1 clients on this Board.

2 That is a little presumptious, if the Senate cannot

3 get it through then, it is up to the President to appoint

4 whom he chooses.

5 MR. EHRLICH: The point is illustrated by Number

6 Three in that, yes, clients ought to be involved in the

7 decision making processes -- without saying that clients ought

8 to be on the Board as a matter of statute.

9 There is some feeling among some people, although

10 I do not feel it, that the statute ought not to contain

11 requirements for composition of the Board, but rather it

12 ought to be up to the President.

13 Some would say that we would urge and hope and

14 so forth, but not require.

15 It seems to me that this does not say how they would

16 be represented or the character of representation. It is

17 not like recommendation number five of the substantive pro-

18 vision.

19 It seems to me that it is always very consistent

20 to adopt this, but to say, if it is your judgement, "No, to

21 number five.".

22 I hope, however, that is not your judgement.

23 MR. KUTAK: Tom, that is exactly how I come out.

24 I would not think it is a good policy to tie the hands of

25 the President with respect to which categories he must choose

1 from and yet I would think that the philosophy of having
2 representation on the Board makes as much sense here as it
3 does with the programs.
4 But, I, too, would draw the distinction that Tom
5 has done.
6 MR. CRAMTON: I, too, have some problems with the
7 guidelines, apart from specific changes.
8 I guess Glenn Stophel has suggested some of the
9 reasons on Item Three.
10 For example, it is not clear to me that guideline
11 number four might not be construed, not only as clearly
12 favoring the repeal of the Green amendment, but also favoring
13 a repeal of the Perkins' amendment, because that is a res-
14 triction on the flexibility of hiring practices of firms.
15 It is not clear to me that Guideline Two does not
16 apply to the statutory provisions, having to do with lass
17 suits and procedures on appeals and the like.
18 In other words, they are so vague but capable of
19 being construed one way or the other on virtually anything.
20 I would rather talk about this.
21 What about the class suit provision? Should that
22 or should that not be changed?
23 What about the client representation on the Board
24 as a limitation on Presidential appointive authority?
25 MR. EHRLICH: Our problem is that we cannot deal

1 with every single conceivable possible amendment that may
2 emerge.
3 MR. CRAMTON: We can deal with most of those that
4 are likely to occur and special meetings could be called, if
5 necessary, to consider ones that --
6 MR. STOPHEL: What criteria -- it seems to me that
7 the criteria we should use is to respond to specific inquir-
8 ies to Congressmen of whether "should this amendement be
9 made?".
10 Our criteria should be "Does it affect adversely
11 or for the betterment of the rendering of quality professional
12 legal services delivered on an efficient, effective basis
13 and depended of partisan politicans?".
14 That obviously is a judgemental factor which as
15 the Chairman has said, comes down to a clause by clause
16 examination of our Act under which we operate.
17 I hesitate to place you on the horns of the dilemma
18 of handing this to a staff member and saying, "Here are our
19 principles or guidelines and why not interpret them for
20 yourself as to that specific clause?".
21 It seems to me otherwise you will be placed in a
22 position of interpreting a particular clause and my inter-
23 pretation goes along with Chairman Crampton that I could
24 just about interpret out or in any clause in the Act under
25 these guidelines.

1 MR. EHRLICH: I would have to say that if the Board
2 had not acted on provision "x" and tell them if they had.
3 MR. BROUGHTON: Where does that leave somebody
4 who asks what does this mean to you?
5 Would you say the response would be that he does
6 not know because the Board has not said so?
7 MR. EHRLICH: We would say, "Here is the general
8 approach that the Board outlined and adopted in terms of
9 considering it, but did not and were not able to deal with
10 all conceivable parts of the piece of legislation.".
11 If we know it in advance, we can bring it before
12 you and you can act or not act, but that is not to make a
13 judgement.
14 But at least there is some general approach that
15 you give to the Congress. You do not just simply put it
16 out.
17 MR. BROUGHTON: Why is it necessary to have any
18 other guideline besides number one?
19 MR. KUTAK: Mel, I guess we could carry on without
20 them. I say that in candor. But I thought it would be
21 helpful, however, in giving direction to not only members of
22 Congress, but committees that would be considering legis-
23 lation.
24 I frankly do envision that Judy and I will be
25 working closely together and that as the bill is introduced

1 that our Board will be able to give an opinion or at least
2 specifically consider and decide whether we want to give an
3 opinion.
4 We will not have the situation where bills are
5 introduced and we stand mute, so to speak.
6 I hope that as every bill affecting our Corporation
7 is introduced and if the President wishes and wants them
8 processed through us, we will develop a recommendation for
9 the Board and you will have an opportunity to speak.
10 Therefore, in my mind during the time that bills
11 are being fashioned and conversation is being given on the
12 subject, there is some broad articulation of a philosophy
13 for us so that we can say to the Board or the world, "Here
14 is how we feel.".
15 But do not translate this into a policy position
16 with respect to any particular act.
17 MR. STOPHEL: You cannot put five and six in there,
18 Bob. There is no way that you can say that five and six
19 do not specifically relate to specific clauses in the Act
20 relative to actions of staff attorneys.
21 Further, I think that four and five are probably
22 at variance with one another if you say that the Corporation
23 should have maximum flexibility to carry out the basic pur-
24 poses and yet five could be interpreted that we are in favor
25 of removing from ourselves the power to place any restrictions

1 on the activities of attorneys other than the applicable
2 code.
3 MR. EHRLICH: Again, the point was -- and I do
4 think now that it is very important to have some set of
5 guidelines -- one can say that the restrictions that are
6 now in the Act are necessary to maintain public confidence
7 and independence of the program.
8 That is why they were put there. That was the
9 argument proposed and I think for some it was wrong and
10 some it was right.
11 That was the area where the argument was placed.
12 We certainly would not say, therefore, "Go and
13 take 'x' out of the Act.".
14 I will, however, say that is the approach that
15 we thought we ought to follow. One could say for any of
16 these there are offsetting considerations, "Yes, that is
17 true, but..".
18 You would take into account a certain factor,
19 such as it is politically too volatile or you will lose an
20 appropriation and not do it.
21 All this is saying is that here is a set of
22 approaches and a way to go.
23 MR. KUTAK: It sets a tone, which I was hopeful
24 about. It is a tone of positism and a tone of affirmatism.
25 It will at least create the right ambiance, if you will, so

1 if people are looking at amendments, they would be encouraged
2 to think as positively about it rather than as negatively.
3 I was hopeful it would accomplish that purpose.
4 Maybe they are so general that they will not work. Maybe
5 they are so vague that somebody would go on and ignore them.
6 But to the degree they serve some value, I was
7 hopeful that it would create the right tone for any kind
8 of amendments or changes that would be proposed for the
9 Act.
10 MR. STOPHEL: I support the technical amendments.
11 Frankly I have had an opportunity to review them, and I know
12 what they say.
13 After I have this, I do not have the Act to review
14 it side by side, which to me is essential to act on things.
15 Therefore, I would not want to act on the guide-
16 lines at this point or on the substantive amendment. The
17 technical amendments make sense to me and I think your
18 position can be moved forward and say, "Yes, these are
19 obvious changes that we should perhaps even propose rather
20 than waiting for someone else to ask us about.".
21 MR. KUTAK: Okay. I certain would not like to
22 have that classic story by a vote of seven to six the vote
23 of the Board wishes you a speedy recovery.
24 I would certainly hope that by a vote of four to
25 three that we do not adopt these guidelines.

1 MR. BROUGHTON: The Chairman breaking the tie?

2 MS. RIGGS: The whole concept of these guidelines
3 and what underlies them is that there are fundamental
4 things that the Board thinks really go to the effective
5 delivery of quality legal services apart from any partisan
6 political consideration where clients have full access to
7 services and legal services lawyers can best represent their
8 clients without undue restriction.

9 I think that you are right that issues like principle
10 number 2 -- with a restriction on the segregation -- and
11 perhaps the principles involved are consistent and looking
12 at that provision in terms of this principle, you might say
13 that these terms are based on that provision.

14 It does not mean that you might -- it seemed to
15 us very useful to Congress to have a set of principles by
16 which they could look at these sets of questions.

17 Here is what we would do if we had full access to
18 legal services clients and here is a restriction.

19 So we would set them next to each other and look
20 at them.

21 There might be other extra restrictions and we
22 would have to make a judgement about approving or disapproving
23 the provision, but really these are fundamental principles
24 by which the Congress should be guided, and which we believe
25 all to be basic considerations with these kinds of questions.

1 This is not to say that because of this principle
2 you are necessarily locked into support or opposition to
3 specific things all the way down the line because there
4 might be offsetting considerations.
5 MR. STOPHEL: Judy, let us suppose that this were
6 interpreted to say that the Board went on record to removing
7 all restrictions by the kinds of cases -- which number two
8 goes to --
9 MS. RIGGS: It goes to more than that.
10 MR. STOPHEL: Yes, it does, but primarily the
11 kinds of cases that can be accepted. How could I, as a
12 Board member, say that he should have the same rights to
13 advice and representation as all other persons -- how could
14 I apply anything as a higher priority?
15 How could I say, as a Board member -- how could
16 I vote not to give him that right?
17 Let us suppose it came up to a vote of this Board
18 of should we remove that restriction. Let us suppose the
19 statutory imposition or restriction were removed and then it
20 is put to us instead of Congress as to whether our funds
21 should be devoted to that -- which has been my argument all
22 along -- that there are certain priorities that need to be
23 handled out there first and then we can take care of the
24 other things.
25 I do not think we are at that point, yet. I do

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23 handled out there first and then we can take care of the
24 other things.
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1 At least they were not designed that way and we would affirma-
2 tively tell the Congress as I think we should that they were
3 not designed to do that, but rather it is to give an overall
4 approach and as Bob said, to give a tone.
5 So, we would make your caveat clear in the presen-
6 tation.
7 MR. BROUGHTON: But even so, would that still not
8 require you to go around a do a lot of explaining as to
9 what these mean or do not mean as far as whether the Board
10 acted or did not act?
11 I think really you would have a lot of problems.
12 MR. EHRLICH: In the first place, we have to do
13 that anyway.
14 MR. CRAMTON: I have somewhat of a feeling person-
15 ally that this is an area which it is easier to get the
16 generalization after you have talked and decided on the
17 specifics and the concrete.
18 If you talk about a whole series of amendments
19 and decide that certain amendments would be desirable in
20 terms of eliminating restrictions, that might be relatively
21 easy at that point to decide on an appropriate generalizat-
22 ion that would be consistent with that and also to deal
23 with other nuances of language or possible changes that
24 might be suggested, but if you start with the principles
25 first where they seem to carry duplications about what

1 specifics they incorporate, and yet --

2 MR. EHRLICH: Rudy will not be here tomorrow.

3 MR. KUTAK: Mr. Chairman, I am in a quandry. I

4 know that if you or others had the chance to embroider upon

5 these, perhaps we could get the consensus that is important

6 and serve the end that we need.

7 I would rather not lose my cause by pressing my

8 vote. I think that with your permission perhaps what we

9 ought to do between now and the next Board meeting is to

10 come back and look at these things a little more carefully

11 and see if we can satisfy some of the problems.

12 MR. EHRLICH: At least to recognize the timing

13 issue because we are going beforethe Committees between now

14 and the next Board meeting.

15 MR. KUTAK: I know it and in fact, I was going to

16 make a forward reference to that, if I could, because there

17 is another recommendation that I have in mind.

18 I would rather not go before it on a split vote

19 based on some mis-construction about the interpretation.

20 Judy, I don't know. We can certainly operate because the

21 most important thing is that if we have an amendment or a

22 bill, we must -- that is too strong -- we ought to take a

23 position on legislation.

24 My charge and my pledge to you would be that if

25 we have a bill, we ought to come back and argue its merits

1 and take action on that and get a speedy response.

2 MR. BROUGHTON: I agree with that.

3 MR. STOPHEL: I do, too.

4 MR. BROUGHTON: I believe that I would be willing

5 to come into a session in advance of the March 25 meeting,

6 which is our next regularly scheduled meeting, depending on

7 the feeling of our committee chairman and Judy, as to what

8 the particular issue may be.

9 MR. KUTAK: I want to come back to the point about

10 that procedure so that I can assure you and our community at

11 large that we are not going to be derelict with respect to

12 response to bills.

13 Maybe the thing to do would be to pull back and

14 review these guidelines and see if we can't work out some

15 thing else.

16 MR. CRAMTON: Perhaps we can come back to them

17 after we have talked about the specifics, because perhaps

18 they may be more agreement -- if there is ever agreement on

19 specifics, then it is possible that we could agree on

20 generalities.

21 MR. BROUGHTON: Are we going to try to meet for

22 a while in the morning?

23 MR. CRAMTON: I think we will have to meet from

24 9:00 o'clock to 10:30 in the morning.

25 MR. BROUGHTON: Is Bob trying to get away?

1 MR. KUTAK: Yes.

2 MR. BROUGHTON: Perhaps tomorrow after we leave it
3 over night we can determine something.

4 MR. CRAMTON: It was my determination to be out
5 of here about 6:00 o'clock.

6 MR. BROUGHTON: It is close to six now. If you
7 want, Bob can leave it over night and perhaps we can somehow
8 resolve it tomorrow.

9 MR. CRAMTON: Mr. Montejano has to leave early
10 tomorrow and Mr. Kutak would like to leave tonight, so we
11 would like to press ahead if we could.

12 MR. SMITH: It is five minutes to six right now.

13 MR. CRAMTON: Perhaps we can stay. The reporter
14 is willing.

15 MR. HENAULT: I am Bernie Henault from Vermont.
16 In your guidelines you mentioned number two and number three
17 and there are too many "ifs" involved.

18 If you cannot strongly support client involvement,
19 even as ambiguous as it is, where it is given on one hand
20 and taken away on the other, then you should not pass any-
21 thing.

22 If you say I can serve as a president of a legal
23 aid board in my own state and then cannot be accessible to
24 sit on this board with you, then don't endorse it, but don't
25 put it in if you are not going to support it, because you are

1 our champions.

2 Be you appointed by the president or however you

3 get onto this Board, you are supposed to watch out for my

4 rights, my legal rights.

5 If you say that you are going to restrict it

6 because of funds, there is no fund restriction on any legal

7 matter.

8 If you cannot, as attorneys say, "We want to re-

9 present poor people in any case -- any civil case that is

10 necessary." -- then say it.

11 But don't play with us. Don't play with us.

12 Don't say, "We will let them make some decisions,

13 but somebody else will evaluate it.".

14 You say you want our involvement. I can't be

15 here tomorrow. I still want to see your action. I would

16 like to see your actions tonight.

17 You are appointed to represent and watch out for

18 my needs as a client.

19 So do it. Make your decision. The most you can

20 do is be wrong.

21 MR. STOPEHL: Do you feel that there is client

22 involvement in the programs now?

23 MR. HENAULT: Yes, there is.

24 MR. STOPHEL: Is there client involvement in our

25 Board meetings? Are they frequently invited to speak? Does

1 the PAG and NLADA and Bernie Veeney -- is not Bernie Veeney
2 at every Board meeting?
3 MR. HENAULT: Bernie Veeney is a staff member. I
4 am sitting here as a client and as one of the recipients of
5 your largeness.
6 MR. STOPHEL: Does he not represent your interests?
7 MR. HENAULT: He does, but you heard from clients
8 today. You heard them say, "Push for the maximum.", and then
9 you said, "No, you are wrong. We will push for what we
10 want.".
11 You heard from them. So don't take input from them
12 and from us and reject it. That is what you did. You asked
13 for our input and then you rejected it.
14 What good is the input?
15 MR. STOPHEL: We have had inputs from other areas
16 and perhaps we rejected all that we had and reached an
17 agreement somewhere around the middle.
18 MR. HENAULT: That is something other than this.
19 MR. KUTAK: Mr. Chairman?
20 MR. CRAMTON: I would ask for order. It is my
21 understanding that Mr. Kutak wants to postpone any discussion
22 of this and perhaps go to it later, but now go to specifics.
23 MR. KUTAK: Yes, and to facilitate it, I thought
24 that the articulation of these guidelines would be helpful,
25 but in their present state, I sense some concern and I

1 think it may be more propitious at this time to withdraw
2 the motion, if I may, on consent, -- I don't know who seconded
3 it -- and move to the technical amendments.
4 I have outlined what they are. Do you have any
5 questions about that?
6 MR. STOPHEL: No.
7 MR. KUTAK: I would move the question, Mr. Chairman.
8 MR. CRAMTON: I have one question of the General
9 Counsel on the Technical Amendment No. 1.
10 Should it not also include a provision that the
11 program should recover assigned counsel fees because these
12 might be criminal matters?
13 MS. DANIEL: I do not think it is necessary.
14 MR. CRAMTON: Would our regulations cover that?
15 MS. DANIEL: Yes.
16 MR. CRAMTON: Should we not also change it, doing
17 it in this respect that this would include tribal proceedings
18 as well?
19 MS. DANIEL: Yes, I think that is a good idea and
20 we can do that.
21 MR. CRAMTON: Very well.
22 MR. KUTAK: By the way, I forgot --
23 MR. CRAMTON: Are there further comments or
24 questions about the technical amendements which number five?
25 MR. KUTAK: For the record, I would like to

1 state --

2 MR. CRAMTON: Our General Counsel has proposed

3 three rather than five in terms of the years on the last one.

4 MS. DANIEL: Assuming that GAO gives that to us.

5 MR. KUTAK: Then I move the previous question, Mr.

6 Chairman.

7 MR. CRAMTON: Was there a second?

8 MR. MONTEJANO: Yes.

9 MR. CRAMTON: Mr. Montejano seconds. The motion is

10 on the approval in principle, I think, because although we

11 have a drafted detailed language, it will be the approval

12 in principle of the five proposed technical amendments that

13 are contained in the memorandum.

14 That includes pages 1 through 4 -- I guess there

15 are only four technical amendments which represent attachment

16 B of the memorandum.

17 It is pages 1 through 4.

18 All those in favor of the motion, please say aye.

19 (Ayes.)

20 MR. CRAMTON: Those opposed?

21 (No response.)

22 MR. CRAMTON: The adoption of these technical

23 amendments is unanimously adopted by voice vote.

24 Mr. Kutak?

25 MR. KUTAK: Thank you, Mr. Chairman.

1 The final proposal that I make to the Board is
2 a consideration of the substantive amendment. These do
3 involve substantial policy considerations.
4 They are all familiar to us. I can very briefly
5 recite them to you.
6 The first substantive amendment recommends that
7 we do amend section 1006(a)(3), in effect, to remove the
8 restrictions on providing by grant or contract for research
9 training or technical assistance incurring outside activities.
10 In effect it would be a vitiation of the Green
11 amendment.
12 MR. CRAMTON: Can we take these one at a time?
13 MR. SMITH: Mr. Chairman, these substantive
14 amendments involve such serious policy matters that I do not
15 think we should take them up in a race to get through.
16 This ought to take an hour and a half or two hours
17 discussion. It is impossible to give fair consideration on
18 a time pressure such as this.
19 MR. CRAMTON: Is the Board prepared to hold another
20 early meeting at which these substantive amendments can be
21 considered in detail?
22 MR BROUGHTON: Yes.
23 MR. CRAMTON: And then at the close of that, perhaps
24 we can return to the guidelines and see whether or not the
25 generalizations emerge from the technical amendments and

1 substantive amendments that the Board supports.

2 MR. STOPHEL: Is it the feeling of the Committee

3 that we propose these as amendments or was it not your

4 suggestion that we wait until the bills be proposed, whereby

5 we can then act and say we approve or disapprove.

6 MR. CRAMTON: Either one is acceptable. We can

7 propose them if the Board wants to propose them or we can

8 take a position on them in the event that they arise.

9 MR. KUTAK: Let me tell you how I think this is

10 going to occur.

11 I believe that some, if not all of the substantive

12 amendments are going to come up. I should hope on this,

13 Glenn, that at the time we hold hearings or hearings are

14 held, that we take the opportunity to do more than simply

15 respond to a line and a page of a bill, but that we really

16 make an accounting to the Congress to make a state of the

17 union with respect to legal services.

18 With the experience that we have under our belt,

19 we can give the Congress our considered view, not with

20 respect to this technical amendment or that technical

21 amendment, but as to the policies and philosophies of a

22 Federally supported legal services program in this country.

23 It would be a very important contribution. Hearings

24 have two important functions. One is to achieve a decision

25 and to produce a result.

1 The other is to be an educative process and infor-
2 mative process. As has been so clearly made out to us today
3 and which we clearly know ourselves -- we have a responsi-
4 bility to express to the country at large and indeed to the
5 Congress where we stand and where we think the needs and
6 directions of legal services for the poor are.
7 I would hope that at some time -- and I think it
8 will be soon -- that we can do this with the most broad
9 thinking prospective laid on.
10 I would like to extrapolate from our annual report,
11 which is moving out and moving up and is a definition of
12 those terms.
13 That is certainly a state of the union message for
14 legal services.
15 I would hope that we could use these hearings as
16 a vehicle for doing so and that we might be able to say to
17 the Congress, "You are, of course, not only entitled, but
18 also obligated to make up your minds as to some of these
19 policy questions, but we think it is timely and propitious
20 as we move forward for you to focus on these issues and to
21 balance the considerations and see whether or not you need
22 to continue with the language that we have and with the
23 constraints, if not the restrictions, that were built in
24 before.".
25 It is something that we ought to do as much on the

1 national level as we do on a local level.

2 I think that we ought to give the Congress direction

3 and give the Congress a record -- to build for the Congress

4 a record of the accomplishments of the legal services program

5 and the outlook of the legal services program and our views

6 with respect to the form and indeed the shape of the legal

7 services program and it moves forward in the years to come.

8 Frankly, what we are trying to do here is to gain

9 from the Board the directions by which we can seize that

10 opportunity and I think that we can perform an important

11 contribution to the education of the Congress and the country

12 on the subject.

13 But I agree with Glee Smith. I do not mean to

14 hurry you, and I do not mean to put you in a position where

15 you feel you are.

16 But this is a subject which we should take plenty

17 of time about.

18 MR. CRAMTON: Let me pose the dilemma we are in

19 now. Mr. Smith and others feel that at this late hour after

20 a busy day, that we should not rush through these important

21 matters so that some of us can head home late tonight or

22 early tomorrow morning.

23 On the other hand, Mr. Montejano is not going to

24 be here tomorrow and if Mr. Kutak were to leave, then we

25 would be down to six.

1 MR. KUTAK: I will stay.

2 MR. CRAMTON: Very well. You will stay. We will

3 have seven and in that event --

4 MR. SMITH: Rudy has already gone.

5 MR. CRAMTON: Yes, he has left the Board meeting

6 effectively because he will not be here tomorrow morning.

7 MR. STOPHEL: What other matters are there to come

8 before the Board other than this?

9 MR. CRAMTON: This is it, except for one other

10 small thing.

11 MR. STOPHEL: As I understood Glee Smith's comments,

12 I do not think in the morning that he would be prepared in

13 the morning to make a vote on this subject any more than I

14 would.

15 MR. SMITH: I do not know whether I would or not

16 unless we had a couple of hours discussion. Maybe I would

17 and maybe I would not, but I do not see anything wrong with

18 having a couple of hours discussion in the morning and then

19 we might be prepared to vote or not.

20 If not, we can take care of it later, but if we

21 are after a couple of hours discussion, then fine, but I

22 would think at least two hours discussion would be needed.

23 I have several comments in response to what my

24 committee chairman just stated.

25 I agree with some comments and some others I do not

1 agree with.

2 But some of my disagreements would voke considerable

3 response from him.

4 MR. BROUGTON: Is Rudy already gone?

5 MR. CRAMTON: Yes.

6 MR. BROUGHTON: I just wonder this. We have

7 here seven of us.

8 MR. KUTAK: I will stay.

9 MR. BROUGHTON: I hate to suggest that you stay

10 and I think we all would unless we feel that something could

11 be accomplished tomorrow.

12 I would hate to have you stay over and not accomplish

13 anything.

14 MR. CRAMTON: I am not sure we will accomplish

15 anything. I think it might be better to schedule a one day

16 meeting in Washington in about three weeks.

17 MR. BROUGHTON: That is what I am coming to.

18 MR. STOPHEL: Excuse me, Mr. Chairman.

19 MR. CRAMTON: Yes, Mr. Stophel?

20 MR. STOPHEL: One thought I had was that there might

21 be people who would like to speak to the matter here in New

22 Orleans that could not get to Washington, and if so, there

23 ought to be some method for having them present their views

24 and perhaps they could do that in writing.

25 MR. SMITH: Yes, it is on the agenda and they are

1 here.

2 MR. BROUGHTON: Well, I will be here.

3 MR. STOPHEL: For the point of the transcript, I

4 thought those who would not be here could review the trans-

5 cript.

6 I believe we did that in the case of the Green

7 amendment problem. We made a transcript because not all

8 could be present for all the meeting.

9 We will agree that we will not make a decision

10 but hear testimony if there are those who want to be heard

11 on the subject.

12 MR. CRAMTON: Tomorrow morning?

13 MR. STOPHEL: Yes, tomorrow morning. However, if

14 there are those here tonight who would like to be heard

15 tomorrow morning, perhaps we could make the transcript and

16 then the Board members who are not here tomorrow could have

17 that furnished to them before our all day session in

18 Washington.

19 There may, however, be no one in New Orleans who

20 wants to be heard at this time.

21 MR. CRAMTON: I am going to suggest that we

22 adjourn this meeting or end this meeting and try to find a

23 meeting date in Washington in three or four weeks to consider

24 the legislative proposals.

25 I doubt whether we are going to get much accomplished

1 tomorrow with the logistics that are current.

2 I think that in the intervening period that with

3 some further thought and reflection, it might move forward.

4 MR. KUTAK: Could we just take five minutes to get

5 some reaction -- not a vote? What do my colleagues think

6 about the idea of in effect initiating a legislative package

7 for the Congress as well as responding to any legislative

8 package?

9 MR. SMITH: That is the point where I diagree

10 very strongly. I think that it jeopardizes our opportunity

11 to get the maximum funding.

12 I think we involve ourselves in controversy that

13 will be a direct interference with our primary objection

14 which is to get the maximum funding to do the job that we

15 are here to do.

16 Therefore, that is one of the points that I think

17 would involve a lot of debate.

18 MR. STOPHEL: The only acts that I would support

19 us taking an initiative is to go up to Congress and say,

20 "Here are the changes that ought to be made in our Act.",

21 or if we can conscientiously say that the failure to pass

22 such an Act hinders our ability to carry out the preamble

23 of our Act which sets forth what we are to do.

24 I really frankly do not believe that we can

25 conscientiously say that, but it is a matter for debate

1 and I will accept whatever the Board decides on it once we
2 have had the debate.
3 Frankly I think that the matter of procedure of
4 going up to Congress now and saying that for our administrative
5 convenience or because we think that it is a good policy
6 matter that the Congress ought to change the Act -- without
7 being able to say that this adversely affects our ability
8 to provide quality legal services in accordance with the
9 preamble, that is the wrong approach to take.
10 I have some specific ideas in mind and there are
11 some Congressmen who will be sitting on that Appropriations
12 Committee.
13 I would not like to have been up on the Hill before
14 suggesting that Act and then amending that Act that some of
15 them disagree with.
16 Glee Smith is right and it will affect the
17 appropriations process.
18 MR. KUTAK: I hear from two of my distinguished
19 colleagues that they would not like to put together a package
20 that tackles the subject of amendments -- technical perfective
21 amendments, but not the others.
22 But what about the other side of the coin? If a
23 hearing were held by the House on the extension of our
24 authorization that we would seize that opportunity to present
25 a review of legal services in America today and to try to

1 perform and educate the function as to --

2 MR. CRAMTON: We are going to do that. I think there

3 is no quarrel or dispute about that.

4 In fact, I think there is disagreement on the

5 Board about Mr. Smith's position about whether or not we

6 ought to propose substantive amendments.

7 My own view is that congressional committees, and

8 particularly the substantive committees that deal with some-

9 thing like legal services, and I am talking now about the

10 House Judiciary Commitee and the Senate Labor and Public

11 Welfare Committee -- will expect us because of our experience

12 and knowledge in the administration of this statute to advance

13 any views that we have and any recommendations we might have

14 about how this legislation might be approved -- improved,

15 rather.

16 That does not mean that they are going to adopt

17 them, but they will want the views of the Corporation. If

18 we have views, I think we ought to affirmatively state them

19 as well as to just respond to things that come up.

20 The question is whether we have things to suggest

21 on whether we agree -- that is something else.

22 Aside from the technical amendments, we have not

23 even reached that, yet. But if we did agree on ways in which

24 this piece of legislation could be improved to do a better

25 job in legal services, then I think that these commitees will

1 want to hear it from us and it will be in our best interests
2 and in the best interests of legal services to advance that
3 position and not merely to take a defensive posture of saying,
4 "We have no proposal, but if you ask us very expicitly a
5 question about our attitude on such and such, maybe the Board
6 will then take a position.".
7 It seems to me that is a little grudging with
8 Congressional committees.
9 MR. BROUGHTON: I take it, then, that you feel that
10 type of approach could be done without doing violence to
11 the budgetary process?
12 MR. CRAMTON: The effect on the budget is one thing
13 to talk about in connection with the merits of the proposals.
14 MR. BROUGHTON: Or the timing.
15 MR. CRAMTON: Yes, and the timing is very important.
16 MR. EHRLICH: I think yes it can be without doing
17 violence to the budgetary process.
18 MR. BROUGHTON: Mr. Chairman, it is now 6:17 here
19 and 7:17 in North Carolina.
20 MR. KUTAK: Your Committee on Regulations stands
21 by for further instructions.
22 MR. CRAMTON: Let me try a further point. Rudy
23 Montejano and Revius Ortique will still be in town tonight.
24 I can check a date with them.
25 I will raise the possibility of a meeting of the

1 Board to consider the substantive legislative proposals
2 and the possibility of some general guidelines arising out of
3 specific substantive amendments at a meeting on Saturday,
4 January 29 in Washington, D.C.
5 MR. THURMAN: I cannot make it.
6 MR. SMITH: I cannot either.
7 MR. CRAMTON: I see. How about Friday, the 4th --
8 that is out for Tom. We have always been meeting on Thursday
9 or Friday or Saturday.
10 What about Friday the 4th or Saturday the 5th?
11 MR. THURMAN: I can make it.
12 MR. BROUGHTON: There is a doubt about the 4th,
13 but I can make it on the 5th.
14 MR. EHRLICH: I can do it.
15 MR. CRAMTON: Saturday, February 5 in Washington?
16 That is a week before the mid-winter meeting in Seattle of the
17 ABI.
18 Do you have you date book?
19 MR. KUTAK: No.
20 MR. CRAMTON: Could you check with your office and
21 tell us tonight?
22 MR. KUTAK: You guys could go ahead, anyway.
23 MR. CRAMTON: No, we cannot.
24 (Laughter.)
25 MR. STOPEHL: We ought to have a show of hands.

1 MR. CRAMTON: We are getting so thin and I hate
2 to have important matters decided by a four to two vote.
3 MR. EHRLICH: The problem that obviously concerns
4 me is that here we have a meeting scheduled way in advance.
5 MR. THURMAN: We have both days.
6 MR. SMITH: We allocated time for it and cancelled
7 other things out.
8 I think that we should meet the two days that
9 we scheduled for meetings instead of trying to change one.
10 MR. CRAMTON: If that is the sentiment, we will
11 stay and start at 9:00 o'clock tomorrow and discuss these
12 substantive amendments tomorrow, while we are here.
13 MR. KUTAK: Okay.
14 MR. CRAMTON: Does that meet with the approval
15 of members of the Board? Can you horse collar your brethern
16 and have them show up tomorrow?
17 MR. EHRLICH: We may need that meeting on the
18 fifth anyway.
19 MR. CRAMTON: Very well. With that wisdom having
20 emerged from these informal discussions, we will very shortly
21 adjourn.
22 I have, however, one more announcement. We will
23 meet in this room at 9:00 o'clock tomorrow morning at
24 which time we will complete the agenda.
25 MR. SMITH: Alice has said 9:30 for some reason.

1 MS. DANIEL: The agenda says 9:30.

2 MR. CRAMTON: We can change that.

3 MR. STOPHEL: I think the notice said 9:00 o'clock.

4 MR. CRAMTON: I want to get started as early as

5 possible.

6 We would like to remind you that members of the

7 Board and members of the public have an invitation to attend

8 a party tomorrow at 2:00 p.m. at the New Orleans program.

9 That was at 226 Carondelet Street, Suite 605.

10 It is at 2:00 p.m. tomorrow.

11 Fine, very well. We stand adjourned now until

12 9:00 a.m. tomorrow morning.

13 (Whereupon,

14 at 6:30 p.m., the meeting was adjourned, to reconvene

15 in the same place at 9:00 o'clock on the following day.)

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1 C E R T I F I C A T E

2

3 This is to certify that the attached proceedings

4 of the Legal Services Corporation (Meeting of the Board of

5 Directors) on Friday, January 14, 1977, were had as herein

6 appears, and that this is the original transcript hereof.

7

8 COURT REPORTERS AND TRANSCRIBERS

9

10 By: Neal R. Gross

11 Neal R.Gross
Harwood, Maryland
261-4445

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