, I think.

12 MR. HALIBURTON: Thirty for the big programs and 20  
13 for the small ones.

14 MR. TULL: For the inconvenience of doing it. And  
15 then the agreement was that they would compete for the money  
16 subject to its availability in future appropriations.

17 MR. ASKEW: Any other questions, comments?

18 (No response.)

19 MR. ASKEW: John, I would say in closing I think  
20 the board yesterday was genuinely impressed with what they  
21 heard from you about the status of all of the work that's  
22 been going on in OPER and OPS and where things are headed.

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1           And we as the committee that's responsible for  
2 that, we appreciate the work you've been doing under the  
3 circumstances you've been doing it. We see help on the way  
4 in terms of other staff and other support for your work, and  
5 that will be a day I know you're looking forward to.

6           But I think we're in great shape with this and I  
7 think programs will see in the future that this is really a  
8 normative change in the way business has been done.  
9 Hopefully, we'll be much more helpful to them and ultimately  
10 the clients in terms of what our responsibilities are.

11           So just keep up the good work.

12           MR. TULL: Thank you. I do want to say that saying  
13 that help is one its way it not in any to underestimate and  
14 understate the value of and the importance and the tremendous  
15 effort that has gone in on the part of current staff. It's  
16 really been -- I mean this has all been accomplished not  
17 because of me but because people have really leapt to the  
18 breach and really committed themselves to making it work.

19           MS. FAIRBANKS-WILLIAMS: And they had to do so many  
20 different things at the same time.

21           MR. ASKEW: I hope you will report back to them  
22 that even though we don't see them, they don't attend our

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1 board meetings frequently and we don't know many of them,  
2 that we understand what they've been going through and the  
3 effort they've made and genuinely appreciate the way they  
4 have responded and the way they have handled all of this and  
5 the progress that's been made. And the board is quite aware  
6 of that and quite appreciative of it, and that they now hear  
7 that.

8 MR. TULL: I'll make sure that gets passed on.

9 MR. ASKEW: Please pass it on. Is there any other  
10 business before the committee?

11 (No response.)

12 MR. ASKEW: Is there a motion that we adjourn? The  
13 board meeting is going to begin at 11:00 downstairs. Motion  
14 we adjourn?

15 M O T I O N

16 MS. ROGERS: So moved.

17 MR. ASKEW: Is there a second?

18 MS. FAIRBANKS-WILLIAMS: Second.

19 MR. ASKEW: We stand in adjournment until our  
20 January meeting.

21 (Whereupon, at 10:40 a.m., the meeting was  
22 adjourned.)

**Diversified Reporting Services, Inc.**

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