

wjm

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LEGAL SERVICES CORPORATION

- - -

MEETING OF THE BOARD OF DIRECTORS

COMMITTEE ON PROVISION OF LEGAL SERVICES

- - -

Room 405  
Marvin Center  
George Washington University  
800 21st Street, N.W.  
Washington, D.C.

Friday,  
February 16, 1979

The meeting was convened, pursuant to notice, at  
10:06 a.m., MR. REVIUS O. ORTIQUE, JR., Chairman,  
presiding.

COMMITTEE MEMBERS PRESENT:

MR. REVIUS O. ORTIQUE, JR., Chairman

MS. CECILIA D. ESQUER

MR. RICHARD TRUDELL

MS. HILLARY RODMAN

MR. ROGER C. CRAMTON

MS. JOSEPHINE WORTHY

ALSO PRESENT:

MR. THOMAS EHRLICH  
Ex officio

MR. TERRY ROCHE

MR. EDWARD SPARER

1 MR. JAMES ROBERTSON  
2 MR. LARRY ECHOHAWK  
3 MR. TERRY HATTER  
4 PROFESSOR HAROLD WASHINGTON  
5 MR. WILEY BRANTON  
6 MR. ISRAEL GALINDO  
7 MR. ARTHUR LANG WONG  
8 MR. CLINT LYONS  
9 MS. AHN TU  
10 MS. MAXA BERID  
11 MR. GARY SINGSEN  
12 DEAN EDWAR CAHN  
13 MR. BERNIE VENNEY  
14 MR. WILLIE COOK  
15 MR. STEVE ENGELBERG  
16 MS. MARY LANIER  
17  
18  
19  
20  
21  
22  
23  
24  
25

202-234-4433

(202) 234-4433

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
1330 VERMONT AVENUE, NW  
WASHINGTON, D.C. 20005

(301) 261-4445

P R O C E E D I N G S

10:06 a.m.

1  
2  
3 CHAIRMAN ORTIQUE: On the record. I am not sure  
4 whose notion it was for us to have this meeting here. It  
5 wasn't the Chairman's, I can tell you that. But we are  
6 delighted that at least the majority of the persons who were  
7 invited were able to make it through the snow and ice.

8 We trust that you perceive of this as being a  
9 very worthy effort, including the fact that you did have to  
10 come through this difficult weather.

11 Someone reminded me that the board meeting is in  
12 Boston. I will make no further comments about that. You  
13 have received in the mail the agenda, and I want you to take  
14 a look at that while we talk about the persons who are here.

15 We do have members of the Advisory -- the Interim  
16 Advisory Committee of the Reginald Heber Smith program, and  
17 that is the Advisory Committee to the Dean. And we have with  
18 us the Director of the Reginal Heber Smith Program, Hap Wash-  
19 ington.

20 Hap, will you introduce to us the persons who are  
21 here who are on the Advisory Committee?

22 PROFESSOR WASHINGTON: We have today, of course,  
23 Dean Branton who is also on the Advisory Committee, Willie  
24 Cook from Neighborhood Legal Services in Washington, and Ed  
25 Sparer from the University of Pennsylvania, who is also a

1 consultant, I believe, today.

2 We were expecting some other persons, but they  
3 haven't shown up, as yet. We do have a couple of people who  
4 would like to speak to issues at some later point, who are  
5 in the audience.

6 CHAIRMAN ORTIQUE: Very good.

7 PROFESSOR WASHINGTON: And as consultants to the  
8 Board, Mr. Terry Roche, Mr. Ed Sparer, Jim Robertson. Mr.  
9 Echohawk, I don't know your first name.

10 MR. ECHOHAWK: Larry.

11 PROFESSOR WASHINGTON: Larry Echohawk, and Judge  
12 Terry Hatter.

13 CHAIRMAN ORTIQUE: Now, as has been mentioned, we  
14 do have the Dean of Harvard University's Law School, Dean  
15 Wiley Branton. Dean, we certainly are happy that you could  
16 be with us today. I understood you to remark this morning  
17 that you would not be able to stay with us all day, but  
18 certainly for as long as you are able to be with us, we would  
19 appreciate it.

20 Now, Mr. President, why don't you introduce your  
21 staff who are present with us?

22 MR. ECHOHAWK: Trent Lyons is here, the head of the  
23 Office of Field Services, and Eleanor is over here, who will  
24 help with your needs. I think that is everybody.

25 And, of course, the members of the Board, Roger

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 Cramton, our immediate past chairman, Steve Engelberg. To  
2 my far right Jo Worthy, and next to her, Dick Trudell, and  
3 itinerant student in Spain, Cecelia Esquer. And, of course,  
4 this is the president of the corporation.

5 CHAIRMAN ORTIQUE: Now, of the guests who have not  
6 been introduced, Bernard Veney doesn't merit any introduction  
7 at any time. But just in front of Bernard Veney --

8 Very well. Now, let's look at our agenda. Are  
9 we prepared to adopt the agenda?

10 Yes, Ms. Worthy?

11 MS. WORTHY: I would like to make an amendment to  
12 the agenda in order to include some disussion on the client  
13 training program. The reason for this, from what I understand,  
14 client training was brought out before, and it was recommended  
15 that it come before our committee at this meeting.

16 So, at our March board meeting, if the board  
17 wanted to take some action or whatever -- That is why I am  
18 making this amendment.

19 CHAIRMAN ORTIQUE: All right. A member of the  
20 Committee on Division of Legal Services has suggested that  
21 the agenda be amended so it includes a discussion of the  
22 client training program. I received a letter, as Chairman of  
23 the Committee, from Ms. Worthy, and I immediately contacted  
24 the President.

25 Unfortunately, the request came after the tentative

1 agenda, but the President and I discussed it, and unless there  
2 is some serious objection from members of the board, the  
3 agenda will be so amended to include a discussion --

4 I called you to urge that you would have this -- I  
5 think this is the report to be presented -- a statement to  
6 be presented by Ms. Jameny to lead off the discussion, if  
7 this was worthy and that was the appropriate way to go about  
8 it.

9 I had not set notions.

10 MR. LYONS: Mr. Chairman, I have no objections to  
11 the discussion of the issue. In fact, if a member of the  
12 committee wanted to discuss anything for the agenda, I would  
13 be delighted personally to do so.

14 But we are under a statutory obligation, as I  
15 understand it, not to consider business at any formal  
16 meeting that is not on the agenda, and we, above all other  
17 organizations -- it seems to me have to comply with the  
18 requirements of the law.

19 The only exception as I understand it is that a  
20 finding by the group that an emergency has occurred that  
21 necessitates prompt action. I am not satisfied that this  
22 questions falls under that statutory line.

23 I don't like the statute. I think it is unwise,  
24 but that is the statute that governs us, and it seems to me  
25 as lawyers and as people that talk about the importance of

1 having people stand by legal requirements, we really should  
2 pay attention to it.

3 CHAIRMAN ORTIQUE: Well, it would appear to me that  
4 at least the consideration should be made, but we are not  
5 going to spend time to take up that --

6 It is my understanding at lunch today, we are going  
7 to have a buffet lunch and I am asking that we take only one  
8 hour for lunch. During that lunch period, I am going to ask  
9 Dick Trudell and Steve Engelberg to consider the question of  
10 whether this is an emergency situation and make a recommenda-  
11 tion to us as to how it should be handled right after noon.

12 I don't want to get into the discussion --

13 MR. CRAMTON: Of course, the board can talk  
14 informally about anything, as long as it doesn't predetermine  
15 action and the like. In other words, we could have a very  
16 preliminary informal discussion of something that doesn't  
17 lead to or predetermine -- or leads to any action. I would  
18 have no objection to that.

19 At lunch, or anywhere else.

20 CHAIRMAN ORTIQUE: That is just --

21 MR. CRAMTON: But you were talking about changing  
22 the agenda, which would contemplate -- or might contemplate  
23 formal action or a predetermination of formal action.

24 CHAIRMAN ORTIQUE: Well, I am sure that Jo will  
25 sit with Dick and Steve, and they will come back with a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 (A chorus of "ayes".)

2 CHAIRMAN ORTIQUE: The opposed, "Nay"?

3 (No response.)

4 CHAIRMAN ORTIQUE: Fine. Now, item number three on  
5 our agenda says Discussion of the Reginald Heber Smith  
6 Community Lawyer Fellowship Program. We are going to spend  
7 the next two hours and some ten minutes in sort of free-  
8 wheeling this discussion.

9 I don't want any pressures on anyone. We have our  
10 guests here today, and I am going to ask the President to  
11 introduce and announce if there is any need for any special  
12 order. Unless someone wishes to have someone heard first,  
13 I am going to let you, Mr President, decide who will speak.

14 The board may wish -- I forewarn the members of  
15 the persons invited. The board may want us to stop you in  
16 the middle of a discussion to raise some questions, and I  
17 would also ask the board to consider whether the person is  
18 moving in the direction you want to hear about.

19 Feel free to raise those questions. As you know,  
20 the whole board has wrestled with the idea of a fellowship  
21 program for a long time, and the board has directed that thi  
22 committee come up with recommendations for its March meeting

23 Rather than the board saying -- the members of the  
24 committee rather -- saying which direction we should take,  
25 we are going to just sort of get into a broad discussion of

1 recommendation after lunch as to whether this requires us to  
2 include it on the agenda. Let's leave it at that at the  
3 moment.

4 Who is the gentleman who just walked in?

5 MR. HENDERSON: Reid Henderson.

6 CHAIRMAN ORTIQUE: Good morning. All right. This  
7 morning, we have an agenda, with the possible amendment to  
8 the agenda as I have outlined. May we approve the agenda  
9 with that possible amendment that will take place after --  
10 this afternoon?

11 MS. ESQUER: I so move.

12 CHAIRMAN ORTIQUE: Do I hear a second?

13 MR. BRANTON: Second.

14 CHAIRMAN ORTIQUE: All right. It has been moved  
15 and seconded, and unless I hear an objection immediately, we  
16 will consider the agenda adopted with that possible exception.

17 All of you received in the mail the minutes of the  
18 meeting of November 13, 1978. Are there any corrections,  
19 stylistic changes?

20 May we have a motion approving the minutes?

21 PROFESSOR WASHINGTON: I so move.

22 CHAIRMAN ORTIQUE: Do I hear a second?

23 MS. ESQUER: Second.

24 CHAIRMAN ORTIQUE: Duly moved and seconded. All  
25 those in favor, let it be known by the usual sign, "Aye".

1 fellowship programs with, of course, special emphasis on the  
2 Reginald Heber Smith Program.

3 We will permit discussion from the floor. There is  
4 no necessity for any motion to get permission to speak. We  
5 just want to air the subject and, if possible, come up with  
6 some specific recommendation for the board so that we can get  
7 this matter behind us and move forward.

8 Are there any statements that any members of the  
9 Committee on Provision of Legal Services wish to make? Ms.  
10 Esquer, do you wish to make any opening statement?

11 MS. ESQUER: Not at this time.

12 CHAIRMAN ORTIQUE: Mr. Trudell?

13 MR. TRUDELL: I guess the only thing that comes  
14 to mind is that I hope that people will be very candid about  
15 a fellowship program in terms of what its objectives should  
16 be, and to a certain extent, let the past be the past, and not  
17 feel that their views should be slanted in any one direction  
18 in terms of leaving the status quo as it is --

19 But, you know, to be very objective, because as  
20 has been pointed out, we have been grappling with this thing,  
21 and I think we have skirted the idea of coming up with a  
22 decision as to the future of the REGGIE Program.

23 CHAIRMAN ORTIQUE: Ms. Worthy?

24 MS. WORTHY: Not at this time.

25 CHAIRMAN ORTIQUE: All right. Mr. President?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 MR.EHRLICH: Well, my suggestion is we go around  
2 the table and ask those whom the Committee has invited here  
3 to give some preliminary views with the notion that, as I  
4 understand it, at least, you would like to get a general  
5 sense from some who have special expertise, as they do,  
6 about what the program could do.

7 And what the potential is and what the limitations  
8 are, without particular regard to the operations, as they are,  
9 but more looking in a general sense. That is my understanding  
10 and if we go around the table beginning with Mr. Echohawk,  
11 that would be just fine.

12 MR. ECHOHAWK: I guess what I would like to do is  
13 maybe explain what I do back in Salt Lake City. I am in  
14 private practice, and I assume that the reason that I was  
15 invited here was because I have gone through some sort of  
16 fellowship program.

17 Four years ago I was practicing in California with  
18 the California Indian Legal Services. At that time, Dick  
19 Trudell, through his program -- the American Indian Lawyer  
20 Training Program -- instituted a lawyer fellowship program  
21 designed to get Indian attorneys out in private practice.

22 And I was in the first group of Indian attorneys  
23 that were placed into private practice. The concept was to  
24 take a group of lawyers. I believe at that time it was five --  
25 to give them some orientation about what private law practice

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 is all about.

2 And then to place them in some area that would be on  
3 or near an Indian Reservation where they could institute  
4 private practice. The fellowship program would support the  
5 fellows that were selected by basically giving them a contract  
6 to do legal services --

7 CHAIRMAN ORTIQUE: One minutes, please. Are you  
8 able to hear back there?

9 Okay, fine. I noticed that mike was a little far  
10 away, but so long as it --- Go ahead. I am sorry.

11 MR. ECHOHAWK: The fellowship program would give  
12 us a contract to go out and to do basically legal services  
13 work for individual people, as well as projects that would  
14 affect low income Indian people.

15 And this would be the start of a law practice.  
16 From that point, we would take on other paying work that  
17 would allow us to continue in practice. After one year of  
18 pretty much full subsidy, it would taper off into the second  
19 year, and after two years, you would be on your own.

20 Also during that period, they provided specialized  
21 training programs, substantive seminars, and also advocacy  
22 training sessions to help us to develop our lawyering skills.  
23 And I think in my instance, the fellowship program was  
24 successful, because within that four year period, I not only  
25 sustained myself in private practice, but have taken on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 three other Indian attorneys. And we now have a law practice  
2 that consists of six attorneys and a total staff of 10.

3 CHAIRMAN ORTIQUE: May I interrupt you?

4 MR. ECHOHAWK: Yes.

5 CHAIRMAN ORTIQUE: Did you have to make any commit-  
6 ment to direct your attention to any particular type of  
7 practice after you got on your own? That is, did you have  
8 to remain with relatively low income people, or could you just  
9 -- could you become a corporate lawyer if you wanted to?

10 MR. ECHOHAWK: The way that I was selected was to  
11 write up a proposal, and in the proposal that I wrote up, I  
12 identified that my goal was to start the private law practice  
13 that would be aimed at securing a general counsel contract  
14 for a tribe, but continue to do the legal services kind of  
15 work.

16 And that commitment was expressed up front, and  
17 I have been able to follow through on that. We have got the  
18 general counsel contract right now, representing a very large  
19 tribe in Southern Idaho, the Sho-Shone Bannock Tribes.

20 And we also do legal services work, which is some-  
21 thing very unique, I think. Under some of the expansion  
22 programs of Legal Services, we contracted -- subcontracted  
23 with the Utah Legal Services to do legal services work for  
24 the native American community in Utah.

25

1           And we also administer a paralegal training program,  
2 and do a great amount of pro bono work for individual clients,  
3 both civil and criminal work. I guess it is just part of  
4 the philosophy of our law firm that we are not in it for  
5 money, that the service is the most important thing.

6           And I think that as the senior member of that law  
7 firm, I am the highest paid person there, and I make less  
8 than \$20,000 a year.

9           We have got people that have been working at  
10 higher wages before that have come on to work with us at  
11 substantially less than that -- than they could have made in  
12 another sector. So it has been an exciting development, and  
13 something that has given me a lot of satisfaction and a  
14 great experience.

15           From that perspective, I guess to me a fellowship  
16 program like the REGGIE Program should be involved in recruit-  
17 ing people that have a sincere interest in working to benefit  
18 low income communities. The people that the Legal Services  
19 Corporation is designed to benefit.

20           And that that is a very important aspect in identify-  
21 ing who those people are who will give a strong commitment.  
22 There is some investing here in selecting these people and  
23 giving them training, and whether that is academic training  
24 or like the LLM program that was described this morning, or  
25 some in service type training -- seminars or advocacy training.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1           They are investing in the person, so with that kind  
2 of investment, it seems like the recruitment is very essential  
3 to identify those people that really do have that commitment  
4 to follow through. Just in reading through the materials  
5 prior to this meeting, I thought that maybe that was one of  
6 the points that ought to be zeroed in on.

7           But, the idea is to identify those people that  
8 would be good, and to prepare them with some exceptional kinds  
9 of skills that can allow them to really be a resource in the  
10 communities that they go into.

11           There are a lot of factors that contribute to  
12 whether or not a lawyer that is selected will continue to  
13 stay in this kind of business in the community that he is  
14 initially placed into, or just the general idea of Legal  
15 Services work.

16           The better the program can be structured, it seems  
17 like the more assurance that there will be a pay off through  
18 that investment.

19           CHAIRMAN ORTIQUE: May I pose a couple of questions  
20 to you? One, do you anticipate that your law firm will reach  
21 the point where you will, just through inertia, have to  
22 increase the salaries or the profits or the income is increas-  
23 ing -- and, secondly, though, which I think is much more  
24 important to us -- how do we prevent -- do you see any way to  
25 prevent burn-out by the lawyers who has done this, say for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 four or five years and then says, well, I want to do something  
2 else?

3 Do you contemplate that we ought to be seeking  
4 people that will stay with you longer than four or five  
5 years?

6 MR. ECHOHAWK: Well, I think that the salary level  
7 -- our salary level is probably pretty much in line with what  
8 Legal Services salaries are, and that we will probably stay  
9 about that same level.

10 I think that we will be able to retain the people  
11 that come on into our law firm just because of the satisfac-  
12 tion that is involved in the work -- in what we have to offer.  
13 And I think that that is basically what holds Legal Services  
14 lawyers in the positions that they assume.

15 If they continue, it is that they are really  
16 concerned and committed to doing the work. That is about the  
17 only thing that I could say about that.

18 MR. CRAMTON: Mr. Echohawk, I have a question. The  
19 community interest involvement and devotion that you are  
20 talking about has to start with a notion of what that  
21 community is, and one of the problems that we have as a  
22 nation is that we are talking about enormously diverse communi-  
23 ties.

24 If I mention just three that I have been associated  
25 with -- rural Vermont, rural up-state New York, and then for

1 nine years living in the South side of Chicago -- they are  
2 very, very different communities, with different kinds of  
3 legal problems, with different populations to be served.

4 This is a national program and it is supposed to  
5 reach out to all of these communities. Doesn't that pose  
6 a problem in terms of kind of a national recruitment program?

7 Or doesn't it suggest that maybe the recruitment  
8 ought to start the other way in terms of the local communities.  
9 Identifying people that we are dedicated to meeting their  
10 interests, and by their identifying that person, the communi-  
11 ties competing on kind of a national competition where some  
12 people make judgments about which individuals who would meet  
13 these local needs -- local community needs -- would do it the  
14 best?

15 MR. ECHOHAWK: I guess, you know, from my  
16 experience, I like that kind of idea about having the  
17 recruitment process making first, as you suggested, --  
18 In my situation, I was able to identify the community that  
19 I wanted to work in --

20 MR. CRAMTON: That is right.

21 MR. ECHOHAWK: And exactly what I wanted to do, and  
22 I went into that kind of situation with a lot more motivation  
23 than I would guess the typical REGGIE does, because if he is  
24 highly qualified and one of the cream of the crop, he  
25 probably gets to do what he wants to do.

1 But there are probably a great number of REGGIES  
2 who are recruited that don't get to do exactly what they would  
3 like to begin with.

4 CHAIRMAN ORTIQUE; Yes, Ms. Esquer?

5 MS. ESQUER: Could you tell us what type of training  
6 you received in the first year of your fellowship?

7 MR. ECHOHAWK: We had the initial orientation  
8 session that just involved becoming familiar with what private  
9 law practice was all about -- administering a law office and  
10 just all kinds of considerations about how to work as a  
11 private practitioner,

12 But after that, we were sent to a week long civil  
13 advocacy training session out in San Francisco. I can't  
14 remember the name of the program, but it is sponsored by the  
15 Hastings Law School. And in addition to that, we had some  
16 smaller seminars to deal with substantive areas. They were  
17 things like water log or mineral development -- things like  
18 that.

19 I have gone to so many seminars, I can't remember  
20 exactly which ones the fellowship program sponsored, but  
21 something like federal jurisdiction and criminal law was the  
22 one that the ALTIP Program sponsored,

23 MS. ESQUER: And did you begin in your first year  
24 -- did you participate in some complex litigation type  
25 activities with you being the chief attorney on the case?

1 MR. ECHOHAWK: Yes. Just within the first year that  
2 I was out, I took on a couple of major cases, and these were  
3 cases that had significance to a great number of Indian  
4 people in the Utah area -- low income people.

5 And fortunately they had a back-up support unit  
6 which they provided me with an experienced attorney to work  
7 with in developing that case.

8 MS. ESQUER: That was the next question. What type  
9 of back-up assistance did you have.

10 CHAIRMAN ORTIQUE: Any other questions or comments  
11 of other persons wishing to make statements with reference  
12 to that?

13 (No response.)

14 CHAIRMAN ORTIQUE: We are going to have a full  
15 discussion. Go ahead, Mr. President. That doesn't mean we  
16 won't come back to you, Mr. Echohawk.

17 MR. EHRLICH: I find it gratifying, I must say, to  
18 see that a report that was issued does not sit on a shelf  
19 and gather dust the way so many Commission reports and  
20 advisory reports do.

21 There is a Buchwald column about that that you may  
22 have seen about the warehouse for reports that have been  
23 sent and never acted upon. I would just like to restate a  
24 couple of the major premises that I proceeded from when I  
25 wrote the report that is now in a pink volume and white

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 volume over there.

2 I think the pink volume has printing on both sides  
3 of the pages and is therefore only half as thick. There  
4 isn't any question that the REGGIE Program today is not what  
5 it was at its inception. I personally consider that to be a  
6 good thing because it means that the REGGIE Program has  
7 changed as it needs to change to meet the needs of the Legal  
8 Services Program.

9 I think the Reginald Heber Smith Fellowship Program  
10 is in some sense a property -- a valuable property -- of the  
11 Legal Services Corporation that provides identification for  
12 the corporation, and is something that needs to be kept in  
13 some form just because it is there and has identity and  
14 historical value for the corporation as a whole.

15 The real premise of my report, I think, was that  
16 this property of the corporation has been historically and  
17 should continue in the future to be used to meet whatever  
18 the needs of the corporation are that can be met by a fellow-  
19 ship program like this.

20 And I thought, and I gather there is general  
21 consensus for this, or perhaps there is not -- and this is one  
22 of the questions we are discussing today -- that the two needs  
23 that the program is best suited to fit today are the needs  
24 for minority recruitment for legal services, which is a  
25 purpose the REGGIE Program has served admirably -- and the

1 need identified by Mr. Echohawk who proceeded me, which is  
2 the need for recruiting people with a sincere interest and  
3 commitment in working in low income communities.

4 My report criticized details of the program. The  
5 program itself and in some respects the management of the  
6 program by the corporation. But I decline to recommend what  
7 some people were urging, which was to take the program in  
8 house, into the Legal Services Corporation, because I thought  
9 then, and I still feel that to do that would destroy the  
10 program very quickly.

11 It would remove its identity. It would blend it  
12 into the organization that is the corporation, and it would  
13 destroy the natural tension that there always has been and  
14 always will be between the grantor corporation and the  
15 grantee program.

16 There is nothing wrong with that tension. It is  
17 creative tension. It is healthy tension. I gather it is  
18 going to keep going on, and -- but I think that is how progress  
19 is going to be made and how the program can avoid becoming  
20 sort of part of the -- if you will pardon the expression, Mr.  
21 Chairman, the bureaucracy.

22 I don't know what the board's role is with respect  
23 to the REGGIE Program, or what it perceives that it's role  
24 ought to be, but as with any grantor-grantee relationship,  
25 I would imagine that the board's chief interest is in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 generally to finding what it wants the program to do and then  
2 monitoring what it does.

3 And if it doesn't do it, change it. But not tinker  
4 with it on a day to day basis. And that is the independence  
5 that I was speaking of. The board's initial response to this  
6 report, and to various motions on the REGGIE Program last  
7 year, was to grant the program, as I understand it, a sort of  
8 a one year continuation, while everybody had a chance to  
9 regroup and rethink about it.

10 The grantee under the leadership of Dean Branton  
11 and now Hap Washington, as our new director, have a sort of  
12 a new crack at defining where they think they are going with  
13 the program.

14 And I guess what we are going to be talking about  
15 today is the major premises of what the REGGIE Program ought  
16 to be doing in the next three years or five years or however  
17 long that it is going to continue.

18 I would be happy to discuss any of the fine tuning  
19 points that were in the so-called Robertson Report, if anybody  
20 wants to, but I assume that those are a much lesser part of  
21 the agenda today.

22 CHAIRMAN ORTIQUE: Any questions from other people  
23 at this point?

24 (No response.)

25 CHAIRMAN ORTIQUE: The same holds true for you,

1 Jim. We will be back to you in a moment.

2 MR. CRAMTON: I would like to ask one thing.

3 CHAIRMAN ORTIQUE: Yes.

4 MR. CRAMTON: I gather your position now is that  
5 the corporation really ought to go ahead and give this program  
6 a little more stability at Howard instead of this constant  
7 evaluation and scrutiny and uncertainty,

8 Give it a period of years in which to run with the  
9 ball and let them do it. And then after three to five years,  
10 come back and re-examine.

11 Would that be a fair statement?

12 MR. ROBERTSON: I think that is a fair statement.

13 I was a little bit confused at the result of the meetings  
14 last year in which it was decided that the right thing to do  
15 was to give it a one year extension.

16 I think one year extensions are like running for  
17 Congress every two years. You are always running and never  
18 legislating, and I am all for longer term stability, and I  
19 would hope that after a year of thinking about it and working  
20 at it, I would say I would hope -- I have no proprietary  
21 interest in this.

22 I am really an outsider, but an exceedingly interes-  
23 ted one. I would hope that the premises around which the  
24 program is to be restructured or redefined would be now  
25 defined, and some stability and long term funding can be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 provided. Yes, sir. That is my position.

2 MR. CRAMTON: I think the flip side of that  
3 probably is that if we don't do a good job of running, then  
4 you don't do any legislating.

5 MR. TRUDELL: And I think that to a limited  
6 extent, this morning we more or less received an up date on  
7 the progress that Howard had made with the program. And I  
8 will be very candid, I guess.

9 I am not totally satisfied, and I understand the  
10 position they find themselves in in terms of being unsure  
11 of where the program is going. And as I stated at the outset,  
12 my main concern is that we be -- first of all, that there is  
13 a consensus that a fellowship concept is needed.

14 And I think that there probably is a consensus.  
15 I agree with the idea of not meddling with any program on a  
16 day to day basis, but if it should be meddled with, then that  
17 is our responsibility, if we want to fulfill our responsi-  
18 bilities with board members.

19 Hopefully there will be more discussion about what  
20 should the goals be for a fellowship program that is primarily  
21 in place to benefit the people that LSC gets this money for.  
22 I would hope that we would really, you know, kind of get  
23 to the goals of the fellowship program and the criteria that  
24 whomever administers the program will have to abide by, and  
25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

1 to a certain extent, demonstrate that they are capable of  
2 doing that.

3           And that within reason, it will be removed from  
4 politics. I know that is a very idealistic statement because  
5 it is hard to remove anything from politics. But I just  
6 wanted to follow what you said in terms of being given the  
7 opportunity to continue to run the program for a longer period  
8 of time.

9           I don't know if that is a consensus of the committee  
10 members or the full board.

11           MR. ROBERTSON: If I may, when Roger asked me the  
12 question about what my position was, I was tempted in sort  
13 of a lawyerlike way to qualify the question. He asked  
14 whether I thought it ought to be continued for three more  
15 years at Howard.

16           Well, last year I thought it should be continued  
17 for three more years at Howard because of Howard's historical  
18 involvement in and development of the program over a long  
19 period of time.

20           But I said in the report, and I still think now,  
21 that the corporation should hold no particular brief for  
22 Howard. Howard has the first claim on the REGGIE Program  
23 in my view, but I would agree with you just both theoretically  
24 and with respect to what you are discussing today, that  
25 Howard has the obligation to run the program the way the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

1 the board wants it to, and to come up with the ideas that  
2 the board wants it to.

3 And if it doesn't do it, somebody else ought to  
4 run the program. So I hold no particular brief for Howard  
5 this year or any time in the future except to note as I did  
6 last year, that Howard's continuing relationship with the  
7 program is one that has value and going concern value of its  
8 own, which, unless it is shown to have dropped the ball,  
9 ought to entitle it to some preference, if you will.

10 CHAIRMAN ORTIQUE: Dick, may I ask a question so  
11 that we make sure that we are focusing? I got the clear  
12 impression from Mr. Echohawk that his emphasis is on  
13 recruitment of dedicated people.

14 And in my view that ought to be high up -- I am  
15 not going to say the number one goal of any fellowship program  
16 -- but it sure ought to be high up on that list. I just want  
17 to make sure that we as committee people are moving in the  
18 direction that we all want to get to.

19 MR. TRUDELL: I think we will. I guess the reason  
20 I made the comments that I made is that I think as the  
21 people make their comments that if they could share with us  
22 their ideas in terms of what a fellowship program should  
23 really be all about, and I guess, maybe proceed with the idea  
24 that you have got \$5 million and if you were to be given the  
25 leeway or the flexibility to develop a fellowship program,

1 that was an honors program, that people really wanted to be  
2 a part of -- and while they were in it, really became good  
3 lawyers in terms of delivering quality services to poor  
4 people.

5 And I am totally undecided in terms of what should  
6 happen, and I have no preconceived ideas in terms of what  
7 I think will happen. But I will be candid, and I will be  
8 critical if I think I should be, in the open and not in the  
9 hallways.

10 If we -- I think we have built up to this meeting,  
11 I guess, in terms of wanting to flush these things out. I  
12 understand and I guess where Howard is at in terms of not  
13 knowing what the future -- their future is with the program,  
14 and at the same time being meddled with on a daily basis --

15 As Jim has pointed out in terms of of the grantor-  
16 grantee relationship, first of all, it is a contract relation-  
17 ship at present. and there are some conditions that I am sure  
18 Howard would not prefer to deal with.

19 But they have to deal with this, And we should  
20 address that. I mean, should it be a grant rather than a  
21 contract? And give the grantee the flexibility that it needs  
22 to administer it the way it wants to.

23 If that includes -- and it should include the  
24 decision about who does the training -- when it is done -- how  
25 it is done.

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.  
261-4445

1 But at the same time, I guess the bottom line is  
2 that, I think, the point that Larry made, in terms of -- and  
3 you picked up on it -- in terms of how do you go about  
4 recruiting people that are going to-- in terms of law  
5 graduates -- that are going to provide service to a very  
6 diverse constituency or community?

7 And I don't know if the way it has been conducted  
8 in the past years is the best way to go. For someone to try  
9 to recruit someone to provide services on the Navaho Reserva-  
10 tion or in Miami or whatever -- I think it takes someone that  
11 is acquainted with the people in terms of being able to make  
12 the necessary match.

13 And I don't think that has happened. I do feel  
14 that it should be high on the list in terms of criteria or  
15 objectives in terms of how do you get those committed people  
16 and assure them that they are really going to develop.

17 I know my comments are very idealistic comments  
18 to make, as I know that in many instances they are watered  
19 down considerably.

20 MR. CRAMTON: Mr. Chairman, I share the notion of  
21 the recruitment of dedicated people, and as my question  
22 indicates, I think we ought to focus to some extent on the  
23 question of how much local involvement, given a diversity of  
24 communities, will produce the kind of match that Mr. Trudell  
25 speaks about.

1           And also on whether the present structure of the  
2 program achieves that. I think also, however, in talking  
3 about recruitment of dedicated people as a primary goal, we  
4 should not make it a sole goal, and I hope the words "highly  
5 qualified", "highly competent" and dedication zeal, without  
6 a high level of ability does no poor person any good.

7           So, if we are talking about a program which does,  
8 in fact, recruit lawyers of exceedingly high average quality,  
9 I hope that these people would stress high competence as well  
10 as zeal and dedication.

11           You need both of these in the fellowship program.

12           CHAIRMAN ORTIQUE: I was about to say that you  
13 know, on the other hand, we ought to make sure that we don't  
14 get people who are not sympathetic to the people that they  
15 serve -- sensitive to their needs.

16           You know you can be the most competent person in  
17 the world -- I refer to them as ABA types -- but now that we  
18 have an ABA type on the board, I am not going to say those  
19 things any more.

20           Mr. Sparer, Ed Sparer -- who incidentally has a  
21 new dean at his law school.

22           MR. SPARER: That is not why I am here, though

23           CHARIMAN ORTIQUE: No.

24           MR. SPARER: I think they ought to be forced to.

25           And to the extent that the REGGIE Program in any way diminishes

1 that, it needs to be worked out. But the big problem is the  
2 payment feel. It seems to me that in terms of the kinds of  
3 people that have been selected, that it is the REGGIE's who  
4 do the most of the community work because they happen to be  
5 minorities, fortunately, and can relate.

6 That is not to say that -- I guess I do want to make  
7 a brief for Howard, and I do want to make a brief for the  
8 continuation of the fellowship program and at Howard.

9 I want to make clear why I am saying that before  
10 I want to get into the brief. I am not only here at the  
11 request of the committee itself. I am a member of the  
12 Advisory Committee at Howard.

13 I am not really speaking in that sense, but if I  
14 thought there was a conflict of interest or if I thought I  
15 had an obligation as a result of the Advisory Committee, which  
16 is different from being invited by this committee, I would  
17 deal with in some way, I suppose.

18 But in both instances I move from the same motive.  
19 I was part of this program when it started, God knows how  
20 long ago -- a dozen years ago at Penn. I was part of the  
21 program at Penn not as a REGGIE, but as one of the teachers  
22 in the program on that side of it.

23 It was with remorse, but I think agreement in my  
24 mind that the program shifted from Penn to Howard. I think  
25 there were good reason for that shift. I think there were

1 good reasons along a couple of different lines. I think the  
2 kind of training program we were running at that time at  
3 Penn while it had some arguable merit in the beginning, was  
4 becoming less and less appropriate to the nature of the  
5 program.

6 Firstly and secondly, the program, well, it was  
7 just vital for that program to become a program which  
8 recruited on a large scale highly qualified lawyers, emphasiz-  
9 ing minority lawyers and making an affirmative action reach-  
10 out in that, which is far better done at Howard than it was  
11 at Penn.

12 And, in fact, it is done at Howard, while it was  
13 not adequately done at Penn. And I think an enormous contri-  
14 bution is made to the program at Howard in that manner. I  
15 say that without covering critical reactions which I have  
16 had of the program at Howard as it has developed over the  
17 years.

18 I agree with much of the criticism which is made  
19 in the so-called Robertson Report, both colors of it. I  
20 watched some of that process. I watched the transformation  
21 of the program from a program which had a training conception,  
22 even though I think an incorrect training conception -- even  
23 though I was one of the participants in that incorrect  
24 training conception -- into a program, which as I understood  
25 it, became primarily exclusively a selection recruitment

1 program.

2 I thought that was a grave weakness. I was happy  
3 to join the advisory committee at Howard, with the new leader-  
4 ship that the program brought and Hap Washington and the rest  
5 of the advisory committee members.

6 I was particularly happy to see that Hap and the  
7 rest of the advisory committee members try to grapple with  
8 the same problem we were all trying to grapple with -- how  
9 to give a direction to the program which made up for its  
10 weaknesses in the past, and how to give it substantive  
11 content to the program which made it worthy of being a  
12 fellowship program not just a recruitment program.

13 I think that little paper for the working perspec-  
14 tive paper -- You know you have in the materials which were  
15 sent to everybody for this meeting, there is a cover memo  
16 from Hap included referring to a working perspective paper,  
17 and then comes something called the working paper, and then  
18 the working perspective paper comes after the working paper.

19 It is sort of buried down there, but I think you  
20 will see in that working perspective paper, a general, a  
21 perspective -- just in those terms -- but an approach to a  
22 substantive content of a fellowship program which in my view  
23 is on the ball.

24 You know if you take this notion -- qualified  
25 lawyers. Sure, everybody wants qualified lawyers, And if

1 you concede two aspects of the problem around qualified  
2 lawyers, namely there can be at times a great deal of  
3 difference between a competent lawyer for one purpose --let  
4 us say in Jim's office downtown -- and a competent lawyer  
5 in a Legal Service Office.

6 There are at times different kinds of competencies  
7 which are involved, not because both don't demand similar  
8 lawyer skills, but because they are dealing with different  
9 kinds of problems. They need different kinds of approaches.

10 How a fellowship program can contribute to the  
11 kind of competency which is needed in a Legal Service office  
12 is a very special question. That is one very special question.

13 And the second very special question seems to me  
14 deals with something -- there is a phrase someone used a  
15 little bit earlier saying "burning out". Well, that is one  
16 damn important problem in Legal Services. People do burn  
17 out.

18 I meet them every day. I am no longer a Legal  
19 Service lawyer, but I meet them every day, and I meet that  
20 expression just in those terms on the part of people who are  
21 accurately classified as among the most competent of Legal  
22 Service lawyers.

23 Just the other day I was talking with one woman in  
24 Philadelphia, who is knowledgeable -- one of the real good,  
25 competent neighborhood office lawyers. And as our conversation

1 went along, she started using the phrase "burned out" and  
2 suddenly at some point, sort of anger came into her face --  
3 if that is the right word -- She said, I am burnt out. I  
4 am really sick of it.

5 And when she said, I am sick of it, what she meant,  
6 as we talked about that, was that I am sick of this feeling  
7 that I represent people day in and day out and I am not doing  
8 any good.

9 That is how she reacted to it. A sense of loss that  
10 she was really accomplishing anything was what was burning  
11 her out.

12 So I think what we really need around this program  
13 is a community fellowship program which deals with the problems  
14 in community law and allows in a training program and in  
15 subsequent revisits to that training program, allows an  
16 opportunity for a kind of studied reflection.

17 A studied reflection on what is it about these so-  
18 called issues which we debate -- the mass service issues, the  
19 law reform issues, the so-called different styles of work  
20 and approach, which really makes that debate such an artifi-  
21 cial debate.

22 How can we consider all these things? They are  
23 all hard. They are all part of an appropriate community law  
24 work. How can we consider them, reflect on them within the  
25 varying communities, and there are differences in the

1 communities, in a way which allows some kind of impact,

2           People have started writing about that, and  
3 people have started talking about that, but I do not think --  
4 there may be others who disagree -- but I do not think there  
5 is a sufficient level of organized reflection on this issue  
6 taking place anywhere in Legal Service offices as a  
7 generality, in the training programs that the corporation runs  
8 as a generality there just isn't a sufficient organized  
9 reflection on it.

10           You will see in that working perspective paper a  
11 kind of outline of such issues, You will see another  
12 reference in addition to what I said a moment ago to a  
13 community orientation which teaches general approaches --  
14 and communities vary -- but teaches and helps general approa-  
15 ches on the basis of specific examples on how you can take  
16 issues which often are losing issues because the client  
17 population we serve is a weak population politically,

18           And thus they become losing issues over the mass,  
19 How you can take such issues in my area, for example, the  
20 need for primary health services, and do it in a way which  
21 actually helps develop primary health services in a community  
22 which joins together varying kinds of groups, yet being  
23 true to our representative function of low income clients.

24           We don't really do enough talking and reflection  
25 on that kind of approach either to help our Legal Services

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 lawyers, and certainly we don't do -- despite the training  
2 programs generally -- we don't do enough reflection and  
3 talking about an analysis of how you approach the newly  
4 emerging constituencies of people who are poor around the  
5 country.

6 In order to be of help to them, and in turn  
7 actually to have been of help to the poor people generally  
8 that we are serving, A good example today is the C.E.T.A.  
9 People going into the C.E.T.A. program, and the C.E.T.A.  
10 program itself.

11 Why the second you have a new program coming, we  
12 start rattling within the Legal Services operations generally  
13 because our structures don't reflect the ways and means of  
14 dealing with that new program.

15 The back-up centers aren't organized for the new  
16 program. There is a welfare center -- there is a this, that  
17 -- but who has a C.E.T.A. center? No C.E.T.A. center. Should  
18 we make a new C.E.T.A. center? That is not the need.

19 Similarly mass services don't reflect that kind of  
20 problem because nobody is thinking, including the C.E. T.A,  
21 that you can walk into a Legal Services office to get help  
22 on C.E.T.A. You have to develop some approaches to that.

23 So, I think we need a place for organized reflec-  
24 tion on this kind of thing in special ways. And you could  
25 say, I suppose -- I think incorrectly -- you could say, I

1 suppose that, well, if this is so, then shouldn't our lawyer  
2 training programs generally be places where this happens.

3 Well, I say two things to you on that, First, to  
4 some important degree, yes. But as a person who is trying  
5 to take part and does take part regularly in lawyer training  
6 programs, it is a battle,

7 It is a battle because part of the problem is the  
8 very multitude of pressures which exist in this kind of  
9 training, or that kind of training, or this kind of skill  
10 and that kind of skill. And legitimately, I think, lawyer  
11 training programs run by the corporation as such, have to  
12 deal with a variety of problems, including this.

13 I think we need a place where this kind of issue --  
14 what community lawyering in its varying forms and varying  
15 approaches really means. And if this working perspective is  
16 to be criticized because it is too general, my answer to  
17 that would be the very generality which is expressed here  
18 signifies an important approach, and to do this well really  
19 takes time.

20 It really takes time to develop specifically, and  
21 thus, you know I very much agree the bottom line of this  
22 ought to be a commitment at Howard for a period of time which  
23 allows this to develop.

24 That is my brief.

25 MR. CRAMTON: I have a question. Accepting every-

1 thing you say about the need for reflection and the develop-  
2 ment of ideas and concepts and approaches to deal with the  
3 professional development in Legal Services offices and also  
4 with a broader notion of how one can serve the poor community  
5 through community offices, and that educational institutions  
6 might contribute to that through a fellowship program, what  
7 reason is there to think that that particular function can  
8 best be performed at Howard?

9 I guess my perception is that the program in the  
10 past has had really almost no academic input. One is planned  
11 now, But there is conversation on the subjects that you  
12 mentioned,

13 I am not aware of members of the Howard faculty  
14 having contributed importantly to that dialogue. In other  
15 words, I am wondering whether this is the right vehicle for  
16 that particular kind of study, reflection, advancement of  
17 knowledge, academic training in connection with fellowships  
18 and the like.

19 And I guess my initial reaction would be that there  
20 might be a half a dozen other centers that would be more  
21 likely prospects to make a substantial contribution in that  
22 direction.

23 MR. SPARER: I say Howard for these reasons. Firstly  
24 with regard to, well, you and I both, Roger, are members of  
25 the academic community. I don't want to quibble over this

1 individual or that individual here or there. I think it is  
2 true that the academic community as a whole has made and has  
3 not been in a position to make a very large contribution to  
4 this process because their manner of approach to the problems  
5 we talk about.

6 When I say academic, I am using academic in the  
7 more general sense of the word, not referring to law schools  
8 as such, or to academic organizations as such, but to places  
9 where organized reflection is going on.

10 MR. SPARER: Insight, imagination, new ideas,  
11 stimulation --

12 MR. SPARER: In that sense, you could take a place  
13 out of the sky and say, well, that is the place we want to  
14 do, but I think Howard is a very real place and the real  
15 place for two specific reasons.

16 First, I think -- and this is not the only reason.  
17 If it were the only reason, I think we would have something  
18 very serious to debate about. But first, I think if we said  
19 No to Howard, we are going to take it away, we are going to  
20 do a disservice to create a negative impact upon one of the  
21 major goals which we are concerned with here.

22 And that is, a community lawyer program which is  
23 standing for the proposition and is effecting the proposition  
24 that minority lawyers are critical to Legal Service work. I  
25 think if we say No to Howard on that and shift it, we will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 put that into a debate which is going to be -- in which we  
2 are going to be properly criticized.

3 And that the program is going to be very negatively  
4 affected. I think that is a very, very important reason to  
5 keep it at Howard. Now, if it were true -- if it were true  
6 that not only has the Howard faculty generally but the -- all  
7 the faculties, including the Howard faculty, not only there  
8 has been a general loss with the faculties as a whole in  
9 making the kind of contributions we are talking about, but  
10 if it was true that the current leadership of the program at  
11 Howard was a leadership which was uninterested and not doing  
12 serious and imaginative thinking in the terms which I am  
13 raising, then it would be a real serious question.

14 Well, what does it mean to have this at Howard?  
15 But the fact is, whatever you can debate about this faculty  
16 versus that faculty, when you place a program at a law school  
17 or academic institution, it is not simply the faculty of  
18 school, it is who is the leadership of the program.

19 And the leadership of the program at Howard is the  
20 leadership which is trying to cut into this issue. And it  
21 seems to me those two matters then join together, and that is  
22 what spells out Howard,

23 MR. ENGELBERG: May I ask a question, please?

24 CHAIRMAN ORTIQUE: Sure, Steve.

25 MR. ENGELBERG: What about -- what are your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 thoughts about this LLM component? You were there this  
2 morning when that was discussed briefly. I mean how critical  
3 do you think it is, or does it have to be a LLM degree?

4 Or how would you deal with that program?

5 MR. SPARER: Well, I am going to speak as an indivi-  
6 dual about this, as I have been speaking anyhow. Let me  
7 state to some of the contradictory matters on this and how  
8 I resolved them in my own mind.

9 On the one matter, I am not an advocator or more  
10 and more degrees. I think professions in general get too  
11 caught up with that, and I think one of the problems in the  
12 area we are talking about is the need to demonopolize law and  
13 not to fancify the accreditation process which goes into it.  
14 That is a real problem, and one of the problems which causes  
15 me to be cautious about the LLM matter at Howard within the  
16 context of this program.

17 The competing considerations in my mind are these.  
18 Number one, it is of merit and is, I think, of merit both to  
19 the academic community in its impact on the academic community  
20 and its impact on the nature of this program that we are  
21 talking about, to say and then prove from the content of  
22 what takes place, that there is a reflective and academic  
23 process that is involved here in community lawyering, which  
24 is the match, or maybe more than the match of the reflective  
25 and academic process which takes place elsewhere-

1           This is not a bunch of young people who simply go  
2 out and do cases in which there is no need for serious  
3 reflection, there is no need for academic considerations.  
4 This has that need as well.

5           And I think the LLM degree speaks to that question  
6 there. And secondly, I think it speaks just as a very prac-  
7 tical matter, I think it speaks to the ways and means of  
8 building a better link between the law school at Howard as  
9 such and the program.

10           It is a way of getting hold of these two aspects  
11 and pulling them together. And that in particular is why  
12 despite my bias on that first question -- and let me tell  
13 you, it is a strong bias -- I think there is real merit to  
14 considering this approach.

15           CHAIRMAN ORTIQUE: It just seems to me that you  
16 hear all over the place, we should improve the academic  
17 side of the program, and then you say, well, we will give  
18 them a certificate, but we won't let it be equal to an LLM.

19           And it reminds me of those people who go around  
20 studying aerodynamics in a vacuum and say this is real  
21 acadium, and those who produce air planes that pass the test  
22 of aerodynamics, this is not the same thing.

23           It just seems to me that we continue to look at  
24 what we are doing as something less than what somebody else  
25 is doing on Manhattan's boulevards or Number One Beacon

1 Street.

2 And I have always said, Steve, I want us to believe  
3 firmly and make certain that we are meeting those same  
4 standards, whatever they are, anyplace that they are, and  
5 that we are not going to let somebody say that because we  
6 are working on behalf of poor people that that standard  
7 ought to be watered any place just because you are working  
8 for Esso Standard Oil.

9 MR. ENGELBERG: Can I just respond?

10 CHAIRMAN ORTIQUE: Please.

11 MR. ENGELBERG: Just as an aside. You know I was  
12 in the early program in '66 - '68, which I am sure many of  
13 you know about, and it was probably another good example of  
14 the fellowship program. A lot simpler than the REGGIE. We  
15 got an LLM degree.

16 But my recollection is -- and I just differ -- I  
17 am not trying to get into the shaping of the program. I agree  
18 very much with what you said, and I think it is obviously  
19 very important. I know that the people at Howard are grappling  
20 with this very same thing seriously -- that there be this  
21 kind of community and intellectual development,

22 I think that is very important. I don't really  
23 care. I don't think it makes a lot of difference whether  
24 you are given a degree or not. I would really hate to see  
25 that, and I think that is what was the first thing that you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 alluded to.

2 I would really hate to see -- because I just differ  
3 with you that there is any in the so-called corporate world  
4 or whatever it is -- any status or significance. I think  
5 most of us who are lawyers now -- Frankly, I have never been  
6 aware of the fact that there is a great deal of status to  
7 a graduate law degree.

8 The fact that it turns out now the fact that I  
9 have a doctor's that I got before I got my LLM, which is of  
10 totally no value. I am very proud of having gone through  
11 the training program,

12 The degree, frankly, was meaningless. But more  
13 importantly, and this is the substance of it, the academic  
14 component -- I am not critical, you know, of the people that  
15 ran the program at all -- was, I think, frankly, a waste of  
16 time.

17 In other words, I guess what I would be concerned  
18 about and this gets into your specific planning, that as you  
19 move toward that, if you do move toward it, that you not try  
20 to crank it into sort of some kind of rigid ALS, whatever it  
21 is, model,

22 In other words, in order to get an LLM, you have to  
23 have so many classroom components. I would much prefer to  
24 see a very creative thing that may not satisfy whatever  
25 technical requirements that you have to, you know, meet with

1 ALS, or whatever it is -- the Association of American Law  
2 Schools -- to get the degree.

3 In other words, I just urge that focus not be on  
4 the degree, but rather on the type of training that I think  
5 everybody here is talking about, which I think is very  
6 important. And I think that the Robertson Report obviously  
7 talks to.

8 That I think is critical. In other words, that it  
9 not just be that you pass through Howard and you are gone.  
10 That there be some community there, as we did have in the  
11 program I attended.

12 But our community was learning how to try cases,  
13 and we learned, you know, with these extensive sessions with  
14 each other that would not have qualified as courses or as  
15 degree things.

16 So having been through a program like that where  
17 we had to waste frankly eight or ten or fifteen hours in  
18 existing classes within the law school. I think that would  
19 be a bad mistake and I would like to see the kind of creative  
20 thing, and fine, if it qualifies for a degree, terrific.  
21 It isn't going to hurt anybody.

22 CHAIRMAN ORTIQUE: Okay.

23 PROFESSOR WASHINGTON: You just drew Harvard in on  
24 that program, and I want to avoid that,

25

1 MR. ENGELBERG: I just urge that the focus be on  
2 the involvement and if it qualifies for the degree, fine, and  
3 if it doesn't, not let that deter it.

4 PROFESSOR WASHINGTON: Sure.

5 CHAIRMAN ORTIQUE: Steve, it would take a long time  
6 for you to convince me that there aren't some standards out  
7 there that have to be met, including the standards of the  
8 Association of Law Schools. And I don't want us to get into  
9 the same situation that we have had in the past, saying well  
10 your academic standards have gone down because we don't have  
11 something built in.

12 I just see the LLM as being a standard that every-  
13 body will give recognition to, and a guarantee that you won't  
14 get into that focus, well, we are just doing something around  
15 the subject and not getting to the high academic standards  
16 that people have stressed,

17 PROFESSOR WASHINGTON: I agree the content is more  
18 important by far in this situation.

19 CHAIRMAN ORTIQUE: Absolutely.

20 MR. GALINDO: Mr. Chairman, may I ask Mr. Sparer  
21 a question?

22 CHAIRMAN ORTIQUE: Sure.

23 MR. GALINDO: I am sure you didn't mean to imply  
24 when you were speaking before that no other institutions or  
25 organizations or groups would not qualify under the same --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 wouldn't qualify as well as Howard, or perhaps even better  
2 than Howard on the affirmative action and the other things  
3 that you listed.

4 I would like to know your views about, you know,  
5 most of the detractors of the program sort of have a why  
6 should Howard get two bites of the apple type of argument.  
7 And they point to legitimate concerns that have not been met  
8 in the past.

9 What would be your view on allowing other groups  
10 or organizations to try to show that they could do as good  
11 or better than Howard at it, assuming that they met the  
12 things you have listed as important?

13 MR. SPARER: Well, obviously I can't sit here and  
14 -- nobody could sit here and say that somebody should be  
15 disallowed from showing that they could do better than Howard.  
16 Anybody who wants to try to show that is going to try to find  
17 the ways and means to show it.

18 What I am referring to in part is something a  
19 little bit different from the situation of qualification that  
20 you are talking about. I did try to suggest that there never  
21 has been a Smith Program -- REGGIE program.

22 Now we are talking for the first time about a  
23 REGGIE program and it was sort of starting from scratch.  
24 While I think Howard would be a very logical and appropriate  
25 place to consider, my own views would not be nearly as fixed

1 on it.

2 I would be a little skeptical of, let's say,  
3 Stamford, in relation to Howard with regard to the kinds of  
4 considerations and problems we are talking about, but I  
5 would certainly not be so fixed in my mind.

6 On the other hand, it seems to me that even if you  
7 could find this institution or that institution which in terms  
8 of some identification with minority efforts in terms of  
9 some plans that it was proposing and so on, make just as  
10 good sense as Howard and maybe had an edge of this thing or  
11 that thing or the other thing,

12 There is an aspect of this around Howard and the  
13 history of what has taken place that would be lost, which I  
14 think is of extraordinary consequence. You know, first I  
15 think there is a kind of political and social reaction which  
16 would take place in taking it away from Howard, which is a  
17 factor and a factor of some importance.

18 People would read a meaning into what is going on  
19 here, and that would impact on what takes place. Secondly,  
20 I think among the people who would be impacted on -- and I  
21 don't mean this in the sense of nasty little things alone --

22 I remember sitting and talking in one of many  
23 discussions on the REGGIE program and what it ought to be, and  
24 I think it was Willie Cook over there, was making the point  
25 that the central most important contribution of the REGGIE

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 program to the REGGIE's has been the creation of an esprit  
2 among the REGGIE's -- a sense of identification a sense of --  
3 and a decent sense of elan and working spirit around that.

4 Quite aside from whether this little thing was  
5 studied or that little thing took place, or what have you,  
6 I think you would impact on that esprit de corps very nega-  
7 tively -- very, very negatively if you yanked it from Howard  
8 at this point.

9 So to me all of these things are kind of strong  
10 working presumptions, which go to the favor of Howard, and  
11 I just, you know, I would cast them all aside if I didn't  
12 believe that Washington and the people at Howard were not  
13 ready to move and starting to move in the right direction.

14 It would be insane to just let this program go  
15 down the wrong direction for these kinds of reasons. But  
16 they are starting to move down in the right direction, and  
17 that makes me feel very conclusive about what I think should  
18 be happening.

19 CHAIRMAN ORTIQUE: All right. Won't you proceed,  
20 sir, and tell us some of your notions about fellowship programs  
21 and --

22 MR. ROCHE: Well, what I was invited -- I was trying  
23 to figure out why I was invited. My name is Terry Roche. I  
24 am now and have been for seven years, I guess, director of  
25 a middle sized Legal Services program in Charlotte, North

1 Carolina.

2           The more I know about it and other programs in the  
3 country, the more I think that we may be very atypical. I  
4 can talk about the program and how REGGIE's are related to  
5 it, if that is what the board would like.

6           I guess, I don't know, Mr. Galindo, whether you are  
7 a Project Director or not, but if you are not, I guess that  
8 makes me the only Project Director on the panel, and Willie  
9 Cook -- and I don't know a lot of the other folks, but Clint  
10 Lyons being the only ones who are or have been Project  
11 Directors.

12           Some years ago, I wrote a letter to Clint Bamberger  
13 or Tom or somebody saying basically, hey, let's decide what  
14 the REGGIE program is all about. Here is what it seems to be,  
15 or here are things it has been offered to be, and the way it  
16 is being run right now doesn't seem to be the best way of  
17 meeting any of those goals.

18           That may be the reason you invited me here. But a  
19 lot is going on since then. You have the Robertson Report,  
20 which goes a long ways toward trying to do the things I was  
21 asking.

22           More importantly, you have Hap Washington, and, as  
23 an aside, Ed was just talking about the REGGIE esprit -- one  
24 of the things that was bothering me two or three years ago was  
25

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 that there wasn't any REGGIE esprit among REGGIE's in our  
2 office.

3 I think -- it couldn't have been three years ago,  
4 because I guess C.E.T.A. came in in 1976 or 1977, but at one  
5 point somebody said C.E.T.A. programs were for Legal  
6 Services lawyers.

7 One of the major things I think Hap has done since  
8 he has come there has been to begin to try to get that esprit  
9 back that was there, I guess, before I got into Project  
10 directing. But a lot has happened to the REGGIE program,  
11 and to Legal Services.

12 So I guess the best thing I can offer -- try to  
13 offer -- is perspective of Project Directors, at least in  
14 the Southern Region -- Region Six. We in Region Six don't  
15 often see eye to eye with folks in the rest of the country.

16 I would like to say two things right off to get  
17 the focus of this session away from what it has been all  
18 morning. Certainly to our Project Directors, to me person-  
19 ally, I don't think it matters a great deal whether this  
20 program is at Howard or not.

21 Project Directors over the country have screamed  
22 and yelled about the administration of the REGGIE program  
23 over past years -- it's failings, its weaknesses -- I have  
24 never seen that. In fact, the people that were running the  
25 REGGIE program to the extent that they are or are not Howard

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.  
261-4445

1 University, have always been extremely accommodating to  
2 my local program.

3 They have permitted us to do local hires of  
4 REGGIE's. They have worked out exchanges of REGGIE's where  
5 there has been a misfit and mismatch, and somebody with a  
6 license in North Carolina going to West Virginia and the  
7 like.

8 I just haven't seen those kinds of horror stories  
9 that people seem to talk about. Moreover, I don't think it  
10 really is very important as to what kinds of degrees we are  
11 offering to people one way or the other. I am starting to  
12 get very impatient with this discussion that was going on.

13 Indeed, one of the major things that I think we  
14 have problems with on local programs is an academic approach  
15 to it. In the law schools, as Hap said, in one article,  
16 and I am not trying to just simply insult various people  
17 around here -- but one is that you just don't prepare people  
18 to practice law.

19 And the major problem we have with REGGIE's, as  
20 well as prople that we have referred ourselves, is that to  
21 come into a local program and spend two years training in,  
22 and then they are gone.

23 And, you know, most lawyers, at best, really, you  
24 know, whatever highly qualified dedicated means, what that  
25 means other than catch words for the race and the like, I

1 just don't know. And I think it just doesn't make a great  
2 deal of sense to be talking about highly qualified, dedicated  
3 people.

4 I think we are at a time in Legal Services where  
5 we ought to pick awfully good folks intellectually and  
6 energy-wise. But in any event, whatever that means, it still  
7 takes a couple of years for them to get on track.

8 Even if it only has to do with calendars and local  
9 areas, you get to calendar a case and maybe it comes up a  
10 year later, and you are about to go off some place else.  
11 These are all the various little frustrations that we have  
12 struggled with. I guess to the extent that I would talk in  
13 behalf of Project Directors, and indeed, projects, is that  
14 I want to know what you are going to do with the REGGIE  
15 program that is going to have an impact on my project.

16 We are back in the '60's and early '70's again with  
17 Legal Services, though lots and lots of money has come out,  
18 and I am not trying to be gratuitously insulting, Tom. The  
19 problem is that there is more and more and more pressure on  
20 our offices as we become more visible, as more ideas get  
21 thrust upon us.

22 And we have less to do it with -- really less money,  
23 less resources -- even though there are lots more resources.  
24 But if any of you have tried to put together an expansion  
25 program out of an existing program, you will know that it is

1 nice to have that extra money, because you can keep your  
2 people around. You don't have to get rid of them, but then  
3 you have got to do more on less anyway.

4 And so the question is in my mind, if you restruc-  
5 ture the REGGIE program, what is it going to do for the  
6 problems of local programs?

7 Let me talk about recruitment and retention a  
8 minute. And then come back to some thoughts about what is  
9 it going to do. I am not talking about fellowship programs  
10 as such now. I don't know much about fellowship programs.

11 Terry Hatter and Hap know a lot more than I do, so  
12 I am not going to speak to that. But as to recruitment and  
13 retention, perhaps our office is atypical, but since 1972  
14 other than REGGIE's who haven't been able to get into our  
15 staff.

16 Our staff lawyers -- we had about eight of them --  
17 two or three years ago, we have about 14 now -- we have very  
18 low turnover. We have only lost two people other than  
19 REGGIE's -- two lawyers other than REGGIE's that we have  
20 hired during that time.

21 So there wasn't much room --

22 CHAIRMAN ORTIQUE: Would you start with the  
23 proposition in your operation that there ought to be an  
24 emphasis on minority lawyers in a program that is serving the  
25 needs of a large segment of the population that happen to

1 be minorities.

2 MR. ROCHE: Well, it depends on where you start.  
3 If you say start to where my head was in 1973 and 1974, I  
4 would say, No. Where you say start as to where my head was  
5 in 1975 and 1976, I would say, Yes.

6 We changed. And one of the points I made in the  
7 letter, I think, was that people like me for a long time  
8 began thinking, well, the REGGIE program is going to give us  
9 a high proportion of black lawyers or minority lawyers. In  
10 Charlotte, the major minority is black.

11 And that is really going to do the job, because  
12 then they will come on, and we will have our balance. And  
13 so we didn't do a very aggressive job in minority jurispru-  
14 dence.

15 And by the way, when I say I don't think it matters  
16 whether it goes to Howard or not, I think it does matter that  
17 the REGGIE program be a major tool of aggressive minority  
18 recruiting, but I think it also matters that it not be the  
19 only tool in Legal Services.

20 I think that there isn't as heavy recruiting going  
21 on as ought. But more to the point, Jim Robertson and I go  
22 back a long way, and when he was just putting the report out,  
23 I happened to be up here on another matter, and we got to  
24 talking.

25 I was really surprised that one of his major

1 findings was that the criteria for hiring lawyers in Legal  
2 Services was different from the criteria that the REGGIE  
3 program was using.

4 It seemed to me rather obvious that what you do  
5 in recruiting is try to get people who have good existing or  
6 potential lawyering skills, who are interested in serving  
7 poor people, have had some experience with it, hopefully,  
8 in terms of minority. I think, you know -- a bunch of folks  
9 in the room could disagree with me, but one of the things I  
10 think I have found in the local program is that there is no  
11 necessary connection as such between having a lot of black  
12 lawyers because you have a lot of black clients.

13 You know, I have had white clients ask me, the  
14 director, to get rid of that white lawyer that he or she has  
15 got so that they could have one of the black ones they like  
16 better -- and the reverse.

17 I have black clients come in and say, get rid of  
18 this black lawyer. I want a white one. Not very often,  
19 thank, God, but, it happens. And I think the importance of  
20 an integrated office is that understanding what you are doing  
21 is such an absolute function of a whole series of cross-  
22 cultural perceptions, that the worse thing you can do is get  
23 a homogenous office, whether it be homogenous black, homogenous  
24 white, homogenous native American --

25 I think that the vitality and understanding of an

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.  
261-4445

1 office is broadened, the more heterogenous your lawyer staff.  
2 And for that reason I think it is extremely important to have  
3 aggressive minority recruiting and to have a national perspec-  
4 tive of recruiting to the local programs.

5           Despite the fact that we got to give first shot  
6 to the local bars -- nevertheless you can get past that and  
7 do national recruiting. But where we got to in 1976, I guess  
8 it was, or 1977, I can't remember now -- when we got the first  
9 expansion money, was we finally could do some recruiting on  
10 our own.

11           For once we had some money in the hiring season, i.  
12 e., the fall, that we could use to get people to come in our  
13 law school in the following spring. And we went out, and we  
14 sent some letters around to various metropolitan areas  
15 throughout North Carolina, and within about a week and a half  
16 after we sent out the letters, we had 150 resumes.

17           Half of these were from blacks or women. We had  
18 also sent letters to the black law students associations at  
19 all the law schools that we had sent letters to the placement  
20 offices. And it was no doubt about it -- capable and dedicated  
21 -- all 150 of them, as far as we could figure out.

22           Well, now, that is not true, A lot of them were  
23 perhaps not -- but a lot of them perhaps weren't so dedicated.  
24 I don't know, but many, many, many of them had extensive  
25 experience working with minority organizations or poverty

1 organizations and the like.

2           And the other thing that we emphasized, and still  
3 do, is clinical education. We like to see that. But, in  
4 any event, selecting from among that group, five candidates  
5 of whom two were white females, three of them were black  
6 males, was very easy, very easy.

7           Without doing anything that even vaguely resembled  
8 the Bakke situation, that is what we did. And, amusingly  
9 enough, of the five, four had applied for REGGIE's. Two  
10 withdrew their REGGIE's applications, and the other two were  
11 selected, one of whom was selected to come to our program.

12           So, local programs can do recruiting, I think --  
13 and I am very much in a minority position among Project  
14 Directors on that -- but I think they can do good affirmative  
15 action recruiting.

16           But the big problem is retaining people. And, as  
17 I say, we have got a fairly experienced staff. At least  
18 three lawyers who have over six years experience, including  
19 myself, out of a group of 14 now -- I am sorry, three plus  
20 myself, out of a group of 14.

21           And you see, you inevitably come to the end of a  
22 REGGIE contract, and you wonder what is going to happen.

23           MR. CRAMTON: Can you conceive of a national fellow-  
24 ship program which might would help in retention?

25           MR. ROCHE: Yes.

1 MR. CRAMTON; By something along this line, allowing  
2 any program to nominate attorneys that had proven themselves  
3 in the field in terms of their growth, their performance and  
4 so on, but they are getting at that stage where they need  
5 their horizons broadened.

6 They need a change, and to provide them with  
7 either different training or provide them perhaps with a  
8 six months of a different kind of experience, and then a  
9 commitment to go back and stay in Legal Services -- perhaps  
10 provide them with some tangible benefits like reduction or  
11 elimination of loans accumulated in law school, as a kind of  
12 award for both their achievement and accomplishment and their  
13 willingness to assume a moral obligation to stay for say  
14 another three years?

15 MR. ROCHE: Yes. There are a lot of ways to go,  
16 and Hap's various working papers begin in that direction.  
17 Clint's latest paper has some very interesting ideas on that.  
18 I am just trying to figure out what you want to hear from me,  
19 so let me jump around.

20 Ed's idea of sufficient organized reflection is dead  
21 on. The one thing that you just don't get to do very much of  
22 is think in a local program. You get to run like hell and  
23 bail out and head for this, that and the other thing, and  
24 maybe at 6:00 or 7:00 o'clock you can put your feet up and do  
25 some thinking and some kicking around of some ideas.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 But you don't get that organized situation. Before  
2 I went to law school, I was in the foreign service, and before  
3 that the Navy, both of which organizations had things --  
4 I think the foreign service had Arlie House or something like  
5 that at the time, and the Navy had various colleges and the  
6 like.

7 These seemed to have a lot of benefit to them.  
8 So that point I agree with wholeheartedly. I wrote it down  
9 here -- I think it is very necessary. But the other thing  
10 that intrigues me particularly coming out of Clint's situation  
11 are two things that the corporation is pushing right now in  
12 a somewhat haphazard fashion.

13 One of which is called special needs, and the  
14 other of which we are going to talk about today under the  
15 1007-H or whatever, which I call national priorities.

16 One of the biggest problems that we have at a local  
17 level is that if we take local priority seriously, and really  
18 try to do it, what we end up having as highest priorities are  
19 all the things we have had for years and years and years.

20 Poverty doesn't go away, and the problems are  
21 still the same. And one of the reasons there is burn out is  
22 that we punch away at them like crazy, trying to do or use  
23 every tactic that we can, but it is still there.

24 The social services departments and the housing  
25 authorities still don't follow the federal law or figure out

1 another way of not doing it. So when you come up with some-  
2 thing that is a little new, that Congress comes after you  
3 with, that becomes a national priority as far as we are  
4 concerned, because it is overlaid.

5 And, you know, sure it is needed, but one of the  
6 reasons that we don't have much experience in dealing with a  
7 lot of those problems is that we have just been slugging away  
8 at the stuff we were slugging away at 10 years ago.

9 With 15 lawyers, how can you -- you know -- it is  
10 very hard to pull one out and say, okay, now, you become  
11 expert on one thing or another. So there are, I think -- I  
12 think the Legal Services whether it intends to or not, the  
13 Legal Services Corporation is somewhat urging national  
14 priorities on local programs.

15 Secondly, there is this whole question of special  
16 needs. We met down in Region 6 last week, I guess it was, to  
17 talk about -- to comment on how that money ought to be -- the  
18 \$7.1 million ought to be split up.

19 I think one of our major feelings was that the  
20 corporation -- neither the staff nor the board -- not from  
21 want of trying, but really doesn't know enough about any of  
22 those things to make any informed -- set up any informed  
23 decision for spreading the money out.

24 I know you all chose that stuff, but you really  
25 don't know much about it, and you can't operate today the way

1 you would like to see it two years from now. You have got  
2 to make decisions based on what is out there today. But  
3 those special needs are theoretically there,

4 We don't know much about rural delivery. We really  
5 don't know much about quality of services and how to get it.  
6 In terms of competitive salaries, that is slightly different  
7 issue, but the reason I raise the point is that a REGGIE  
8 program, whether you call it a fellowship plus practice, or  
9 however you craft it, can provide people to local programs  
10 like mine, for a period of a year, perhaps a couple of years,  
11 if they have gotten specific background and training in  
12 the developing issues.

13 And if they are specifically provided to a program  
14 or programs in a particular region to help them develop the  
15 capacities to deal with those issues, then I think you return  
16 really to this vague concept that is stated in the contract  
17 about how REGGIE's aren't going to do normal case work or  
18 whatever.

19 I am from the school of practice that says that  
20 your legislative work, your major litigation, everything comes  
21 out of just good careful solid work on a series of issues  
22 which develop from serving individual clients.

23 And, you know, I think it is unrealistic to talk  
24 about taking somebody out of law school and putting them in  
25 a local program and say, hey, now you are going to be the

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.  
261-4445

1 expert. You are going to develop to be the expert on this  
2 particular area.

3 I think instead if you take somebody out of law  
4 school or out of a local program, as Roger suggests, and  
5 meet their intellectual and developmental desires with  
6 inquiry or training or reflection in a developing area of  
7 poverty or administration programs --

8 Let me stop on administration programs. We made  
9 a big push about getting minorities into Legal Services, and  
10 yet there are very few minority project directors, women  
11 project directors or managers or anything in sort of the  
12 upward areas of "the upward areas" of Legal Services.

13 That is a whole area that needs to be dealt with.  
14 And a special program -- in other words, the REGGIE program  
15 or something else -- can certainly help there.

16 MS. ESQUER: Before you go any further, you just  
17 have really hit on a lot of the questions that I have exper-  
18 ienced as a board member about the REGGIE program. And one  
19 of the reasons that I was particularly interested in having  
20 this discussion developed further than the point that, you  
21 know, you thought you should stop at a point where you told  
22 us how you saw the REGGIE program as a Project Director.

23 What I am hoping to get out of this discussion is  
24 first of all, is there a need to restructure the REGGIE  
25 program? I think you have told me that there is. And then

1 just your suggestions in a very specific way on what the  
2 need is.

3 As a board member during the last year, I have  
4 talked with Project Directors. I have talked with former  
5 REGGIE's and present REGGIE's, and the frustrations that I  
6 feel are, one, that in the local program the REGGIE's  
7 are indeed different than a local Legal Services attorney.

8 That they are different in many instances in a  
9 very negative way. They are the ones that have to take a  
10 bar exam, but they are not assured of a job at the end of  
11 the REGGIE year -- their first year or their second year.

12 Then they often do get the feeling that they are  
13 there to fill an affirmative action need for the local  
14 program. And then, thirdly, I think that we have an area of  
15 false expectations built in both the REGGIE himself and the  
16 client community.

17 Because I think that even, you know, Hap's perspec-  
18 tive, and then the reputation of the REGGIE program in the  
19 past, has been that you are going to get a law graduate out  
20 there to go and do reform litigation, and I don't find that  
21 happening, and I think that there is a very good reason that  
22 it isn't happening.

23 First of all, that particular REGGIE, if he is a  
24 law graduate, does not have the skills to engage in a conflict  
25 suit. But there isn't anything to say that he can't be

1 assigned to work with an attorney in the local program that  
2 is doing something like that.

3 But what I hear from the people that I have talked  
4 to is that they are just really considered a bonus for a  
5 year for the local programs to help meet the case load that  
6 the program is burdened by, and that is really all a REGGIE  
7 is.

8 And what I consider a fellowship program to be is  
9 not something that is going to be considered negative, not  
10 someone who is, you know, has a lot of job insecurity at the  
11 end of this experience.

12 And then the conflict that I see in the statements  
13 that you made are, you know, maybe the REGGIE should focus  
14 on experienced attorneys. While I personally do not feel  
15 that there are enough minority attorneys practicing in Legal  
16 Services right now to say that as a board member, I feel  
17 that we need to see as a policy of the REGGIE program that  
18 of providing a change to go to experienced attorneys.

19 And maybe not from what you have said -- maybe  
20 there is a possible way of combining both functions. And  
21 that one of the things I was disappointed in was the decision  
22 to do away with the experienced REGGIE slots in the program  
23 at present.

24 But at the same time, I just would hate to see the  
25 program go completely that route because I do not think that

1 local programs are deep enough into affirmative action. I  
2 do not feel we have enough minority attorneys in Legal  
3 Services.

4 And I agree wholeheartedly and will work towards  
5 trying to improve our commitment to the policy that we have  
6 on stronger affirmative action from the corporation's point  
7 of view.

8 But I would like to hear a little bit more on what  
9 specific things we can do to recommend some changes in the  
10 REGGIE because I don't see that you see that we should  
11 continue it as it has been during the last few years.

12 And that is what I hope to get out of this session.

13 MR. ROCHE: Well, I hope that one can take the  
14 role of a consultant of just short of shooting off one's  
15 mouth like it is and not have to come with a total solution.

16 (Laughter.)

17 But a couple of things -- one thing that I wanted  
18 to talk about in terms of special needs -- it might not be  
19 the REGGIE program. By the way, I would not -- any of the  
20 things that I have said -- I would not want to suggest need  
21 to be resolved simply by the REGGIE program.

22 There may be some other ways to do it.

23 MS. ESQUER: Let me ask you this one other  
24 questions. Let's say at least six project directors have  
25 told me, with that same amount of money, we can do a lot

1 more for clients. Do you feel that way?

2 MR. ROCHE: No, I really don't. I think however  
3 you use money, whether it be as a local program director like  
4 myself or at the national level, what you always have to be  
5 looking at is how you leverage the money.

6 And fifteen -- well, it is more than that now --  
7 \$16 or \$17,000 to the local program -- I don't know that it  
8 is going to make a great deal of difference. It is just going  
9 to get you another body probably.

10 MS. ESQUER: Maybe. Or maybe it can get you a  
11 hundred trained clients --

12 MR. ROCHE: Somebody has got to train those clients,  
13 I mean that is another place -- there are a whole series of  
14 places. What I was going to get into was training. I mean,  
15 there is no doubt that one of the things that we have really  
16 overlooked in local projects in the past is the degree to  
17 which local clients can do work that will take the burden off  
18 of us cracking away at the daily stuff.

19 There are ways of doing it, but in order to organize  
20 that, administer it and train the clients, we got to have a  
21 resource someplace that we don't have. And I am not talking  
22 about my office. There are probably other offices around  
23 that approach this a lot more imaginatively than we have.

24 But arguably if we had a REGGIE who had been trained  
25 to do these things, who had been trained to think through how

1 you do a certain amount of organizing, together with what  
2 are the best uses of lay people coming out of the indigenous  
3 community together with how you then train people to do  
4 particular things, that would be that resource that would  
5 be more than simply the 17 grand that is being paid a person  
6 that walks in.

7           There are a whole series of things about training  
8 people. For example, in Region 6 last year, we screamed loud  
9 and hard about how we wanted training money put into the local  
10 level -- at least into the regional level.

11           And there are a lot of good reasons for that, but  
12 now that at least lip service has been given to that by the  
13 Office of Program Support, it is chaos. You know, there are  
14 people all over the damn place, running off to various  
15 meetings or one thing and another with really no guarantee  
16 that there is every going to be some spin off results from  
17 that.

18           And conceivably, taking a second or third year  
19 person into a program in which they could really do some  
20 thinking and learning about how you train people -- not just  
21 train them, but motivate them to get trained well -- That is  
22 another area. Expertise in client training,

23           Expertise in locally training in local programs  
24 might be developed through a fellowship program. But there  
25 is one point that I wanted to make about affirmative action,

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.  
261-4445

1 if I may. which I made in the letter a few years ago.

2 I think to the extent that anybody sees the REGGIE  
3 program as having as its major goal affirmative action, and  
4 then follows that up with sort of a perverse next conclusion  
5 that and therefore, that is the major way we are going to be  
6 doing affirmative action -- and that happens a lot -- you  
7 are just dead wrong.

8 And one of the ways that you can increase affirma-  
9 tive action through the REGGIE program, for example, would  
10 be to provide REGGIE's to those programs which already showed  
11 good efforts in affirmative action, and withhold them from  
12 those programs that didn't.

13 Because we all want those additional people. I  
14 can guarantee that.

15 MS. ESQUER: Maybe you have just answered the  
16 question I wanted to ask. As a Project Director, do you feel  
17 that REGGIE's have to be assigned to local programs? Would  
18 you feel that there would be some validity in having a  
19 REGGIE receive his training with a private law firm that  
20 specializes in a certain area that would be helpful to Legal  
21 Services?

22 I mean, is the REGGIE program to serve, you know, the  
23 local project needs or is it to serve the ultimately the  
24 needs of the client community? Does every REGGIE have to go  
25 to a local program or to a Legal Services grantee backup

1 center?

2 MR. ROCHE: No. I wouldn't say that it has to go  
3 to local program. I think to the extent that you would be  
4 wanting to have REGGIE's following the model that I have  
5 been kind of urging, used in a way to develop new ideas about  
6 delivery of services, that might be well done in a private  
7 firm context.

8 One of the things that we realize that we were  
9 missing in our program, focusing a lot on trying to do legis-  
10 lative work and on trying to do heavy impact, was that, you  
11 know, here are a lot of private lawyers that are running  
12 around, particularly out in California, who have discovered  
13 some terrific ways of doing mass delivery of services that  
14 we just flat haven't paid much attention to.

15 And one of the things that we might well do is  
16 try to get one of our lawyers to study how you really do  
17 those clinics -- those massive clinics. So maybe we can use  
18 less lawyer resource in that part which has always been pooh-  
19 poohed, but is nevertheless a very important part of what we  
20 do for people,

21 And, you know, again, every time I think of something  
22 I say now if I just had somebody to "X". Now one of the things  
23 we talk about is every time a Project Director says if I  
24 just had somebody to do "X", maybe we would have a REGGIE  
25 program that could help us get that.

1           That is one approach to take.

2           MR. TRUDELL: I guess what you read into it -- you  
3 are saying that there is a need for a program that has the  
4 flexibility to do whatever local programs can't do rather  
5 than be tracked into one particular area or concept should  
6 be looked at very hard.

7           And I recently visited with a number of Project  
8 Directors in California, Mickey Tanner and myself, this  
9 last week, and I told them -- you know, they knew about this  
10 meeting coming up, and I wanted to solicit any recommenda-  
11 tions or suggestions that they may have about the REGGIE  
12 program.

13           And they really didn't have much to say other than  
14 that the program has served the role admirably of minority  
15 recruitment. One Project Director said that, you know, they  
16 really viewed it as kind of a pork barrel program. You  
17 know, another program director in the Oakland area, Cliff  
18 Sweet, thought it almost should be done away with.

19           He could do a much better job if he had the money,  
20 and rather than getting a lawyer into the program for rhetoric  
21 and he needed a lawyer that really would provide the  
22 services needed and would be a part of the program.

23           I guess that is my trouble with the statement I  
24 made earlier about maybe being dissatisfied with what Howard  
25 has done or what it has had to do. It has been kind of a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 band aid approach.

2 You know how do they make the program look better  
3 from the outside to be in a position to retain it, rather  
4 than saying come to us with your ideas, and not to feel  
5 intimidated by the corporation -- and something innovative,  
6 something creative.

7 Because your comments about the fact that a lot of  
8 programs are not directed by minority attorneys is very, very  
9 critical in some areas. I know the Indian programs -- there  
10 are two Indian directors, both of them non-lawyers.

11 Both of them very committed to, you know, the  
12 community they are from and that they are serving, and have  
13 provided a certain amount of stability to those programs.  
14 And they are not just passing through. There is no other  
15 place for them to go and no other place they want to go.

16 That is a concern of mine. I think the training  
17 concern is that a lot of people have been expressing through-  
18 out the country in terms of local programs, and we know it  
19 should be done -- effective trainers are special types of  
20 people. You know, they have a bent for that type of thing  
21 and want to do it and they do it well.

22 And it scares me in terms of what is taking place  
23 with the young officer programs. I am not fully aware of,  
24 you know, everything that has gone on and never will be.  
25 But in terms of, like you pointed out, board members -- you

1 know, we have a limited amount of time, and we have to pretty  
2 much buy within reason what is on the agenda and was  
3 prepared for us.

4 We have never really taken the time -- and I guess  
5 at the retreat we did, and I really appreciated it in terms  
6 of going through the whole budget process and hearing a  
7 discussion about training.

8 And hopefully in the future we will build some  
9 of that free-flowing discussion at committee meetings and  
10 board meetings so that we can, you know, hear what a lot of  
11 program people have to say about the way things are going.

12 But I guess my feeling is that whatever is proposed  
13 or whatever shape the REGGIE program takes, or a fellowship  
14 program -- whatever has to have the flexibility to be  
15 innovative.

16 MR. ROCHE: I said earlier I wasn't really too  
17 concerned about the Howard or the degree situation, but I  
18 would say this. You know people have been wrestling around  
19 the concept of the REGGIE program for years and years and  
20 years, just like we have been wrestling around with how do  
21 we really deliver legal services effectively with half the  
22 damn or less resources than are minimally needed.

23 And Dean Branton I guess just came to Howard and  
24 Hap has been there less than a year, I suppose, in the REGGIE  
25 program, and, you know, I don't know that you can lay on their

1 administration lack of imagination based on the fact that  
2 nobody really managed to put much together before that.

3       And it has certainly been encouraging to see the  
4 efforts to get an increase in esprit and some solid REGGIE  
5 training because it is quite right -- The Legal Services  
6 Corporation training has been so incredibly diffuse that  
7 you really don't know quite what --

8       Certainly if you have got some kind of an elite  
9 panzer corps of REGGIE's that are to do something, they  
10 are not going to make it by wandering all over the country,  
11 although we have sent a lot of them all over the country.

12       And consequently to the extent that -- I don't  
13 know that you can call the question on some folks that just  
14 kind of marched in. Because Hap has been down in North  
15 Carolina and done some real good things down there over the  
16 years.

17       I trust him. I would say he can really do it.

18       MR. HATTER: What time are you going to break?

19       CHAIRMAN ORTIQUE: We are going to break at 12:30.

20       MR. HATTER: I thought you were going to say 12:00.  
21 It is ten minutes of now.

22       CHAIRMAN ORTIQUE: Oh, no.

23       MR. HATTER: Well, I will try and be as brief as  
24 possible though, because we have gone through quite a few  
25 people --

1 CHAIRMAN ORTIQUE: I would like to get all the ideas  
2 on the table so during lunch we can work a little bit --

3 MR. HATTER; Exactly. Well, like Terri, I sort  
4 of wondered at first why I was invited, but then I pretty much  
5 figured it out. I was so comfortable back there in California  
6 that those of you who were suffering here wanted me to share  
7 it with you.

8 And, of course, I accepted because, like Terry, who  
9 wrote a letter some few years ago and has not received an  
10 answer to it now -- I have been asking for some 12 years  
11 some questions about the REGGIE program, and I thought maybe  
12 this was a chance to get some of the answers.

13 And, as a starting point, just having the Robertson  
14 report has been invaluable for me to have it put together in  
15 the fashion that it was. I consider it classic, but, of  
16 course, you consider anything classic that you agree with  
17 almost totally, and say, well, my God, I could have written  
18 that myself if I had just been as articulate as the author --  
19 as succinct and as incisive.

20 But it was very helpful, and let me tell you where  
21 I come from with regard to the REGGIE program. In 1967 I  
22 was heading a branch office in San Francisco neighborhood  
23 legal assistance foundation, and being concerned about my  
24 staff's esprit de corps, vis a vis that elite bunch of  
25 REGGIE's that had just come in to the downtown office.

1           They were going to do all the kinds of things that  
2 we didn't have the time to do because we were busy handling  
3 the service cases out in the Hunters Point-Bay View.

4           From there, to being Regional Director in San  
5 Francisco and trying to figure out how in the hell we could  
6 get some of those REGGIE's out of Glen-Car and others after  
7 it had moved from the University of Pennsylvania, and after  
8 we got them how do we fairly allocate them. Because we knew  
9 then that they weren't fairly allocating them out of Howard.

10           Nor had they at Pennsylvania before. And from there  
11 to the Western Center and directing that project and being  
12 concerned with those dammed REGGIE's on a day to day basis,  
13 and also being concerned with the programs in Southern Cali-  
14 fornia that we allotted them to.

15           And just as an aside, we did assign REGGIE's to  
16 non-legal services programs -- to Chicano organizations and  
17 others, but we were able to do that as a sort of a support  
18 center, which is a term that I sort of coined at that time  
19 because we were under fire as a back-up center.

20           And we then became a support center.

21           CHAIRMAN ORTIQUE: We liked that terminology, We  
22 took it over.

23           MR. HATTER: Right. And so we were able to get  
24 some direction to the REGGIE's who were not part of local  
25 programs. But I saw also that a lot of those local programs

1 -- and you don't have to be down in Terry's part of the  
2 country. You can be in Southern California. You can be in  
3 my home town of Chicago or anywhere else, and you are not  
4 going to get much affirmative action going on,

5 And they were not really recruiting in areas where  
6 you can recruit, and you really don't need the REGGIE program  
7 to get minority lawyers in some areas -- some urban areas.  
8 But yet they were falling by the wayside and then using the  
9 REGGIE program as a crutch there.

10 And I think the REGGIE program did change signifi-  
11 cantly from the time it was at Pennsylvania to here at  
12 Howard, and I would just caution that it seems to be meeting  
13 a particular need.

14 I think we have to be very careful, as Terry said,  
15 that we don't use it as a crutch and let others get off the  
16 hook in terms of minority recruitment, but it does perform  
17 that function. And the caution that I have is that you can't  
18 expect it to be too many things.

19 There is no reason why as part of minority recruit-  
20 ment, it can't be quality, and indeed, there has been. We  
21 don't have the minority directors that we ought to have, but  
22 then there is always the one exception or so.

23 Some six or seven years ago, I guess, I captained  
24 a team of evaluators and came out and looked at the D. C.  
25 program, and one of the bright things -- and about the only

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 bright thing we saw in the D. C. program at that time was  
2 a REGGIE.

3           And we saw that the only way you are going to be  
4 able to save that program is to put that REGGIE in there as  
5 director of the program. And there sits Willie Cook now. A  
6 program like the REGGIE program was envisioned can provide  
7 you with the quality kinds of people that provide you with  
8 leadership for a number of years.

9           But the burning out syndrome is something that the  
10 REGGIE program cannot just handle in and of itself without  
11 using some creative kinds of ideas -- the kinds of things  
12 that Roger has been talking about.

13           It has the flexibility or it can have the flexibility  
14 to give you some things that the program cannot provide itself  
15 because of its even more limited resources. And in terms of  
16 perhaps a bonus after a three or four years of doing quality  
17 work, having a sabbatical --

18           I know I am just jumping around a bit, and I am not  
19 going to take much longer, but it seems to me that we also  
20 talked about what has now evolved into a third year REGGIE  
21 kind of program, which I don't think is a good idea either.

22           At one time or other, instead we had talked about  
23 taking people who have gone through Legal Services and were  
24 about to become burned out, and catch them just before that  
25 and put them into what either would be the REGGIE program or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 into another fellowship program.

2 Maybe what we need is the Cramton RFP Fellowship,  
3 for some of these people who can do other things than what  
4 you might determine that the REGGIE program ought to do.

5 I will skip around again. One of the other focuses  
6 that I had with regard to the REGGIE program was almost being  
7 successful in taking it away from Howard about six years ago  
8 and putting it at Loyola University Law School in Los  
9 Angeles.

10 The reason that I was very adamant about doing that  
11 at that time and had a lot of support for doing it, was that  
12 while Howard is very meaningful, and I think as Ed points out  
13 that it is very positive, too, in terms of the identification  
14 with a large minority population -- that population happens  
15 to be black.

16 There are a lot of other minorities, and particular  
17 where I come from, where the largest minority is brown --  
18 Chicano. There are more Chicanos in the Southern California  
19 area than any place other than Mexico City, including  
20 Guadalajara, and other places.

21 Native Americans -- the largest native urban popu-  
22 lation is in Los Angeles. One of the largest alien popula-  
23 tions -- and I felt that we could attract more minority  
24 lawyers by having it in a place like Los Angeles than we  
25 could at Howard where you attract basically black lawyers.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

1 But, as I say, I see the positive side, too, to  
2 having it at a place like Howard that has a national reputa-  
3 tion, but again, unless this corporation sets the kind of  
4 guidelines that Roger talked about --or Jim, I guess -- are  
5 you recommending that they give it to Howard for another  
6 three years and let them take the ball and run with it?

7 I think I heard Jim saying that if you give it to  
8 them for three years, decide on the shape of the ball, how  
9 it is going to bounce and other kinds of things before you  
10 give them that three years.

11 I personally would like to see, after having gone  
12 through the experience of almost taking it away and thinking  
13 that that was a good thing at that time, now perhaps a con-  
14 sortium arrangement where Howard would be a focal point of  
15 it, but it wouldn't have to be a consortium that is just  
16 Washington-based.

17 It could be involved with some other schools in  
18 other parts of the country -- maybe New Mexico or some other  
19 places that happen to have identity in larger areas outside  
20 of just places where they are situated with certain minority  
21 communities, and see if we can't that way direct it to do  
22 even a better job of minority recruitment.

23 Again, bearing in mind that we can't let some of  
24 the larger programs get off the hook with regard to doing  
25 their own EEO.

1           And if you look at the REGGIE staff itself, when  
2 is it going to do some EEO? I am very concerned. I would  
3 be more concerned if that staff were all white than I am  
4 that it is all black, but I am still concerned.

5           MR. BRANTON: You are in error in saying that it  
6 is all black.

7           MR. HATTER: Well, I am reading from the report  
8 as of last May, it was. I am glad to see that --

9           MR. BRANTON: You are talking about a year ago  
10 almost.

11           MR. HATTER: Well, that was before you, Dean, when  
12 I referred to it as of then. And I am very pleased -- I tell  
13 you frankly -- I am quite pleased about that. I have been  
14 talking with people about the REGGIE program, just as Dick  
15 did. He was with Mickey last week.

16           I am going to be with Earl Johnson and Mickey  
17 tomorrow, and we are going to talk about it some more. I  
18 talked with the National Clients Council at their meeting  
19 last Saturday -- went there specifically to get some of their  
20 input, not to think that I was off somewhere on my own,

21           But it makes you feel better to know that there  
22 are others who share your concern. I also talked with some  
23 of the regional staff. I have talked with Cliff Sweet and  
24 others whom you have spoken to, and many of them share some  
25 of the kinds of concerns that have already been addressed

1 here.

2 And I think the sooner we get to these concerns and  
3 talk about them, and part of it is technique -- that you can  
4 handle -- but I think you have got to determine what the  
5 policy guidelines ought to be.

6 What you want this fellowship program to be, and  
7 bearing in mind that it can't be everything to everybody. It  
8 can't cure all the ills that have been raised, I am not sure  
9 that you have enough solutions, frankly, but we certainly  
10 have enough problems.

11 And I really think that we have got to be candid,  
12 as Dick has been urging us to be, about the program -- where  
13 we are coming from, what we would like to see happen, and  
14 bearing in mind that as long as I have known the REGGIE  
15 people, whether they have been at Pennsylvania or at Howard,  
16 they have been as defensive as hell.

17 But again, that is a human quality, and we have to  
18 deal with that. And I think criticism that is well placed  
19 can only inure to the benefit of the corporation itself in  
20 the long run.

21 And I think a lot of the kinds of techniques that  
22 have been suggested are just so apparent and have been for  
23 so many years, and I find it grievous that they have not been  
24 handled prior to this time.

25 For example, the -- not the fact that the selection

1 process is subjective. That in and of itself is not bad.  
2 But the fact that there are no underlying criteria -- the  
3 fact that you don't have two or three people interviewing at  
4 a time so that you can have some comparisons between the  
5 people that you are looking at.

6 The mismatch, I think, is one of the key kinds of  
7 things in terms of what project needs are and who the people  
8 are who go to meet those so-called needs but never get there.  
9 And I think that we have got to think in terms of at least  
10 regional advisory bodies that would get together to work on  
11 putting together a proper match.

12 These are just some of the kinds of things. There  
13 are a lot of other things I would like to touch upon, but I  
14 think it is much more important that we get involved in the  
15 overall discussion.

16 CHAIRMAN ORTIQUE: One of the things that has  
17 concerned a number of board people, as you state, has been  
18 -- and Dick was one of the early persons to raise this question  
19 -- how long are we going to go on saying to Howard or any  
20 other place, look, we have got to continue to look at this,  
21 and not give to Howard or any other institution some feeling  
22 of stability, some feeling of their being able to plan to  
23 move forward.

24 I would suspect that we can't talk about an LLM  
25 program unless you know for sure that you will be in operation

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 for some little while. And you made a comment that I  
2 certainly would think that we want to hear some more about,  
3 and maybe you can enlighten us on that.

4 MR. GALINDO: Well, I don't even remember it now.  
5 You know there is some advantage to being the last person  
6 to speak, simply because you might have 10 pages when you  
7 start, but by the time everybody else knocks holes in it,  
8 you are only left with a couple of sentences.

9 I would like to echo what has just been said. I  
10 was one of those persons that supported the move from Howard  
11 at the time that it was being proposed, and, you know, I  
12 wanted to express the concerns of my region which is the  
13 Southwest Region.

14 That is the only place that I have information  
15 about that I can substantiate. I don't know what is happen-  
16 ing in the others, and to the extent that that is too small  
17 a universe, obviously it may not apply to the national view  
18 of the REGGIE program.

19 I would like to repeat the fact that the recruitment  
20 -- well, first of all, I may be in the minority about this,  
21 but I do not agree that the affirmative action and the  
22 minority recruitment has been done well by the REGGIE program.

23 It has been done for the black minority well, but  
24 certainly not for anybody else. The intangible of having it  
25 related to Howard does not apply to the brown minority or to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 the Asian minority and certainly not to the native American  
2 minority. There is no nexus between Howard and any of those.

3 So to the extent that those people favorable to the  
4 results of minority recruitment that have been accomplished  
5 by Howard in the past mean to state that those groups have  
6 been adequately covered, I think they are in error.

7 And I think I can substantiate that if anybody  
8 would want substantiation,

9 CHAIRMAN ORTIQUE: That may be taken care of, and  
10 I think that was a valid point about the REGGIE staff. I  
11 think that one of the reasons why they have not done as well  
12 with the other groups is because of the staff.

13 And I think with the new leadership that will be  
14 taken care of. I certainly don't mean to impugn any of the  
15 new people, because they haven't been there long enough,  
16 obviously for anybody to get a handle on it.

17 MR. GALINDO: I think that from that point of view  
18 I feel very strong disappointment with the REGGIE program.  
19 The recruitment process itself, I have always considered  
20 faulty. Maybe some people get high quality lawyers out of  
21 the REGGIE program.

22 But my feeling is that the Southwest has not. That  
23 the quality of the REGGIE's provided to that area has been  
24 consistently below normal legal aid quality. I don't  
25 whether it is because people don't want to go there or what-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

1 ever it is,

2 My feeling is that their recruitment was terrible  
3 to begin with and so obviously you can't get a good product  
4 out with a faulty process. Maybe it was not a commitment of  
5 a particular staff to do that and that led to the poor perfor-  
6 mance.

7 But there are situations in which, you know, not  
8 even the minority law students groups in the law schools in  
9 the area get contacted. I don't know how anybody can say that  
10 they have been doing good, strong minority recruitment when  
11 they don't even bother to contact those groups.

12 And I know that for a fact in my state -- my home  
13 State of Texas, as well as the surrounding states. And it  
14 is particularly bad for native Americans and Asians. Most  
15 of the groups that I have talked to in my recruitment drives  
16 have never heard of the REGGIE program making contact with  
17 their law schools.

18 So from that point of view, I know that the process  
19 has been very, very faulty. The choices that have been made,  
20 I think, go on for other reasons -- not quality reasons, not  
21 local community needs -- nothing like that.

22 They go where they can find somebody that wants to  
23 go there, To the extent that that has been the major consider-  
24 ation, I think that should be dropped, I think they should  
25 be told, No, you can't do that.

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.  
261-4445

1 CHAIRMAN ORTIQUE: Do you think that we can tell --  
2 that the REGGIE program wherever it is based, can tell a  
3 project director, like it or not, you have got to take this  
4 person?

5 Or is there some meaningful mid-ground?

6 MR. GALINDO: Well, I think there is some medium  
7 between the two. There are a lot of project directors that  
8 will use the REGGIE's as it has been stated before, as  
9 crutches in their affirmative action programs or whatever  
10 else.

11 The evils of having it totally in local control  
12 should be avoided, if possible. But then there are a lot of  
13 evils that have shown themselves because it was too centrali-  
14 zed in the past, that I think can also be avoided,

15 So I think a process can come up, and I think in  
16 this room there is enough brain power to come up with a  
17 process that would be a little better in terms of the ultimate  
18 product than what has gone on before.

19 PROFESSOR WASHINGTON: That seems to me is not one of  
20 the crucial problems. These are techniques. These are the  
21 kinds of things that really can be built in. What it seems  
22 to me you ought to be determining is just what do you want  
23 this program to do?

24 And give it some sort of shape. Within that shape,  
25 it seems to me that you can put together the basis of criteria

1 that you would impose upon whoever handles it, and I would  
2 think that in all fairness, that if you give it some new  
3 shape, that Howard ought to be given the opportunity to go  
4 with it.

5 Not to say that they would keep it or what, but as  
6 I say, I would like to see a consortium arrangement, but  
7 initially it seems to me that Howard ought to have it. But  
8 I think in talking about the various kinds of techniques that  
9 you waste some amount of time here now.

10 You can get people together to do these kinds of  
11 things very easily, but you need to be setting some policy.

12 MR. TRUDELL: Well, I hope that during the after-  
13 noon we will do that. But I think that this has been very  
14 beneficial this morning because as I said at the outset, I  
15 hope people will be very candid and throw their ideas out  
16 on the table.

17 I guess the importance of time is critical in terms  
18 of what is being done now with the recruitment process. If  
19 it is behind schedule, it shouldn't be behind schedule. The  
20 fact that you have half your REGGIE's already in place, and  
21 in terms of reshaping the program, you have to think about  
22 them as well.

23 So it is, you know, I guess critical in terms of  
24 hopefully at that March board meeting we will say that as a  
25 committee, this is our recommendation. During the afternoon,

1 I hope that we can begin to put together this criteria -- to  
2 put together the goals which I still can't really figure out  
3 other than that the only goal that I can really relate to, I guess,  
4 is the minority recruitment aspect of the picture, which I  
5 totally endorse.

6 MR. HATTER: Well, it seems to me you have to  
7 start with the very title of the fellowship itself -- It is  
8 the Community Lawyer Fellowship Program, and one of the  
9 things a client said to me Saturday was, we think, particu-  
10 larly with the demise of the VISTA Program, that we aren't  
11 going to have any lawyers working with our organization.

12 And can't the REGGIE's do that? Would you take  
13 that back to them? I said, certainly, I will take that  
14 back to them, but look right at the title. They are  
15 supposed to be community lawyers.

16 They do most of the community work because they  
17 happen to be minorities, fortunately, and can relate. That  
18 is not to say that we don't have other lawyers who relate as  
19 well, but not enough of them.

20 Not enough of the REGGIE lawyers relate when you  
21 get right down to it, so we need even more of them to make  
22 sure that we have enough people relating to the clients -- the  
23 clients who have to be served. And it might be that we need  
24 proposals from the various programs saying what it is that  
25

1 they want to have done, to see if it fits within the broad  
2 framework that you have determined upon for the shape of this  
3 program.

4 And even have -- I think Jim suggested -- have  
5 program directors identify certain people and if these people  
6 match up within hopefully a group of interviewers and  
7 selectors who are out there using some criteria that makes  
8 sense.

9 Then, again, you might have a proper kind of match,  
10 and you might be able to pull off something on the basis that  
11 it is a community lawyer fellowship program.

12 CHAIRMAN ORTIQUE: I am sorry. We cut you off,  
13 and I certainly want to give you an opportunity to make  
14 your presentation.

15 MR. GALINDO: All right, I have only a couple more  
16 points.

17 CHAIRMAN ORTIQUE: Fine. Go ahead.

18 MR. GALINDO: The recruitment I throw out because --  
19 not because simply the recruitment which is a daily thing and  
20 supposedly the administration can take care of that -- you  
21 know, brushing it up and making it better,

22 There is some serious problem with whether there will  
23 be a lot of duplication now that the corporation has its own  
24 recruiting unit, and it seems to me that whoever can do it  
25 better should do it and that there should not be two simul-

1 taneous recruitment efforts.

2 One thing that came out of the recruitment problems  
3 that I have always had difficulty with, and others as far as  
4 I know there in the area have, is just lack of responsiveness  
5 of the REGGIE program. I suppose that changes with you  
6 people also.

7 The only reason I bring it up is that I think these  
8 are things that have come about because of the lack of accoun-  
9 tability of the REGGIE program to anyone in previous years,  
10 and I think that if there is going to be a significant improve-  
11 ment that is not based on the good will or the benevolence  
12 of the administration, there has to be some sort of accounta-  
13 bility built in.

14 So where nudges and pushes where there is a lack  
15 of responsiveness will get people moving in that direction.  
16 Like I say, I am not making -- I don't want to cast any  
17 aspersions to the new leadership here. It hasn't been there  
18 long enough for me to get a very good idea.

19 But I think the lack of accountability has resulted  
20 in a lot of these difficulties that have exacerbated the  
21 field people. Another problem I have that is upcoming is  
22 this priority setting process that is going to conflict with  
23 the REGGIE goals, unless there is some sort of discussion  
24 about how to work a REGGIE into the local process.

25 And if you set priorities and the REGGIE comes in,  
**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

1 and you didn't set it in that area, what are the REGGIE's  
2 going to do? That is a hard thing to deal with, but I think  
3 it has to be thought about before any of the major problems  
4 are --

5 CHAIRMAN ORTIQUE: Do you envision that we can  
6 have a REGGIE program flexible enough that the role will  
7 change from place to place and even from time to time?

8 MR. GALINDO: Well, I think it should, but then you  
9 lock in your recruitment effort to a particular person, which  
10 means that you will have to know what the field office needs  
11 in order to publicize the recruiting ahead of time.

12 CHAIRMAN ORTIQUE: You have to know it ahead of  
13 time. At least a year ahead of time.

14 MR. GALINDO: So that changes the whole nature of  
15 the placement process. I think that is all the points I had  
16 that I wanted to cover.

17 MR. BRANTON: Mr. Chairman, may I ask what is this  
18 lack of responsiveness that you allude to?

19 MR. GALINDO: Well, this generally -- my feeling  
20 and it has happened to me several times -- that I have tried  
21 to get the REGGIE staff to deal with some of the problems  
22 that I am having locally with the REGGIE's or with transfers  
23 and allotments and things like that.

24 Most of the time they don't even bother to answer  
25 your phone calls, and they certainly don't answer any letters.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 MR. BRANTON: Are you talking about more than a  
2 year ago or within the immediate past?

3 MR. GALINDO: I can't remember if I have written  
4 any letters lately, but I would say -- I am talking about  
5 maybe six months ago.

6 MR. CRAMTON: Were you here?

7 CHAIRMAN ORTIQUE: Sure.

8 MR. CRAMTON: We have some very interesting comments  
9 from a lot of our visitors around the table, and a lot of  
10 them made a lot of very interesting suggestions and some  
11 criticisms at least of the past operations of the program  
12 at Howard.

13 I guess I would be very interested in hearing what  
14 the Howard people's reaction is to these comments. Which  
15 ones they think the present programs can accommodate, which  
16 ones they agree with, and what they disagree with, and what  
17 is their reaction to those suggestions that we have heard.

18 CHAIRMAN ORTIQUE: Well, just before you -- while  
19 you are thinking about that, we have got a number of people  
20 out there in the audience, and you have heard a lot of things  
21 said. Does anyone wish to add at this point in either direc-  
22 tion without labeling it recommendations --

23 It could be reactions -- at this point?

24 MR. ENGELBERG: Could I made just one point?

25 CHAIRMAN ORTIQUE: Yes. Just one minute, please.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 MR. ENGELBERG: You know it occurs to me -- I guess  
2 Jim mentioned it in his report. I guess I am a little bit  
3 concerned about the constant use of the words affirmative  
4 action, because as I understand -- which I completely agree  
5 with -- there seems to be a consensus that one thing this  
6 program has got to do and that is bring in minority lawyers.

7 But it is not really, as I understand it, affirmative  
8 action in the Bakke sense. It is to bring in minority  
9 lawyers to improve the service of the program. I think that  
10 is what we are referring to.

11 I guess I am a little concerned, because I think  
12 why get into the whole Bakke sort of thing? Because basically  
13 I don't think we are doing the minority lawyers a favor to  
14 hire them to come into Legal Services.

15 In other words, I think that frankly my guess that  
16 most minority lawyers just out of law school have a lot of  
17 other choices out there. You know, it is not like a minority  
18 applicant being allowed to go to medical school to make up  
19 for years of discrimination.

20 I am a little concerned about it, and I guess that  
21 it why everybody uses it, but I don't think that is what  
22 everybody means, We have been talking about recruiting  
23 minority lawyers for the kind of reasons that Terry and others  
24 have talked about.

25 PROFESSOR WASHINGTON: I think we addressed that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 MR. ENGELBERG: I didn't mean to imply it was an  
2 original point, but it did come up.

3 CHAIRMAN ORTIQUE: It is a good point, Steve, Yes?

4 MS. BERID: As a point of identification, my name  
5 is Maxa Berid. I am one of the few women project directors.  
6 I am project director for Legal Services in Lowell, Massachu-  
7 setts.

8 Of course, I have known Hap for a long time, and  
9 wrote him a letter that was several pages from being marooned  
10 in a snow storm up in New Hampshire and gave me a long time  
11 to read his working paper.

12 My program is old and new. We have one office that  
13 goes way back to the early 1967 period. The rest of it is  
14 an expansion which is probably unique in the New England  
15 area, and we are Region One, which probably has lots of  
16 connotations to all of you.

17 We are stagnating, declining, and I am in an expan-  
18 sion program, which makes me highly unique in Massachusetts.  
19 But I have never seen a REGGIE, and my state now has one  
20 REGGIE, in Josephine Worthy's territory, Weston, Massachusetts.

21 And there is no hope from the past of us ever having  
22 a REGGIE, and quite frankly that allowed me the reason to  
23 write the letter. Since I am on the Northern tier of  
24 Massachusetts, I have no longer the luxury of having affirma-  
25 tive action recruitment for Boston.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1           Where am I going to deal with that and be fair to  
2 everyone? How am I going to say, do you pay one person  
3 something or not? That is one of my things.

4           The question I have heard here is placing REGGIE's  
5 in community groups. However, several years ago I was a  
6 member of the the Massachusetts Lawyer Reform Institute  
7 Group, with the unique program held up as a community action  
8 project placed in a very small community.

9           At that time, I traveled 70 miles to my support  
10 center for what we referred to as our R and R. I have some  
11 real reservations about placing attorneys isolated from other  
12 people who are sympathetic -- and that is Legal Services --  
13 and surely not the private bar.

14           In my experiences, they are not sympathetic to  
15 give you guidance and having to use just the telephones for  
16 backup. Generally the attorneys you are going to be dealing  
17 with are young. They need guidance. They need help. You  
18 cannot think that you are going to be successful in placing  
19 people that far away and do the quality representation that  
20 you are asking.

21           I think, though, it is an excellent idea to have  
22 community people. I just want you to be aware that there are  
23 real problems, and I can't give you the solution. I spent  
24 two years with it. I think that it is a potential disaster  
25 to place people that far away from sympathetic areas where

1 they can get guidance and assistance,

2 The last thing I would just like to address is  
3 training. We now have local training. I think it can be  
4 very successful. It has been successful in my area. I think  
5 the REGGIE's should be made to participate in that local  
6 training because it does create the necessity that you do  
7 get to know people that you can talk to -- people that you  
8 can call and deal with in and say, hey, I am going into  
9 federal court, what does this mean?

10 How do I do it? I think that it is very important  
11 that there be that contact -- that the REGGIE's be taken in  
12 that sense not out of the main stream, but brought back in so  
13 that they have people around.

14 Yes. Basically, I am very much in favor of it. I  
15 think that Howard should keep it. Howard has been in the  
16 forefront of being affirmative action. Also, in my eyes,  
17 eastern is an area that I can identify with -- and I know  
18 someone is smirking over there and saying, is it eastern?

19 Yes. I have my biases too. I do see it though as  
20 a place that has made a deep commitement to affirmative action  
21 and from where I am coming from, that is where I would like  
22 to see it,

23 CHAIRMAN ORTIQUE: All right.

24 PROFESSOR WASHINGTON; I believe also that Arthur  
25 Morrow is here.

1 CHAIRMAN ORTIQUE: Yes, sir?

2 MR. WONG: Yes. As earlier I have stated, I am  
3 from Pasadena, California. I am a former REGGIE. I started  
4 in August of 1975, and have been a REGGIE for three years.  
5 Initially I was assigned to the program in the Pasadena area  
6 of California, which served the San Gabriel Valley, Pomona  
7 Valley, and also Pasadena, and the surrounding area.

8 As of June of last year, I have been given the  
9 responsibility as the managing attorney fo the Pasadena  
10 office, so I guess you can say that I am a living example of  
11 some of the issues being raised today in this particular  
12 meeting.

13 I feel very happy as a REGGIE -- having been a  
14 REGGIE. I was given a case load to carry, for which I was  
15 initially very concerned about, and because of that concern,  
16 it gave me added confidence to be professional and to be a  
17 good attorney.

18 At the same time I was given the role of acting  
19 as a community advocate in the Pasadena area, and as a result  
20 of that, we were able to conduct a lot of substantial and  
21 important community work. Like, for instance, the rent  
22 control program in Pasadena, as a result of the Proposition 13  
23 landslide in California.

24 Some of the things that concern me initially about  
25 the REGGIE program were also echoed today in this meeting.

1 One of them has to do with the placement of the REGGIE's in  
2 the appropriate communities. I speak for the Cantonese.

3 When I applied for the REGGIE program and give the  
4 person the place that I wanted to go, I was told in not so  
5 uncertain terms that I would be placed almost anywhere in the  
6 United States or maybe even in Alaska.

7 I was told that if I was selected, I could find  
8 myself in Miami as well as in Maine. I wanted to be placed  
9 in Chinatown, San Francisco, because of my ability to speak  
10 Chinese, and my choice, obviously, was San Francisco China-  
11 town, or the Bay Area.

12 Unfortunately, I was sent to Pasadena. When I got  
13 to Pasadena, I realized that the Asian population there is  
14 minimal, but then I also realized that 13 miles away, there  
15 is a Chinatown in Los Angeles, and I was able to translate  
16 my language ability in the Chinese community in Los Angeles,  
17 by participating in the community affairs.

18 And also I was able to solicit the help of other  
19 minority attorneys and also bar associations in the area to  
20 provide local program for that community. But I think that  
21 the needs that the Eastern community and also the desire of  
22 the REGGIE applicant to be taken into special consideration --

23 Placement of the REGGIE into an area is important  
24 not only for the REGGIE, but also for the community in general.  
25 Another thing that I wish to also say, too, is this idea of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 responsiveness. The issue of responsiveness.

2 And this goes to the subject of training. When I  
3 was assigned to Pasadena program, training was minimal from  
4 the REGGIE program. This is my second time to Washington.  
5 The first time I was here was for the introductory program  
6 when I given the week of orientation program.

7 And during that time, I was told that I would be  
8 getting a lot of training from the headquarters in the  
9 Washington program. However, I never contacted -- I communi-  
10 cated the need for training, but, however, I was not given  
11 any response to that,

12 But that doesn't mean to say that I was not given  
13 any training on the legal level. My program director was  
14 extremely helpful, and also the project -- the other project  
15 area such as western center -- was also very helpful in  
16 giving me the training and guidance in becoming a professional  
17 and also an attorney.

18 Again, I would like to say, though, that my  
19 experience as a REGGIE is a happy one. And because of that,  
20 and also because of the -- my desire to be a Legal Services  
21 attorney, gave me the impetus to stay in the Legal Services  
22 program.

23 CHAIRMAN ORITQUE: Thank you. Any comments from  
24 the public?

25 MR. SINGSEN: Yes. Just very briefly. I am

1 Gary Singsen. I know most of you, I guess. I just wanted  
2 to say one thing about objectives, which Terry referred to,  
3 and I think you referred to also. I guess it is exemplified  
4 in the title -- the Community Lawyer Fellowship Program.

5 I was a REGGIE in the second class at Pennsylvania  
6 in 1968. I guess I want to cast what I want to say in the  
7 context of how REGGIE started, with an agenda which was not  
8 really very public, but very clear nevertheless.

9 Which was to get experienced REGGIE's, who were  
10 very bright young REGGIE's, aggressive people in either case,  
11 who were very committed to social change, and to place them  
12 in Legal Services programs which were by and large not so  
13 committed to social change.

14 With the intent of changing those programs --  
15 and it worked. I think it is fair to say that the first three  
16 years -- four years of REGGIE has a very large effect on the  
17 shape of the Legal Services programs into the 1970's

18 The people -- I think the Robertson report says  
19 this -- the people stayed in Legal Services a long time.  
20 There are a lot of us still around. There are REGGIE's here  
21 in Washington working in lots of programs around the country.

22 I think that objective was viable in the late 1960's  
23 because the programs were new -- because most of the programs  
24 were not highly structured. They were not managed by people  
25 who had extensive experience in Legal Services.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 I think we are in a very different world today. I  
2 don't think you could run that agenda today, for example, and  
3 get very far, because you would be placing people, even with  
4 the skills that I am talking about -- in programs that were  
5 structured -- that had a fairly clear sense of how they ran.

6 They are institutionalized. There are a lot of staff  
7 that has been there for a long time and a lot of issues, so  
8 that the question I want to raise about objectives, given  
9 that I think that objective that was part of the original  
10 program probably is not a proper objective, is how much of  
11 our discussion -- how much of our focus on what REGGIE should  
12 be doing, is mixed.

13 It is mixed by not clarifying what it is we really  
14 want out of the community lawyer element that is still in the  
15 program and still perceived, I think in the recruitment.  
16 When I was in New York, most of the REGGIE's who came to me  
17 were oriented to community work.

18 They were coming into a program that had an orienta-  
19 tion in community work of its own, which wasn't terribly  
20 dissimilar to theirs, so that they were able to work very  
21 effectively. But they were by and large inexperienced.

22 They came in. They needed training -- and this I  
23 have referred to several times -- You don't put a brand new  
24 lawyer into a structured context and expect him or her to  
25 take over what is happening in the program.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

1           The question I want to raise is, what is it we want  
2 out of the program with regard to this title and clearly  
3 perceived intent of community lawyering?

4           It may be that we want to think at least about  
5 whether the corporation has a national agenda which is con-  
6 sistent with community lawyer orientation for the rest of  
7 the program. We do not have an explicit agenda, for example,  
8 in terms of community development or economic development as  
9 a priority established on the national level.

10           But in the REGGIE program, recruitment and placement  
11 and some training has been oriented in that direction in the  
12 past. It may make it tougher to do other things in the  
13 REGGIE program if we keep that focus.

14           On the other hand, we may conclude that that focus  
15 is very important to us in terms of how we perceive legal  
16 services and how we want this program to do recruiting -- the  
17 kinds of people we want in Legal Services.

18           I think that is an issue that we need to talk about  
19 here, whether that is the direction we really want REGGIE to  
20 go, and whether you want placements that have a substantive  
21 agenda, if you will, as well as a recruiting for quality and  
22 recruitment for more minority placement.

23           CHAIRMAN ORTIQUE: Yes?

24           MR. ROCHE: Mr. Chairman, if I may re-emphasize  
25 Jerry -- to the extent that I was trying to say anything

1 coherent, I think that what Gary is saying is that REGGIE  
2 has always been on the frontier of major delivery issues in  
3 Legal Services, at least in some broad conceptual fashion,

4 First, the idea of social change -- then affirmative  
5 action in minority recruitment. What I was trying to urge  
6 the board is that we now have in Legal Services a whole host  
7 of frontiers being thrust upon us, and that what I would urge  
8 you is that those try to be identified and that we can continue  
9 that pattern of REGGIE use, which is to address it now for  
10 whatever our newest frontier systems are.

11 CHAIRMAN ORTIQUE: Ed?

12 MR. SPARER: You know, I agree with that. I want  
13 to comment on Gary's comments. While I agree with some of  
14 his characterization, I disagree with some, which might infer,  
15 in any event, from his remarks -- I am not sure he implies  
16 that.

17 There were three characteristics which got into the  
18 social change notion that was involved in the early REGGIE  
19 program at Penn. These were, one, if you got somebody who  
20 was very bright as well as committed -- very bright -- and  
21 I am using those words in quotation marks according to  
22 traditional law school standards -- that was going to be of  
23 particular importance in what was going to happen -- combined  
24 with a training course which gave rise to notions of test  
25

1 case law reform in particular areas, combined with a sense  
2 of responsiveness to certain types of organizations which  
3 were then in movement condition, particularly welfare rights  
4 organizations and tenants organizations.

5 That was the notion underlying the Penn program as  
6 it existed. Several things then changed. Number one, there  
7 was a gradual understanding that we need minority involvement  
8 on a large scale.

9 And the conception that was used at Penn was shutting  
10 some of them out. Number two, the welfare and the tenants  
11 movements and so on failed as movements as time went on, or  
12 began to shrivel as movements.

13 And number three, we learned that you can win test  
14 cases and not reform the world. Now, I think the present  
15 program, as general as it is, is putting its finger on a  
16 conception of community lawyering which is as much devoted  
17 to the notion of social change, but is beginning to wrestle  
18 with those problems.

19 And I think we should be focusing on that.

20 CHAIRMAN ORTIQUE; It has been called to my  
21 attention -- Dean, are you going to be back here at 1:30?  
22 Fine. It has been called to my attention that we are past  
23 the time when we are supposed to have lunch.

24 Mr. Veney, its ready now.

25 DEAN CAHN; You have given a subcommittee of this  
NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

1 committee a chore, and I just wanted to help that subcommittee  
2 in deciding that chore by giving you your transcripts from  
3 the October meeting, your December meeting and the January  
4 retreat, where the subject of client training is very much  
5 mentioned.

6 CHAIRMAN ORTIQUE: We are going to attempt to do  
7 this. We have now had a lot of things thrown at us. It  
8 seems to me that the task of the board committee is to try  
9 to come up with those areas -- you labeled them frontiers --  
10 that really are priorities in effect for the REGGIE program.

11 And we have got to have some input from Howard  
12 University because they may tell us that what you are looking  
13 for is not the same thing we are ready or willing to produce.  
14 And at the same time, we have got to make sure that we make  
15 recommendations that we will be able to defend before the  
16 board if a defense is necessary.

17 So that we will want to sort of synthesize this  
18 following lunch without putting any damper on the inputs that  
19 you may want to give to us -- that is our expert consultants --  
20 this afternoon.

21 But that is where we want to be at that time, and  
22 we will take whatever recommendations that you will have to  
23 make on the matter of the urgency nature after you completely  
24 refresh yourself.

25 With those remarks, I want to say that we want to

1 meet back here at 1;30. This is, as I understand it, a  
2 buffet lunch, so it shouldn't take us long to get served.  
3 We do want our consultants to join us for lunch as well as  
4 the representatives of Howard University join us for lunch.

5 So that whatever time is left, Dick, you give to  
6 your task of reviewing the material,

7 MR. EHRLICH: We will go not through the main  
8 University Club entrance, but rather around the left side  
9 through the boiler room where we talked informally this  
10 morning -- through that into the buffet line and then back  
11 to the Doyle room for lunch.

12 (Whereupon, at 12:45 p.m., the meeting was recessed  
13 for lunch, to resume at 1;30 p.m. on the same day.)  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AFTER RECESS

1:45 p.m.

1  
2  
3 CHAIRMAN ORTIQUE; Go ahead. One of the things I  
4 have learned a long time ago is that if you delegate certain  
5 decisions, you stay out of difficulties. I did delegate this  
6 morning that Dick Trudell would chair the committee on amend-  
7 ing the agenda,

8 Dick, are you ready to report?

9 MR. TRUDELL; Before I make my remarks, I think Jo  
10 has some things she wants to say.

11 MS. WORTHY; The reason I guess people are wondering  
12 why the amendment was brought up, and looking through some  
13 of our, I guess our meetings here in the papers, is that  
14 client's training -- the subject of client's training was  
15 I guess recommended by someone that it come up at the retreat.

16 It was also recommended at the retreat that client's  
17 training be recommended to our committee. Now I feel that  
18 recommendation was made in time to have been on the agenda,  
19 and I don't know why it was not placed on the agenda.

20 I realize my letter after I became really concerned  
21 reached our chairman a little late, but that should not have  
22 been. It should have been placed on the agenda because it  
23 had been recommended several times,

24 And it bothers me that it was not placed on the  
25 agenda. I think it had time to be put there, and that is why

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 I am really concerned.

2 MR. TRUDELL: We discussed it briefly before we  
3 went to lunch, and I guess the consensus was that rather  
4 than discussing concerns about the client training and client  
5 involvement and Legal Services is that we more or less kind  
6 of outlined how it should be discussed and make sure that it  
7 is put on the agenda for the March board meeting and decide  
8 how deep the discussion should be and for which day it should  
9 be placed on the agenda.

10 So there is no in depth discussion about client  
11 training for us to predetermine what should be done, and so  
12 rather than I think probably amending the agenda that it  
13 could really come under other interests.

14 And so I think that Josephine's concerns have been  
15 heard, and we should make sure that before we leave this  
16 meeting tomorrow that we have decided where it fits into the  
17 agenda and will be given ample time to be discussed.

18 CHAIRMAN ORTIQUE: And that the staff will be  
19 prepared to assist at our March meeting in the discussion,  
20 Mr. Veney?

21 MR. VENEY: Mr. Chairman, I left this meeting this  
22 morning to go over and get your transcripts because I felt  
23 the move toward just what has been recommended. In October  
24 clients came before you and asked you to consider a resolution

25 They received assurances from the chairperson of

1 this board that the matter would be brought up before the  
2 board. It was not on your December agenda. It was not  
3 discussed when you discussed the budget.

4 In December the former chairperson of this board  
5 asked that -- or suggested that it was a fit subject for  
6 discussion at the retreat. It was not discussed at the  
7 retreat except as it was forced on you at the retreat.

8 At the retreat it was decided that a report would  
9 be given to this committee or that the matter would be  
10 referred to this committee. We are now going to put it off  
11 until the March meeting, where it will be referred to this  
12 committee, which will then bring it back to the board some-  
13 time in July, for the board's further consideration.

14 I suggest to you, Mr. Chairman, the sense of outrage  
15 that I feel will be, I think, at least duplicated to some  
16 extent in the client community. I don't understand it. I  
17 think it is consistent with what I presented to you in  
18 January at your retreat in terms of this corporation and this  
19 board's responsibility to the client community.

20 And the steps that it is taking or not taking about  
21 client involvement and its responsibility to the client  
22 community. In deference to your guests and the subject that  
23 you have before you in terms of the REGGIE program and the  
24 importance of that, I shan't pursue it except to express a  
25 clear sense of disappointment and a sense of outrage that I

1 haven't known since the very earliest days of my dealings  
2 with this corporation.

3 MR. TRUDELL: Well, I think, Bernie, we probably  
4 all have to turn to the board members and particularly the  
5 committee members having to share the blame, because we did  
6 -- unless someone didn't receive their meeting agenda in  
7 advance -- I did.

8 And I guess I didn't comment on the items on the  
9 agenda, and I could have. So I guess what I am saying is that  
10 in the future hopefully that the individual committee members  
11 will be contacted by whoever is chairing that committee, you  
12 know, to make sure that is everything on the agenda that you  
13 feel should be on there.

14 And if not, then add something to it. But I think  
15 in terms of, you know, some of us arrived yesterday. We were  
16 here. The agenda is there, and to avoid the risk of doing  
17 something that we may be called on the carpet for --

18 I mean if we are going to really discuss the  
19 concerns that clients have, there should be more clients here,  
20 and they are not here primarily because they were not notified  
21 or it wasn't on the agenda. So it is not a matter of just  
22 passing the buck and shoving it back again.

23 You know, if -- like I said, I think all the  
24 committee members and the board members should share the  
25 blame if there is some blame, and hopefully by the end of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 meeting, we will discuss how it should be taken up at the  
2 March meeting and give it ample time, and if it should be on  
3 the agenda at first, then we will put it on first.

4 And give the staff the responsibility of preparing  
5 us for it.

6 MR. VENEY: Just two quick points, Dick. One, you  
7 asked the staff for a report on client training, and I believe  
8 that request was made in December. I don't know when it was  
9 you anticipated receiving that report.

10 The second point is that as far as I know that  
11 agenda was issued nine days before this meeting. Nine days.  
12 That is the date of the issuance of that agenda as far as  
13 I know is the seventh of February, which could not have been  
14 received by anybody in the field before the 10th of February,  
15 which afforded under the Sunshine Act, I suspect, inadequate  
16 time to make the changes even if they had been recognized.

17 What I suggest to you, Dick, is that this is a  
18 discussion this board has had before. Not you, perhaps, but  
19 the board of the Legal Services Corporation, in terms of how  
20 does the agenda get set and what items are to be brought to  
21 the agenda.

22 I suggest to you that if the subject is uncomfortable  
23 -- if the subject is one which staff does not wish the board  
24 to consider, the staff can simply by doing what it has done  
25

1 with this agenda, made sure that that item does not come  
2 before the appropriate committee and therefore cannot be  
3 appropriately considered by the board.

4 MR. TRUDELL: I think to avoid that, you know, to  
5 make it part of the record before we adjourn this meeting  
6 tomorrow, we can discuss what should be on the agenda as far  
7 the Committee on Provision of Legal Services is concerned so  
8 that you can be assured that it will be on there, and ample  
9 notice will go out.

10 CHAIRMAN ORTIQUE: Why can't we resolve that now,  
11 Dick? As chairman of the committee, it would appear to me  
12 that we can direct -- this board can direct the matter be high  
13 on the agenda -- that the matter be, if not the number one,  
14 in the number two position so that we know that it is looked  
15 upon that first day.

16 And that the staff send to us prior to the meeting  
17 a report of the present status of the training program. That  
18 the client community give to us as quickly as possible, if  
19 they wish, a statement regarding their concerns about the  
20 training program.

21 And that -- and the only reason I am not saying in  
22 the number one position is because there may be something more  
23 logically to be placed in that position. But that I would  
24 anticipate that if it is in the one or two position, it  
25 guarantees that it will be heard that morning -- the first

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 morning.

2 MR. CRAMTON: Mr. Chairman, --

3 CHAIRMAN ORTIQUE: Yes?

4 MR. CRAMTON: I probably won't be on board at the  
5 time of the March meeting, I have a conflicting engagement.  
6 But it does seem to me that this committee is not dealing  
7 responsively with the board if again it dumps in the lap of  
8 the board an issue which has not been -- on which there have  
9 been no staff reports prepared in advance and which the  
10 committee has not even given preliminary consideration to.

11 I think it is a mistake to discuss this at the  
12 March meeting of the board. I think the committee will have  
13 a meeting between March and the next board meeting and that  
14 it should be an item -- a staff report should be prepared for  
15 that meeting. It should be considered by this committee, and  
16 if the committee wants to make recommendations about changes  
17 in the provision of support insofar as clients are affected,  
18 it should do so for the meeting that follows that.

19 One reason why this committee has had trouble in  
20 its relationship with the board is that the committee has  
21 been reluctant to consider issues and make recommendations  
22 and prepare them so that the board can consider them adequately

23 It seems to me you are following the same course  
24 that has been followed in the past. I don't care whose  
25 error it was that the item didn't get included on the agenda

1 for this meeting and the clients aren't here and the staff  
2 hasn't prepared a report.

3 All of that has happened. It doesn't really matter  
4 whose fault it is, We can't go back beyond it now, It is  
5 too late to get a staff report, staff recommendations, to  
6 get the clients here, to discuss it intelligently, Put it  
7 off to the next meeting of this committee, which would give  
8 ample time for the preparation of the materials and formula-  
9 tion of proposals and alternatives.

10 Let the committee consider them. Let it then make  
11 recommendations to the board. Just don't dump it in the lap  
12 of the board.

13 MS. RODMAN: I have to agree with that, Mr. Chairman.  
14 I also want to add -- I may have been at different meetings,  
15 but I have heard client training discussed at least twice.  
16 We received a written report from Catherine deGermane at the  
17 retreat which I read.

18 I have a pretty good idea of what is going on in  
19 the corporation as to client training. I have never received  
20 any written report or any other proposals for client training  
21 except verbal proposals that more money be given to client  
22 training.

23 And I don't see how we can have an intelligent  
24 discussion unless we have got some very good documents and  
25 other kinds of ideas and proposals in forms that we can

1 consider.

2           So, I would go along with Roger's suggestion that  
3 we have a meeting. Maybe we can have a provision committee  
4 meeting before the March board meeting, again, since it is  
5 sort of toward the end of the month and try to consider the  
6 matter at that time.

7           If not, have it after the March meeting, because  
8 I just don't see where we are going to get any further than  
9 we have gotten before. We have heard from our staff. We  
10 have gotten a written report which I thought was a written  
11 report.

12           It was about 20 pages long on green paper, and we  
13 have heard from Catherine deGermaine. If the client's council  
14 or any other group of clients or any group of attorneys, or  
15 anyone else has contrary suggestions, put them in writing and  
16 get them to us so we can consider them, rather than just  
17 talking in a vacuum and abstractly about \$9 million for client  
18 training to do something.

19           I mean, I want to know what that is going to be for.

20           CHAIRMAN ORTIQUE: Well, it seems to me that in view  
21 of the fact that we have had to acknowledge that this should  
22 have been on the agenda today, that we ought to do what we  
23 can to accommodate them so that they will not be put off until  
24 the June or July meeting,  
25

1           And I would certainly go along with the notion that  
2 we consider the possibility of having a special committee  
3 meeting, I see Tom shaking his head because it puts a burden  
4 on the staff.

5           I just don't think that the most important people  
6 to us -- they are supposed to be the clients.

7           MS. RODMAN: Let's have a meeting before the next  
8 board meeting.

9           MR. EHRLICH; I have no problem at all in the  
10 original proposal myself of having it come to the board, all  
11 deference to the points that were just raised by Roger and  
12 Hillary. I must say I have some concern with three Congres-  
13 sional appearances coming up in the month of March of having  
14 another committee session.

15           Three Congressional sessions plus the board meeting  
16 at the end of the month -- that is why I express some concern.

17           MR. CRAMTON: Isn't it going to take a while anyway  
18 -- We essentially have our budget kind of fixed for this year.  
19 What we are really talking about is whether or not it should  
20 be a substantial allocation of money at the time the current  
21 appropriation is reallocated in September.

22           July is in plenty of time. Proposals need to be  
23 formulated. Let's have the National Client's Council formu-  
24 late a proposal. Let's have a staff report. Let's have it  
25 come to the committee with the proposals that spell out what

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

1 ought to be done, what are the needs, what would be the cost,  
2 how it would be done and so on,

3           And have that considered by a meeting of this  
4 committee between the March meeting and then the summer meeting  
5 and then it could go before the board with committee recommen-  
6 dations at that meeting.

7           MS. RODMAN: Without specific proposals, I don't  
8 see how we can do anything other than talk about the philosophy  
9 of it anyway, which will then lead to having to have specific  
10 proposals.

11           MR. EHRLICH: Whatever happens, I will -- if you  
12 want it, we will certainly provide before the March meeting  
13 not only the material that Catherine handed out, but a state-  
14 ment of what is going on generally in the corporation.

15           MR. TRUDELL: Let me say one thing, Tom. You know  
16 I agree both with Roger and Hillary for the simple reason I  
17 was very adamant about the way we handled the Legal Services  
18 Institute proposal in terms of that was thrown in the board's  
19 lap, and I was wholly opposed to it.

20           I was pushing for let the committee debate it, and  
21 then bring it to the board. We didn't do that, so now I  
22 think if we do what you are asking without any advance prepara-  
23 tion or, you know, the opportunity to really hear various  
24 viewpoints, we do ourselves a disservice at the March board  
25 meeting.

In terms of another committee meeting before the March board meeting -- I am not opposed to that because there is another item on the agenda that we haven't discussed which we received reports on last night, and there is no way we are going to really get into those access reports without having another meeting.

Because when you get a set of reports that amount to more paper than I have before me, and we are expected to discuss those reports and critique them and give some kind of feed back on them, we are not going to do it.

So, I guess what I am saying is that maybe we should postpone any further discussion about another meeting before the March meeting and taking up the issues that the clients are concerned with as well as probably the access reports.

Because the access reports -- when I read the minutes and, you know, I think we have all been very adamant about getting all those reports done. And now I guess they are kinda in final draft form, and hopefully after the March meeting, we will be in a position to send those reports on to the Hill.

If we are not, then that means that we have postponed us dealing with those reports until the June board meeting. And I don't think we can wait that long because it affects the -- however the '80 budget is going to be formulated in terms of if we are going to really do what the Act calls for

in terms of not only spelling out the barriers but coming up with a list of potential solutions to circumvent or to get around those barriers.

And that costs money. But anyway, I think that, I don't know, Josephine, if it makes any sense for us to finish what we started this morning -- and I am not saying we shouldn't -- we will bring this back up, but I think that we should have an opportunity to think about it a little bit and do what we can.

And I am sure we will do that.

CHAIRMAN ORTIQUE: Well, certainly we have got to resolve it. I was merely saying that it seems to me that we owed it to the client community since we ourselves had made certain statements that we were going to address it.

I recall that we did receive a proposal back in October from the client community indicating what their desires were. It appears to me that I was under the impression that that was still their position.

Now if they have changed that position, then I think we need to know about it. It appeared to me further that if we are going to have -- if we are going to consider that we ought to allow a lot of deference to the client community, then have another meeting before our March meeting.

MS. WORTHY: I am not opposed to another meeting.

MS. ESQUER: I would prefer having a special

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

meeting of the committee to again letting the entire board be waiting for this committee's work, because I am really fed up with the late reports that we receive from staff, you know, and I know that they put in a lot of hours and have done a lot of work.

But I just think that we as a committee, as board members, have to either begin scheduling our committee meetings to the staff's pace or else be a little bit more demanding that when reports are promised by a certain date, that we as board members follow up and inquire whether there is any use to have a committee meeting.

I think it is very expensive to get board members together for these meetings, and I do not feel that they are productive when you receive twice this amount of paper for some intelligent discussion the next morning.

So I think we as board members are just going to have to work better at coordinating our work. And I think that, you know, we are as much to blame, as you said, but I don't think that we should throw our deficiencies to the entire board and have committee meetings during our regular board meeting when we have much other business to do.

So in this particular instance, I think that we should have a special committee meeting, and I don't know how close it would be to the regular board meeting, but we do have some important issues that we need to reach some concen-

sus on to report to the entire board.

CHAIRMAN ORTIQUE: I think that it is the -- I heard Jo's comment. You didn't make them real loud there -- but I heard you.

MS. WORTHY: I am not opposed to having another meeting.

CHAIRMAN ORTIQUE: I heard you. I heard it and I think that all of the committee members come out at the same place and that is that we should have a special meeting of this committee. So we will have the staff work that out.

MR. EHRLICH: I think we said before we must at least agree on the date. I would frankly hope that it is this month rather than next month.

CHAIRMAN ORTIQUE: You mean in February?

MR. EHRLICH: Yes. But I think that rather than making a decision right now -- because I remember how we voted on Boston -- In terms of time or place or whatever, because I think the place is also important.

For instance, one of our committee members has to commute from Spain, and also, Tom, in deference to your concerns about hearings and everything.

Let's make a decision before this committee meeting is over. I mean tomorrow or something.

CHAIRMAN ORTIQUE: All right. The notion is we will have a meeting. The question is when and where. And is

the committee asking that we -- well, certainly the chairperson is asking that we receive something in writing from the Client's Council or whoever which refines what we heard before in the October meeting? Mr. Veney?

MR. VENEY: I am not sure the Client's Council can give you that. What you had presented to you in October was a special committee that came out of the Next Steps process. I would not want to take responsibility for interpreting what that group wanted.

In terms of what the National Clients Council wants, you see, the staff has had a review of that material. I think I submitted something to you in writing in January raising the issues around the number of client board members who were coming on, who would do the training and how that would be done.

I don't quite understand why those issues couldn't be addressed or why the report that was asked for in December from Catherine deGermaine or in January from Catherine could not be, in fact, material.

I will submit any additional material that you would like, including our own thoughts, but I do not want to take responsibility for a committee that the corporation convened -- that we convened at the corporation's request and activity of that sort.

I can convene that same group of people again and

get their thoughts to you, but I don't want to take that responsibility.

CHAIRMAN ORTIQUE: I think that what is being asked, Bernie, is that we would know for sure what these concerns are in relation to what has been given to the board in the green pages.

MR. VENEY: I have not seen the green pages.

CHAIRMAN ORTIQUE: Maybe that is what the problem is. The green pages --

MR. EHRLICH: It is Catherine's report that was presented at the retreat.

CHAIRMAN ORTIQUE: It seems to me that that report made certain statements, and I gather that that was saying this is the position of the staff.

MR. VENEY: I assume that is right.

CHAIRMAN ORTIQUE: All right.

MR. EHRLICH: And like I said, we will have an addition to that for the committee before the meeting whenever that is. Additional papers to cover whatever else we think ought to be covered in the realm of client training.

CHAIRMAN ORTIQUE: To which the client community will have an opportunity to respond. All right. Let's move on now. We said this morning that we would just sort of look at the situation in terms of a community fellowship program, giving special attention to the Reginald Heber Smith

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

Program.

We have had all sorts of ideas thrown at us, and we are going to attempt to put down some of the parameters of such a program. I think that is what Judge Hatter was talking about when he said we ought to have something to do with the shaping of the ball and how high the ball bounces.

But that to really throw the ball to Howard University or whomever and let them run with the ball once we had done that. It seems to me that another area that we have got to think about is what Dick expressed on more than one occasion, and that is how frequently do you tinker with the shape and size of the ball.

How much independence we give to Howard University or any other place where we have a fellowship program. And someone has mentioned three years, five years. I think that we have got to decide specifically how long, because their planning -- although they haven't complained that much about it -- but I know that their planning depends a great deal on what type of contract or what type of agreement we have with them.

Before we get into that, Dean Edgar Cahn of the Antioch Law School has been here this morning, and at noon he was making a couple of comments to me that I thought were interesting.

Did you want to make any comments to the group?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

MR. CRAMTON: Mr. Chairman -- I have arrangements to go up and visit my parents this weekend, and I really want -- if I am going to get up to Vermont by tomorrow morning, I really have to leave in the next five minutes or so.

And I guess I really would prefer to state a few parting comments after hearing Edgar and certainly after hearing the representatives from Howard.

I won't obviously be around when any votes are cast on this, and I guess I clearly won't be around when the board makes a decision, so I will just make a few parting comments. And then let you get back to hearing Edgar and hearing Hap Washington and others.

This program has gone through a long evolution for somewhat different purposes and at different times. I thought we had a good discussion from Gary and Ed about the original purposes and the purposes under the Howard program.

I guess my own feeling at this point is that I think the purposes ought to be shifted again and the basic character of the program switched, and a different organizational entity selected to run it -- probably a new institution created to do it.

And I would devote it to the problem that I see as kind of pressing in terms of the personnel in Legal Services, and that is the retention of the very best people in Legal Services when they are at the point of having served two years

or three years.

I think that some of the problems which the program has now -- the matching problem, the national recruitment when in fact the community lawyer has to be geared to the needs and values and priorities of the particular community program, just really cannot be well met by the current structure and organization.

And we really ought to depart from it and do something different. What I would do, as I have already suggested, I would have the staff prepare a proposal which would establish a new entity with, I think, a control non-profit corporation, controlled by a board of directors that would have some representation on this board.

But would have perhaps some people elected by the NLADA in similar fashion in order to run a Reginald Heber Smith Fellowship Program which would essentially select from among individuals nominated by and from local programs of attorneys who had in a minimum of two years or three years demonstrated enormous capacity, sensitivity, dedication, and would be deliberately designed in order to give those people a special experience to encourage them to stay in the Legal Services program.

It perhaps might involve a commitment on their part and the like. I think in fact it would cost less money from the program now and that the bulk of the \$5 million that are

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

now used on the program could be distributed on a kind of per capita basis or some basis to all existing programs in the country the \$1.2 million -- the new entity could operate the selection program and the honors program with perhaps some tangible benefits and rewards that would help meet the really vital issue in Legal Services today.

The professional growth and development of attorneys who are otherwise hemorrhaging from the system. So I just am tired of talking about this issue.

We have considered it for an awful long time, and if I were to stay on the board, I would be prepared to fish and cut bait in terms of a new departure just as we had new departures in the past in order to meet the evolution of different times and different issues and different problems.

I think this would also have really the side benefit of making it very clear to the programs that the selection of attorneys, including the minority or ethnic characteristics -- including their affirmative action obligations -- was their responsibility.

They couldn't shirk it or shrug it off by doing the Reginald Heber Smith Program the way it was done. They would have to face up directly. I think they would. I think they could, and the corporation should require them to do so,

CHAIRMAN ORTIQUE: Would you just before you leave tell us why you think that this would work in terms of

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

minority recruitment when all of these years it hasn't worked other than in the area of Reginald Heber Smith?

MR. CRAMTON: I don't say that that is true at all, although a great many minority attorneys have come in through Reginald Heber Smith. Many have come from other means. I thought that Roche's plan was very well taken. That programs can engage in effective affirmative action recruiting and it can be affirmative action recruiting that is much more sensitive to the community needs, as the gentleman from the Southwest was talking about.

In other words, this program tends to be used to meet the needs of the urban poor of the largely black client population, and it needs to be broader than that, and that is why we had made the selection and recruitment the obligation to local programs so that Indian communities get the kind of attorneys they need and want.

That the Hispanics get the kinds of attorneys they need and want. The black communities do also. Put the obligation on them. Give them the \$4 million of the \$5.2 to help them do it.

CHAIRMAN ORTIQUE: But they still would have to get them into the program before you decide to retain them. If they are not in the program, then nobody is going to be thinking about retaining them.

MR. CRAMTON: I am confident they would be up to

the recruitment challenge.

CHAIRMAN ORTIQUE: All right. I am sorry, I should not have made that up in argument, but that certainly is a matter that would disturb me more than anything else.

MR. CRAMTON: I am sorry to leave.

CHAIRMAN ORTIQUE: That's all right. Have a good trip. All right. We are just going to put a hold on these comments that Roger made at the moment. Dean, we certainly would want to hear your comments briefly, and then Howard University --

Hap, could you make some statements regarding what has been said thus far, and then we will go back just as if Roger had been the first person to speak from the board.

DEAN CAHN: Let me say that since its inception the program has had a great amount of symbolism attached to it, that part of what exists is a reality and part of what exists is symbolism which is a separate reality,

It is one of the strengths in Legal Service programs because a Legal Service program has very few symbols either of prestige or of distinction or of acceptance that have both penetrated the law community and penetrated the legal academic community.

I don't think the way to build is to throw away those strengths, and I think what you have now may not be the program that you want, but it has things that nothing

else has, and those are things that you do want.

You don't have a fellowship program that exists that minority students at law schools believe they can apply for and have a fighting chance to get, except this program. That is on a national basis. You have some relatively small particular kinds of jobs that they view as theirs, but I would say if you went to almost any law school in the country, the word of mouth is out in a network that you can't easily rebuild, that says if you apply to that you have got a fighting chance if you are a minority law student.

And you say you want to go into something called poverty work. I would say that the relationship at Howard is both a plus and a minus, but on balance, it is a plus. You can deal with the minuses by a variety of techniques.

But you don't throw away plusses because you don't have a whole lot of them to throw away. The program is not whatever it was started to be as either an electrifying change agent or as a way of recruiting law review editors into Legal Services.

And that is a loss. You may want to say how do you recoup some of that. It is not a total loss because there are -- I think it still has some of that, but once again, whatever it has got going for it, you don't deal with by dismantling.

The other thing you don't deal with a program that

has got some problems is by having it deal with an annual death sentence. And it seems to me that if you have got some people, you bet on them and you give them a chance.

And then there come to be very real questions that you want to raise. I think you don't give them one year. You give them two or make a three year commitment, and you say we want some questions answered, and we want to deal so within the structure of accountability that is more sustained and continuous than a committee as a committee or a board as a board, but you can designate a liaison person.

It seems to me that you don't help people by beating up on them. You give them both some money and some technical assistance, and if you have got some staff people in the corporation with some creative ideas, you out-station them to expand the capability that you have got there.

Rather than constantly placing them in a judgmental role. Antioch was greatly helped, and I mean greatly helped by the technical assistance provided by the regional office in the Wharton School.

And you must understand that the Wharton School of Business was not necessarily a name that had an aura that was acceptable to Antioch. The people who came did a hell of a job that won the respect and were able to serve as major catalysts in a process that had an internal healing effect that had both tangible and intangible results.

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

They were incredible. Since unionism is one of the things that gets talked about here, I can only say that one of the tangible effects was that this past summer we settled all union negotiations in four congenial one hour sessions.

It suggests that there was a different dynamic than the one that took us from May of the previous year to November and teetering on strike non-stop around the clock. I am merely saying, don't convulse an organization if you want it to be strengthened.

Now there are real possibilities, but there are real strengths. I happen to think that you need to deal with the issues that were raised about other ethnic groups. You need to deal with the participation of local groups in sponsoring and nominating people.

You probably should capture people at the end of their third year because the third year of most law schools is a waste. If you had people being sponsored or nominated then, you could then -- the programs that sponsor them could put up the money, and you could integrate that with a loan forgiveness program so that people wouldn't walk into the REGGIE program with 15 grand worth of debt and wondering how they are going to survive.

The fact that you are attached to a law school gives you options that you don't have if it is a free floating

entity. If that law school will collaborate on some kind of strategy to build some training and tuition. It seems to me that you can decentralize or regionalize some of the functions and deal with some of the issues that you raise.

And I think you need a one, two and three year plan. I think your consortium notion may initially interfere with some of your lines of accountability. I don't know, but that might be a year two step rather than a year one step.

Getting your shop together is tricky enough when you got one master to report to let alone when you got five or six and dealing with the politics of each of those institutions.

I would say that you need an accountability system. You need to provide them some technical assistance, and you don't need to ask to do everything that the corporation needs done.

Yes, there is a need for a program that provides R and R and training for folks who have been in Legal Services for a while, and finds a way to unleash their creativity and build on their experience. That isn't the REGGIE program?

It isn't what you are building on? And so you may as well acknowledge it and say how do you build on what you have got and maximize that.

And I think that you have got a hell of a program. It deserves a chance, and it deserves some support and that

means really it needs a time frame and it needs some tough questions asked, and it needs some creative people working with them in a way that is not viewed as adversarial and judgmental.

And it needs you providing some continued follow up on the questions you want answered given time frames in which to do it. I just think that you have got too important a program and maybe it is one of the signs of growth and maturity of the whole corporation that this discussion as it takes place now in a very different atmosphere than it took place let's say when the corporation first came into being and the REGGIE program was viewed as a target for extinction along with the back-up centers and some others.

You know, it is wonderful that you can talk about substance. It is wonderful that the program can even attempt to respond rationally, because any attempt to respond rationally two years ago would have been insane.

Because they may have been paranoid, but reality confirmed their paranoia. Now I think there is an understanding that is not an elaborate rational, you know, cover of what is really a political dictated attempt to get them.

It is really a discussion on the merits. It seems to me that a discussion on the merits -- you have a chance to restructure to refund in a way that facilitates the growth and development rather than stands in the way.

And I hope you do so.

MR. ENGELBERG; May I make a comment?

CHAIRMAN ORTIQUE: Yes, sure, Steve.

MR. ENGELBERG; How do you respond to the Cramton argument, which I guess others have made, which follows up -- and I know Terry didn't agree with Roger -- but the argument is that if local programs -- that you should put the burden for recruitment on the local programs, and that something like the REGGIE program should be used for something else.

You had said earlier -- which I agree with you -- this board shouldn't try to make the REGGIE program all things. I certainly agree with that. You can't load it up with all different kinds of purposes.

But what about the argument expressed by Roger Cramton as he left that maybe the minority recruitment is just left to the local programs and that this pot of money could be used for something else?

Some other pressing area?

DEAN CAHN: I am just going to respond on a conceptual level. You are talking about rights of national citizenship. You are talking about programs stretched thin, being asked to do what national groups are having a hell of a time doing with a lot more resources.

You don't let them off the hook. You ask them to sponsor people maybe in their third year with a view toward

then their getting -- if they get that sponsorship, then they become a REGGIE fellow upon graduation and get some kind of loan forgiveness -- and that would help them.

But you don't substitute a national effort for a local effort as if you have got to choose. And I think a national effort pulls nationally.

What we are seeing now -- what, I think at least, we are going to begin to continue to see, are ways in which the states and localities will have rules that make it very difficult for minority practitioners to move from state to state in aid of the client populations that are affected above all by federal programs, operating through state mechanisms.

But I think as the competition within the profession increases and as the profession doubles in numbers, you are going to see more and more walls build up, and everything that you can get going that gives you mobility across those state lines, you want to preserve.

MR. TRUDELL: Edgar, are you -- I don't know if I am understanding you correctly or not. In terms of sponsoring students while they are in their third year of law school, are you advocating a position in terms of what I guess is a part of the Legal Services' concept -- where, you know, they are going to receive some kind of stipend, or what have you, and will some of those dollars filter into

the law school budget? You know -- via tuition?

Are you saying that, are am I misinterpreting you when you say picking them up in their third year and talking about loan forgiveness and those types of things?

DEAN CAHN: I think you can get people out of law school. I think they ought to be working in their third year of law school on a clinical semester with the local legal service program.

And that the local legal service program in effect can pay their living expense while they are working for them. They can find out whether that is a person that they like, believe in and who substantively relates to clients, and so forth.

And I think you can give the Local Service programs enormously more leverage vis-a-vis law schools and the employment market if you begin to think of a strategy that you have a summer between the second and third year -- Legal Service programs hire law students all the time.

They like to keep them on in the fall, Law schools don't want to deal with clinical programs in the sense of clinical programs, but you could work out a strategy whereby you could get credits toward graduation and whereby they could stipended during that year.

Those students right now are working whatever jobs they can get at night or for law firms that serve wealthy

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

clients, and they are not necessarily getting the kind of training or kind of opportunity that they need.

And you know at Howard how bad the financial situation is with the law students there. It is true nationwide. All I am saying is that I think if some people got together and brainstormed, you could put together a strategy not that would make the law schools rich, but would enable the student to come out with less debt and more relevant training.

And some kind of trial period -- you know -- that would lead to if he were susceptible, and if he were somebody they wanted, employment afterwards or employment by our fellowship program that would mean that student wasn't so saddled with debt.

I think there is enormous value in the Howard relationship in terms of the kinds of relationships that could be set up, and I am not suggesting that this could now become a new means of enriching law schools.

I know your sentiments on that, and believe it or not, I kind of subscribe to them.

CHAIRMAN ORTIQUE: All right. And just briefly, let me say that I find that most of what has been said today I can live with -- making a special exception, of course, to Professor Cramton's last remarks as he exited.

I don't know if I am quite ready to live with those

or not. Just as a point of clarification, if nothing else, in the selection process -- and there have been several person who have addressed this --

In the selection process we are trying to, at this juncture, match the interests to the national ties to a particular community where they are relevant. And I think the situation in North Carolina -- I don't know if you have talked to Danny Ray recently -- we have made a commitment to North Carolina that they have this special crazy pre-registration device.

And we are not going to select anybody for that particular location who does not meet that requirement. I think in these respects, we are certainly meeting the needs of local programs.

I don't know if you are familiar with the fact also that proposals are submitted to the corporation which in turn filter down to us, which we in turn, sign off on, in relation to how the programs will be using the REGGIES.

You can see from that also the indication that we are trying to match the interests and the needs of the community in relation to the placement of those REGGIES.

I wanted to make that clear because I have heard several statements this morning, and I don't know whether or not this is speaking to the past or whether or not you are

telling us what to do in the future. But we are certainly interested in making certain that the individual once placed in the community does not become a mismatch in relation to our community efforts.

As I said earlier, I can live with many of the suggestions obviously that were made here today, and I feel that once we sit down and map in relation to the parameters as you said, I think we can do it.

CHAIRMAN ORTIQUE: I would anticipate that other board people would want to make some comments and suggestions. I do wish that the committee would begin to formulate in their minds whether one, we proceed to consider favorably the Howard University situation.

And two, if so, what those parameters are that we -- or what policy positions are we going to impose at this time. And quite frankly, it troubles me how we weigh the need to place these parameters now and what is going to happen a year from now as we look at Howard University.

Or what is going to happen two years from now -- or what is going to happen every six months. It just seems to me that somewhere along the way, we have got to find a middle ground for imposing our policy position on the school.

At some point, we are certainly going to have to ask Tom to make some comments. Right now, I would like to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

have other board people comment.

PROFESSOR WASHINGTON: If I may, just one last comment. My comments were made, of course, with the presumption that we are talking about giving us enough time to operate -- a reasonable framework in which to operate in.

Certainly, I don't believe that I can ask the Howard University Board of Trustees to put together and accept an LLM program if we know it is going to end on July 31, or what have you.

CHAIRMAN ORTIQUE: Yes, Ed?

MR. SPARER: I am worried also before the board speaks. I think Hap understates when he says he is willing to live with many of the ideas that have been advanced here at this meeting.

For, as he knows -- for he wrote a paper which actually contains many of those ideas. For example, the discussion about -- the very well merited discussion about local service programs -- local program directors sponsoring applicants under certain circumstances, meeting certain criteria, about introducing proposals -- about placing people with community organizations --

You will see on page 16 of the working perspective. Many of the other ideas -- that very good idea which Edgar raised about third year law students -- but many of the ideas

this morning are in that working paper, and it really is not as if we are talking out of the blue about proposing a set of guidelines for an organization which hasn't had an idea in its head.

CHAIRMAN ORTIQUE: Well, who is going to begin?

MS. ESQUER: Well, I don't know whether I am really ready to begin talking about any really specific type things. This morning we were really almost as much in the past as we were looking toward the future.

I was really impressed with the people that are talking with us today, and I would really like to hear a little bit more about what we as a group would come up with as maybe a goal for the program. I don't think that we really have defined that.

Before we know where our goals are, how can we tell Howard this is the framework?

So I really would like to hear some more ideas on that before we start saying, yes, we can go on a two year thing -- a three year thing -- and this is what we would expect.

Maybe I misunderstood your suggestion.

CHAIRMAN ORTIQUE: Well, No, you didn't misunderstand my suggestion. I was -- well, I certainly didn't talk to all of the persons here, but I talked to a number of them -- to several of them at noon, and it was their opinion that

we had to establish some type of confidence in Howard University before we could talk about goals. That you can't continue to talk in a vacuum when you are going to talk about goals, because if you are talking about something other than Howard University, you are talking about another animal.

MR. TRUDELL: But I think though in terms of goals, there are two or three that I am sure the concensus is almost 100 percent. I was talking to some people at lunch and after lunch about -- which I really haven't heard discussed enough -- experienced lawyers.

You know, is it or should it be one of the goals of the corporation -- the REGGIE program -- our fellowship program that sets out as a goal and that if so, when does that come into play, because in a sense we cast that out the window to a limited extent when we threw out the third year REGGIE's.

Because they had two years experience, and I guess some wanted to stay around longer, and then again, I think getting back to the pork barrel concept of saying that we have X number of third year REGGIE slots and we give two to each region, without really looking at the merits.

So I think that, you know, there probably still isn't enough concensus about how many goals should there be. So, I guess what I am saying is that I would agree with Cecilia in terms of just allowing a little more discussion

before we get into what I would consider to be programatic things in terms of developing the criteria.

MR. ROCHE: Mr. Chairman, excuse me --

CHAIRMAN ORTIQUE: Sure.

MR. ROCHE: Like Dean Cramton, I --

CHAIRMAN ORTIQUE: You did tell me ahead of time.

Would you like to make some parting remarks?

MR. ROCHE: I am not sure I can because I really haven't been able to think this through before coming up. But particularly to the experience question, I think probably what most troubled me, and the reason I was asked here was because of the letter I wrote.

The salient points really had to do with what happens in local programs around the question of new people coming in and going out. And the burden as a project director as I have seen from the REGGIE program is that we have gotten very good people by and large.

We have had very few clinckers of any sort. The burden has been having them two years -- and they are not costless -- I mean we get paid their salaries, but we don't get paid for the time it takes to train them.

And to the extent that that kind of burden can be alleviated in a local program, or if it is there, I think in some respect alleviated in some other way because the person brings with him specialized training of a sort or an ability

to do something really unique that we wouldn't be able to do among our experienced in-staff lawyers.

I think that is a focus that many projects feel -- the question that many projects feel needs to be addressed. That there has to be a trade-off there somewhere. That if we are going to be developing lawyering skills, there has to be something else brought that is indeed really unique to the program.

On the other hand, maybe it isn't even a question of giving money for another lawyer who to a great degree is pork barrel -- that is true. It is bringing in somebody with a specialized focus, specialized expertise, whether it be in elderly law, whether it be in rural delivery problems, whether it be a language capability in places that is needed.

The idea of matching up by forcing local programs to tell REGGIE what it is they really need. Not something like I did a couple of years ago when I got a request on X day and needed to respond to it by X plus 7 -- I said, oh my God, send me another staff attorney.

It has to be a continuing dialogue between the projects and the REGGIE program if, in fact, part of the REGGIE program is going to be experience of the fellowship people in those local programs. That is probably best done through the region.

I see this happening now with Hap in there, or

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

beginning to happen. I agree with Dean Cahn. I start out by saying I don't see much point -- and I am not interested in the Howard debate one way or another -- but, for Gosh sakes, you do have new people with new ideas, and as Ed well points out, they are some of the ideas that we have been tossing off the wall this morning.

Why not let them develop and give them three years to do so? Hap and I, and Hap and Denny Ray, and Hap and 10,000 people around -- not 10,000, but 300 project directors around the country who talk to one another, can put it together I think.

As long as that communication is there, which wasn't much there in the past -- Okay.

CHAIRMAN ORTIQUE: Thank you very much on behalf of the entire board, and particularly our committee, for taking the time to join us.

MR. HATTER: Mr. Chairman, before he leaves, could I just ask him, Terry are you suggesting two goals then for the REGGIE program as newly constituted under Hap or wherever the board chooses to place it?

That is, selection -- well, recruitment and selection as well as retention of experienced people?

MR. ROCHE: I think retention. Well, no, I don't want to say it that way. One of the things that Dean Cramton said that I agree with is focus on the retention.

MR. HATTER: As well as bringing in experienced people?

MR. ROCHE: Yes, I think my headline is that I would like to see a REGGIE program that operates very much to bring in new blood, particularly minority blood, into the Legal Services program. That has been very important to me.

Together with a way of resupporting, recycling not two and three year lawyers, please, seven and eight like me, I would love to get involved in working, say, for a year at Howard University under Hap's direction with some new REGGIE's coming in, trying to do some new thoughts about Legal Services.

Having some time to think about these national issues.

MR. HATTER: The sabbatical approach which you talked about -- which we had talked about previously.

MR. ROCHE: Yes.

MR. HATTER: Well, what about the more experienced people who have never been in Legal Services before -- the downtown lawyers who have done pro bono work, and maybe you replace you, for example, with somebody who comes in for a while, and you go into the firm.

Or you go back and work on an LLM or do something else.

MR. ROCHE: I haven't had a chance to think that through very well, Terry, but --

MR. HATTER: Would that be compatible with the kind of things that you are talking about?

MR. ROCHE: Well, except for the fact that the more you build -- A number of people have said quite correctly, the more you build into it, the less you get real focus.

MR. HATTER: Well, that is if you go off in a lot of different tangents, but if you are just clearly talking about recruitment, selection and retention, it can be as flexible as you want it to be.

MR. ROCHE: It is a great idea to try to get lawyers experienced in other experiences into Legal Services. I think it is probably the most difficult task ahead of us.

MS. RODMAN: Before you leave, following up on what the Judge said -- One of the things that we have talked about and one of the --

It is a very difficult dilemma because, you know, as I have told Hap and Dean Branton before, and I don't think there should be corruption or fraud or anything like that. I think that they should be given a chance to do as Dean Cahn said -- take the pluses of the program and really make them work and all the rest.

I am concerned about the experience and retention issue, and one of the ideas that we were talking about is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

-- and whether it would work or not, I don't know -- but take the money that we now give to Howard, which is just going to recruiting right out of law school people with all the advantages and disadvantages that has.

Allocating only a part of that -- the majority of it, but not all of it to continue that function. But taking another significant amount of money and using the advisory council in the way that it has the kind of people on it like judges and other people who have a belief in and experience with Legal Services, to run a fellowship program in conjunction with ours that would select people who would apply or who would be nominated for the experienced slot.

So at the same time, there would be the effort that is now going on and that will continue, we hope, to improve and all the rest under Hap's direction, to get the new young people in. There would be adjunct to that program and involving more people -- what we would hope it to be would be a kind of prestigious recognition of what is going on in the lives of the seven and eight year experienced lawyers --

Not just maybe Legal Services attorneys -- maybe somebody would apply who had been in, you know, Covington and Burling doing pro bono work and now wanted to be working in a Legal Services program, and there would be a guaranteed salary of some amount for that person.

Would that be possible?

MR. ROCHE: Well, sure it would be possible. I mean, it is difficult for me to neatly tie it all up because I haven't thought enough about it, but I would give this one observation.

That one year, even two years is a very, very short period of time in any law firm and in a Legal Services office no matter how much experience and expertise a person brings to it.

And that to the extent you are talking about infusing Legal Services firms with people from other kinds of firms --

MS. RODMAN: Oh, no. That is just an idea. I would be more interested in, you know, taking you or other people who have been in Legal Services and providing a sabbatical, providing the money for them to go train or do something that would be a competition.

It would be a reward. It would be a recognition. That there would be an opportunity for, for instance, the attorneys in Georgia Legal Services who brought all of the child commitment cases to the Supreme Court -- you know, that is a big deal.

I think it is terrific that they are up there arguing those cases, and they are not getting any recognition other than maybe a note in the Legal Services note and word of mouth. Maybe one of them would be nominated or would

compete.

They would be given an opportunity to spend a year, you know, studying more about the commitment procedures and the problems and whatever. Or else, taking their expertise and going to the West Coast, working with some attorneys there who are interested.

You know -- there are a variety of possibilities.

MR. ROCHE: Yes. I know that is a very exciting prospect, but the point that I think of all the things that I have been able to sort of put together in my own head today, the lynch pins of the excitement are an institutional ability to put together experienced Legal Services folks who haven't had a chance to do much thinking together with new people coming into Legal Services, whether it be on a third year service situation solely at Howard and Southern Cal and Chicago and wherever.

I haven't had a chance to think that through enough, but the combination of those two things, which would energize new people coming into Legal Services and re-energize those of us who are about ready to do something else,

That is the most exciting prospect I have heard, and whether you then also are able to bring in people from a third connection -- that sounds great to me. I am not sure how I would do it.

CHAIRMAN ORTIQUE: I think that we all have to point to where we need to focus in on giving the assurance to Howard University or saying to Howard, you are through. I think we ought to focus in on that.

Now, before we have responses from members of the committee or the board people, Clint, do you have any further comments as to whether you believe as the person on the staff at Howard that Howard is capable of doing what you have heard discussed this morning?

I am not talking about whether they are tuned up to do it, whether they have got the potential -- does the staff have any problems with that?

MR. LYONS: Well, I will answer your question directly. Certainly with the expressions that have come from Hap and Dean Branton, I certainly believe they have the commitment.

Certainly, I would have to see the concrete proposal in order to make some absolute judgments about the possibility, but certainly I think Dean Branton and Hap both have the skills and commitment to carry forth a program of operations as outlined by this board,

But let me say something in addition to that, I think a lot of ideas have been expressed here that seem to indicate that those concepts and ideas could be facilitated in terms of implementation through a fellowship program.

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

I think this committee has not grappled with the fundamental issue we had as to whether or not they really consider, based on what they have heard, a fellowship program would be useful.

I have not heard any dissent from that notion, but I certainly have not heard any affirmative statement from the committee in that direction. If you decide that that is so -- that such a fellowship is useful for Legal Services, then it seems to me, based on the ideas again that you have heard, is to talk about what possible goals would you set for such a program, recognizing some of the limitations that Professor Cahn outlined.

That you don't want to put too much into it. And in terms of those goals, I think we get to a point where from a management perspective, you start confusing goals with strategies and tactics.

I view the goals as being the appropriate for the board to set out and whoever or whatever instrument the board is going to use to achieve those goals, that that instrument interact with the staff to develop the strategies, the tactics for achieving those goals.

So that there can be something concrete that we can deal with. I have, very frankly, heard nothing here that is foreign to me certainly and that cannot given a set of goals and looking at -- examining strategies and tactics --

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.  
261-4445

that can't be formulated into something concrete that, I think, could achieve some of the goals, depending on what those goals are.

I sit in a position where I do see a number of things from perhaps a broader perspective than many of you. We have data in the corporation about the various localities in Legal Services in terms of some internship programs which do have law students working in the programs currently.

It is possible that those law students could be given a preference for a fellowship in terms of a local nomination process. It is also possible that some of the experienced attorneys who have worked hard, who have gained some skills, and are looking for new areas for further development can be utilized in terms of the academic support to interact with the new attorneys coming in, and begin in a developmental kind of way to formulate something that is going to be useful and beneficial, not in the short term so much, but over the long term.

I am fairly optimistic about what we can do given the opportunities to know what goals are and to start examining the strategies and tactics for achieving those goals.

CHAIRMAN ORTIQUE: I want to focus in on the two points -- Well, the one point that you raised with reference to the fellowship program. I was perhaps presumptuous when

I concluded on the basis of remarks that I had heard and remarks that I have heard previously that a fellowship was desirable.

If I am wrong, I want to hear from my fellow board members about that. But, number two, it seems to me that we have got to quickly move to some type of decision on Howard University because that is something that I think the board has mandated us to do.

And I would like that to be discussed before Steve Engelberg has to leave.

MR. TRUDELL: Let me say something to that, Revius. I think that, you know, I guess the idea of not throwing, I guess, the baby out with the bath water -- We are not trying to do that. I don't think that there is anybody here that is really anti-Howard in terms of leaving it there.

I think there are some concerns about accountability not only to the client community and local programs, but to the board, in terms of making sure that there are some results that we can look at if we choose to,

And that what is said here isn't lost in the shuffle in terms of if we say, give the program the independence that it should have, but also rather than hearing from Howard first, what is going to be their reaction to being responsive to a board or some kind of committee or whatever that is not just used for a sounding board or whatever.

They hear things and they say that is fine and dandy -- are they going to do it the way we want to. I am not saying that is going to happen, but the possibility of that happening, I couldn't accept.

So in terms of, I guess, getting to the programmatic respects of restructuring the program, that is crucial. I think the things that Terry has said, Israel has said -- and I think some of the other people have said -- that we are concerned about that accountability.

We are concerned about a lot of people being built into the process and not just brought into it when you need them for a sounding board or you need to appease different special interest groups.

So rather than saying yea or nay toward Howard, I think that maybe we are at the stage where some of these structural things ought to be discussed.

CHAIRMAN ORTIQUE: Mr. Ehrlich?

MR. EHRLICH: I do think that from what I gather there is general agreement that there ought to be a fellowship program. Goodness knows, I strongly believe it. I also believe -- I certainly hope so -- there is general if not maybe completely unanimous agreement that there ought to be a fellowship program that brings into Legal Services lawyers who will stay or can be expected to stay with emphasis on minority lawyers.

I certainly believe that. In most institutions tradition can be a dangerous thing, but it ain't so in Legal Services. Really, we have very few of them, and we are talking about one of them.

And there is a danger is taking an on-going effort and calling on it to do a number of more things in addition to that initial goal -- recruiting quality lawyers, particularly minority lawyers. And the result can be unless one is very careful to water down the focus and drive by trying to say, let's do a little bit of this and a little bit of that.

I have heard at least five other suggestions raised today, which I think are interesting and good ones, apart from the educational component that Hap raised.

One in terms of experienced lawyers, and that is one we have tried. But a whole range of innovations generally second, a more geographical focus third, a more community focus, fourth, more substantive law focus, fifth, and there are probably others.

And one I hope the board can reach some judgments on -- whether or not it wants to add one or more of those to it. But form ought to follow function, and I hope you will reach that and then decide afterwards if any kind of structural change is needed to respond to that.

Because I hope you say, here are the kinds of things, if any, you would like to see added, and then as, I

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

would hope frankly, Howard's staff, how would you respond to that? Can you respond to that?

Before saying we have had thing kind of different structure, lest the function follow the form instead of the reverse. I must say I am queasy about adding to a program that has had the difficulties that this one has had. I am queasy about mandating them more burdens of the kind --

Not that I don't think those are good efforts, but two years is a short time in any history. I could see more comfortably saying, we would like to see by the end of an "X" period a design. If you can do it, add this component and that component.

But in the interim, I could also see your saying you would like to have a little stability in the effort and a little chance to let it continue with or without --

And I think you have to reach this kind of a judgment -- the educational component that Howard itself is proposing, added. I mean if this board thinks that it makes no sense at all to have a component that provides the kind of training that you were describing, then you better hear that now rather than later.

So that one I think you really ought to come to grips with. Now, my own view is that if it is really focused on lawyering, skills of lawyering and abilities, it could be very important as opposed to the credential

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

gathering, which I don't -- I honestly don't think it makes very much difference whether or not you give an LLM and whether or not it meets the AAL standards.

I think that for most of the people whom we are talking about, from what I have heard, it is insignificant. Then I may be wrong, because I don't know enough. But that issue, you would have to -- I would hope if you say we really ought to have a way to provide a reasonable focus so that those in the Southwest, those in the Midwest can have an arrangement that better responds to their needs than we do now.

You say that as a matter of policy, which I could well imagine you saying, but then say, now, Howard, how would you respond assuming we were to have that? What would you do?

Now, one thing you might say, we might go out to some other schools, and we might work out a cooperative arrangement with schools in the Southwest or the Midwest. They might say, though, that frankly we wouldn't do that for these reasons.

Or they might say, we try to do that and we go out and talk to New Mexico and some others, and we see what they say, but, depending on what they say, depending on what we come back with. That process I assure you will take two years.

Nobody in legal education -- I mean if you are honest about it -- can expect that to happen short of that period of time, to do it right. You can do it half-assed instantly, of course. If you do it right, it will take that time.

And the one thing this program doesn't need is more things piled on with short time fuses, which is why, as I say, I am very cautious about it. But I can certainly not only see, but even encourage the board to come out with saying, here are the policy objectives we would like to see.

Move forward and tell us how to implement them or why you can't.

MR. HATTER: It is like putting it all in RFP, rather than waiting for the proposals to come in and then saying, well, gee, I like that proposal and will adopt it and then that becomes your de facto policy,

MR. EHRLICH: A policy or a theme.

MR. HATTER: Right, Which is what I would like to see you do.

CHAIRMAN ORTIQUE: The Chair would like to hear specifically what board members are thinking in terms of the continuation -- what recommendation we are going to make to the entire board on this program.

We have heard the President say that two years is a minimum amount of time. Other people have said two years.

Some have said three to five years.

You know, one of the things that disturbs me about this is that going out of the other board members that we had, I got the impression that there was just a fear -- a great fear to say, look, take this ball, run with it. If you don't do well with it -- if you don't score, then, by golly, we are going to do something else.

I think that somewhere along the way we are going to have to do that. We do it with other programs all the time.

MR. HATTER: But is it football, basketball, baseball or what? What ball is it you want them to take and run with? It is not fair to Howard.

MS. RODMAN: Is it your suggestion that we formulate our proposal and then send it out. Let Howard compete along with everybody else.

MR. HATTER: Right. I would think that they would have the inside track on the basis of what we have been discussing here and on the basis of what they have achieved so far.

CHAIRMAN ORTIQUE: I just can't see what we continue to play around with the notion that Howard is going to get into a competition with other schools. What we are really going to do is place ourselves in a position that -- all right, we invite other people to participate.

We meet in March or April -- I mean in June or July. Howard then is dangling, holding the bag, and I thought that is what we said to them, well, if you will just be patient until March, we will give you a definite, positive answer.

That is what the board did say.

MR. HATTER: Well, why can't you do that? Why can't you decide what it is that you want and then ask them if they can do it?

MR. EHRLICH: I think in all fairness, you can say here is what we would like to see a number of years down the road, and you can turn to Howard and say, can you do that? I don't think you can say what we would like to see instituted in March.

If it is program different than the one they have, and expect Howard or anyone else to do that. As I say, it takes several years of planning and development to put into being a decent educational program.

MR. TRUDELL: So it sound like you need to, then, pretty much follow what Jim has put together here and refining some of the processes that have already been on-going. Meanwhile, as you indicated, let them develop a design of some of the other things you would like to see for the future.

But it seems to me you have got to do something.

MR. ENGELBERG: Well, let begin telling Howard

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

what we think has to be done. I for one would like to see a program that is independent, with all the autonomy it needs, but also I want the necessary safeguards built into it. And what I mean by that is that an advisory board or a body of people that have a commitment, have some ideas, that have to be listened to.

And that the program is not only accountable to the local program and the participants in the program, but this collection of people that have some ideas. And I guess some of the people that I have in mind are some of the people that have come here today and have expressed concerns about the angle toward some sort of consortium effort.

So that the concerns of the various special interest groups are not lost in the shuffle. I don't know how that will settle with a law school and the politics of the faculty. I think in terms of, I guess I go along with the idea of no real significance attached to an additional degree.

I don't think that is really that important. I think that in time, given the opportunity to really design something, how soon could a plan be implemented that would encourage and, I guess, recruit experienced attorneys, you know, to spend some time with the programs.

And I agree with Tom and everybody else, I guess. I know that things can't be changed over night. But how soon can you come up with a game plan or design? Because

I think that what we have been talking about since last May or June or whatever, we have thrown a number of ideas out on the table.

And I think that some of the things that are embodied in Hap's paper came from a variety of people. It is like sitting someone down and saying that basically we will help you write your proposal. It will embody all the things that we have said, and then we will buy it.

And so we -- I don't know where we would be right now if at that time, he would have said, let's call it an RFP right now. Get it out there and let the people, you know, write up their own ideas.

I am not saying that some of these ideas weren't yours or Howard's or the program's. I have to go in a minute and I am not on the committee. But let me make a suggestion. that you might want to think about.

I think it tries to tie together some of the things that have been said. Professor Washington, see if this makes some sense.

My problem is I think it is obviously impossible for this kind of committee here in a concerted thoughtful way to really map out what the program should do. All we can do is try -- all the committee can do is try to give some direction.

By the same token, as a board member, I am very

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

sympathetic to the absolute importance of giving the normal sum of money involved, of the board trying to shape the policy. And I don't think any disagrees with that.

One thought that I might have is to try to deal with the commitment problem, which really just keeps coming back up -- which I think is very real. But you might want to think about -- I am not even sure what the legal aspects are -- whether Howard would be interested.

But something along the lines of what you would be recommending to the full board. The three year commitment to Howard, with the understanding that some type of advisory -- small advisory committee -- really consisting of this committee -- plus maybe half dozen other people like the people here today, would then -- with Howard, of course -- would then try to work out where the program goes beyond that, say into the next two years.

With the understanding that Howard would have, in effect, like an option. That if Howard was satisfied with the direction, there might be a consortium approach. There might be, you know, you deal with some senior attorneys,

In other words, some of the ideas -- although my own feeling is that, you know, when you get much beyond recruitment and retention, that is about it.

And maybe retention is even too much to bear. Maybe it should be just recruitment and leave it at that.

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

But the point is there obviously are a lot of sort of concepts floating around -- what I am trying to struggle with, and I just throw out as a suggestion, is a means by which the law school has a, you know -- we can get beyond this one year business --

And I think Edgar is absolutely right. It is totally unfair to any institution, and I know that Dick and Steve agree with that -- to keep yo-yoing them around. Give them a commitment -- and also give them a way out if they don't want to do it the way the board wants to do it, say over the remaining two years.

Maybe what this committee is going to come up with. In other words, I am thinking of sort of a working group like we have got here -- a real working group. You know, when you spend several days, and you have thought about it, and then you come in with something written to the board which would be in effect this committee's recommendation to the board as to where the program should go over the next two or three years.

And then Howard can either do it or not, depending on, you know, if they like the shape of it. But they would obviously have the right to do it. That this board would, in March -- and I assume the decision has to be in March -- the board would basically give Howard the kind of vote of confidence based on the new leadership --

NEAL R. GROSS  
COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

Which I think I see a consensus that seems to be emerging around that. And yet by the same token, not sweep under the rug these other concerns such as -- that were expressed today -- like the consortium idea and Hillary and others point about more senior attorneys -- if indeed that is practical.

And then I think Howard is in a position to make a judgment beyond that -- Then the only uncertainty is whether they want to do it. They have got the legal, you know, contractual commitment of the corporation to do it if they want to do it.

If they don't want to do it, that is fine. Then it is somewhat like the RFP idea, although obviously it is more of a sole source kind of judgment.

But, anyway, I just throw that out for what it is worth. And I don't want to abandon the kind of creative thinking that is going on here, but I think that between now and March, unless everybody is prepared to spend the next month working on this -- we are not going to be able to come up with a nice package and renew this thing in March.

It is just impossible. And then Tom's point I think is absolutely right. You are not going to be able -- let's assume that a consortium makes sense and that Howard was willing to lead that consortium -- to be the administrative center of a consortium of two or three other law schools.

Which frankly appeals to me.

CHAIRMAN ORTIQUE: It does to me, too.

MR. ENGELBERG: I think Tom is absolutely right. You couldn't do that in six months or a year. You couldn't do it right. So that would mean you are really talking about two or three years down the road.

But anyway, I just throw that out.

CHAIRMAN ORTIQUE: It is a good idea, Steve. There is no question about it, I think everybody wants the program to be right. And everybody wants it to be a good, solid program that we can all be proud of.

But I don't think that we can make it a good, solid program by shying away from biting the bullet and saying either Howard forget it at the end of this year, or Howard go ahead. We are giving you three years to put this thing in.

That is why I think that we have got to make the decision, one way or the other. I agree with you, Steve. It is an excellent point. Whether we are talking about an advisory committee, independent of the board, or an advisory committee made up with the three members -- or four members of this committee.

I think that bridge has to be crossed after we make the decision.

MR. ENGELBERG: But see under my proposal, or my

tentative proposal, the board as a whole -- the Legal Services board, either in the fall or whatever, you know, the quickest practical time, would then basically come up with a definitive shape for the program for the remaining two years of the commitment.

Which may not be much different than the first year. I don't know. And then, of course, Howard could then look it over and, you know, they have to make their own decision.

They may not like the way -- what that proposal proposes to be. I don't know. I am not trying to get the board out of it. I think that the board has to set the broad policy.

MR. TRUDELL: But we have got to make a decision in March, I think, one way or the other. I think that -- I am prepared -- like you say, it sounds like a sole source contract.

You have had the benefit of hearing a lot of things. And I think some of us are very adamant about seeing some of those things built into whoever ends up with the program. And rather than beating a dead horse, I think that, you know, three years is the required time frame that is built into the design to begin to do some of your things.

Fine. And I think that, you know, if it is the consensus of the committee at least to make this recommendation to the board that we go this route and that there is a paper

or a proposal that has a lot of these things built into it are discussed and rejected because it doesn't make sense, and the rationale is substantial why it doesn't make sense. I think I would be more than happy to speak on behalf of it at the board meeting since I guess I was designated as the liaison person for the board.

Not only the committee I guess, but the staff as well, just to try to explain, you know, to the full board what the option is or options.

I think we are prepared -- I mean, if I were -- Unfortunately I have never been in a position where I have ever had a multi-year grant and not having to worry about being on the street six months out of the year looking for additional money to keep something going.

So I understand what you are going through. But I also -- and I think you realize and fully understand that in addition to being concerned about clients and local programs there are a lot of special interest concerns in terms of the ethnic makeup of the community as well as the programs.

And I would once and for all do the best we can to put that kind of behind us and be more concerned about, you know, I guess really being concerned about the program.

CHAIRMAN ORTIQUE: Are we ready to propose a specific recommendation to the board?

Just briefly, this Committee recommends that the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

Reginald. Heber Smith Community program continue at Howard University for a period not to exceed three years, contemplating the development of a written document which encompasses basically the recruitment and retention ideas supported by an advisory committee -- a permanent advisory committee that would have a liaison with our board?

MS. ESQUER: I would be prepared to support that idea strongly, and I think the chief reason is that the staff made basically the same proposal quite a few months back.

I felt that it was made out of a fear of having this type of an open and sincere discussion, and I think that was the main reason that I felt that as a board member I just could not just allow such an important issue to be swept under the carpet.

And I am really pleased with the discussion that we have had today. It has been very constructive. It has been really very helpful, and I really feel that it has accomplished something that might not have been accomplished without all these, you know, struggles that we have had.

I think that the program will be improved, and I think that the pressures that were put on Howard, I think were out of a legitimate sense of wanting to improve the program and to assist Howard in having it do some soul searching and decide how committed Howard was to this program.

This to me is a very important program, and I can say that as a result of the many discussions that we have had over the last six months -- but particularly today's discussion, I can support your suggestion and Steve's suggestion very strongly.

MS. RODMAN: I would like to just add that I would like to insure that board members are a part of the advisory committee. I feel very strongly about that. I think that -- I don't care whether it is all the members of the Provision Committee or some other one or two --

But I think that we have to have board representation on that advisory committee. Otherwise we will just go through the whole thing all over again, and it is just a bunch of duplication of effort.

I think it is important for Howard to know on a continuing basis our reaction to various things, and also for us to be in a position to frankly take responsibility for certain things.

MS. WORTHY: I would like to go on record to support the recommendation, and seeing how the staff and Howard have worked together to pull together a lot of things -- From the beginning when we started talking about the program, I don't think even this committee knew what we wanted from the program,

What we wanted to see -- and that is one reason why

I think it took so long. But just to compliment the staff and Howard's staff on working together and bringing something to us --- I would really support the recommendation on us continuing to work together.

MR. TRUDELL: I would like to add one thing. As a part of the paper that is put together to see some discussion about the mechanics of running it.

I know that in the past when we first came on the board, the possibility of defunding the program with no hearing, or at least the program being entitled to a hearing -- I mean, the discussion we had about just who sends out the checks --

I mean some basic things like that if they are not discussed, or at least treated briefly, could just slow the decision making process down by somebody wanting to discuss that.

MR. HATTER: Revisus, could I inquire whether your body is recommending to the full board the position that you have suggested so far with the underlying expression of acceptance at least in tenor of the recommendations of the Richardson report?

Even for that part of the --

CHAIRMAN ORTIQUE: Do you mean of the Robertson report?

MR. HATTER: Excuse me -- the Robertson report.

CHAIRMAN ORTIQUE: Not necessarily. I think that what we are really saying is that we want a basic document -- now whether it draws heavily on the Robertson report --

MR. HATTER: I am not talking about the design that would replace whatever occurs for the next three year period, but during this three year period -- the kinds of things that I hear you just now talking about.

CHAIRMAN ORTIQUE: Oh, yes. But I am saying not necessarily on the Robertson report --

MR. HATTER: No. But those kinds of things?

CHAIRMAN ORTIQUE: Those kind of things -- the kind of things that we have heard here today -- We want those to begin to be implemented during this three year period that we are going to give them the contract on.

MR. TRUDELL: I would suggest to insure that that paper arrives in our hands before the March board meeting that whatever assistance that, you know, the staff should lend, they should provide that assistance.

What I am saying is that I guess -- I know nothing about the budget of the REGGIE program -- Let me suggest one thing. I guess maybe I am using this as an analogy of my thinking. That tomorrow we discuss these 1007-H access reports and I am in no position right now to say I support any of them, some of them or none of them.

I am sure that some of those reports were, in terms

of putting them together, they were able to retain technical assistance of people they respect that are now to go about a particular area -- pay them a consultant fee or whatever -- get the report done on a timely basis and have it reflect what they want it to reflect.

So, I guess, what I am saying in terms of -- if that kind of assistance is needed to pull together, you know, a good discussion that embodies a lot of the things that we have talked about, so that the board --

MR. HATTER: At the March meeting?

MR. TRUDELL: At the March meeting.

MR. ENGELBERG: Again, I feel a little out of place -- I am not on the committee. But I would propose, as it seems to me --

See, I think it is going to be virtually impossible to put together in a coherent kind of way the kind of proposal that I was talking about before March.

In other words, what I was trying to recommend would be really a two step process. That in March your committee would recommend to the full board a plan that would approve this program at Howard for three years, with the understanding that by, say the fall, a fairly complete design of where the program goes beyond the first year.

And, Terry, I wasn't even talking about waiting the three years. In other words, with the understanding that there

is not much that can be done to effect the next academic year. I mean -- that has already been done. That really, for the remaining two years of the contract, a consensus recommendation from your committee and this group --

You know, some kind of advisory group, and Howard, to the board about where the program goes over the remaining two year term of the contract.

See? And I think that kind of paper, or whatever you want to call it, is going to take -- you know, I think it would be virtually impossible to develop that by March. With the understanding that Howard has the option to complete the program or to bail out as appropriate legal safeguards.

In other words, if Howard wants to do it the way this advisory committee wants it done -- which obviously we would have talked at great length with Howard -- fine. But if Howard finds --

For example, take the consortium. Let the advisory committee recommend to the full board some type of consortium arrangement with, say, Howard running it. And Howard says, for whatever reason, we don't want to get into that -- Okay, fine.

And the board accepts that, and then we look for a new institution to run it. That way Howard has the first crack at it, and if they don't want to do it, they don't have to do it.

That is what I meant, and I don't think that -- I think that would be virtually impossible to do that by March.

MR. TRUDELL: I guess maybe what I am asking for is some kind of memo or what have you, that, you know, includes and incorporates some of the things that we discussed and I don't care who writes it.

For the benefit of the other board members that are not here and have not participated in this discussion -- for the simple reason, some may be loaded with questions, and I would like to have some of those questions answered in a memo or whatever.

You know, something that kind of summarizes what took place here.

MR. TRUDELL: A summary of what took place today.

PROFESSOR WASHINGTON: We can put together something that raises some of the questions that were asked with the answers --

MR. TRUDELL: The answers, No.

MR. EHRLICH: I know. They are good questions, and they are tough questions.

PROFESSOR WASHINGTON: But the only way the answers would come is in a, you know, very half-assed way, You don't want that. That would be a disservice to everybody.

MR. EHRLICH: The answers, No. The questions, Yes.

PROFESSOR WASHINGTON: Okay. And we will --

MR. EHRLICH: Yes. We would help in doing that. We would provide whatever help we can.

CHAIRMAN ORTIQUE: All right, Is the committee together?

MR. COOK: I guess I have been restraining myself all day, and it isn't because I want to. Because I obviously have an awful lot to say about the REGGIE program, and have said an awful lot.

And one of the reasons I have been restraining myself is I just simply wanted to hear what everybody else had to say. I think one of the last suggestions that was made by Steve is absolutely -- it is horrible.

I don't know how else to say it. And the suggestion that members of this board be a part of a permanent advisory board, I find absolutely unacceptable. I find it unacceptable.

I don't think that there is any person in Legal Services, or any Legal Services program that have on its board members of LSC boards.

Now, if you are talking about independence, there is no way to water down the independence of a board for the REGGIE program to have members of the LSC board on some permanent advisory board.

MR. ENGELBERG: Willie, I think you may have misunderstood Hillary. I think she was referring -- I had made

this proposal for sort of a kind of -- really this committee to come back to the board in September with a where do we go beyond the two years.

And I think -- Hillary is not here -- I think that is what she -- when she said advisory board, I think she was talking about that sort of -- which really is the work of this committee -- to basically report to the board in the fall that where the REGGIE program should go for the next two years --

Which obviously is an appropriate function of the board. I agree with you, I don't personally feel that this board --

PROFESSOR WASHINGTON: My understanding and the reason I didn't leap up and down in my seat, was that I was under the impression that it would be an expansion of the liaison effect. That is all I was thinking in terms of.

MR. COOK: That is not what I said, Hal.

You know they were talking about members of this board being on the permanent advisory board to the REGGIE program.

PROFESSOR WASHINGTON: I slipped;

MR. ENGELBERG: We wanted to be sure there was continuing contact.

PROFESSOR WASHINGTON: I have no problem with that. I understand that.

MR. ENGELBERG: Really my impression was that, you know, I think this committee has has to be kind of involved through this development stage or whatever.

MR. COOK: I think it is important and everything else, but I just wanted to make the point because I didn't want that kind of thing to be said that we would have board members -- LSC board members on a REGGIE board of directors.

I don't think that is very proper at all.

CHAIRMAN ORTIQUE; Ms. Lanier?

MS. LANIER: That is what I understood her to say, and I said myself, why LSC board members? Why not the client community to make up the board?

CHAIRMAN ORTIQUE: I think that there is obviously a distinction between the people who are going to work with the staff between now and September, which would include the board people, as opposed to the permanent board for the --

That is the way it came across to me. Now -- The question has been raised did you intend that members of the board -- She is a good lawyer --- Members of the board would be on a permanent board of directors or advisory board of the Reginald Heber Smith Program?

MS. RODMAN: I think that is the second question. The first question is do they have to be on this interim committee that is putting together what this program is going to be?

CHAIRMAN ORTIQUE: Do you mean between now and September?

MS. RODMAN: Yes.

MR. EHRLICH: Wouldn't it meet your concern to be assured that the committee that is involved with and sits periodically with -- the Provisions Committee -- sits with an advisory group as opposed to being formally members of it?

MS. RODMAN: Well, you know, I think that a lot of the decisions that are going to be made are decisions that may or may not come to the surface. For instance, the salary of the REGGIES -- That is something that I am very concerned about.

A decision was made to pay REGGIES uniformly \$15,000 a year, which is more than a lot of programs can pay their lawyers. I don't think that was a decision that should have been made without any board at least -- without the board knowing that the decision was made,

And that that was going to be the figure. At this point, I think that the board -- I don't care whether you set up a committee that meets regularly with the Provision Committee and that the Provision Committee knows everything that the committee knows -- which I think is a duplication of effort and silly.

I think that board members should be on that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

WASHINGTON, D.C.

261-4445

committee. It is our responsibility to create the kind of program that is going to be right. Now whether there is a permanent advisory committee separate from that, I think is a different question.

But at this point, I want to know what is going to happen with the program and how it is going to be shaped. And I expect board members to be participating in those decisions.

PROFESSOR WASHINGTON: I withdraw my acceptance of it. I thought we were talking about an expansion of the liaison and the relationship that we have had with Dick -- sort of a liaison situation.

MR. EHRLICH: I thought as long as you know whenever the committee is going to meet, they are welcome to come to the committee meetings and to get the papers. Otherwise, I think if you really are a member of the Dean's Advisory Committee and also a member of the board, that you have --

MS. RODMAN: I thought we were talking about the committee that was going to be -- This is so confusing, and I must say I am sort of impatient with it. I find it really incredible that we are at this point -- months and years later -- but we are.

It seemed to me that there was going to be a committee to create what the program is. That we will be sitting here a year from today, unless there is very close

relationships.

Now, if we want to talk about a de facto membership so that Dick Trudell, if he is going to be the person -- can be there all the time so that he knows what is going on and can report to the board -- but is not officially a member -- fine.

But, if we don't do it at least like that, then we are going to be sitting here in this same position, going over this same ground, having to fulfill our responsibilities in the way that we see them -- which is different from the way I would see them if I were running the program.

CHAIRMAN ORTIQUE: Well, now, I thought -- I thought that what we had been saying all the time was that we wanted to give to Howard University complete independence and atonomy if we gave them the program.

Now, I did realize that between now and September or sometime, whatever length of time that it took to develop this outline, that we expected them to work toward, during the next two years, that we would have a committee made up of Howard University and board people and staff people, who would be working together,

Not a board committee, but a committee that would put this thing together and tell Howard what we expected during this next two years.

And I thought that was acceptable to you, Hap.

PROFESSOR WASHINGTON: Yes, That was,

CHAIRMAN ORTIQUE: Now, with reference to the permanent board for the Reginald Heber Smith Program, I think it is absolutely inappropriate for any board people to be sitting on the Reginald Heber Smith Program board.

Telling them in an advisory position or whatever -- However, I do believe that since the board would have an interest, that the Reginald Heber Smith board would not exclude Dick Trudell, or anyone who was designated, to come as an observer at their meetings.

For purposes of saying to the board, look, they are not getting ready to build a new Washington Monument or some other notion.

I think that we ought to be very clear that those are two different ideas.

MS. ESQUER; I think I would agree. I think I see my role as subordinate -- that it would be appropriate for us as board members to participate in, you know, future plans, you know, future policies for the REGGIES, but I do not feel that it would be appropriate for me to decide what the proper salary level, for instance, for a REGGIE should be.

I see that more as a function of the administration of that program as a staff type function. My concern would be in addition to setting what the board feels is the

function of the REGGIE program, is to assure that enough accountability mechanisms are built in so that there is a proper reporting system so that the board, and particularly the committee, would be aware when the program is no longer in step.

And I really think that that is what I want to limit the board's participation to. I agree that it would be inappropriate for board members on any permanent board, if that is what it is going to be.

Whatever body advises or works with the REGGIES.

CHAIRMAN ORTIQUE: All right. Do we have an understanding on that? That we will make the recommendation to the board at our March meeting that between March and September we will come up with a general outline of the things that Reginald Heber Smith ought to be working toward during the next two years.

That some member of the Provision of Legal Services Committee will be the liaison person with Howard so that they will be able to report back to the board if we are not moving in the direction of those objectives that we have outlined?

MS, ESQUER: Would it be appropriate, Mr. Chairman, to say that there seems to be some concensus among the members of this committee that the idea of providing a regional focus to this program should be strongly considered and should be one of the main topics of discussion, as well as, you know,

providing for the monitoring or evaluation of that program providing those mechanisms and assuring that those be built in?

I think that there was some concensus on that as far as Steve's recommendation, and I think that that should be included in the recommendation to the board.

MR. TRUDELL: I agree with Cecelia. I don't think we can call it a consortium effort if we are going to erect these mini-laboratories that they shouldn't all be erected in Washington.

PROFESSOR WASHINGTON: This is one of the considerations that will go into the subsequent paper,

MS. ESQUER: Right. That paper. That question would have to be addressed. I don't know how it would come out, but it would definitely have to be addressed.

And I guess the other thing that came up with the experienced REGGIE's -- the sabbatical type issue --

PROFESSOR WASHINGTON: Yes, But these matters would be addressed as -- the board having expressed its concern that these would be objectives.

CHAIRMAN ORTIQUE: Now, if Howard University at the end of the year has done absolutely nothing -- not even an attempt to experiment with it, then I think that that person who is sitting there from our board would object.

But there would have been no effort to look at that.

But on the other hand, if Howard University has looked at it, and we have coming back from our board representative a statement saying that it works in New Mexico, but it doesn't work in California, then, of course, the board would deal with that in terms of whether they wanted to make that a mandate or a continuing policy objective.

All right.

MR. ENGELBERG: It is my understanding of it is that it would be clear that the full board, sometime in the fall or early winter, would have to then make a second decision. Although Howard would have, if the board in March accepted this resolution, its three year commitment.

The board would then decide once again the scope of the program in the remaining two years.

CHAIRMAN ORTIQUE: It is going to be in that paper.

MR. EHRLICH: Recall that March? The paper that is going to be prepared between March and September isn't itself going to give the answers.

PROFESSOR WASHINGTON: That is right.

MR. EHRLICH: Howard isn't going to be able to come up with those before next September. I promise you that. And if you think you are going to make decisions then, I think we are just going to be disappointed again.

You can't say here, not only here are some areas -- regional one being the primary one -- But here are some kind

of approaches we are going to track down. We are going to go talk to Dean Howard in New Mexico and see what he says,

But to work out one of those plans is going to take every bit of the next two years that they have. And they are going to have to come back the year ahead of the three year period and say, here is what we plan.

And then the board then is going to say, yes or not. And if it is worked the way Dick has talked -- which I certainly hope it does -- this committee will have worked closely every step of the way and will have said, you come up with that plan but I have got to tell you that I think it is nuts.

I have told the board it is nuts, and I don't like it -- and I don't think therefore it is going to happen that way. That was the whole point of the close involvement as I understood it, in order to help.

CHAIRMAN ORTIQUE: In other words, the September paper is goign to raise the questions and give directions for focusing for the next two years? At the end of the two years, we should know clearly whether there is going to be any further dealing with Howard on the fellowship or whatever.

But we would not make another decision in September but we would make a decision at the end of two years?

MS. ESQUER: No. I think that we would want some concensus from the board -- whether the board is interested in

this regional approach issue -- whether the board is interested -- you know -- that type of a thing, without any details on exactly how it is going to be carried out,

MR. TRUSDELL: That is Tom's point. There are some of these things that have to be flushed out,

MR. EHRLICH: Yes. That was my only objection.

MR. ESQUER: I agree with Tom.

MR. ENGELBERG: My theory is this -- If the committee that works this out -- it has to be your committee with some of these people here. I would like to see you get some of these people here today that obviously have -- Really make a report to the board in September.

Now that report may merely be a report along the lines that you have suggested, or it may raise issues that the board is going to have to decide.

Do we want a consortium type program even it takes three or four years? Now, whether we have to make a decision or not would seem to me to be up to the committee.

My point is you are not going to be able to report that out now, and something has got to be presented to the board -- this board, because obviously its major frustration -- which I happen to agree with -- is about losing sort of the policy involvement with this or any other major program.

And I am just suggesting that we may be in a position to make some decisions in September. We may not be, I am

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
WASHINGTON, D.C.

261-4445

not suggesting, however, that the consortium, if indeed the committee says that -- and Howard agrees -- the way we should go, can be done over the next two years,

I understand that it may not be. But, at least, then, this board will start to get some direction for the program. By then they may be saying that is the direction that we want you to go, and Howard will say, fine.

Or they will say, we don't want any part of it -- whatever.

CHAIRMAN ORTIQUE: Can you live with that?

PROFESSOR WASHINGTON: I can live with that.

MR. COOK: I think Willie was going to speak to the question of whether he could live with it, but he says he can live with it.

PROFESSOR WASHINGTON: I am only expressing some uneasiness on my part with this resolution. Let me point out the uneasiness that I have. I hope -- I would have hoped that today the board would do something about getting Howard in a position other than having to report to this board every six months with a gun cocked at its head concerning whether or not it is going to continue to exist.

Now, you know, the problem of continuously being studied and continuously being in the position to have to come up with the kind of studies and the kind of reports so that some deliberative body can say, yea or nay, you must

continue -- I think is very disruptive from a programatic point of view.

And I guess my point is that we are not even with this solution, giving Howard the opportunity to deal with a social program and monitor that fellowship program or evaluate that fellowship program in terms of its performance over two years or three years or whatever that period is .

Instead, we are still talking about an interim period in which we are going to be putting together ideas about the shape of the program, the structure of the program, the goals of the program -- and then come back in September to see whether or not you like it one way or the other.

And then make a decision about whether we should go with Howard or whether Howard will agree to go along for another two years.

MR. TRUDELL: Willie, right now, who is Howard or the program responsible to?

In other words, running a local program, you are responsible to your board. If you go through this priority setting process in a sincere way, and they say that A, B and C -- and if the board is geared up, and listening to Josephine and others, they are very concerned about board training, so those people are about to make a decision.

I think all we are asking for is that we want to be helpful. We are not standing over somebody's shoulder

with a gun to their head, saying that we are going to change this every time we have a meeting.

I think, you know, the reason we ask people like here, and the other people that come here was to share some ideas with us and try to make sure that incorporated in a program that benefits, you know, the country -- Not just the Northeast or the Southwest or whatever.

But to give them some assurance that we are going to come this far to express their concerns from an experienced point of view .

Because some of them -- Israel and some of the others -- you know, they are directing a program as well as Harry in terms of his experience with Legal Services. Just to -- I don't know -- in a very constructive way, deal with some of these things.

And the elements that we have addressed -- if they are no good, they will be kicked out.

MR. ENGELBERG: Also, Willie, I want to make clear my recommendation is that the board in March will vote a three year -- I mean that this committee will recommend a three year commitment to Howard.

And secondly, that under my scheme of things, that in September, or whenever it is, that will be hopefully the last time this board will discuss this, barring theft, embezzlement or murder.

In other words, I am not proposing an every six month review, and that the purpose of this sort of September session, or whenever it is, which may or may not be a decision making session -- that is only up to what the committee recommends to the board -- is so that the board can hopefully make one final effort to shape the program over the next two or three years.

And then leave Howard alone. Subject to the normal accountability that any contractee or grantee has, So I really don't intend it to be, and I think, you know, to be this every six month.

My recommendation would be that it is a three year commitment. And it is true, the board may make decisions in September that Howard may not want -- but, you know, I think that is the board's prerogative, and I think Hap agrees with that.

And then Howard can make its own mind up, but frankly, I don't see that happening. I don't see what this committee coming up with would be so dramatically abhorrent to Howard that they would want to bail out of the program.

So I really don't see it as a constant reporting thing. I would hope that we are dead through with this issue for the next two or three years in September.

CHAIRMAN ORTIQUE: All right. I think that we understand, and I trust that this has been a healing process.

It bothered me that we have had so much concern and so much confusion centering around the Reginald Heber Smith Program, which I was back there in its exception and knew what we were trying to do.

And I hope that we have moved in that direction. Mr. President, it is about seven minutes of four. I think that we ought to get into the 1007-H program, provided we can get some staff people over here.

I didn't think we were going to end quite this early. We could take a 10 minute break. What do you want to do?

MR. EHRLICH: It is fine with me. I gathered the -- of the five 1007-H papers, the last one was not given to the board members until yesterday, I realize. The other ones were sent ahead of time.

CHAIRMAN ORTIQUE: Until under my door this morning.

MR. EHRLICH: I know that Cecelia, coming from Spain particularly, didn't get all of it until yesterday. An alternative approach would be to start the 1007-H tomorrow at 10:00 and go as long as it takes.

But give whatever time is left today for reading them. I would particularly hope, of course, to read the recommendations and conclusions, but as the cover memos say, that is a temptation to stop there. I would hope you would not stop there but try to go through as much of the factual

material -- that is the predicate for the judgments as you can.

So I guess my recommendation, for what it is worth, is probably after going from 8:00 o'clock this morning, we may want to shift until tomorrow. But I will get Allen if you want.

CHAIRMAN ORTIQUE: Okay. Before we do anything, I want to thank these persons for coming here. You have been very helpful, and I trust that you recognize that we do need this type of assistance periodically, and despite what Terry said about coming over in this part of the country, I am hopeful that you did find it helpful and rewarding also.

Thank you very much.

MR. TRUDELL: I would like to add to that because I think that if a program surfaces that will incorporate some of the things that a lot of people have said -- that hopefully it would even become a bigger program financially.

I mean, if it should really be one of the training vehicles, I think that is the reason that some of us are grappling with it and are very concerned that it incorporated some fresh thinking and some new independence.

So I think that this kind of exercise is well worth the time given to it. Because I think some of the other concerns I hear, and the like -- you know -- I travel country, and I probably visit more programs and more different

type of public interest law things than most board members, mainly because that is what I do on a daily basis.

And I know some of the concerns about the direction of a trainee with an OPS are being discussed more and more, and hopefully all the training efforts will take a sharper focus over the next few months or over the next year, at least during the balance of our term on the board.

CHAIRMAN ORTIQUE: Well, I have been convinced that we have put in a sufficient day, and we will -- what time are we scheduled to meet tomorrow?

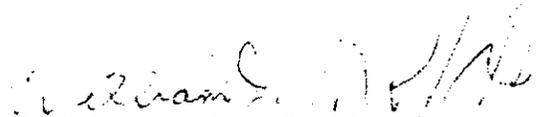
MR. TRUDELL: We are scheduled at 10:00.

CHAIRMAN ORTIQUE: The suggestion is made that we would meet at 9:00 tomorrow morning if that is possible with the staff so that we could get through as quickly as possible -- not as quickly as possible but as conveniently as possible.

(Whereupon, at 3:55 p.m. the meeting was adjourned, to be resumed at 9:00 a.m. on the following day.)

C E R T I F I C A T E

This is to certify that the foregoing proceedings, Legal Services Corporation, Meeting of the Board of Directors Committee on Provision of Legal Services, February 16, 1979, were had as herein appears and that this is the original transcript thereof.

  
WILLIAM J. MOFFITT