

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE PROMOTION AND
PROVISION OF THE DELIVERY OF
LEGAL SERVICES COMMITTEE

OPEN SESSION

Monday, July 22, 2013

4:18 p.m.

Warwick Hotel
Millennium Ballroom
1776 Grant Street
Denver, Colorado 80203

COMMITTEE MEMBERS PRESENT:

Father Pius Pietrzyk, O.P., Co-Chair
Gloria Valencia-Weber, Co-Chair
Sharon L. Browne
Victor B. Maddox
Julie A. Reiskin
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

Robert J. Grey, Jr.
Charles N.W. Keckler
Harry J.F. Korrell, III
Martha L. Minow (by telephone)
Laurie Mikva

STAFF AND PUBLIC PRESENT:

James J. Sandman, President
Lynn Jennings, Vice President for Grants Management
Wendy Rhein, Chief Development Officer
Rebecca Fertig, Special Assistant to the President
Ronald S. Flagg, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary
Mark Freedman, Senior Assistant General Counsel,
Office of Legal Affairs
Carol A. Bergman, Director, Office of Government
Relations and Public Affairs
Thomas Coogan, Assistant Inspector General for
Investigations, Office of the Inspector General
David Maddox, Assistant Inspector General for
Management and Evaluation, Office of the
Inspector General
Lora M. Rath, Deputy Director, Office of Compliance
and Enforcement
Herbert S. Garten, Non-Director Member, Institutional
Advancement Committee
Frank B. Strickland, Non-Director Member,
Institutional Advancement Committee
Allan J. Tanenbaum, Non-Director Member, Finance
Committee (General Counsel, Equicorp Partners)
Jon Asher, Executive Director, Colorado Legal
Services
Patricia Craig, Administrator, Northwest Colorado
Legal Services Project
Tina Smith, Client-Eligible Board Member, Board of
Directors, Colorado Legal Services
Sarah Reimers, Intern, Colorado Legal Services
Molly French, Colorado Legal Services
Diana Poole, Legal Aid Foundation of Colorado

Chuck Greenfield, National Legal Aid and Defender
Association (NLADA)
Don Saunders, NLADA

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

2 (4:18 p.m.)

3 CO-CHAIRMAN FATHER PIUS: We're calling to
4 order this meeting of the Promotion and Provision
5 Committee of the Legal Services Corporation.

6 The first item on our agenda is, of course,
7 always the approval of the agenda. Do I have a motion
8 for that?

9 M O T I O N

10 MS. BROWNE: So move.

11 CO-CHAIR VALENCIA-WEBER: Second.

12 CO-CHAIRMAN FATHER PIUS: Moved and seconded.
13 All in favor?

14 (A chorus of ayes.)

15 CO-CHAIRMAN FATHER PIUS: All opposed?

16 (No response.)

17 CO-CHAIRMAN FATHER PIUS: Passed.

18 The next order of business is the approval of
19 the minutes from the last Board meeting. Do I have a
20 motion on that?

21 //

22 //

1 M O T I O N

2 MS. BROWNE: I'll move it.

3 CO-CHAIR VALENCIA-WEBER: I'll second.

4 CO-CHAIRMAN FATHER PIUS: All in favor?

5 (A chorus of ayes.)

6 CO-CHAIRMAN FATHER PIUS: All opposed?

7 (No response.)

8 CO-CHAIRMAN FATHER PIUS: The next item of
9 business, before we get to the Legal Services -- so I
10 appreciate your patience -- we're going to do a little
11 business first and then we'll talk to you.

12 We had met telephonically since the last Board
13 meeting to discuss -- to get a presentation, not
14 discuss -- to get a presentation on the history of the
15 charter for Promotion and Provision. You have in your
16 Board book a copy of the charter as it exists, along
17 with the memo that Vic provided to us for that
18 discussion.

19 I just wanted to open the discussion a little
20 bit to the revision. I think there's been some
21 indication, some thought, that maybe it does need. We
22 revised it last three years ago, but it was largely

1 technical, but to provide some more substantive
2 changes. I will start with my own thoughts on it and
3 then we can continue the discussion. And it's really
4 looking at Section 6, the Duties and Responsibilities.

5 I noticed a couple things that I think we need
6 to do. The first thing is we have a reference in No. 1
7 to Section 1007(g) of the LSC Act, which was a report
8 that was supposed to be issued within something like
9 three years of the existence of the Corporation, so by
10 1977, but was issued some years later than that, a
11 little bit late but it came out.

12 That does not, as a statutory matter, have any
13 mandatory force on us at all. I don't think that
14 deciding that what it asks us to do, provide the
15 structure for implementation of services, particularly
16 applies to us any more. And I think that's pretty much
17 what they concluded in 1980 as well.

18 We don't have a one-size-fits-all model. We
19 have grantees. We have Judicare models. And we have
20 more of the legal services model. And they both work.

21 So I don't think this No. 1 is relevant much at all.
22 I would suggest simply getting rid of it because we

1 haven't done anything about it. It's the original
2 reason for the creation of the Committee, but we have
3 outlived its usefulness.

4 The second thing that I would talk about is
5 tying some of what we have done in the strategic plan
6 to give us some obligations as a performance committee.

7 And I think that is in two things particularly,
8 oversight, really, in two things.

9 The one is going to be we've asked for
10 development of performance criteria, evaluation
11 criteria, within the strategic plan, and I think we
12 need to make sure that that happens in terms of the
13 collection of data. The Board needs to decide, really,
14 who has the oversight on that. But whether we get
15 involved with that, that should, I think, perhaps be
16 reflected in our charter.

17 The second thing that's related to that is we
18 make specific reference in the strategic plan not only
19 for data collection and analysis, but a system under
20 which there are rewards and corrective actions that are
21 triggered that we consider as a possibility.

22 If that does happen, there needs to be a

1 committee of the Board, I think, that needs to not be
2 responsible for coming up with that, but at least for
3 having some oversight on what that is and give it some
4 consideration. And I think it should be this one. So
5 I think that that should be something we should
6 consider in the Board as well.

7 And the final thing that I would
8 mention -- it's not part of the strategic plan but it's
9 assumed by it -- is that the Corporation has come up
10 with performance criteria. It's about ten years old
11 now, and they reflect performance criteria given by the
12 ABA.

13 This Committee has been involved with that
14 before -- again, not coming up with the performance
15 criteria but at least reviewing it with the
16 Corporation. And because it is so central in what we
17 do and in performance, I think that it's something that
18 the Board -- or this Committee, at least -- should
19 review, and perhaps even review on a regular basis.

20 Certainly any major changes to that should be
21 at least reviewed by the Board. It may not need our
22 approval, but at least we should be notified of it.

1 And I think this Board should consider at least
2 reviewing these things with Management and maybe other
3 interested parties every year or every two years,
4 certainly.

5 It's been ten years. I think this is
6 something that we should look at again. I know we have
7 a lot on our plate as the Board, but in the next few
8 years I think this should come up as something that we
9 should consider pushing forward in terms of reviewing,
10 seeing if this is still relevant, and with our ten
11 years of experience and reflection, whether changes
12 need to be made. And for that reason, I think that
13 should be added.

14 So those are the four things I am thinking of
15 when we're thinking about the review of the charter,
16 and I just wanted to open it up to other people's
17 thoughts based on what we had heard and other people's
18 own reflections.

19 MS. BROWNE: Thank you. I have to agree with
20 you with No. 1, which is implementing Section 1007(g)
21 of the LSC Act. And I had to actually go look it up
22 because it was something that I had no idea what it was

1 about. And it was actually to provide Congress -- two
2 years after the adoption of the LSC Act, to present a
3 report to Congress. And five years later, it was done.

4 There's no need for us, in my opinion, to
5 carry that forward year in and year out, especially
6 when we're going to be meeting our 40th year
7 anniversary before too long. So I think with the core
8 responsibility, No. 1, certainly I agree that that
9 should be eliminated.

10 And I like the idea of tying the duties of
11 this Committee with the strategic plan. I think that's
12 important, especially when, if I recall the briefing by
13 former General Counsel Victor Fortunato, this Committee
14 is great because we provide showcases of, say, the
15 Colorado Legal Services, and I'm really looking forward
16 to their presentation.

17 But we really are showcasing different
18 organizations. And we haven't made a recommendation to
19 the Board on anything since, if I remember correctly,
20 April of 2007. So you have to question, if we're
21 looking at the length of our meetings and the substance
22 of our meetings, is this Committee really performing a

1 service to the Board?

2 Showcasing our different grantees is something
3 that the Board really wants to hear about. We've
4 learned so much. It shouldn't be eliminated. But is
5 that really a function of this particular Committee?
6 So I question whether or not we're really performing
7 our duties here.

8 The other thing that I have a particular
9 question about is No. 4 on our core responsibilities in
10 the charter, and that's just with the phrasing, the
11 wording. It says, "Grantee audits," and I think, as we
12 talked about at the last briefing with Victor Fortuno,
13 that word is not quite the word that everybody would
14 associate with the word audits.

15 So I think we need to --

16 CO-CHAIRMAN FATHER PIUS: That maybe something
17 we ask Janet, really, is what do -- I think what we're
18 talking about is the review of grantees, and I don't
19 think we call them audits. Do or do we not call them
20 audits?

21 MS. LABELLA: No. We call them assessments.

22 CO-CHAIRMAN FATHER PIUS: Okay.

1 MS. BROWNE: So I think we need to change the
2 word audits, as you suggested, Father Pius, to maybe
3 assessments.

4 And I think the idea of doing a performance
5 criteria review is excellent. Janet and I were talking
6 about that, not so much the review, but going through
7 the performance criteria in a future meeting would be
8 definitely a worthwhile endeavor.

9 Those are my comments. I think reviewing this
10 charter is a very good thing for us to be doing.

11 CO-CHAIRMAN FATHER PIUS: Julie?

12 MS. REISKIN: I agree with what both of you
13 said, and I think we do need to have outcomes for this
14 Committee if we're going to have this Committee. And
15 the only thing I would add is what we talked about
16 yesterday, which is in the risk assessment.

17 We had talked about having this Committee look
18 at the stuff that isn't really for Ops & Regs. There
19 is a whole list of things, particularly around
20 communications and stuff, to boards, to program boards.

21 And I'm wondering if trainings to program and
22 program boards, if this would be the right Committee to

1 look -- again, not necessarily to approve, but to have
2 some oversight on that arena because that's so related
3 to the provision and promotion of legal services.

4 CO-CHAIRMAN FATHER PIUS: Yes. No, that's a
5 good point, and that's one thing I didn't raise. I
6 just hadn't -- in preparing this, I honestly don't
7 considered the risk assessment.

8 And it is something -- I haven't thought it
9 through quite yet, but it's something we should, and
10 maybe in conversation with some of the other
11 Committees, figuring out how we divvy that up amongst
12 the Committees and what is the role of that.

13 I certainly want to think about that more and
14 take a look at that risk assessment document and what
15 our role on that should be. But it's not reflected in
16 anything at all currently for this Committee, and I
17 think it probably should be. But how that's done, I
18 think, probably needs a little bit more thought, and I
19 think we should think about it some more. But it's a
20 great point, and I appreciate you bringing it up.

21 CO-CHAIR VALENCIA-WEBER: I think we
22 should -- well, I agree with the comments others have

1 made. And what I would really like to do is reach a
2 point where, as a Committee, we can identify the
3 specific tasks we need to be performing.

4 I see the Audit Committee effort that we have
5 been making under Victor to try to get to identifying
6 very specific things that we are supposed to do, moving
7 from generalized terms.

8 And that audit document that was produced on
9 risk assessment and where among our whole Board and its
10 Committees and where in the Corporation the immediate
11 actor for that need, I think, is what -- we need to do
12 a little bit more of that.

13 So I would like to know at some point what a
14 Committee member is expected to do, pay attention to,
15 and even what tasks that we perform that then provides
16 information, guidance, for the whole Board.

17 CO-CHAIRMAN FATHER PIUS: It's a great point.

18 And it's one of the reasons I asked Vic to do the
19 historical background into this Board. And what you
20 find historically is what was the whole reason for the
21 creation of the Board (sic) is the creation of the
22 1007(g) report. That's it.

1 So the Board completed its task in 1980, in a
2 sense and then never really had anything more specific
3 after that. And that's the question. Does the
4 Board -- does this Committee -- should this Committee
5 have a more specific role in its tasks? And I don't
6 think it's really been thought about since then.

7 I think there is a sense that, look. We need
8 to either give this Committee specific tasks to do or
9 get rid of the Committee. What's the point of having
10 this layer of bureaucracy within the Corporation if
11 that's not what we're doing?

12 I agree. We do not want to get rid of -- I'm
13 not saying we get rid of the presentation of -- but
14 this can easily be done by the Board itself. If this
15 is the only thing we're doing, it just doesn't make
16 sense.

17 So that's why I think this discussion has been
18 good, and I think the more we come up with some sort
19 of -- and I think there are concrete things that we can
20 and should be responsible for, and why this discussion,
21 I think, is so very important, especially given our
22 recent history with the task force, the strategic plan,

1 and the risk assessment.

2 Sharon?

3 MS. BROWNE: Is it possible at this point -- I
4 think we're all in agreement that we want more
5 information on what this Committee can actually do to
6 be productive and to be a heavy hitter, basically, as
7 far as committees are concerned.

8 Can we get, say, a draft memo from staff on
9 amending our charter and providing some suggestions for
10 specific tasks rather than putting the burden on the
11 members of the Committee?

12 CO-CHAIRMAN FATHER PIUS: Let's ask.

13 (Laughter.)

14 MS. BROWNE: Another task.

15 PRESIDENT SANDMAN: We can do that. But I
16 think there's a fundamental governance issue here, and
17 it goes to what the committee structure of the Board
18 should be. I don't think I'm doing anything other than
19 reflecting what Father Pius has said in observing that
20 I sometimes sense that this is a Committee in search of
21 a mission.

22 And I think one of the reasons is it's not a

1 traditional board committee, if you look at other
2 nonprofits. The other committees that we
3 have -- audit, finance, governance -- those are
4 traditional board committees. This is an unusual
5 animal, and its origin goes back to an artifact of
6 history. It goes back to a particular provision in the
7 LSC Act.

8 So I think it should be on the table to go
9 back to first principles and say, what should the
10 committee structure of the Board be? And to the extent
11 that there are particular tasks that this Committee
12 might consider, are they best done by this Committee or
13 allocated among others? But I don't think that's a
14 discussion that Management should lead.

15 CO-CHAIRMAN FATHER PIUS: No, Jim, I think
16 you're right, and I think that's well-founded. I've
17 certainly raised some things that I think the Committee
18 could do that are specific in terms of its role. And
19 it's something that -- sometimes these things are
20 helpful just to generate the conversation.

21 The end result would be, no, no, no, somebody
22 else should do that, somebody else should do that,

1 somebody else should do that. Look, in the end, there
2 is nothing for it to do. Let's just close it down. I
3 don't think that's the way we'll go; possibly,
4 possibly.

5 But I think you're right that it's the Board
6 itself that needs to have that discussion internally.

7 MR. LEVI: Well, but I do think the Board has
8 to be informed by Management to some extent as to, if
9 we were to have the Committee, how would it best like
10 it? And if we weren't going to have the Committee,
11 would it see a void?

12 Now, I think when the President says it feels
13 like a committee in search of a mission, I think he's
14 telling us he wouldn't be missing it.

15 (Laughter.)

16 PRESIDENT SANDMAN: I didn't say that exactly.

17 MR. LEVI: But obviously, people's time is
18 valuable. There has been a value in having -- well, we
19 inherited this structure, of course, and --

20 CO-CHAIRMAN FATHER PIUS: But we're very good
21 at rethinking what we've inherited, John.

22 MR. LEVI: That's correct. Now, it could be

1 that, out of the pro bono world, a series of items
2 could -- because I don't think the task force
3 implementing group will be around forever.

4 There could be things that could fall to this
5 Committee particularly because promotions -- and that's
6 an area where there isn't right now, other than through
7 the task force, some other committee that is -- so you
8 might want to think about that.

9 MS. REISKIN: Just in terms of traditional
10 boards, I know a lot of them have a programs committee,
11 and that is where they look at quality and those kinds
12 of issues. So that's the closest fit I see. I've
13 never heard of anything quite like this, but program is
14 common on a lot of nonprofit boards.

15 MR. LEVI: Well, to the extent that Management
16 was going to make reports or talk to the Board or a
17 Board committee about how it saw the delivery of
18 service across the country, what issues in program,
19 then this would be a place, possibly. That's a good
20 observation.

21 CO-CHAIRMAN FATHER PIUS: So the question is
22 what we do. How do we go forward? Let me mull this

1 over and come up with some revisions to the charter,
2 some temporary ones, to spark some more discussion.

3 Maybe we can have a telephonic conversation
4 before the next Board meeting, which is to provide it
5 in draft, and we can get at least some initial
6 responses and give people some more time to think about
7 where this goes at a Board level.

8 So does that sound okay? I don't want to vote
9 on anything right now, but does that sound a way we can
10 go forward?

11 CO-CHAIR VALENCIA-WEBER: Yes.

12 CO-CHAIRMAN FATHER PIUS: Okay. So that's
13 what I'll do. I'll work with somebody in Legal
14 Services, the Legal Office, about doing some revisions
15 to the charter -- it's not going to be tomorrow -- and
16 then getting out a draft to people showing some of the
17 changes.

18 Then we can schedule a conference call just to
19 get people's input on that, and then maybe have some
20 more discussion at the next Board meeting. There's no
21 rush. To be really honest, this Committee has existed
22 in this structure for 40 years.

1 (Laughter.)

2 CO-CHAIRMAN FATHER PIUS: So there's no rush.
3 So just give it some thought, and I think, for me,
4 reviewing the risk analysis plan again, and as John
5 suggested, too, given the Pro Bono Task Force, disperse
6 some ideas on that.

7 And I certainly would appreciate some input,
8 maybe, from Management on particularly what can the
9 Board do or what would be helpful to have the Board do,
10 its role in the performance of the grantees, in that
11 area, the language of that, like a programs committee.

12 Any thoughts on where the Board could be more helpful
13 or where there might be a gap.

14 Again, long-term. I don't have to have it in
15 a draft. But something that -- all right. Anything
16 else?

17 CO-CHAIR VALENCIA-WEBER: Well, in going the
18 direction you just laid out, Father Pius, I'm thinking
19 about John's comment when we talked about this
20 Committee early in the year. John said basically, all
21 of our committees are oversight committees. So we must
22 answer the question, oversight over what?

1 CO-CHAIRMAN FATHER PIUS: Anything else on
2 this subject right now? Oh, Ron, thank you.

3 MR. LEVI: And identify yourself.

4 MR. FLAGG: This is Ron Flagg for the record,
5 Vice President for Legal Affairs. I said this at the
6 Audit Committee and I'll say this again in the context
7 of this Committee.

8 I think our proposal for going forward with
9 the risk management matrix would be to look at the list
10 again in light of the comments that were made both in
11 the Audit Committee, and we got comments at that time
12 from, I think, virtually all of you as well as this
13 afternoon, and to present to you a potential allocation
14 of oversight responsibilities within the committees.

15 Obviously, along the lines that Jim said, this
16 is at the end of the day really a Board decision, not a
17 Management decision. We will, to get the ball rolling,
18 read the charters, think about what you said, and try
19 to faithfully follow those guidelines.

20 But ultimately we'll leave it to you to tell
21 us how you want to allocate oversight responsibilities,
22 and once we have that from you, make some suggestions

1 as to a schedule for presenting particular risk issues
2 to the appropriate committee.

3 MR. LEVI: And seeing you sit there makes me
4 think that to the extent that, in the intersection of
5 the pro bono world and the veterans initiative, for
6 example, if there is one, this is a Committee where the
7 report of what's been going on -- I don't see any other
8 committee. This would be a Committee where that would
9 be reported on, and it should be, I think.

10 CO-CHAIRMAN FATHER PIUS: Yes. Good. Thank
11 you, everybody. I think it's a very good discussion,
12 and one that will continue.

13 So I think that's the end of that. And
14 there's the next agenda item, and I will hand over the
15 invisible gavel to Gloria.

16 CO-CHAIR VALENCIA-WEBER: We now move to the
17 presentation by our area Colorado Legal Services. And
18 we have Jon Asher, who we have heard from earlier in a
19 panel, we have Patricia Craig, who is the
20 administrator, and Tina Smith, who is a client-eligible
21 board member.

22 One of my interests on the panels we've had

1 from our grantees is to have client-eligible board
2 members be part of our discussion. So I'm very happy
3 to have this panel before us.

4 MR. ASHER: Thank you. I am Jon Asher, and I
5 have the privilege of serving as the Executive Director
6 of Colorado Legal Services. I wish I had known a
7 couple weeks ago the Committee would sunset this
8 afternoon, and it might have -- no. Wherever you go,
9 we are pleased to be here.

10 (Laughter.)

11 MR. ASHER: I want to thank Father Pius,
12 members of the Committee and the Board, and Jim for the
13 opportunity to share a little bit about Colorado Legal
14 Services with you.

15 As Gloria Valencia-Weber said, I am joined by
16 Pat Craig, who administers our pro bono and private
17 attorney involvement project in the northwest corner of
18 the state, but really is responsible for our pro bono
19 program throughout the state.

20 Tina Smith, who I've had the privilege to work
21 with for many years now, who is vice chair of the board
22 and is a client-eligible board member, although I would

1 like to think that we really don't differentiate on the
2 board other than to accept the unique perspective of
3 those people who are eligible to receive services from
4 the program.

5 Sarah Reimers, on my far right, is a rising
6 third-year law student at Notre Dame Law School. I
7 didn't know that Justice Hobbs was going to make a big
8 deal, but we are now in our 15th or 20th year of having
9 Notre Dame Law School alumni in Denver and throughout
10 Colorado fund an intern who works with us each and
11 every summer, and occasionally two interns.

12 And it has been a wonderful relationship with
13 the alumni of Notre Dame, and we get terrific law
14 students. I like to think that if you get them early,
15 you get them for life. More importantly, Sarah knows
16 something about PowerPoint.

17 (Laughter.)

18 MR. ASHER: I write checks for technology. I
19 do emails, although I still dictate -- no, that's not
20 quite true. No, it is really a privilege for us to be
21 with you. And I want to do three things in hopefully
22 less than the hour we've been allotted.

1 One is to give you an overview of the program
2 to allow you to ask difficult questions, to spend some
3 time on our strengths and challenges. And our
4 strengths, I think, include both our board and Tina and
5 some of the technology and the use of private attorneys
6 in creative ways that Pat will bring you; and then
7 lastly, to talk about the program quality visit that we
8 had last October, the final report from which we got
9 earlier this year.

10 The mission of Colorado Legal Services is to
11 provide meaningful access to high quality civil legal
12 services in the pursuit of justice for as many low
13 income persons and members of vulnerable populations
14 throughout Colorado as possible.

15 We currently have 14 offices, as I said this
16 morning. The map shows not only where the offices
17 are -- the biggest office, of course, is here in
18 Denver, but we also have offices in Boulder, Fort
19 Collins, Greeley, Colorado Springs, Pueblo, La Junta,
20 Alamosa, Durango, Grand Junction, Hayden, Frisco,
21 Leadville, and Salida. If I left one out, some staff
22 will be upset, but I don't think I did.

1 There are eleven of those offices that are
2 staffed with at least one attorney. There's only one
3 office right now with only one attorney. Three others,
4 in Hayden, Frisco, and Leadville, are -- Pat, for
5 example, is in Frisco. They screen cases and refer
6 them either to pro bono lawyers or low fee contract
7 attorneys in that huge, eleven-county northeastern
8 corner of the state.

9 The colors show the counties that each office
10 is responsible for serving. And there's one that's not
11 quite contiguous, and if you're interested, we can talk
12 about that.

13 We currently have 105 employees -- 46
14 attorneys, 31 paralegals, 28 support staff, volunteer
15 coordinators, controllers, bookkeepers, and
16 receptionists in a couple of offices.

17 Let me put that number -- last night we heard
18 from the U.S. Attorney, John Walsh, who talked about
19 the effect of sequestration on the federal public
20 defender system. Colorado is proud to have what they
21 consider as somewhat under-resourced, but really a
22 model statewide public defender system. In the state

1 of Colorado right now, there are 410 public defenders.

2 We have 46 lawyers.

3 In Colorado Springs, about 75 miles south of
4 Denver, there are currently 53 public defenders. It's
5 now the largest single court in the state. We have 3.6
6 lawyers. Now, we're in the process, we hope, of
7 filling two attorney slots, hopefully three, by the
8 fall. But nonetheless, to serve 880,000 people in the
9 state with 46 lawyers is a daunting challenge. We'll
10 get to more of that in a minute.

11 Just some of the critical issues. Colorado
12 continues to have considerable population growth. We
13 have a population right now of just over five million
14 people. About 12 percent of that population is under
15 100 percent of the federal poverty guidelines.

16 The current unemployment rate in Colorado is 7
17 percent, somewhat lower than the national average. I
18 think nationally, the unemployment rate is about 7.6
19 percent, so we're doing a touch better but not well.

20 We have a high rate of foreclosures, lower
21 than -- we finally get money to represent defendants in
22 foreclosures after they start going down, but it's

1 still very helpful. We have an inadequate stock of
2 low-cost housing, particularly but not exclusively in
3 the metropolitan area.

4 We have a very high minority dropout rate. We
5 have a relatively limited Medicaid program. We have
6 large rural areas that, particularly in the winter, are
7 challenges.

8 If you look at the map -- and this map, as a
9 matter of fact, was provided to us by the Office of
10 Program Performance as part of our program quality
11 visit -- we gave them the data; they had it through the
12 census, but they have much nicer map-makers and
13 chart-makers. And it really is a benefit. We've used
14 it extensively.

15 But that shows where the concentration of low
16 income people are in the state of Colorado. Grand
17 Junction is the far western area. South of Pueblo,
18 you'll see where the Alamosa office is. Those areas do
19 not have as many low income people, but it's a very
20 under-resourced area. A lot of agricultural workers.
21 It's a very needy area.

22 The next slide -- now, remember this; we can

1 go back to the picture -- and that's where we have our
2 closed cases. I was, to be quite honest, pleasantly
3 surprised at how consistent, with where poor people
4 are, the cases that we are actually handling and
5 closing.

6 We have a lot of limited English speakers in
7 this state. They are spread out. We'll get to some of
8 our collaborations on those issues in a minute. Be
9 glad to talk to you about any other issues.

10 If you go to the next slide, and I think this
11 really was done personally by Nancy Glickman of the
12 Office of Program Performance, who was our team leader;
13 she was the only member of our team that I had not met
14 or didn't know personally, but she was very good to
15 work with.

16 It shows where poor people are compared to the
17 cases closed. So not that there aren't some
18 variations, but it does reinforce for us essentially
19 that we are not meeting all the needs. But it's pretty
20 consistent that where poor people are, we're meeting
21 that need. That is only possible, I believe, by having
22 14 offices scattered throughout the state.

1 We have closed three offices over the last 15
2 years, in Fort Morgan, Trinidad, and Montrose. We
3 serve those areas, but not nearly the way we did when
4 we had an office. We would be a more efficient law
5 firm if we had four or six larger, specialized law
6 offices scattered throughout the state, and there would
7 be huge areas of this state that get virtually no legal
8 assistance from the program.

9 Now, that is a deeply held -- the only study I
10 know, and it was so long ago that I no longer really
11 remember whether it's true or apocryphal, but it
12 doesn't matter. Pine Tree, years ago, in the state of
13 Maine had a two-county office, and the office was
14 obviously in one of the two counties, and two-thirds of
15 their clients came from that county, one-third from the
16 adjoining county.

17 For some reason, they lost their lease and
18 they moved the office to the other county. Lo and
19 behold, two-thirds of their clients came from the
20 county in which the office was now located, one-third
21 from the company in which the office used to be.

22 So let me just say that last year, just under

1 11,000 Coloradans were provided legal assistance by our
2 program, almost 2500 with extended representation,
3 which I was told is above the national average now.
4 Only Garrison Keillor in Lake Wobegon and LSC believe
5 that everybody should be above average.

6 That is not statistically but nonetheless a
7 deeply held belief. But we are, I understand, somewhat
8 above the average. We will get to some of the others.

9 If you want to look at the type of cases
10 handled, a little over 43 percent of this is more than
11 just extended service. They're a touch different. But
12 that is pretty consistent with national averages as to
13 family, consumer, or housing.

14 If you look at the ethnicity of our clients,
15 there are obvious and explainable differences. In the
16 state of Colorado, the total population, about 81
17 percent is Anglo; about 4 percent African American,
18 where our closed cases, that's about 11 percent, much
19 of that in the Denver metro area. The Latino
20 population of the state is now just under 21 percent,
21 but 26 percent of our closed cases are Latino.

22 If you look at the next slide, this compares

1 how many lawyers there are to poor people. There are
2 two counties in the dark red in which there are no
3 lawyers. I think there is one lawyer, I think, in
4 Hinsdale in the southwest, but he's running a medical
5 marijuana dispensary and not practicing law at all.

6 (Laughter.)

7 MR. ASHER: But that's just by rumor. But it
8 shows that there are areas in which there are a lot of
9 lawyers per poor person, particularly in a lot of the
10 resort areas -- Pitkin County, which is Aspen; Eagle
11 County, Vail; Routt County, which is Steamboat. Now,
12 our clients live in the adjoining counties. They make
13 beds in those areas and work in kitchens, but they
14 can't afford to live there. So the disconnect between
15 where there are lawyers and where poor people are is
16 not as dramatic.

17 If there is an area, though, believe it or
18 not, where there are a high concentration of poor
19 people per lawyer, it's still in the Denver metro area,
20 given the number of low income people.

21 I would be glad to go into any of the details
22 about our case work, but I'd like to move to our

1 strengths and some of our challenges.

2 Challenges, you know, everybody says that
3 every challenge is an opportunity. And I'm tired of
4 all of these opportunities. I would like a little time
5 with no -- no, that's not quite true. But these
6 clearly have been challenging times.

7 We're going to talk about a number of
8 strengths just to put it in context for you. One is
9 the fact that not only do we believe, but your Office
10 of Program Performance believes, that one of our
11 strengths is having an active and engaged board. I
12 will introduce Tina in just a minute.

13 Another is diversified funding, which I will
14 get to and will go into some more detail later on.
15 Another is technology, maybe not quite like Idaho, but
16 Pat Craig will share with you some of those benefits.

17 As I said, Tina is from the Denver area. She
18 was appointed to the board by a local welfare group
19 referred to as All Families Deserve a Chance -- nice
20 AFDC -- Coalition. They did not change that to TANF
21 when the program changed.

22 As I said, Tina is the vice chair of our

1 board. She's a member of a number of our committees,
2 including the policies and regulations committee. But
3 she also chairs our priorities and long-range planning
4 committee. In that capacity, she was quite involved in
5 our legal needs assessment, and currently working on
6 our implementation of some of the recommendations made
7 as part of that program quality visit. Thank you.

8 MS. SMITH: Thank you for having me here. I
9 actually really enjoyed this morning and conversations
10 at lunch and all of that. It's been, for me, a very,
11 very nice experience.

12 I think I'm just going to open it up to you
13 guys if you have particular questions you'd like to ask
14 or anything with regards to our clients on the board
15 and how that works, and anything along those lines.

16 CO-CHAIR VALENCIA-WEBER: Tina, I'd like to
17 know what kind of training, orientation, preparation,
18 whatever you got when you came on the board.

19 MS. SMITH: I have to say that I came on the
20 board at a particularly interesting time. It was when
21 we had three legal services programs in Colorado. We
22 were at that point charged with combining the three and

1 becoming one.

2 So there were a lot of opportunities to really
3 get to know what was going on and really sort of get in
4 the fire of everything. I think that one of the things
5 that happened when I first came on is that Jon really
6 took me under his wing and really made me feel at home.

7 In terms of training, I wouldn't say that
8 there was any particular training. I was on the
9 committee for the merger, and for me that was, I think,
10 probably one of the best experiences in terms of really
11 getting to know all of Colorado because we really had
12 to talk to all three programs, how the different
13 programs worked, who the people were, what the problems
14 were with combining the three programs. And it was
15 kind of, wow. You had no idea that all of this was
16 going on.

17 Once we did make the merger, then I was on
18 the -- what was that? What the heck was that
19 committee, John, where the -- yes, the labor/
20 management. And again, that was another very
21 eye-opening experience for me to really -- because it
22 really gives you an idea of not only the heart of the

1 program but the heart of the board of directors. And
2 both of those two things really -- I think they're what
3 made me stay, both of those experiences.

4 When we talk about -- right now we are working
5 on trying to figure out how we want to have an
6 orientation for new board members. And I think that
7 one of the things, as a client board member when you
8 come on, is that it is pretty daunting.

9 Most of us have never had the experience of
10 any kind of parliamentary procedure. If you came up in
11 a military family like I did, you might have those
12 meetings at dinner, family meetings, but that's about
13 as much as you might have gotten.

14 So I think that there is a bit of intimidation
15 when you first come onto a board. You're just not
16 sure: What do you do? And I have to say that Colorado
17 Legal Services' board has been wonderful in terms of
18 helping clients feel comfortable coming in.

19 But you still have that sort of feeling. And
20 that's one of the things that we really want to work on
21 in terms of figuring out how to make it easier for
22 individuals coming on to really participate more fully

1 and to feel comfortable in that participation.

2 I think that there is a learning curve when
3 you come onto a board, and depending on how often the
4 board meets, it really is a pretty big learning curve.

5 You need to be around for a couple of years to really
6 understand what it is that we can do and how to really
7 get to be a participant in that on the board and to
8 really feel comfortable with it.

9 Does that kind of answer your question?

10 CO-CHAIR VALENCIA-WEBER:

11 CO-CHAIRMAN FATHER PIUS: Thank you very much.

12 I just have a couple of things. One, obviously, Jon,
13 as you know, you have a stellar reputation, I think, in
14 the legal services community, as does your whole
15 program.

16 You don't do all the work by yourself, at
17 least as far as I know. So it means that you also have
18 an incredible staff to assist you in what you do. And
19 I just want to commend you and the entire staff at
20 Colorado Legal Services for the incredible work that
21 you do here in the state and the reputation that you
22 have gained because of the quality of your work

1 throughout the country. So thank you for that.

2 And I want to thank Tina as well for the
3 commitment of your board. One of the things that I
4 want to lead into in terms of a question is, one of the
5 things, I think, at least I've heard in terms of the
6 client involvement in the boards is their ability to
7 act as a liaison to the community.

8 And that is that the client board members have
9 a particular ability to help foster trust between the
10 legal services entity and the communities who may -- as
11 trepidatious as you are about being -- as difficult as
12 being on the board is, coming to a lawyer, as you know,
13 can be just as difficult, especially when you're in a
14 vulnerable position.

15 I want you to just talk a little bit about
16 your role or what you see your role in terms of working
17 with the community and being, in a sense, in a certain
18 sense, an ambassador of legal services to your local
19 community.

20 MS. SMITH: Well, I think for me it really is
21 about any time there is an opportunity to get out and
22 have that conversation, that's what I try and do,

1 whether it is with particular families or working with
2 Warren Village or any other organization in terms of
3 just letting them know that we're out there.

4 I think that part of that, too, is giving my
5 experience and letting them know not just my experience
6 with Colorado Legal Services but my experience with the
7 legal system and how it -- while there is access, it
8 isn't always what you need.

9 You can be a little intimidated by it, not
10 sure that you really need an attorney, and mostly it's
11 letting people know that yes, you may well need an
12 attorney, and this is the place to go and these are the
13 people that can direct you in where you might get that
14 help.

15 CO-CHAIRMAN FATHER PIUS: As one who preaches
16 for a living, you find that people don't respond to
17 statistics very much or to cold reading of the
18 catechism. What they respond to is stories,
19 narratives.

20 MS. SMITH: Yes.

21 CO-CHAIRMAN FATHER PIUS: And the more you can
22 tell them your own story and the story of other people

1 in legal services, the more people can respond to that.

2 One of the reasons I asked the question is,
3 really, some of our greatest people to make the case
4 for legal services are the people who have the stories
5 to tell. And your ability to do that, I think,
6 is -- never underestimate the power that you have in
7 affecting hearts and minds in your ability to tell that
8 story.

9 You have a great ability to do that, and
10 that's why I am especially grateful to the clients who
11 are part of legal services who have been affected and
12 then turn around to become ambassadors to the
13 community, and I really want to give you a really
14 hearty thank you for the work that you have done just
15 in that witness to what you do.

16 MS. SMITH: I appreciate that.

17 CO-CHAIRMAN FATHER PIUS: And to the other
18 people, the other clients, who have been affected by
19 Legal Services Colorado and all the great work that
20 they've done.

21 MS. SMITH: And I think that the client board
22 members all have stories that say, my life was in some

1 small way made better because of this interaction. And
2 you don't always get what you want out of the legal
3 system, but having an organization like Colorado Legal
4 Services there to participate with you allows you to
5 feel like you were given true access and a fair chance
6 at a positive outcome.

7 So even when you don't get everything that you
8 want, I think that that really makes a huge difference.

9 And I think that everyone on our board testifies to
10 that.

11 MR. ASHER: You had a case I didn't even
12 know -- and Tina has shared this. She had a situation.
13 She didn't even call me or let me know. But she
14 applied for service, received it, and then told me it
15 went very well.

16 I promise you, our client board members would
17 tell me if it were otherwise, as do a number of others.

18 But we try to do what we can. We'll get to funding,
19 but Father Pius, what you said, I think over a number
20 of years I have clearly become the face of legal
21 services in this state and people identify me with
22 Colorado Legal Services.

1 But that only goes so far. My commitment to
2 the private bar and to funders is we will be a
3 responsible, professional, ethical law firm. You might
4 not like everything we do, but we will do our very best
5 not to embarrass you with how we do it.

6 I can only hold to that commitment if our
7 staff uniformly accepts that vision and those values
8 and acts on them every single day. Now, we don't
9 always meet it. I don't always meet it.

10 But that is our objective, to be the very best
11 medium-sized -- I'd like to be larger -- law firm for
12 poor people throughout the state. We have built
13 relationships and collaborations, and that is only
14 possible through consistent, high quality work.

15 When Julie was appointed to the Board, for
16 example, I didn't know Julie very well. I had met her,
17 but I didn't know her very well. She knew a number of
18 our lawyers and advocates very well, and continues
19 appropriately to spend much time with them than sheds
20 with me.

21 PRESIDENT SANDMAN: Jon, I have a question
22 about the challenges of assembling and managing a board

1 on a statewide basis, and particularly how you
2 integrate client members into a board like that when
3 they might be geographically dispersed.

4 How often does the board meet? Do they meet
5 in person? If you have a client board member from down
6 in the southwest part of the state, how do you go about
7 integrating that person into the board?

8 MR. ASHER: We do that inartfully. Let me
9 just give you the overview of the board. We have a
10 27-member board. Fifteen are lawyers appointed by the
11 Colorado Bar Association. We could only have 14, but
12 we sometimes have a vacancy. We never want to have a
13 McCollum problem, so the Colorado Bar makes all the
14 appointments.

15 That was a strategic decision. In the old
16 days, local bars made a number of the appointments, and
17 you could, at least with the rural program, tell.
18 Within 15 minutes at a board meeting, you would know
19 whether a client or a lawyer was from Alamosa
20 or -- their only purpose was to defend their office.

21 So in building a statewide program, we wanted
22 a statewide board where people were appointed by the

1 state bar association who felt that while they came
2 from an area, their responsibility was to the program.

3 So we have lawyers from all over the state.
4 We have three lawyers appointed by specialty
5 bars -- the Colorado Women's Bar, the Colorado Hispanic
6 Bar, and the Sam Cary Bar, the African American bar.
7 We have a number of other specialty bars who are
8 represented, but appointment is by the CBA. We want
9 age, race, gender diversity.

10 We have nine client board members. We don't
11 pick the client board members; the board designates a
12 local agency that then makes the appointment, although
13 it is, in all fairness, an interactive process where we
14 think there may be a former client or somebody who is
15 interested.

16 The board right now meets five or six times a
17 year. We do it telephonically. Even lawyers in Denver
18 have started to call in as much as actually come. It
19 is far from perfect, but much better than I thought it
20 would be in 1999. Tina and others are looking at
21 having a retreat either this fall or early, not in the
22 winter when people won't be able to get there.

1 I meet with every client board member and new
2 lawyer. Tina says that I took her under my wing -- no
3 more or less than I do with new lawyers. We deliver
4 service in an incredibly heavily regulated industry.
5 We are a nonprofit with all of the governance issues
6 and all of those responsibilities.

7 We have an audit guide that is daunting, even
8 for lawyers who are used to looking at financial
9 statements. We have a regulatory structure that
10 mandates -- I bet I could cite a regulation; none of
11 you would know exactly what -- well, we won't talk
12 about 1629 or some of the more esoteric ones.

13 It takes patience and a long time for people
14 to become comfortable with the reporting requirements,
15 the regulatory oversight, and it's just very
16 challenging. We give information. We send out
17 extensive board materials. I try to meet with a couple
18 of board members each month, some in Denver, some
19 outside.

20 I try to get to the outlying -- everybody in
21 the state says, when are you coming, why don't you
22 come, until I tell them I am. Then all of a sudden

1 it's, what did we do wrong? Why are you coming to La
2 Junta? But we do have board members in La Junta,
3 Alamosa, Salida, Grand Junction, Boulder, two in
4 Denver, I think, right now, one in Craig. It is a real
5 challenge.

6 But I think the lawyers and others on the
7 board are inclusive. They don't make distinctions
8 between who may be, although in the rural areas not
9 even the lawyers are probably wearing ties. And we
10 just want people to care deeply about the quality of
11 the work we do and how we're going to do it and how
12 we're going to structure it.

13 But one of the comments of the program quality
14 visit was, we should look at a more formal orientation.

15 We have a very good orientation manual that's
16 daunting. You can look at it on our website; we can
17 get you access to that. But we are challenged, and are
18 under Tina's guidance going to do a better job of not
19 just client board member but all board member
20 orientation.

21 MS. SMITH: I was just going to say that when
22 I ended up having my little issue and needed the help

1 of Colorado Legal Services, when we were in court, just
2 before me was a woman and her son, and they were having
3 obviously a legal issue. And they were not
4 represented.

5 It was probably the saddest thing that I had
6 seen in a very long time. They didn't understand what
7 was going on. There wasn't an interpreter for them.
8 They didn't really know what should happen here, or
9 even what the judge was saying was the outcome, really.

10 And it was just incredibly sad. And it just made me
11 think, thank God that I have an attorney.

12 So I think it's very important that we look at
13 really true access. And again, telling the stories is
14 hopefully how we get that, and to let people know that
15 they definitely need an attorney any time they go to
16 court.

17 MS. BROWNE: I have a quick question for you,
18 Tina. It sounds like you are an amazing client member
19 of the board, just like Julie is here. You're
20 awe-inspiring.

21 When you go out to the community, do you set
22 up those meetings yourself or are there suggestions

1 from board members or from Jon saying, it would be
2 really helpful if you went to such-and-such a
3 neighborhood to talk to people?

4 MS. SMITH: It's a little bit of both. It's a
5 little bit of both. Certainly there are suggestions,
6 but I -- I'm not going to say that I'm active in my
7 community, but certainly there. And if something comes
8 up, then yes, I will definitely go.

9 MS. BROWNE: And then how long have you been
10 on this board?

11 MS. SMITH: Is it '99, yes, when we made the
12 merger? Yes. So it's been a while.

13 MS. BROWNE: And so you had that steep
14 learning curve, and so I can now understand why you're
15 now beginning to develop an orientation book because it
16 is a steep learning curve.

17 MS. SMITH: It really is. I think that as a
18 client, I think that you really want to do more because
19 you see the benefit for yourself. But again, you're
20 not always sure how to do that.

21 And so I think, yes, we certainly need to do a
22 much better job of maybe lessening that learning curve

1 a bit, helping folks to really become a part of the
2 board and feel more comfortable. But again, it's a
3 lot, a lot, a lot of stuff to begin to understand to
4 even know -- to even know what it is that Colorado
5 Legal Services is able to do. It's huge.

6 MR. MADDUX: Gloria, if I could ask a
7 question? This goes back to one of Tina's comments,
8 and it's really, I guess, for John.

9 I think the picture you painted of a mother or
10 anyone in front of a judge -- there's a lawyer on the
11 other side -- it's just an awful situation for somebody
12 who is unsophisticated, who's never been in a courtroom
13 before, who doesn't have any appreciation for the legal
14 process, who has something really important at stake.

15 That's what I think Legal Services Corporation
16 is all about. It's closing the justice gap. It's the
17 access to justice, which in my mind, when I was
18 interviewed by the ABA three years ago before I came on
19 the Board, what I said then and I still believe is we
20 need to be using the federal dollars that we have,
21 whatever they are, to provide help to people who need
22 lawyers in court, or who need legal advice in

1 connection with a matter in court.

2 So Jon, with that preface, I'm thinking that
3 you were in Milwaukee a couple of years ago when we met
4 there, and there was a panel of nine EDs, as I
5 remember, who were asked, what's your wish list? If
6 you could have anything you wanted, what would you
7 want? And a lot of the people on the panel said they
8 wanted the elimination of the class action restriction.
9 They wanted to do big impact type stuff.

10 And I go back to Governor Doyle's comments to
11 us at lunch that day where he was reminding us about
12 the client he had who had the red truck. He just
13 wanted his red truck back, but Governor Doyle, who was
14 the legal aid lawyer at the time, in his early days,
15 had taken the matter all the way to the Tenth Circuit
16 in what I think amounted to a class action. And after
17 years of litigation, he met with his client and his
18 client said, "But where's my truck?"

19 So one of my questions is, and I'm trying to
20 get a concrete feel for this because there's a lot of
21 things I read and hear abstractly about what legal aid
22 grantees can do that are more impactful than individual

1 cases.

2 For instance, there was an article in the MIE
3 Journal by Joel Ferber from Missouri in the winter
4 urging every legal aid grantee in the country, LSC
5 grantee, to get involved in the advocacy for expanding
6 Medicaid under the Affordable Care Act.

7 And one of the things he said was, he said,
8 "Why should we be involved?" He said, "Programs are
9 facing significant budget cuts and are overwhelmed with
10 their caseloads. Nevertheless, there are many reasons
11 why legal services involvement is critical. For one,
12 the ACA's Medicaid expansion has the potential for a
13 significant impact, dwarfing anything that can be
14 accomplished with any one case or group of cases."

15 Mr. Ferber went on to urge EDs around the
16 country to form task forces and dedicate teams of
17 lawyers and dedicate resources from their law firms, in
18 essence, to advocacy for what amounts to a public
19 policy position, one that's very controversial around
20 the country.

21 And every time I read that article and think
22 about it, I think about the people that Tina's talking

1 about in front of her who were there without a lawyer
2 because presumably, if you dedicate a team of lawyers
3 or create a task force with Utah and New Mexico and
4 Nebraska and Wyoming, you're going to be dedicating
5 legal resources to that. And there's somebody who's
6 not going to have a lawyer.

7 So to help me try to understand this, can you
8 tell me to what extent, if any, you make decisions
9 about how much of your resources you are going to
10 divert from helping people who come in and need a
11 lawyer to pushing big, more impact-oriented cases like
12 the ones that Mr. Ferber was advocating?

13 And that's kind of a broad, open-ended
14 question. But anything you could offer would be
15 helpful to me.

16 MR. ASHER: I think I'd do better with that
17 question with a Scotch in front of me.

18 (Laughter.)

19 MR. ASHER: And could go on for a long time.
20 I'd like to think that we do not have a numerical sort
21 of rating. We want our lawyers to represent as many
22 needy clients with critical legal needs as they can.

1 But we also see repetitive patterns coming in.

2 I mean, after the tenth time we have seen somebody
3 come in with the same defective welfare notice, it
4 would be more efficient if we didn't have a restriction
5 on Rule 23.

6 Now, I can't say there have been any class
7 action suits since 1996 that we would have brought,
8 that the Colorado Lawyers Committee or some other
9 group, pro bono lawyers, have not taken on. I think
10 they have.

11 On the other hand, they have needed our
12 clients to be handed off. They've needed to get up to
13 speed. I'm not sure it's the most efficient use of
14 their time. But people don't -- I don't want to paint
15 that too broadly.

16 But if our funders wanted us to really have an
17 impact, they would only fund class actions and
18 legislative advocacy. That's where you would in fact
19 affect the greatest number of people's legal issues.
20 That's not what we're funded to do.

21 We would like our staff to work hard on issues
22 that are critical to individual clients, sometimes that

1 have a more systemic impact on a broader number of
2 people. It would be my hope that once we've handled
3 two or three administrative law hearings and have
4 gotten administrative law judges to say, "This notice
5 doesn't comport with -- this doesn't tell a recipient
6 anything," that the department in fact will change
7 their behavior.

8 But we have, I think -- whether I like all the
9 restrictions or not, it is absolutely my responsibility
10 as a condition of accepting federal funding to live as
11 closely within those restrictions and guidelines as I
12 possibly can.

13 Now, I happen to know Joel. I've known Joel
14 for a long time. He is one of the most dedicated,
15 competent legal services lawyers or not. Whether he
16 should have been quite so candid in -- but I don't
17 think -- we do not have -- Julie can go and expand
18 Medicaid.

19 But we do have a role to play when people call
20 and say, "If we have this sort of policy about Medicaid
21 expansion, what will that mean to your clients? In
22 your experience, what does that mean on the ground?"

1 The two things we have which most other
2 organizations don't are, one, we see thousands of poor
3 people every year, and hear from them on exactly what's
4 impacting their legal lives; and two, we see how laws
5 and policies really work.

6 Sometimes people care about changing those and
7 improving them -- not always, and if we're asked for
8 those stories, if we're asked for what we see day after
9 day, I don't think there's anything not only wrong, I
10 think it is helpful to the legal system.

11 Now, that's not overt policy advocacy. But
12 that is trying to have systemic fixes where possible to
13 meet the level needs of more than just the one client
14 in your office. It doesn't come out of a computer. We
15 do more than the national average.

16 But I can't say we don't put an emphasis on
17 making a difference in the lives of low income -- as
18 I've said, maybe I shouldn't, but I do. Our clients
19 may not always have a seat at the table. As long as
20 I'm the director, as often as possible, they will have
21 a voice at the table.

22 CO-CHAIR VALENCIA-WEBER: I'd like to ask

1 Patricia Craig about what she does. I understand that
2 you run the pro bono program, where referral to private
3 attorney involvement is the primary mode of delivery.
4 We're very concerned in LSC in involving the private
5 bar.

6 Can you describe what you do?

7 MS. CRAIG: Thank you. We have been running
8 the Northwest Project, which is eleven counties up in
9 the northwestern area of the state, since 1981. And we
10 have a long history with our local bars and good report
11 with our local bars. We're on their agendas at every
12 meeting, and we are an important part of the bars.

13 Most of our local bars dedicate their dues
14 money, in addition to supporting their meetings, to
15 supporting us, their other primary goal. So we have a
16 very good rapport with our local bars.

17 It's been a tough few years, recently because
18 we lost a lot of local bar members -- not an
19 overwhelming number, but some of our good supporters
20 have gone to other states where they could practice, or
21 they've dropped out of the practice of law. The
22 economy has hit hard in our little counties, and we

1 have lost some of our good attorneys.

2 That's starting to pick up again, but we do
3 get very good support from our local attorneys. They
4 will take the extended service cases. They will take
5 the domestic violence victim who needs somebody in
6 court with her to protect her and her children. And
7 they will take the evictions and the foreclosures. And
8 we do get a lot of advice cases out, which is one of
9 the things I'm here to talk about today.

10 So I think we're doing very well with our
11 local bars. In our small communities, local bar
12 members know that they play a role in the community and
13 they're not anonymous. And they expect that this will
14 be part of their role in their communities. So it's a
15 very natural role for them.

16 CO-CHAIR VALENCIA-WEBER: Are you dealing with
17 solo practitioners? Small firms? Any medium firms?
18 Because I noticed you're -- do I have it correct that
19 you're in the Frisco/Hayden/Leadville area, and those
20 are not big metropolitan areas.

21 MS. CRAIG: No. We do have a few ski areas
22 within our eleven counties. We have Aspen. We have

1 Vail. We have Steamboat Springs. We have a few other
2 ski areas.

3 And so we have some pockets of wealthier
4 communities, and as Jon described, these are the
5 communities around which the other communities where
6 our clients live are nestled, and our clients commute
7 to work in these ski areas, and some mining areas and a
8 few other industries, but mainly ski areas.

9 So we do have some areas with concentrations
10 of attorneys. And in fact, what we do with the Skype
11 clinic that I'm talking to you about today is take
12 attorneys from some of the wealthier areas with a
13 higher population of attorneys and use them to serve
14 the advice needs of our clients in the poorer areas
15 where we have very small attorney populations.

16 CO-CHAIR VALENCIA-WEBER: So you're using
17 Skype for that?

18 MS. CRAIG: Yes. We have one Skype clinic
19 going right now. We're about to start a second one in
20 another county because the first one has gone so well.
21 We're doing a Skype clinic up in Moffat County, which
22 is up in the northwestern corner of the state.

1 It's a very large county. Its chamber of
2 commerce will tell you it's about the size of the state
3 of Connecticut. It has a population of slightly under
4 14,000 people, which works out to about three people
5 per square mile.

6 It has a poverty population in general of
7 about 13 percent. If you're a senior, that poverty
8 rate goes up to about 14 percent. If you are a female
9 head of household, it's about 30 percent. And if you
10 are a single mom with kids under the age of 5, it's
11 about 60-something percent.

12 So you can see what our client population is
13 in Moffat County. I counted before I came here in our
14 Colorado legal directory, and when I took out the judge
15 and the county attorney and the city attorney and the
16 DAs, I found four local attorneys in private practice
17 in Moffat County. So they obviously can't meet the
18 need. It's a small county, but you still need more
19 than four attorneys.

20 MS. BROWNE: Can I just ask you a question?
21 The Skype clinic is enticing, to say the least. Could
22 you expand on it? Do you have one location and people

1 will come to this location, and then there'll be an
2 attorney on the other end and they will actually be
3 presenting a clinic? Or is it one-on-one?

4 MS. CRAIG: We used to hold these clinics in
5 person, and we used to have attorneys from Steamboat
6 Springs, which is the nearby ski area, drive over.
7 It's about an hour's drive in the summertime, a lot
8 longer in the wintertime. And they would drive over
9 and we'd have a clinic, and we'd bring in several
10 clients at one time and have them sit down and provide
11 extended advice sessions for the clients.

12 Now they sit in their offices. The attorneys
13 are in their offices, and they have Skype on their
14 computers. It's a free program from Microsoft, so they
15 all have this. They all have microphones. They all
16 have webcams. So it's no expense to our attorneys.

17 The location in Moffat County is at the
18 hospital in the county seat of Craig. The hospital is
19 a well-known location. It has public transportation
20 right to the hospital. Obviously, everyone knows where
21 it is.

22 It's a safe location. Our clients feel safe

1 going there. They feel like they will be treated well
2 when they're there. Their privacy will be respected.
3 I think it's very important to have a location like
4 that where they are comfortable. They can come. They
5 can bring their kids. And I actually have a handout
6 with these pictures, but I'll just hold it up.

7 This is our bar president, Megan Letterman,
8 who did the first Skype clinic for us. She's sitting
9 in her office, and you probably can't see it very well,
10 but immediately to her left on the desk is the file
11 with the client information that we provided to her
12 before the clinic.

13 So when she's talking to each client, she has
14 their lease or their parenting plan or the summons and
15 complaint with which they were served, and has the
16 basic information on the client.

17 She is able to see the client. She's able to
18 hear the client. You get as much of that face-to-face
19 contact as possible electronically. It's certainly
20 better than telephone contact, and enables you to see
21 whether or not the advice you're providing is getting
22 through.

1 The client sits in a confidential room in the
2 hospital and sits at a table, is able to make notes.
3 Has the same paperwork in front of them so can read
4 along with the attorney, and gets specific advice on
5 their situation.

6 Appointments are usually about a half an hour
7 long. They can run longer, if necessary, but that's
8 usually the average amount of time. We're picking
9 cases that can be handled in an advice session to go to
10 the Skype clinic.

11 MS. BROWNE: And do you coordinate the client
12 as well as the attorney, tell them where to go and what
13 time they have to be there?

14 MS. CRAIG: Yes. Yes.

15 MS. BROWNE: And this is all ensured
16 over -- protects the attorney-client privilege and all
17 of that?

18 MS. CRAIG: Yes. Yes. Yes, our local
19 coordinator, Sherri Ferree, does this, and sets up the
20 sessions, and provides the information to the
21 attorneys, and makes sure they have the Skype set up
22 and are familiar with it.

1 Our next location is going to be in Leadville,
2 Colorado in Lake County. That's a scrappy mining town
3 that's had its up and downs and has a high poverty
4 population. It is about an hour's drive away in good
5 weather from a couple of ski areas with some high
6 attorney populations, and we're hoping to repeat this
7 in that location.

8 MS. BROWNE: What is the success rate? Are
9 the clients satisfied with the Skype clinic and are
10 happy to come and feeling comfortable?

11 MS. CRAIG: The clients are expressing that
12 they're very satisfied with the advice that they're
13 getting. We're not getting a lot of clients showing up
14 saying, "I need more advice," or "I didn't get what I
15 needed." We're getting clients telling us that this
16 met their needs.

17 MR. ASHER: Let me -- while we have a number
18 of lawyers willing to provide that advice, without the
19 infrastructure, without Pat, without Sherri, without
20 the screening of clients, without setting it up and
21 making appointments, none of that willingness by the
22 lawyers to provide that high quality advice would be

1 possible.

2 We just have a couple of minutes. I promised
3 Becky -- I've been working for her for the past several
4 months, and quite nicely, so that's fine -- but I would
5 like briefly to show you -- we won't go through all the
6 funding charts, but it's not very pretty, but for the
7 two top lines.

8 The purple is two out of the three years of
9 the Attorney General's grant of half a million dollars
10 to do foreclosure work. We have half a lawyer in four
11 offices, one lawyer in two other offices, funded by the
12 Attorney General, and then the Supreme Court's
13 allocation of this \$750 just for two years how we
14 develop, at the order of the court.

15 The court order does -- to come up with a
16 long-term, stable funding solution, and then of course
17 is not happy with the permanent add-on to attorney
18 registration fees or a filing -- so we are working with
19 the bar very closely.

20 Let me just mention one other thing, and that
21 is for years we have had a separate fundraising effort
22 in Colorado. It started when there were four programs.

1 Each of us pooled a little money to hire a fundraiser;
2 none of us could afford to do it alone.

3 Then we were down to three. But it is a board
4 that does not set legal services program policy. It is
5 not -- it doesn't have to master LSC regs. Its job is
6 to raise money for CLS. Now, they know enough to be
7 comfortable in raising the money. They get our audit.
8 They get our annual reports. They get reports every
9 other month from me.

10 This year the Legal Aid Foundation of Colorado
11 raised \$1-1/2 million for Colorado Legal Services; 1.25
12 of that, at least, 1.26, will come directly to the
13 program. They have four part-time staff who also work
14 for the IOLTA program.

15 It is terrific, again, for an area campaign.
16 It was quite successful this year. The board of the
17 Legal Aid Foundation anguished about setting a target.
18 They asked lawyers and law firms. It was \$350 per
19 lawyer per year. They had a very difficult decision
20 this year; they increased that, given our critical
21 needs, from 350 to \$400 per lawyer.

22 Virtually all of the major law firms in

1 Denver, including Arnold & Porter, gave at that level,
2 which makes me, of course, think we should have raised
3 it a lot more.

4 (Laughter.)

5 MR. ASHER: But even after becoming a single
6 program, our ability to attract a different sort of --
7 somewhat older, whiter -- although the fundraising
8 board is much more diverse than it was 30 years ago.
9 We don't care what you look like as long as you're
10 willing to ask for money.

11 But that is their sole responsibility and
12 purpose, and it has, in my experience -- it took a long
13 time to grow and develop. It is now seen as a plum
14 position within the board, an honor to serve on the
15 Legal Aid -- we have six, seven, eight general counsels
16 now who know my name and number of the bigger
17 corporations and the like.

18 We don't have a huge number of corporations
19 here, but a large number of well-respected senior
20 partners, lawyers. We also have an associates advisory
21 board now trying to grow the next generation of bar
22 leaders and donors.

1 And I want to thank Tina and Sarah and Pat,
2 and I would be glad -- there is background information
3 on all of that. It is a challenge right now, given
4 IOLTA and state funding. And we are proud for the
5 support of the Corporation.

6 We really do take our responsibility as
7 custodians of public dollars under restriction very
8 seriously, and want to do the very best job that we can
9 to provide the very best service to as many low income
10 Coloradans as we can.

11 MS. REISKIN: Gloria, can I --

12 MR. ASHER: I'll give you a copy.

13 CO-CHAIR VALENCIA-WEBER: We need to finish.

14 MS. REISKIN: Yes. I just wanted to wrap up.

15 CO-CHAIR VALENCIA-WEBER: Yes.

16 MS. REISKIN: As someone who works with this
17 program -- and again, mostly not Jon -- on a regular
18 basis, I'm really proud that you guys got to see the
19 program and hear from folks. Particularly their health
20 staff do a fantastic job.

21 I just got the evaluations back from the last
22 time Peter, their senior health attorney, trained our

1 non-attorney advocates, and it was all 5s, which is the
2 highest. And the comments were all about, "We need
3 more time with him. When can he come back?" And, "Can
4 he come to our first hearing with us?"

5 But they're very community-oriented and very
6 good to work with, and I'm very proud that you guys got
7 to see them. So I just wanted to -- again,
8 particularly their health attorneys because they're the
9 ones I work with again -- are fantastic, and they're
10 really good at working with non-attorneys and
11 explaining, endlessly sometimes. They're always very,
12 very helpful.

13 CO-CHAIR VALENCIA-WEBER: Thank you, Julie.

14 With that, I want to thank our panel and I
15 want us to show appreciation for why Colorado Legal
16 Services is not only so well-respected but they help
17 our national reputation. Thank you so much.

18 (Applause)

19 CO-CHAIR VALENCIA-WEBER: And now we have on
20 the agenda public comment. Any from the attendees?

21 (No response.)

22 CO-CHAIR VALENCIA-WEBER: How about on the

1 phone? Do we have someone still on the phone? Do we
2 have someone still on the phone?

3 DEAN MINOW: This is Martha Minow saying this
4 was a wonderful set of presentations.

5 CO-CHAIR VALENCIA-WEBER: Martha, thank you.
6 Anybody else?

7 (No response.)

8 CO-CHAIR VALENCIA-WEBER: With that, do we
9 have any other business that you know of, Father Pius?

10 (No response.)

11 CO-CHAIR VALENCIA-WEBER: Then I would
12 consider a motion to adjourn.

13 M O T I O N

14 CO-CHAIRMAN FATHER PIUS: So moved.

15 MS. REISKIN: Second.

16 MR. LEVI: All in favor?

17 (A chorus of ayes.)

18 (Whereupon, at 5:47 p.m., the Committee was
19 adjourned.)

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