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P R O C E E D I N G S

9:15 a.m.

1  
2  
3 MS RODHAM: Let's reconvene our stimulating  
4 meeting, which broke off all too soon yesterday.

5 We have a suggested title for our Delivery  
6 Systems Report, which while we're getting ourselves to  
7 get started I thought I would share with you. It's called  
8 the Delivery Systems Study, a quixotic chase for  
9 certainty, a classic in its field. I think that probably  
10 covers the waterfront.

11 A great deal of thought and discussion has gone  
12 on in the last 12 or so hours with members of the staff  
13 and the Board and members of other constituent groups who  
14 are here and have been willing to share their feelings.

15 We are attempting to come to some resolution  
16 of our position at this point, and the Chairman of the  
17 Committee on Provision of Legal Services, who is most  
18 intimately involved with the review of the report, has a  
19 motion that he wishes to offer as a substitute for the  
20 previous two motions; the Sacks motion and the Kantor  
21 motion.

22 Dick, do you want to go ahead?

23 MR. TRUDELL: Let me make one comment before I  
24 read the motion and that is that after we read the motion,  
25 we try to develop some kind of timetable for the benefit

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1 of everybody, especially the Provisions Committee in terms  
2 of when we will take it up again prior to the June Board  
3 meeting.

4 The motion reads that the Board of Directors  
5 approve the recommendations based on the Delivery Systems  
6 Study to the President and to Congress, and that the Board  
7 authorizes the President of the Corporation to transmit  
8 to Congress a statement of the Delivery Systems Study with  
9 appropriate additional changes. The President should state  
10 that. The final DSS report will be approved by the Board  
11 of Legal Services Corporation at the June 1980 meeting.

12 MS. RODHAM: Is there a second?

13 MS. SHUMP: I'll second.

14 MS. RODHAM: Is there any discussion?

15 MR. ORTIQUE: I guess I'd like to call this a  
16 stylistic change. It doesn't make sense to me to say  
17 it will be approved at the Board meeting anticipating that  
18 it will be approved; that we know now that we're going to  
19 approve it, then we ought to have everything before us  
20 that we will be sending up. Make that word anticipated as  
21 strong as you want to; that there is little doubt that  
22 it will be approved or whatever.

23 I just think that we are inviting some criticism  
24 by saying it will be.

25 MS. RODHAM: We can say it will be finally

1 considered.

2 MR. ORTIQUE: The final discussion.

3 MR. KANTOR: How about the final report will be  
4 considered?

5 MS. RODHAM: That's fine.

6 MR. ORTIQUE: That's good.

7 MR. KUTAK: Dick, could I have it back again?  
8 I'd like to think through the three discreet parts and be  
9 sure I understand the scope and significant points.

10 MR. TRUDELL: Why don't I do this? Why don't I  
11 withdraw it as we mark it up?

12 MS. RODHAM: No, don't withdraw it.

13 MR. TRUDELL: That the Board of Directors  
14 approve the recommendations based on the Delivery Systems  
15 Study to the President and to Congress that the Board  
16 authorize the President of the Corporation to transmit to  
17 Congress the statement on the Delivery Systems Study  
18 with appropriate additional changes.

19 MR. SACKS: Can we stop right there? The first  
20 clause, I think, is the problem with us; that the Board  
21 approve the recommendations.

22 What recommendations?

23 MR. BRADLEY: On page I-6 and 7.

24 MS. RODHAM: I think we should point out that  
25 this motion is the President's best judgment however we

1 finally word it as to what is in the best interest of  
2 the Corporation.

3 MR. KUTAK: I- 6 and 7?

4 MR. SACKS: No, not I-6. The transmittal  
5 statement.

6 MR. KANTOR: Page 7, Dan?

7 MR. BRADLEY: Yes, page 7, that attempts to--  
8 it just basically says that we're communicating to the  
9 Chairmans of the Oversight Committees that this Board is  
10 not recommending any changes in the statutory language.

11 MR. KUTAK: So, we approve the recommendations  
12 that are contained on pages 7 and 8 and 9. That's the  
13 Corporation Policy--approve the recommendations on pages  
14 7 through 9.

15 MR. SACKS: Seven, 8 and 9, right?

16 MR. BRADLEY: Yes, sir.

17 MR. KUTAK: And Dick, to transmit--what was the  
18 next clause?

19 MR. BRADLEY: And authorizing me in my transmittal  
20 letter to Chairman Nelson--the essence of what's stated  
21 in this transmittal draft here with appropriate changes  
22 and caveats.

23 MR. SACKS: That would include then the remaining  
24 pages of what we have in front of us; pages 1 through 6?

25 MR. BRADLEY: And what my intentions would be,

1 Howard and I will probably meet this afternoon because he  
2 has some suggested changes, and I would--the staff would  
3 complete a draft of this, and I would, in effect, circulate  
4 it back to the Provisions Committee and Hillary; but I  
5 think it's appropriate that it comes from me to the two  
6 committees, rather than to come from the Chairman of our  
7 Board.

8 MS. RODHAM: Since we have not taken final action.

9 MR. KUTAK: Would you be transmitting the  
10 provisions just at page 1 to 6 as Howard has said, or--

11 MR. SACKS: Seven, 8 and 9, we're going to  
12 approve this morning. One through 6, the President is  
13 going to rework and approve that after he consults with  
14 the committee, and what's the third part of your motion?

15 The report will be considered in June?

16 MR. TRUDELL: The President should state that  
17 the final DSS Report will be, and then we inserted two  
18 words, considered for approval by the Board of the Legal  
19 Services Corporation at the June 1980 meeting.

20 MR. SACKS: Why not acted upon? Why don't we  
21 promise them we're going to act; not just consider?

22 MR. KANTOR: I'm not willing to go along with  
23 that. I don't know if I want to act or not.

24 MR. BRADLEY: You can act by--

25 MR. KANTOR: I will consider it. I mean, I don't

1 think we should lock ourselves into--I mean, we don't  
2 know what you're going to be getting in June.

3 MR. ORTIQUE: You can act negatively.

4 MR. SACKS: I withdraw the suggestion rather  
5 than have it discussed and mangled.

6 MR. KUTAK: The final report will be considered  
7 at the June meeting.

8 MR. SACKS: I'm happy except I've got one problem  
9 on page 8, Corporation Policy. I want to bring that up  
10 because I think it's a matter of substance.

11 If you look on page 8, under Corporation Policy,  
12 it talks about, "The Corporation is committed to a policy  
13 that will encourage the continued evolution of creative  
14 delivery approaches--" and "--as we complete expansion,  
15 full consideration is being given to proposed delivery  
16 approaches that rely principally on attorneys in private  
17 practice."

18 In other words, we're considering proposed  
19 delivery approaches that rely principally on attorneys in  
20 private practice, but we're not committing ourselves  
21 to any particular amount of such support.

22 The next sentence is the one that troubles me.  
23 It says, "Given the evidence from the study on the  
24 positive impact of staff on the quality and impact of  
25 services, the Corporation will insist that any programs

1 involving attorneys in private practice that we fund  
2 have a staff component that provides support and client  
3 representation."

4           It's the verb will insist that troubles me.  
5 I know that the findings indicate that staff involvement  
6 is a critical element, but I don't want to commit us  
7 to saying that we insist that each and every private  
8 practice that we fund must have a staff component. I'm  
9 just not that confident that we ought to do that, and I'd  
10 like to soften that, unless--really, we're confident that  
11 this time we know that it's got to have a staff component.

12           MR. KUTAK: Can we insert the word whenever  
13 appropriate?

14           I see your point. Insist does mean like you've  
15 got your back up.

16           MR. SACKS: Emphasize?

17           MR. KANTOR: I think Bob said and we all agree  
18 just don't tie the hands. We all know what the emphasis  
19 should be, but just don't tie the hands of the Board or  
20 the Corporation.

21           MR. BRADLEY: We will certainly make that  
22 change, Howard, and I'll discuss it with you this  
23 afternoon.

24           MR. LYONS: May I ask if the staff is going to  
25 be permitted in this transmittal statement to make changes

1 that will reflect where we are in terms of the analysis?

2 For example, with regard to the quality piece  
3 in the same sentence that Professor Sacks just referred  
4 to.

5 We don't, in fact at this point, have the  
6 quality piece.

7 MR. BRADLEY: Clint, that's the reason we  
8 purposely drafted the motion to say with those appropriate  
9 changes.

10 MR. LYONS: That's the point I wanted to make  
11 clear and understand that we will be allowed to make  
12 appropriate changes to be in line with the analysis.

13 MS. SHUMP: You have until the June meeting,  
14 Clint, and that's all?

15 MR. LYONS: That's all.

16 MS. RODHAM: Anything further?

17 MR. SACKS: Where do we stand now on when do you  
18 expect to transmit this? Before you get the quality  
19 stuff in?

20 MR. BRADLEY: Yes, and we will explain in that  
21 transmittal letter and I'll explain to the two Chairmen  
22 what we're doing and I'll be as candid with them as I  
23 can be in terms of--the Board, we're still considering  
24 the quality measurement and the Board will be reconsidering  
25 that issue when the Board meets, and I'm confident they

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1 will be very comfortable with that.

2 MR. SACKS: In other words, then you don't think  
3 we're now running any risks by sending a piece of paper  
4 up there without the quality stuff in?

5 MR. BRADLEY: No, I do not.

6 MS. RODHAM: Any further questions or comments?

7 MR. KUTAK: Just one small one.

8 Yesterday I was concerned because I didn't really  
9 appreciate how much of the appropriation, if you will,  
10 that went to the study as against to the report.

11 I realize now, when I reflected on the conver-  
12 sation, we talked about a \$13 million study. The innocent  
13 may think that it was--\$13 million went into writing the  
14 report rather than the overwhelming bulk of it into the  
15 delivery of legal services to test the models to see  
16 what kind--what we could write.

17 WE really recommend, at least where you're  
18 suggesting--by the way, this morning in the paper, it  
19 referred to in the Memphis Times--

20 MR. ENGELBERG: Commercial Appeal.

21 MR. KUTAK: That it was a \$13 million study,  
22 and I think many people who are not sophisticated think  
23 it might be that Leona and her colleagues received \$13  
24 million to write a study, and that's silly; but I think  
25 it might be helpful to sort of qualify that the bulk of the

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1 effort went to the project in order to develop the data.

2 MS. RODHAM: Is the person who wrote that article  
3 here today?

4 MR. SACKS: The article was accurate.

5 MR. KUTAK: The article was absolutely accurate.

6 I think it's important to recognize it was the Legal  
7 Services that the bulk of the money went to; not to staff  
8 writing it.

9 MS. RODHAM: Any other questions?

10 MR. KANTOR: I just have one other comment,  
11 and the staff can handle it any way they see fit.

12 Obviously yesterday, there were substantial  
13 questions raised by everyone as to the questions raised  
14 by the study.

15 You know, where we go, how we deal with the  
16 future and a lot of questions Leona said have to be  
17 dealed with the future.

18 I would hope that our transmittal contains  
19 those in some sense to the Congress so Congress will  
20 understand that not only this report, but Legal Services  
21 is a dynamic animal and it always has been.

22 It's always creating new questions, problems,  
23 opportunities to address, and I think we ought to put that  
24 in because I think that's what's happened here.

25 So, I would assume that Leona and the Corporation

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1 will continue over the years no matter if we have a final  
2 report or not to study these matters.

3 I think the questions ought to be raised that  
4 now are facing us.

5 MS. RODHAM: Well, Leona has given us a lifetime  
6 commitment.

7 MS. VOGT: I'd like to amend that statement;  
8 everybody except Leona.

9 MS. RODHAM: I promised Bill McCalpin, whom I  
10 spoke with after the meeting yesterday, who is in the  
11 hospital and is very, very sorry he cannot meet with us  
12 that I would voice his concerns, since everyone else  
13 had a chance to voice his or her concerns yesterday. It  
14 just shows, I guess, what's in the eye of the beholder.

15 His principal concern is that the document as  
16 presently written is much too heavily weighted in favor  
17 of the staff attorney model, and is not fair to the other  
18 models that were tested and to the data that supports  
19 the significant contributions that the other models are  
20 able to make.

21 That's something that he particularly wanted  
22 to have presented because it is something that he is  
23 concerned about and in particular I-7, 2 B. He thinks  
24 you can rephrase.

25 That's Bill's--the only substantive criticism

1 that he had and in particular criticism of the phrasing  
2 of 2 b on I-7.

3 MR. ENGELBERG: When the report is presented us  
4 in June, I think it would be helpful if the staff would  
5 give us a very brief summary of the key suggestions of  
6 people like PAG representatives that were either incorporated  
7 or not incorporated in the report and why they weren't.  
8 For example, because it didn't make any sense or there  
9 was not enough data or whatever.

10 Something just brief so we don't have to go  
11 through this kind of confusion in June, in which it will  
12 say whether the staff ends up agreeing with the PAG people  
13 or other representatives or whatever.

14 Obviously, the staff is required to make the  
15 recommendations to the Board; but at least it would help  
16 and Bruce I would appreciate you cooperating in that and  
17 anyone else in the public to make sure, you know, it's  
18 a clear meeting of the minds as to what we want and it's  
19 either included or not and why.

20 Obviously, I'm not in any way suggesting that  
21 all the outside suggestions have to be included. That's  
22 ultimately the staff's decision.

23 MS. RODHAM: I think that the process that the  
24 Provisions Committee followed is one that we should continue  
25 to follow; which is the abstract that they requested of

1 revisions, which appears in the front here of our report  
2 was very helpful because you could see the process and it  
3 demonstrated the amount of effort that the Committee put  
4 into it, and I know that Bruce Morrison and others have  
5 done what we asked them to do last night and come up with  
6 their suggested changes in emphasis and analysis.

7 I, for one, would like to see those written  
8 down and responded to so that I have some sense of where  
9 we are.

10 MR. ENGELBERG: What I think would be very  
11 helpful is when the report is presented in June that there  
12 be a very brief memo saying not so much what was included  
13 because--I mean, you could summarize the major changes  
14 that were made; but would basically say here are the  
15 basic suggestions from other groups that were not  
16 included and here's why not.

17 It would also be helpful if Bruce, Berney and  
18 others that have looked at that memo before so that  
19 there's an agreement as to what was not included and why.

20 MR. ORTIQUE: Not in June, though.

21 MS. RODHAM: Before June.

22 MR. ORTIQUE: And not in the mail on the way  
23 to us or any of those things--in our hands.

24 MR. ENGELBERG: Prior to the June meeting so  
25 that it would get there so Bruce or Berney or others

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1 can have continued objections. You know, it's almost as  
2 if the issues are framed and there can't be any other  
3 arguments as to what's in there and why not.

4 MS. RODHAM: Howard?

5 MR. SACKS: Along the same line, I would like to  
6 make a suggestion to the staff about involving Professor  
7 Schwartz between now and June.

8 As I understand it, he is not planning to make  
9 official comments on behalf of the ABA about this report  
10 until he has seen the report in final form. I understand  
11 that, but he knows an enormous amount about this and has  
12 already written one document about methodology.

13 If he could somehow be persuaded to give us  
14 informal comments on the substance between now and the  
15 time we have to act, that might be very valuable. That  
16 doesn't bind him in any way. He's still free to change  
17 his mind and write whatever he wants in his report; but  
18 he might have insight that would help us avoid trouble.

19 I think from the standpoint of his client,  
20 the ABA, the more that they can be influential in the  
21 framing of this, the better off everyone is going to be--  
22 less confrontation. We're all going to be happier.

23 MR. BRADLEY: I can assure you that's going to  
24 happen. As a matter of fact, it's going on. Leona and  
25 Professor Schwartz have a very good professional relationship.

1 and talk frequently, and they spent several hours together  
2 last week talking about some of these issues that we  
3 just raised.

4 MR. SACKS: But I would really like to have his  
5 comments on our substantive findings and conclusions, but  
6 not, of course, binding him in any way as to he's free to  
7 change his mind.

8 MS. RODHAM: The question has been moved.  
9 All those in favor please signify by saying "aye".

10 (Ayes.)

11 MS. RODHAM: All those opposed?

12 (No response.)

13 MS. RODHAM: Thank you, Leona and Clint and Judy.

14 I think we might want to add too echoing Bob's  
15 point about we say a lot of things and make a lot of  
16 comments partly out of our own frustration, which I know  
17 you share in how difficult this task has been.

18 Anyone who has ever tried to work with statistics  
19 that are collected nationally, as these have been, and  
20 then try to analyze them and put them into computers  
21 and make some sense out of them, you know. I've just  
22 talked to people who have done it. They tell me how  
23 difficult it is.

24 So we appreciate the effort that you have put  
25 into this trying to make some sense out of all this

1 information.

2 MS. VOGT: Just a point of clarification.

3 I did spend some time with Professor Sacks  
4 last night and the staff and we got some of his comments.  
5 Can we assume whatever general comments we received  
6 yesterday and whatever else we're going to be doing will  
7 be at least an adequate input from the Board?

8 I just would like to know if there is going to  
9 be anything else or we can assume that what we've heard  
10 so far is what we will get from the Board?

11 MR. KUTAK: I'll try to get you something, Leona,  
12 because I really frankly want to reach for the stars and  
13 not change the data base, but I'd like to give you some  
14 comments and very frankly give you my reactions as to how  
15 I would like--because I believe in it, and I think it is--  
16 you know, you've heard me say.

17 I think you shouldn't be so weather worn by  
18 the data that you're not inspired by the thrust and profound  
19 implications of this report.

20 I hope you can step back and give yourself and  
21 your colleagues some perspective to really outline for us  
22 the real significance and underlying importance, and in  
23 that kind of message I'd like to give you some impressions.  
24 I'll try to do it as soon as I can.

25 MS. RODHAM: Thank you very much.

1           The next item on the Agenda is the discussion  
2 by the Board for want of any more descriptive label, we  
3 call Planning for the '80's: the Discussion of Future  
4 Funding and Policy Issues.

5           I think all of us on the Board have long felt  
6 the need for brining to some synthesis and hopefully  
7 resolution the issues that we've been discussing during  
8 the last two years as a result of our understanding that  
9 the minimum access program would be reaching conclusion  
10 with the ending of expansion.

11           We have engaged in several efforts to try to  
12 prepare ourselves to make some decisions for the '80's  
13 and beyond, among which, of course, is the study that we  
14 just spent the last couple of hours discussing as well  
15 as some of the other processes like Next Steps and  
16 some of our other research efforts such as QUIP and the like.

17           I think that we have talked about these issues  
18 in somewhat of an abstract unrelated to specific planning,  
19 and the Board members have requested an opportunity to  
20 just share among themselves some of their ideas about where  
21 we should be going and how we should get there.

22           I had suggested a procedure that, if it's  
23 appropriate, I'd like to adopt this morning; and if not,  
24 I would welcome any other suggestions as to how we might  
25 proceed.

1 All too often we don't get a chance to express  
2 ourselves individually in terms of the longer issues,  
3 and I thought what we might do is to start with just a  
4 very brief statement that would sum up each individual  
5 member's sort of vision of the future and any specific  
6 recommendations as to how we should proceed assuming both  
7 a kind of best case and worst case approach.

8 By that I mean if our funding level remains  
9 fairly static with only moderate, if any, increases over  
10 the next several years, how best we might achieve the  
11 goals that each individual member sees for the corporation  
12 and if the funding picture--the money picture might be  
13 seen in a more optimistic light what kinds of approaches  
14 should be recommended to be taken by the Corporation.

15 Really, there are several general questions about  
16 objectives of the Corporation that I posed kind of  
17 simplicitically, and they may not reflect each individual  
18 members objectives; but just for purposes of beginning the  
19 discussion the three large objectives that we have to try  
20 to break down in specific plans and policies and funding  
21 formulas are to, of course, first provide as much legal  
22 assistance to the largest number of poor persons as we are  
23 possibly able to do.

24 Secondly, to concentrate the resources of the  
25 Corporation and its programs so as to have the maximum

1 impact on the lives of the poor and the institutions that  
2 effect them.

3 Thirdly, to assure that the programs are  
4 providing the highest quality legal services possible.

5 Of course, if we take these as objectives, which  
6 are not meant to be Board objectives, but just for  
7 purposes of discussion this morning, then how we might go  
8 at various of the specific policies that would achieve  
9 any one or more of these objectives would be determined  
10 as to how we rank the objectives or what priority we put  
11 on them, or whether we thought we would have more than  
12 static fundings in the future as to what kind of formula  
13 we would adopt for allocating funds, as to what role local  
14 priority setting would be, whether we should be in the  
15 business of setting national priority, what the role of  
16 private attorneys and clients should be in the design and  
17 delivery of Legal Services, whether we should adopt a  
18 policy that veers away from our traditional policy of  
19 focusing energy and resources on poor people as opposed to  
20 specific groups of poor people, both geographically,  
21 ethnically or by some other characteristic, what kinds of  
22 support programs we should be thinking about, how we  
23 evaluate the effects on future funding of any of the  
24 acceptance of any of these or other objectives.

25 So, I think what we might do is with just that

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1 very general background begin with each of us talking  
2 about what our objectives might be and what kinds of  
3 emphases we would place trying to be brief and succinct  
4 so that we will have a chance then to discuss these matters  
5 collectively.

6 Does that meet with the Board's approval as a  
7 way to proceed?

8 MR. KUTAK: I'll start off.

9 MS. RODHAM: I thought you might.

10 MR. KUTAK: Let me say, Hillary, right at the  
11 outset that I thought your memorandum in which you raised  
12 some key objectives and some very basic questions is a  
13 splendid a launching pad as any.

14 I've got to preface my remarks a little bit  
15 by recognizing that I don't have the intimate involvement  
16 with the Board objectives, let's say, as many around the  
17 table do; those who have to work with budget and see it  
18 from one angle; those that have to see it from the point  
19 of view of the program and see it from another angle.

20 It occurred to me as I was pondering your  
21 question in anticipation of this discussion whether we  
22 had done for ourselves what indeed, Howard, every law  
23 school does with respect to accreditation and that is to  
24 say a self-evaluation; whether what we have done or might  
25 do in connection with this--a kind of introspective

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1 assessment of ourselves--frankly, from any number of  
2 criteria. You might have heard these criteria before.

3 These criteria would, in a sense, bridge the  
4 gap between our rhetoric, if you will, and the reality  
5 and would perhaps focus on the deficiencies which maybe  
6 we have been too insensitive to.

7 There are such things as costs; such things  
8 as quality; such things as client satisfaction and indeed  
9 such things as impact or may I add a fifth one?

10 Not only client satisfaction, but lawyer  
11 satisfaction.

12 In other words, I wonder whether the same tests  
13 that we have had developed for us with respect to our  
14 study of alternative delivery systems might be perfectly  
15 satisfactory criteria and standards to not only  
16 participate in a self-assessment, but indeed to build from  
17 that a better understanding of what our objectives ought  
18 to be for the future.

19 If we would engage and maybe allowing the  
20 table used to be a vehicle of a self-evaluation with  
21 respect in terms of such criteria as to how we are or what  
22 we are, we might better--really better tell us where  
23 we are going.

24 I think, if I could hope to give you my  
25 aspirations as against objectives, I would hope our

1 aspirations would continue to be that we have a Corporation  
2 as well as a variety of 360 other programs--a Corporation  
3 that truly we could be proud of.

4 In other words, a Corporation that really works.  
5 That ought to be very important to us.

6 Have we become insensitive to the community?  
7 Have we become so bureaucratized as to our organization  
8 that we have something that is functioning but really  
9 not working?

10 Do we have a practice that is professionally  
11 challenging for the professionals, and I don't limit it  
12 solely to the lawyer. We have associated professionals  
13 that are terribly important to us as well.

14 These are not objectives. These are almost  
15 questions identifying objectives.

16 I think we've got to ask ourselves whether we  
17 not only have a Corporation that we, as constituents---  
18 that the principal leadership are, can say we're really  
19 proud of.

20 We say, do we not only have--are we offering  
21 for Legal Services lawyers a practice that they are finding  
22 professionally rewarding and challenging.

23 There is a third client-lawyer question that I  
24 might ask and are we really continuing to be creative;  
25 continuing to be innovative; continuing to not only

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1 exemplify the goals that are set out in the law and  
2 cooperating with the rest of the profession, which I take  
3 it, the government Budget Office reported to the contrary  
4 notwithstanding, must continue to shoulder some of the  
5 burdens that this Corporation has as well.

6 We've got to better than just simply exemplify  
7 and therefore set standards, better than simply cooperating  
8 in order to just get ourselves in sink with the rest of  
9 society.

10 We've got to be experimental. We've got to  
11 constantly push and probe and test and be willing to fail  
12 in an effort to find better ways to succeed because very  
13 few other organizations have that, if you please, not  
14 only that freedom but that responsibility.

15 So, Hillary, I've said more than I really meant  
16 to, but to open the thing up, I wonder whether or not if  
17 those questions that I pose are legitimate or whether  
18 they shouldn't promote a discussion around the table or  
19 certainly around the Board as to the legitimacy of the  
20 idea of engaging in that self-evaluative process, Howard,  
21 that law schools go through periodically and to really  
22 make an honest assessment of ourselves in order to see--in  
23 terms of the test that we've already formulated in order  
24 to see whether or not we, first, have the capability--not  
25 to mention the will--the capability of achieving our

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1 goals, much less greater ones and pay attention not  
2 only to the dream but be sure that dream has some  
3 legitimacy in practice and that we aren't just blowing  
4 smoke, if you will, for our own comfort but as a meaning  
5 for an immediate point of contact, if you will, with the  
6 community client and indeed the lawyer constituency; both  
7 of whom I think we must be extremely sensitive.

8 MS. RODHAM: Bob, would you have any suggestions  
9 as to a mechanism for self-evaluation that could achieve  
10 some of that--

11 MR. KUTAK: Yes, maybe we could start out by the  
12 respective chairmen of our functioning committee reflecting  
13 on their impressions of how they and their work is  
14 interactive with the Corporation and with the community  
15 that we're all serving.

16 Maybe we could begin by seeing are we really--is  
17 the mechanism functioning the way we hope and the way we  
18 would like or are there other things we ought to be doing.  
19 Maybe that would be of interest.

20 MS. RODHAM: Revius?

21 MR. ORTIQUE: I use to hold notions, Bob, that  
22 we ought to periodically meet and sort of--

23 MR. KUTAK: Dream?

24 MR. ORTIQUE: Just develop wishes and that sort  
25 of thing. I've since got over that. The public always wants

1 to be involved in everything that you do.

2 It seems to me that there are some areas that  
3 we have to really be concerned about first of which is a  
4 matter of setting priorities, and I don't think that  
5 we're capable of deciding what those priorities should be.

6 MS. RODHAM: You mean the Board?

7 MR. ORTIQUE: The Board is not. I don't think  
8 we've ever taken a day to really find out what those  
9 client are thinking out there. Oh, yes, fragmented--we  
10 get the Berney jumping up and down about something or  
11 one of the other clients coming and saying, "Look, we  
12 really fouled up" but to let them say to us in some type  
13 of evaluation what their objectives are and what's good  
14 for them.

15 I think we've been afraid to do it. I really do.

16 The other thing is I think that we're afraid  
17 to let them tell us about the dollars--the types of money  
18 that we ought to be talking about.

19 Yes, you say it's very possible. I can imagine  
20 a certain gentleman from California--it's difficult but  
21 I can imagine his becoming President of the United States--

22 MR. KANTOR: No, Jerry dropped out.

23 MR. ORTIQUE: But around the country there are  
24 some things that are happening that I really believe are  
25 going to make for some changes.

1           People latched on to Proposition 9 or 13--I  
2 know I'm giving a lot of attention to California, and Jarvis  
3 was a hero and went about making speeches.

4           The other day in New Orleans when we had to  
5 load some prisoners on a bus because the Federal Court  
6 said we will not have more than 750 prisoners in that jail  
7 caused people to begin to think that maybe this business  
8 about not paying taxes and not doing some of the things  
9 that we should be doing are going to have to change, or  
10 a certain Water Board Director said that we wouldn't have  
11 another flood like May 3, 1978 for a hundred years, and  
12 we've had three this year and           was even elected  
13 to the Circuit Court of Appeals because of his platform  
14 saying no more Homestead Tax.

15           People are beginning to say instead of electing  
16 him to the Court of Appeals, we should have strung him  
17 up because it is so simple to say let's not pay any  
18 Homestead Taxes. I hasten to add the State Homestead Tax.  
19 We do pay a heavy City Homestead Tax.

20           What I'm saying is that maybe we ought to look  
21 at funding in terms of what's real, instead of what we  
22 think is possible because all too frequently I think folks  
23 like us who get ourselves selected, elected to a position,  
24 of power feel that we've now got to represent those sources  
25 that put us there, and we're a little reluctant to step

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1 out into deep water.

2 I think we ought to start with what the people  
3 say about clients--what they really want, what they feel,  
4 what they want, and then we ought to talk about funding  
5 in the terms of the realities of what they want and need.

6 Then I suppose I would have to admit that all  
7 the good things that you're talking about, Bob, would be  
8 wrapped in there; but I really hope that the time would  
9 come that we would say, "Look, you tell us and not what  
10 I think is right".

11 MS. RODHAM: Revius, let me ask you the same  
12 question I asked Bob.

13 What mechanism would you suggest for doing this?

14 MR. ORTIQUE: I think it's very simplistic in  
15 that we would really go to the source and say, "How can  
16 we bring you to this table with that type of thing in mind?"  
17 because I think if we develop a mechanism, we also limit  
18 the inspiration that will grow out of what we're attempting  
19 to do.

20 MS. RODHAM: Steve?

21 MR. ENGELBERG: Just on that point.

22 Revius, your sentiments are obviously ones that  
23 I agree with, but part of the problem I have, at least,  
24 and this was raised a couple of months ago, that essentially  
25 what you're talking about is massively attempting--I think

1 Berney's Next Steps process. I assume everyone can  
2 criticize in saying it wasn't effective, but you know,  
3 before I would be willing, and it seems to me that we  
4 process ourselves to death.

5 What you're saying is absolute, basic common  
6 sense.

7 The first question, to what extent in all that  
8 paper that came out in the Next Steps Process, much of  
9 what you're talking about is there, and if it's not there,  
10 in other words if for some reason that the people who were  
11 suppose to be served by this program never kind of got  
12 their views across, I would want to know why embark on it  
13 again? What's going to be different about the next  
14 process?

15 If Next Steps failed to do what you wanted to do,  
16 and I'm not sure it did.

17 MR. ORTIQUE: I am.

18 MR. ENGELBERG: Then the question is I think the  
19 burden is on those who try to do something else and have  
20 a fairly good justification as to why the second step or  
21 the second way--the process thing you're talking about,  
22 which as I understand is quite simple is that you want to  
23 hear from the people about the programs.

24 How is that going to succeed when this fairly  
25 extensive and massive Next Steps Process failed?

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1 MR. ORTIQUE: I think I attended only two  
2 Next Steps meetings.

3 The Next Steps meetings that I attended were  
4 pre-programmed to the extent that we wanted to make sure  
5 that we had ABA representation, We wanted to make sure  
6 that we had project representation.

7 I'm not sure that Project Directors are not  
8 telling poor people what they want or what they have. I'm  
9 not saying that that's been wrong in the past.

10 What I'm saying is that they come with prefixed  
11 notions of what those people out there are thinking. You  
12 only have to attend--I don't know whether they are blanket  
13 invitations, but Romona knows about that.

14 You go to the National Clients Council--I'm not  
15 talking about the public meetings where Dan makes a speech  
16 and I make a speech. I'm talking about when they get  
17 into those sessions.

18 We begin to have a feel for something a little  
19 bit different from what happened in the Next Steps Process.  
20 The other thing was, in my view, Next Steps tried to  
21 pull together just too much.

22 I just don't think that that was the vehicle.  
23 I have to admit to you that I'm not ready to say what  
24 that vehicle must be.

25 I guess that was too sophisticated.

1 MS. RODHAM: Why don't we hear next from Romona?

2 MS. SHUMP: I think that one of the things that  
3 is of utmost importance is the recognition by this Board,  
4 by the Program Directors, by the attorneys that are suppose  
5 to be serving the needs of the people to allow the clients  
6 to participate, to inform them, to help them.

7 The amount of talent that is out there among  
8 those clients, you cannot even conceive how many times  
9 they are ignored, how many times they are made to feel  
10 that their problems are universal; that their problems  
11 are not unique; that what they are seeking or what they  
12 are asking is too much; that their knowledge is limited;  
13 that they are, in effect, insignificant.

14 However, this Corporation was formed to serve  
15 them. If you are going to serve an individual as  
16 attorneys, do you not have to consult with the client?

17 Do you not have to attempt to bring their  
18 best interest forth?

19 Do you not commit yourself to constant  
20 communication with that client in order to feel that you  
21 are doing a good job for him?

22 Is it not vitally important that the clients  
23 that you serve as private individuals be satisfied?

24 Then I think insofar as this Board and this  
25 Corporation is concerned that we all have got to keep those

1 lines of communication open; that we have got to insist  
2 that the clients participate; that the clients be allowed  
3 to express their fears, their needs and that we attempt  
4 in every way possible to meet them with their help.

5 MS. RODHAM: Romona, could you give us--I'm  
6 just going to ask everybody this because otherwise I'm  
7 afraid we're just going to end up, you know, saying a  
8 lot of nice things and we're all going to go home and  
9 haven't done a darn thing.

10 MS. SHUMP: This is another one of my problems.

11 MS. RODHAM: I'm asking you then, tell us  
12 specifically what we, as the Corporation, should be doing,  
13 a mechanism, a process, a change in policy to achieve what  
14 you think, you know, as the problems you've just expressed  
15 could be alleviated?

16 MS. SHUMP: One of the first things that we have  
17 got to do is to insure that the clients are in on the  
18 decisions that are made for them.

19 How exactly, I'm sure that I would not feel  
20 comfortable in saying that I know how each and every program  
21 must accomplish this.

22 However, I think that looking at it realistically  
23 that while we spend enormous amounts of money on research,  
24 on technology, that the amount of money that is actually  
25 spent on client participation is minimal.

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1 So, what I'm saying in effect is that we have an  
2 obligation to insure that there is adequate money  
3 available, and I'm not saying that we have to designate  
4 a portion from here to each program of how much of their  
5 budget must be spent.

6 I'm thinking that that would have to be done  
7 at the local level.

8 MS. RODHAM: But we should encourage?

9 MS. SHUMP: Right. We should do more than  
10 encourage. I think we should insist.

11 MS. RODHAM: Dick?

12 MR. TRUDELL: This is really kind of interesting  
13 because I think in terms of the people who came on the  
14 Board when I did, we're really at an interesting juncture  
15 in terms of--I guess it's been about two and a half  
16 years since we've been on the Board. We've never really  
17 done anything, and I guess I've been the first to say  
18 that. We've always been dealing with somebody else's  
19 vehicle to put in motion.

20 As you pointed out, the Next Steps Process  
21 was just unfolding as we came on board. I never did really  
22 talk to any Board members in terms of how they participated  
23 in signing that Process, and I know a few of us either had  
24 the time or took the time to attend some of those meetings,  
25 and then to go through some of the other program areas that

1 we're having a lot of problems from the REGGIE Program  
2 to the, I think, 1007(h) Study, and even some programs  
3 I really didn't have much interest in. I thought they  
4 were a waste of time and a waste of money such as the  
5 Loan Forgiveness Program. That was a waste of time from  
6 the outset. I just couldn't see how you could elicit  
7 or solicit any kind of commitment from somebody by just  
8 paying off some of their debts; and to a certain extent,  
9 the Delivery Systems Study.

10 I expressed some frustration this morning  
11 with Leona and Bruce in terms of I still don't really  
12 understand it. I know that the various models have to  
13 be studied and we're mandated to study them.

14 A number of those programs were already in  
15 place. So, why couldn't we have just studied them without  
16 having to make grants and spend more money, and you  
17 hear some of the field people and some of the staff  
18 people, I should say, are very concerned about double  
19 count and all kinds of buzz words and really failing to  
20 look at that fully in a way that you could really deal  
21 with the problem in a realistic way.

22 I guess the Corporation wanting to become a  
23 full service Corporation--I borrowed the phrase from the  
24 bank in terms of the bank is wanting to be a full service  
25 bank, and I think <sup>when</sup> we should struggle to be a full service

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1 Corporation, we really overlook some areas.

2 I guess there are a lot of areas that need  
3 attention, and I don't know how the Board becomes very  
4 sensitive, as a Board.

5 I know certain individuals have no problem  
6 because they are so emersed in a lot of the problems all  
7 the time and probably experience more contact with  
8 the people that the Corporation receives the money for.

9 The vehicle is a problem in terms of how do you  
10 make sure that you, I guess, hear not necessarily what  
11 you want to hear or what somebody wants you to hear; but  
12 to hear it for yourself.

13 I didn't receive any mail before I left because  
14 I left early, and I agree with Romona and just started  
15 to wonder. What do we do next because now after the DSS  
16 Report is in, everything has been done.

17 It's interesting if we had not been renominated,  
18 our successors, whoever they would be, would have a clean  
19 slate.

20 In other words, as far as I can see, there are  
21 no demands facing us. Yet, we have a much larger budget.  
22 Although, on one hand you hear the programs being very  
23 concerned about needing more money or salaries or what  
24 have you.

25 I've seen, I think, fat in some programs. How

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1 you tighten that up.

2 I know Dan is concerned about the amount of money  
3 that the Corporation as a whole probably spends on travel  
4 and running around, and I don't know how you manage that.

5 The vehicle to get that kind of sensitivity,  
6 I just don't know. I wish we had the opportunity in  
7 terms of time to hear from more people, I guess, that have  
8 the problems.

9 Are they concerned about community education  
10 preventive efforts, rather than always finding ourselves  
11 in a reactionary situation?

12 What are the areas that the Corporation should  
13 look at next?

14 I think moving into the two areas we discussed  
15 in terms of the 1007(h) reports yesterday; the elderly  
16 and the handicapped, are interesting areas.

17 I, for one, don't know that much about what's  
18 already in place and who, in a sense, kind of carved  
19 those areas out and why. I just don't know.

20 I think it's hard to--I'm kind of at a loss,  
21 I guess, but it is an opportune time for us, I guess,  
22 in terms of trying to carve out a path or direction or  
23 whatever.

24 I think collectively we probably have quite  
25 a bit of experience, not only more personal backgrounds,

1 but just going through almost three years on this Board  
2 of fighting each other at sometime in a very constructive  
3 way, and I think to a certain extent, the Board fighting  
4 the staff a lot and sometimes really not having the  
5 confidence in the staff that the officers should have.

6 If they are not doing a good job, then they  
7 should cut loose.

8 I guess I'm concerned to a certain extent about  
9 the, I guess, successors to not only the Board members,  
10 but some of the Senior Staff and that's an obligation  
11 that everybody has in the public interest areas to  
12 develop your successors.

13 I guess what I'm saying in terms of young lawyers,  
14 and the program that I can relate to most is the REGGIE  
15 Program; one that we've fought with for quite some time.

16 You know, you talk to too many people in terms  
17 of law students and people that just graduate and when I  
18 first came on the Board, I found it hard to encourage  
19 or recommend some people going to Legal Services that  
20 maybe wouldn't get the fullest experience or wouldn't  
21 stand a chance of developing himself, especially if they  
22 were committed to the public interest area.

23 I think without really owning your skills,  
24 you're not going to be much good to anybody.

25 MS. RODHAM: Cecelia?

1 MS. ESQUER: I think when I first came on the  
2 Board, I was corrected a couple of times during some  
3 statements that I made because I made the mistaken  
4 reference to the Corporation being a Federal Agency.

5 While, as a policy matter, I think that we had  
6 expressed many, many times that we are not a Federal  
7 Agency.

8 One of the biggest fears that I have and  
9 probably one of the goals that I've had as a Board member  
10 is that we not become a faceless bureaucracy like many  
11 of the Federal Agencies that we have.

12 I think that during the minimum access years,  
13 one of the biggest jobs that the Corporation has carried  
14 out, and I think in a pretty good manner and a very  
15 positive manner has been just that of making grants and  
16 setting criteria for funding programs.

17 At the same time, I think maybe because of the  
18 good times politically that we experienced during those  
19 years, that there was not much of a reason for the  
20 Corporation to really provide some spiritual leadership  
21 to people out in the field to really be an advocate  
22 for Legal Services for poor people because the main goal  
23 seemed to be to increase the funding.

24 Sometimes, we gave the impression to poor  
25 people or to certain classes of poor people that we were

1 willing to increase the funding level at a loss to  
2 certain sections of the community that was served; that  
3 we will willing to give up some of their aspirations;  
4 that we were willing to give up and kind of maybe  
5 prostitute some of the things that people believed and  
6 maybe effect the dignity of the people that we served.

7 So, I feel that we really need to review some  
8 of the things that have been told to us because I think  
9 I agree with Steve that the Next Steps Process really  
10 did tell us a lot.

11 I went to at least two or three of the sessions,  
12 and I was impressed by the amount of client participation  
13 that we had. There were a lot of things that were told  
14 to us; but, you know, we've kind of been buried under  
15 with a lot of things during this fast growth process.

16 I think in the past I have said that one of the  
17 things that we need to do in order to be able to practice  
18 some type of leadership is to go back and look at the fine  
19 work that has been done by the staffs that we've had, by  
20 the field people because there are lots of excellent  
21 recommendations; a lot of philosophical goals that have  
22 been presented to us that I think are worthwhile to  
23 consider and to actually take some actions on accepting  
24 some of these goals or rejecting some of these goals.

25 So, I think first of all, there needs to be a

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1 review of the recommendations of the different studies and  
2 the different forms that we have provided to get the  
3 type of input that we want.

4 Secondly, we need to, I think, reject the  
5 prevailing attitude right now that we are going into a  
6 static funding period. We need to get the best advice  
7 that we can get from our staff.

8 If it means commissioning someone to advise the  
9 Board on that, we need to find out what the funding  
10 implications of all of these recommendations and suggestions  
11 tell us and forget about the idea that we have that the  
12 next two or three years are going to be static funding  
13 years and forget about that for a moment, and just kind  
14 of look at what it is that we need to accomplish whatever  
15 recommendations we accept as a Board, and I think it's  
16 going to take some technical type of assistance.

17 I don't think that we, as Board members, are  
18 going to be able to accomplish that. Certainly, some of  
19 us don't have the expertise, but as a general rule, none  
20 of us have the time to really carry out that function.

21 I think when we look at that, and we put the  
22 things together, I think that we will then create a  
23 Corporation who is really carrying out the role that the  
24 Congress gave us, and that is to be an advocate for  
25 providing legal services for poor people.

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1 Really I think if we do those two things, I  
2 think we will be able to accomplish quite a bit.

3 MS. RODHAM: Steve?

4 MR. ENGELBERG: I think I agree very much with  
5 what Cecelia said. Let me just sort of pick up on that.

6 I think part of the problem is, and we're all  
7 guilty of it, is sort of recognizing the limitations--  
8 limitations in a lot of respects.

9 For those of us who have been on the Board,  
10 there's been a kind of traditional problems between the  
11 Board overstepping its bounds, you know, into a staff  
12 area, et cetera.

13 There's the inherent limitation that each of  
14 us have that we are part-time people, and while we have  
15 statutory and other responsibilities to run the Corporation  
16 and set policy.

17 Let's face it. It's very difficult for us to  
18 play this sort of in and out, Monday morning quarterback  
19 role.

20 I think the key part of this planning process,  
21 and I think that's what you were driving at, Cecelia, is  
22 to really define what it is we have to do as a Board.

23 With all due respects to kind of all the nice  
24 things we've been talking about; client participation  
25 and everything else, I think we're not focusing on what

1 this Board has got to do.

2 Now, Revius and Romona, how we do it, we can  
3 get to that once we decide what it is we have to do.

4 It seems to me the first thing we have to do  
5 and the most important thing is budget setting. That's  
6 a very serious difficult responsibility.

7 Obviously, the staff has to--we're going to  
8 depend on the staff in many respects. We may want or need  
9 outside consultants, but the real problem, as I see it,  
10 is we've got--we went through this sort of transition  
11 budget for '81 and by budget setting, I'm not trying to  
12 get into some narrow, bureaucratic Office of Management  
13 budget jargon; but the whole purpose of budget setting  
14 in any institution is to do all the kind of things  
15 that the Next Step Process and other things are all  
16 about is to set the priorities of the institution.

17 Cecelia's point is--the only thing I disagree  
18 with Cecelia's point is that we should not--well, you  
19 may be right. It's too pessimistic to assume static  
20 funding, but the thing we have got to do, and I've talked  
21 to Bruce Morrison--the thing we've got to do is develop  
22 a budgetary framework over the next five or ten years.

23 I think the PAG position, which I may not be  
24 giving justice; but it was basically defined need, which  
25 everyone assumes is going to be a whopping massive figure

1 to set up--Bruce and I have talked about--you just set  
2 up one of these like these Community Chest arrows, and say  
3 it's going to take us 26 years to get there, and it's  
4 going to cost maybe \$3 million; but let's be honest about  
5 it, and start moving.

6 I'm not sure I agree with that or not. At least,  
7 that's a coherent budget approach.

8 Another way is to say, there's the need and we  
9 could set these targets; but we think that's very  
10 unrealistic.

11 Rather what we want to do is kind of consolidate  
12 and get the most value for the buck, and we want to  
13 develop a series of steps which may cost \$20 million, \$40  
14 million, \$60 million or \$200 million over the next five  
15 years, and we can run through a number of scenarios;  
16 some of those were matching funds. I don't want to push  
17 that.

18 There is things we can do. My own sense--I  
19 don't really care where we end up, but I think the  
20 first thing we hopefully can agree on as a Board is that  
21 budget setting is our major priority. I don't know of a  
22 more important priority, and I think that's what you were  
23 saying, Cecelia.

24 We could then argue and start to develop how we  
25 want to set a budget or a future budget. We all know that

1 the minimum maximum thing at least gave us a rationale.  
2 We're through with it, and we've now in effect, quote,  
3 covered in a very loose sense the country.

4 The problem now is where do we go. My own  
5 sense on that briefly, and I'll stop, is that I have a  
6 feeling--I don't want to be misunderstood; but there's a  
7 sense that we are getting too dependent that if we do not  
8 get hundreds of millions of dollars from Congress, which  
9 politically, I think, is very unrealistic, that the whole  
10 structure of Legal Services comes tumbling down.

11 Some of the things that came out of yesterday's  
12 meeting--just sort of random things were some ways in  
13 which--it came up during the institutional things--the  
14 Corporation while keeping obviously the base alive as  
15 best we can, working with programs in various innovative  
16 ways and try to stretch services; some of it's through  
17 pro bono; some of it's through better use of programs;  
18 some of it is defunding programs.

19 I think the PAG leadership recognizes that  
20 there probably are some programs out there that stink.  
21 As I understand their position, they don't object to a  
22 valid defunding process, as long as you don't leave that  
23 community without a program.

24 The whole question, for example, of how well  
25 the Regional Office is functioning. I don't think we can

1 go in there and run those Regional Offices; but it is  
2 certainly a very legitimate area for this Board to look  
3 at.

4 That's only a smaller part of the overall thing  
5 about where we're going to go from here and the whole  
6 budget setting mechanism.

7 I think what I would like to come out of this  
8 initial discussion before we leave today, it would be  
9 very helpful, as Hillary started to do, define where it is  
10 we want to go from here.

11 Maybe put one person on the Board sort of a  
12 key person to do a lot of this, and I have a nominee in  
13 mind, and as a Board agreeing with where we're going to  
14 go in terms of our planning.

15 I would like to throw out a suggestion and  
16 get everybody's response to it is whether--the whole  
17 budget setting thing and how ambitious we're going to be  
18 about budget setting.

19 I really am very leary about embarking on  
20 another planning process; whether it be through professional  
21 heavy duty consultant studies or another round of Next  
22 Steps because--and I'm heartened by what you say, Cecelia,  
23 because I know you spent a lot of time with that process.

24 My impression was, and I went to a few of the  
25 sessions, was there was an enormous client participation.

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1 Berney and others may have different feelings about it.

2 Maybe it was too controlled.

3 I am just very leary about embarking upon another  
4 one of these massive processes, and I think the Board  
5 accepting its limitations get on with its business, and  
6 I think the first business is budget setting.

7 MR. ORTIQUE: I didn't know we were going to  
8 get two bites before everybody had had their first bite..

9 For the life of me, I don't see how we can talk  
10 realistically. When I say realistically, I'm talking in  
11 terms of realistically in terms of people we serve as  
12 opposed to realistically our appreciation of what Congress  
13 is going to look like or what the President is going to  
14 look like.

15 We can't talk realistically about budget until  
16 we know what some of the objectives are out there.

17 When I first came on this Board, we talked about  
18 the possibility of building a staff necessary to move in  
19 the directions that were absolutely essential initially;  
20 but at some point in the not too distant future we're going  
21 to look at that Washington operation and determine whether  
22 we had developed just another bureaucracy, and I think  
23 after five years, that it's about time that we look at  
24 that.

25 That's one direction.

1 I think that we've got to look at, as someone  
2 mentioned, our Regional Offices and determine is that  
3 the best way to keep tabs on our local operations.

4 For example, I don't think we've ever decided  
5 whether the regions were too large or too small; whether  
6 the states will come together in an appropriate fashion.

7 I think, for example, California is a region  
8 unto itself. I really think that it's wrong to have  
9 California along with some of the states. We need to look  
10 at that.

11 MR. KANTOR: We think of it as a world to itself.

12 MR. ORTIQUE: At the same time, I think that  
13 we ought to ask ourselves are we really satisfied with  
14 the philosophies that the poor will be with us always,  
15 or should our objectives be what at least some of us have  
16 thought, and that is that mechanisms ought to be developed  
17 where we, in the framework of the democratic society, it  
18 is possible to alleviate the problems of the poor in this  
19 country. We've got to ask ourselves that.

20 Now, when we were fighting to go from \$71 million  
21 to where we are now, that was a different ballgame.  
22 Now, I honestly believe that somebody is going to ask  
23 themselves what it is that can really be done so that this  
24 country can grow and move as opposed to putting on bandaids  
25 all over the place.

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1 We've got to recognize that people are becoming  
2 sophisticated. They've had a sufficient taste of the  
3 good things. At least, they've had an opportunity to look  
4 across the fence, and they are not going to be satisfied  
5 with bandaid propositions.

6 So, number one, I think we ought to find out  
7 what really are realistic objectives based on what our  
8 clients want.

9 Then the budget process and the approach to  
10 the budget necessary to fulfill those promises. At the  
11 same time, we ought to be looking at what we have been  
12 doing that maybe we ought not be doing.

13 Dan, do you recall out in California at the  
14 National Bar Meeting we talked about the philosophy that  
15 poor people needed divorces, separations, adoptions and  
16 bankruptcies to get their family life straightened out.

17 I'm not sure that that's what poor people need.  
18 The more I hear from poor people, the more I think that  
19 they need something more and better; that this Corporation  
20 ought to look now at the proposition that was presented  
21 to us.

22 Around the country there are these legal clinics  
23 that are turning out divorces and separations like crazy  
24 at reduced rates.

25 Why can't we contract out our routine business

1 like divorces and separations?

2 This legal clinic will perform 500 divorces and  
3 separations at X price. The Legal Services operation in  
4 a city like New Orleans pays them to do that, and we use  
5 the majority of our funds to attack transportation problems  
6 that are effecting poor people, housing problems that  
7 are effecting the poor people more and more.

8 Why can't we now again now that I think the  
9 Green philosophy is behind us--at least it's covered up a  
10 little bit--why can't we begin now again to think about  
11 impact litigation, which we've been afraid to do because--

12 MR. ENGELBERG: Revius, just answer a quick  
13 question. I agree with what you're saying. If I were  
14 running a local program and not on the Board, but how  
15 is what you're saying consistent if this Board says--and  
16 I would probably vote for that--exactly what you're saying.

17 How is that consistent with the local control  
18 problem? In other words, what if the Board in your  
19 New Orleans project said, "Thanks a lot, but we're not  
20 interested in that. We want the program, but we don't  
21 want to contract out. We want to do mainline traditional  
22 work."

23 Is it appropriate? I don't want to debate you.  
24 I was just asking your <sup>resonse</sup> response.

25 MR. ORTIQUE: I think an evaluation that includes--

1 we can do a lot of things from this Board by the type of  
2 evaluations that we do.

3 You know, at one time when the local groups  
4 resisted the reporting service that we insisted, somebody  
5 in Washington undoubtedly told them if you don't cooperate,  
6 we're going to look at your funding.

7 I don't know if they said it that bluntly, but  
8 that word went out, and then we started getting--

9 MS. RODHAM: I want to move on and let everybody  
10 have a chance to say their peace.

11 Howard?

12 MR. SACKS: Am I the last?

13 MS. RODHAM: No, Mickey. I don't care which one  
14 goes next.

15 MR. SACKS: Well, Mickey, you go first.

16 MR. KANTOR: I hope we don't lapse into what  
17 someone mentioned Howard Jarvis. He said the other day  
18 was asked about ignorance and apathy in America, and he  
19 answered, "I don't know and I don't care". I hope we don't  
20 get into that.

21 I frequently agree with Steve. I disagree  
22 somewhat on what he said. I believe budget setting is  
23 critical. I don't think you can run an organization  
24 without having a budget with a philosophical framework  
25 for where you're going.

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1 I think the approach in this Corporation and  
2 in this movement under this Act---the approach to  
3 attaining that framework is critical; that unless the  
4 approach is established with full participation and  
5 activity of our clients, then I don't think we should  
6 have any approach at all frankly. I would be against  
7 that.

8 I think that's the only reason we're here. It's  
9 the only reason for the existence of the Corporation.  
10 Somehow, some way without going into a lengthy,  
11 expensive, rehabilitating process which no one wants,  
12 I don't think, and I don't think anyone out here wants.  
13 We've got to allow for effective participation, and I  
14 have some recommendations, and I'll come down to what I  
15 think that means; but the approach is critical and the  
16 framework is critical, and then the budget setting comes  
17 after that.

18 I think we have to look at--minimum access was  
19 the watchword of the 70's--maximum impact is going to have  
20 to be the watchword of the 80's. That doesn't mean a  
21 predisposition.

22 I just believe that it's the only way we can  
23 deal with the many crushing problems--fiscal problems  
24 and substantive problems we're going to face and that our  
25 clients face.

1 That maximum impact can cover a variety of  
2 things. There's also quality, effective use of money,  
3 creative systems, approaches, organizations, new dollar  
4 sources, the Corporation as an advocate as Cecelia pointed  
5 out, the structure of the Corporation, the Regional Offices  
6 and many different factors that go into maximum impact  
7 and they are going to have to be viewed; but not until or  
8 not unless the approach process involves our reason for  
9 being here, which is the client community.

10 I'm not saying that in a rhetorical fashion. I'm  
11 not saying it because it's easy to say and we get all  
12 kinds of accolades and everybody thinks you're wonderful.

13 I say it because that's what the Congress  
14 intended, and that's why the program is here, and that is  
15 our first, foremost responsibility under the Act.

16 To answer your question specifically, Hillary,  
17 I think we should have some sort of special Board  
18 committee. I hate to set up another committee, but I don't  
19 think it's going to happen unless you do.

20 It ought to be as small as possible understanding  
21 all of our egos and concerns around the table. It ought  
22 to have as its first charge to come up by the June meeting  
23 a recommendation as to how to use the Next Steps Process  
24 and what has been done, the self-evaluation kind of  
25 approach, which Bob pointed out, which I think is very good,

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1 and how do we get the client community vitally and  
2 effectively involved.

3 Then, I believe, and this is just a personal  
4 opinion, that we ought to set some sort of realistic  
5 timeframe to achieve--coming up not with every answer.  
6 Whoever said we've got to be realistic--maybe Revius.  
7 We can't come up with every answer, and we won't; but at  
8 least set a framework so Steve's concern, which we all  
9 understand, is critical and legitimate then can be  
10 addressed.

11 MS. RODHAM: Howard?

12 MR. SACKS: Well, I think I agree with nearly  
13 everything that's been said so far particularly with what  
14 Cecelia and Revius and Steve said.

15 It seems to me that the problems are of two  
16 natures. We need a long-term strategy and we need a  
17 short-term strategy.

18 As far as long-term strategy is concerned, I  
19 think we have to position ourselves to be ready for the  
20 next wave of large amounts of new money. That is not going  
21 to come tomorrow, but it may come in three years or five  
22 years or ten years.

23 When it comes, and I am confident it will come,  
24 because I believe in the Democratic system, and I believe  
25 that this country has a genuine commitment to the poor;

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1 although, it's cyclical in the degree of commitment, and  
2 I've lived through several cycles, and I'm still  
3 optimistic and hopeful and confident.

4 When that money comes, we must be in a position  
5 to spend it intelligently and wisely. Indeed, to make  
6 it come, we must have a long-term strategy for spending  
7 the money wisely.

8 We've got to have a plan that's coherent and  
9 clear and persuasive. To do that, I would begin with  
10 this excellent document that's been drafted by the  
11 Funding Criteria Committee of PAG in which Bruce Morrison  
12 and Hal Liberman were in the audience had a large hand  
13 in drafting.

14 Let me just mention a couple of things. I  
15 think we need to define the eligible population in a  
16 more careful fashion than has been done today, and I  
17 think it can be done.

18 Secondly, we need to know something more than  
19 we now know about the amount of need, the degree of need  
20 of poor people for Legal Services.

21 We know a good bit now, but I think we need  
22 to have it with more precision and more detail.

23 Thirdly, and probably the most difficult thing,  
24 we need to determine the level and cost of service to  
25 come up with a funding formula, and I would go a little

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1 bit beyond what they say in that document.

2 I think we need to know more about Delivery  
3 Systems. We've learned a lot from this study, but I think  
4 more needs to be known.

5 Just to take one simple example. Pro bono  
6 apparently works pretty well in Boston, but I'm not at  
7 all clear that it will work in Sioux City, Iowa, which is  
8 my hometown or in Muscatine, Iowa, which is even smaller  
9 than Sioux City.

10 I think, therefore, that we may have--in fact,  
11 I'm convinced that we're going to have to put in a way  
12 some of our very scarce resources into developing a long-  
13 term convincing strategy for spending the money that will  
14 eventually come to us.

15 And that long-terms strategy must include, it  
16 seems to me, a deeper consideration of the role of the  
17 Corporation.

18 It's been suggested here, for example, that the  
19 Corporation may want to assume more of an entrepreneurial  
20 role to help local agencies and grantees raise funds  
21 from other sources, and I think that's a very promising  
22 role, but it needs to be studied carefully.

23 That leads me to my short-term strategy. Let  
24 us face it. In the next year or so, 90% to 95% of our  
25 funds are already committed and we can't touch that.

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1           The question is what are we going to do with  
2 the 5% or 10% that is not committed, and there will be  
3 many competitors for those funds each with a very  
4 persuasive case.

5           The field will come to us and say, "We must  
6 have a cost of service adjustment of a large percentage  
7 in order to deal with the problems of inflation."

8           The support people will tell us, as they have  
9 been telling us in the past that "Given the rapid  
10 expansion in the field, we can't do the job of support.  
11 So, we've got to have more money.

12           The training people will say, "Given the rapid  
13 staff turnover in the field, we've got to have more money  
14 to keep on training people".

15           The client groups will come to us and say,  
16 "If you really are serious about this business of  
17 listening to the clients, you've got to give clients the  
18 technical training so they can compete with the professionals  
19 on the Board".

20           Then there will be, and I come back to the long-  
21 term strategy, if you're going to develop a long-term  
22 strategy, it's going to take some money and that money  
23 has to come from someone.

24           So, my idea of a short-term strategy is that  
25 whoever is set up to do this job that we're all talking

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1 about has got to come up with as close as possible  
2 the percentages of non-annualized money--discretionary  
3 money. I guess that's the best phrase.

4           Where are we going to put it? Are we going to  
5 put a lot of it into costs service? Are we going to  
6 put a lot of it in support and training to develop the  
7 long-term strategy or what because that's where the hard  
8 decisions are bound to be made, and I think we ought not  
9 to wait for the funding meetings in the Fall. I think  
10 the Board ought to address that in June and be prepared  
11 and geared up to make these hard and painful decisions.

12           Now, just two more points and I'm finished.

13           I don't envisage that we're going to go out and  
14 spend a lot of money planning what needs to be done  
15 immediately.

16           I think, instead, we have to go on all the data  
17 that was generated in the Next Steps Process or whatever  
18 other studies we have; but I think that we have to get  
19 moving on it so that we can do two things, which I  
20 think are very important.

21           Number one, I think we have to relieve the  
22 anxiety that is felt not only in the Board but perhaps  
23 in the field about whether or not we're really--are we  
24 in control of our own house, and I think there's feeling  
25 in the field that we are not in control; that we're drifting.

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1 and I think by adopting a long-term strategy and moving  
2 ourselves into a position where we can take advantage of  
3 funding, and move toward that goal as well as having some  
4 fairly clear directions as to what we're going to do with  
5 discretionary money, we can help persuade the field and  
6 ourselves that we are really in command of our situation.

7 MS. RODHAM: I promised Bill McCalpin that I  
8 would express his feelings about this process, which he  
9 is again intimately concerned about, and I am sorry he  
10 cannot be here.

11 Bill's concerns, I guess, are somewhat similar  
12 to some that have already been expressed.

13 He from his position sees a both short-term and  
14 long-term somewhat pessimistic future for any increase in  
15 funding; but more than that, he sees more of the political  
16 kinds of problems for the Corporation that we heard  
17 expressed yesterday by the gentleman from the Memphis  
18 operation.

19 Unlike you, Revius, he thinks that the trend  
20 that we now see in the country concerning social programs  
21 will continue and intensify almost regardless of who is  
22 elected President or who is in the Congress, and he thinks  
23 that's a both immediate and longer term problem of the  
24 Corporation.

25 Consequently, he thinks that one of the most

1 important objectives for the Corporation is to expand  
2 its own political base, its own constituency by involving  
3 more and different types of people particularly from his  
4 perspective private attorneys in the delivery of Legal  
5 Services through whatever mechanisms prove valuable from  
6 pro bono to other kinds of delivery systems so that the  
7 Corporation has as broad a base of support as possible  
8 when the political and financial problems that he thinks  
9 are sure to occur do occur.

10 He's very, very concerned about that. He thinks  
11 we are living in a sort of fantasy world to talk about  
12 impact and talk about increased opportunities for Legal  
13 Services.

14 If we don't, you are positioned very realistically  
15 and take steps to both protect and maintain the Corporation's  
16 activities now, and he feels that very strongly, and in  
17 fact said that he thinks that any shift to an impact  
18 strategy at this point would be politically very unwise,  
19 and that's Bill's statement.

20 MS. SHUMP: Now, let me give you Jo's statement  
21 because I talked to her too last night, and I told her  
22 what was going on, and I told her what we had and had not  
23 done, and let me express her concern over the position  
24 and not putting anything against what Bill has stated  
25 because we all have the right to express our opinion; but

1 from Jo's perspective has got to come the deep concerns  
2 that once again the clients are not going to be able, are  
3 not going to be allowed the opportunity to have a say-so  
4 in what is going to be done for them, and what is going  
5 to effect their lives, and in the learning process so that  
6 they can take care of some of the problems themselves  
7 and free up the attorneys to handle the problems, which  
8 the clients are not able to.

9 MS. RODHAM: Anything else anyone wants to add?

10 I have obviously myself given a lot of thought  
11 to how we do this, and I guess I find myself in agreement  
12 with something that everybody has said.

13 As I look at my notes, I agree with some of what  
14 everyone had to express.

15 I agreed particularly though in terms of where  
16 we go from here, rather than just expressing ourselves  
17 with Howard's position and Mickey's suggestions and  
18 Cecelia's suggestions.

19 What I would want to see us do specifically  
20 because I think that all of the legitimate concerns that  
21 have been expressed about our aspirations, our fears,  
22 our hopes and all the rest can only be implemented if we  
23 have some procedure by which that will occur.

24 I guess I feel the press of time to some extent  
25 because I share Dick's impatience that we could engage in

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1 a process that at the end of it would not be very much  
2 more than what we've just done this morning if we're not  
3 careful, and that is an expression by a lot of different  
4 people because I think we've had ranging from Romona's  
5 to Bill McCalpin's and Bob Kutak's and other people's  
6 expressions a summary expression of a lot of different  
7 constituent groups concerns about where the Corporation  
8 goes in the future.

9 I suggested in my memorandum that we appoint a  
10 special planning committee of the Board in order to  
11 accomplish several objectives.

12 First, I think there needs to be the kind of  
13 review of what exists and a synthesis of that information  
14 that Cecelia talks about. I think that's absolutely  
15 critical. I'm not in favor of anything that reinvents  
16 the wheel. I think there is a lot of very good information  
17 in the documents that we've already commissioned that  
18 many of us have participated in the creation of.

19 We need to have those very fresh and in front of  
20 us so that we know exactly what they say and what their  
21 recommendations are.

22 That would be one of the first charges that I  
23 would want any committee to undertake.

24 Secondly, I think that the work that has been  
25 done by the Funding Criteria Committee and the staff people

1 who have worked with that committee is far more  
2 sophisticated and more developed than anything we're going  
3 to come up with by sitting around trying to rethink these  
4 issues.

5 I did not have any strong feeling about the  
6 approach that the Funding Criteria Committee had taken  
7 when I first became acquainted with their approach,  
8 which for those of you who are not familiar with it is  
9 the legal need approach, for want of a better description;  
10 but having given a great deal of thought to approaches  
11 that we might take, I am convinced that the burden is  
12 going to be on the Board and a committee of the Board  
13 that will look into this for the Board to come up with a  
14 better idea; but I don't have one, and I don't know anybody  
15 that has one.

16 I think that the legal needs approach meets  
17 Howard's concerns of both a long-term and short-term  
18 strategy; that if we are honest, and I think this goes  
19 to the points that have been made about what clients want  
20 and what clients want is to have problems solved.

21 The mechanisms for how those problems may be  
22 solved depends upon what the problem is, what the  
23 particular client community wants, et cetera; but if we  
24 are concerned about solving problems, then I think we need  
25 a more realistic view of what those problems are.

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1           Now, I am not at this point, however, in favor  
2 of commissioning a national legal needs study. I am not  
3 yet convinced that is required, and I know that is one  
4 of the Funding Criteria Committee's recommendations.

5           I would first want to see what already exists  
6 as we hopefully will do with the information that already  
7 exists within the Corporation.

8           I would expect that the legal needs approaches  
9 have already been undertaken by the American Bar  
10 Foundation, by the North Carolina Legal Services, by  
11 others could be evaluated to see whether there is enough  
12 and sufficient compelling data there to rest a legal needs  
13 strategy on.

14           I would not want to be in a position of being  
15 asked to approve funding for our own legal needs survey  
16 unless I were absolutely convinced that we could not make  
17 our case based on what already existed, and that would be  
18 the second thing I would want the committee to look into  
19 and determine what that is.

20           Now, the subquestions that Howard outlined  
21 about defining eligible population, et cetera, of course,  
22 are a part of that objective of evaluating the legal needs  
23 approach and determining whether we could make an honest  
24 case for it based on what we have or whether we do indeed  
25 need additional information.

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1 I think one of the other subquestions is what  
2 effect any long-term strategy or what effect there would  
3 be on any long-term strategy of the Corporation basing  
4 its funding requests on a study that it did.

5 I think that's a serious political question.  
6 It's very self-serving for us to come in and say, "We  
7 did this strategy. Will you look at your census? Will  
8 you look at any other statistics? We've got our own  
9 figures that we did and therefore we're basing strategy."

10 Now, we may decide that that is a question  
11 that we're willing to confront, but I think we have to  
12 also take into account what, if any, help we can get from  
13 some of the other measurements such as the census and  
14 others, and particularly those legal needs surveys that  
15 already exist that are not corporation mandated and  
16 created. I think that might give us some credibility  
17 in setting forth what we see as the unmet need.

18 I think that the committee should be in a  
19 position to report to the Board certainly on the synthesis  
20 and evaluation of what already exists in our data base  
21 and the work that we've done and evaluation of what exists  
22 in the area of legal needs and some recommendation as to  
23 whether indeed we need to do anything further.

24 Thirdly, a beginning on what Bob has talked  
25 about; the self-evaluation process. How do we evaluate

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1 the delivery and the operation that already exists so  
2 that any changes that are going to be needed particularly  
3 those that will save money and improve quality.

4 There's been mentioned some areas, regional  
5 offices, et cetera, that need to be looked at.

6 What kind of framework or process can we do  
7 internally that would bring about that information so  
8 that we would have some idea of how the Corporation itself  
9 is functioning.

10 I would think those three things as important  
11 as they are should be ready for a preliminary review by  
12 the June Board Meeting so that we do not spend a great  
13 deal of time getting that information for us.

14 It may be once we have that information before  
15 us that we think that it's insufficient or that we're  
16 not prepared to make any judgments based on it. Until we  
17 get that, we cannot; and I for one want to see us have it  
18 by June.

19 There has been a number of requests to me as  
20 to how to structure this Board process. People have asked  
21 to serve on the committee. There has been a very  
22 strong recommendation that the Board act as a committee as  
23 a whole so that no Board member will be left out of the  
24 process.

25 I tend now more to agree with that position

1 because I do not want to have any Board member feel that  
2 he or she is not intimately involved in the process, and  
3 I know Steve has given some thought to this too.

4           What I would propose is that we have a Board  
5 member--one of our Board members serve somewhat as a  
6 reporter for the Board to be the person responsible for  
7 calling whatever meetings are going to be necessary, for  
8 doing the analysis of the information that exists, for  
9 serving as the Board liason with other groups that might  
10 have something to contribute to our efforts, continuing  
11 the process of discussion with the Funding Criteria  
12 Committee.

13           That way, I think that all Board members would  
14 feel free to participate; but one Board member at least  
15 would be responsible for coming up with whatever  
16 document we're going to review at the June Board Meeting  
17 that sets forth recommendations, conclusions, evaluations  
18 and the like.

19           That would be my recommendation of how we proceed;  
20 but           also, what I would expect to have before me  
21 at the June Board Meeting to continue the discussion.

22           Bob?

23           MR. KUTAK: Hillary, there's one other point,  
24 by the way, I think is a reflection to use a phrase  
25 that would strike very close to home, I don't think we'd

1 also want to throw out the baby with the bathwash. I  
2 think one thing that comes through some of the conversation  
3 should at least be noted and that is in the process of  
4 self-evaluation we inadvertently fall into a frame of  
5 mind that nothing is good and all has to be remedied or  
6 repaired.

7 I'd like for one to, I think, say what everybody  
8 has on his mind or her mind, and it is in what we have  
9 is a lot of good.

10 Let me for one, and I don't mean to speak except  
11 a viewpoint that comes through in all of these of the  
12 entire Board because we're inclined in our self-evaluation  
13 to be critical and that's right; but we should at least  
14 somewhere note that we are appreciative of certain things  
15 that have happened over the past five years that little  
16 note has been taken of.

17 One is certainly that we have had really a  
18 superb leadership. I think we're all concerned about  
19 expenditures; we're certainly concerned about costs and  
20 effectiveness.

21 I think I would like to be sure the record  
22 reflects in the process of that balancing what a terrific  
23 job Dan and the senior staff has done and recognizing those  
24 elements and functioning in a very tight but not cheap  
25 way.

1 I think we made a record here that we can be  
2 very proud of in being very concerned about expenditures  
3 and not being ill-advised in many of the notable efforts  
4 toward tightening up and making certain that we spend our  
5 funds for services and not for a bureaucracy.

6 Second of all, the work has just been notably  
7 good. I want the Board to have its attention brought to  
8 something, for example, that's come to all of our attentions  
9 very recently, which I think is just a splendid piece of  
10 work and that is that recent brochure on how volunteer  
11 lawyers can get into pro bono services.

12 I've already had occasion to use it, and I might  
13 tell you that I am contemplating using it as a reference  
14 for Rule 821 in the Rules of Professional Conduct because  
15 so often as I travel around the country, and by the way,  
16 get beaten down on the question of mandatory pro bono  
17 because of the simple question, "Well, how can I as a  
18 tax lawyer or how could I as a sophisticated corporate  
19 lawyer possibly do any pro bono?"

20 All I have to do is raise that pamphlet--  
21 incidently, it's not a little red pamphlet. It's a big  
22 red pamphlet, and as I say, there's a lot of sayings in  
23 here that will be very helpful. All you have to do is  
24 read it, and you'll get a lot of ideas on how you as the  
25 Vice-President and General Counsel of General Motors can

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1 perform pro bono services and not commit malpractice.

2 That's the concerns, really, of a lot of lawyers.  
3 They're cut off from being able to do anything because,  
4 frankly, they are removed from the immediacy of the  
5 problem.

6 I want to encourage you, Dan, and I want to  
7 encourage the staff to recognize such efforts like that  
8 are terrific and extremely practical and extremely hopeful.

9 I also want to put into perspective some other  
10 things because as we look over the past five years, and  
11 I guess a couple of us can do that, there's a few things  
12 there we've not said that have been very, very important  
13 to not.

14 I think we can be proud of the fact that in the  
15 past five years we have been free from any partisan,  
16 and I mean that in a political partisan sense. We've  
17 really lived up to that.

18 Nowhere in our discussions have we thought in  
19 anything but with respect to the goodness of our actions,  
20 rather than the political consequences, and I mean that in  
21 a political sense.

22 By the way, that was one of the very compelling  
23 reasons why an independent Board was created to insure  
24 that we would take this out of a partisan context and  
25 put it into a professional one.

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1           That accomplishment may have been very quickly  
2 overlooked, but one only has to reflect to what happened  
3 prior to the existence of this Board to know what the  
4 consequences otherwise could be.

5           Certainly, we can say even though we may have  
6 taken a false step here or we've stumbled there, we have  
7 moved forward. We have made progress. We have not been  
8 static. We haven't dug in our heels and been willing to  
9 simply say this is what was done, and therefore, what  
10 we should continue to do.

11           We've been willing to respond to ideas, and  
12 we have been willing to change even though the rhetoric  
13 always is have we changed enough or have we done enough.

14           Therefore, I think it's appropriate at least,  
15 Hillary, as we reflect upon all of our shortcomings, and  
16 I was the one that started out with making a self-  
17 evaluation for the purposes not of finding out what's  
18 good about us, but what better we could be.

19           We shouldn't nevertheless forget that we have  
20 accomplished a lot for which we can be very proud, and  
21 much of it, if not entirely all of it, is due to the  
22 kinds of people we have put our trust in. The kinds of  
23 attitudes they have not only possessed but reflected  
24 in working with the client community and working with the  
25 constituency that we need to serve.

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1 I guess the only thing I really want to say,  
2 Hillary, is that as we go through a self-evaluation, as  
3 we struggle to find how this is an organization can be  
4 a more effective one and a more responsive one, that we  
5 pay attention honestly to how better we can be.

6 We should not overlook what good we have done  
7 and how good the people are with whom we've assembled this  
8 organization and be quite proud of those people and  
9 their accomplishments.

10 MS. RODHAM: I would certainly echo that.

11 Revius?

12 MR. ORTIQUE: Since Bob and I are the senior  
13 citizens on this Board, I think we ought to have our  
14 opportunity to make our peace.

15 Number one, I want to say quickly that I agree,  
16 Bob. We've got a lot to be proud of, and certainly my  
17 concerns with the staff such as not only yesterday and on  
18 other occasions is not because I don't think we've done  
19 a good job. It's because I just think that in this process  
20 you never get to the point where you can become completely  
21 satisfied.

22 I want to throw one thing out, Hillard, about  
23 this committee and the Board as a whole. I'm not sure  
24 what the Board is going to really do because as someone  
25 said we all are so busy and so tied up with what we're

1 trying to do, it's difficult.

2 I'd like to just review very briefly a  
3 scenario that may cause this Board some real concern.

4 This morning on the Today Show they said that  
5 by next week a quarter of a million automobile workers  
6 would be laid off--a quarter of a million.

7 When I heard that figure, the thing that came  
8 to my mind was the possibility that the numbers of Cubans  
9 that would enter the country would increase, and the number  
10 of Black teenagers who are out of work at this time,  
11 The Urban League says is 60%. I think that figure may be  
12 inflated, but certainly it's not what the Department of  
13 Labor says it is.

14 But suppose all those groups get together in  
15 the near future and start doing some things about the  
16 country to make an impression on Congress and on the new  
17 President, whoever he is, and suppose, as I've indicated,  
18 that the new President is someone that they really fear  
19 is going to do new things contrary to their best interest.

20 Many well-meaning Congress persons will say,  
21 "Look, we thought when we financed the Legal Services  
22 Corporation, that we were giving to poor people the vehicle  
23 which would take their grievances out of the streets and  
24 bring them into the courts."

25 That was certainly one of their principal

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1 objectives.

2 Has that Corporation failed and some of those  
3 millions of dollars gone down the drain?

4 What I'm saying is while we can feel proud of  
5 our accomplishments, just amongst us we've got to make  
6 certain that we in our euphoria don't overlook the real  
7 concerns, and as we look at them, let's look at them in  
8 what's happened--the dynamics of what's going on in society.

9 MR. KUTAK: I share that point.

10 MR. ORTIQUE: I agree with everything Bob says,  
11 but I just want to make absolutely certain that as we  
12 look at this, I would just suggest we do what you are  
13 saying for the June meeting.

14 Then we have some subcommittee that will take  
15 a little time to get with some of the leaders outside  
16 of the Legal Services community and attempt to learn  
17 what those persons are doing.

18 Attempt to learn whether the concerns of people  
19 who are in the blue collar positions are going to have  
20 an impact on what we are doing.

21 We've got to look at what Jesse Jackson is  
22 doing, for example, and whether his call for not only  
23 the march on Washington on May 17, but now all of the  
24 smaller marches that are suppose to take place.

25 Some of us have no notions about. I would dare

1 say, Bob, as metropolitan as Omaha is that you have no  
2 feeling for and you can't witness to what takes place in  
3 South Texas or in Louisiana or Mississippi or Alabama.

4 Now, you won't be able to really have a feel  
5 for what takes place in Detroit and some of those other  
6 places.

7 I hope we do it realistically, I guess that's  
8 what I'm really saying.

9 At least some two or three persons on this  
10 Board we given the authority to pull together for us  
11 those pieces that we have little or no contact with.

12 I use to think when the Client's Council has  
13 given me those awards--the National Client's Council  
14 represented the poor people in this country. That's  
15 farthest from the truth, and Berney would be the first  
16 to admit it. There's millions of persons out there  
17 they don't represent.

18 I think one of the reasons that Cecelia has  
19 been concerned about the impact of the REGGIE Program  
20 is that it has never represented the minority throughout  
21 the country. It doesn't.

22 Those realisms, we've got to deal with.

23 MS. RODHAM: I think that's right.

24 Hopefully, and the reason partly behind my  
25 suggestion that the Board in a way try to do this work as

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1 a committee as a whole giving responsibility unfortunately  
2 I think a rather awesome responsibility to one of our  
3 members. Then those persons on the Board who wish to  
4 participate and have the time to participate will do so,  
5 and that we won't find ourselves in the position that we  
6 have in the past where two out of four people come to the  
7 meeting. You know, this is too important as far as I'm  
8 concerned.

9 I would hope that if we adopt this procedure  
10 that, for instance, Cecelia would take special concern  
11 about the review of existing materials; that she would  
12 want to see that happen and would hope that it would  
13 happen.

14 Howard would want to see the legal needs strategy  
15 evaluated and what kind of impact it would have, and Bob  
16 would be willing to participate with his ideas on self-  
17 evaluation, and that Romona would want to participate  
18 with her specific ideas about client involvement.

19 You know, that everyone of us based on what  
20 we have said today as to the direction and ideas that  
21 we have are going to do something about it and not just  
22 pass it on to somebody else.

23 I don't want at this point to establish a  
24 committee that we pass it on to. I want everyone of us  
25 to bear the responsibility for making sure that we  
participate.

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1 Steve?

2 MR. ENGELBERG: Did you try to set up some  
3 specific objectives for this?

4 MS. RODHAM: Yes.

5 MR. ENGELBERG: Could you go over them again  
6 please? I think I heard you.

7 MS. RODHAM: That by June we have a review and  
8 synthesis of the existing materials that are already in  
9 the repertoire of the Corporation including the funding  
10 implications of recommendations insofar as that's possible.

11 MR. ENGELBERG: Review of existing materials  
12 such as Next Steps?

13 MS. RODHAM: Next Steps, QUIP, Cost Variation  
14 Study, and that the point that Cecelia made be particularly  
15 stressed that the funding implications of those  
16 recommendations be provided to us.

17 I would add to what Cecelia said that we do it  
18 from both a best case and a worst case position. Cecelia  
19 said, "Let's do it from best of all possible worlds".

20 I would also like to see her do it from a  
21 less than best. That's the first one.

22 Secondly, that the legal needs strategy that  
23 has been developed by the Funding Criteria Committee  
24 and with help of the staff, et cetera--

25 MR. ENGELBERG: I heard that. Legal needs

1 strategy be analyzed?

2 MS. RODHAM: Be analyzed. In particular what  
3 already exists from the ABS Study et cetera that would  
4 provide us with some base.

5 Thirdly, that a framework for this self-  
6 evaluation process be created.

7 Now, it may be, and as Bob has added to his own  
8 initial comments, that we may decide that we don't have to  
9 do as much self-evaluation or that we have to focus on a  
10 particular process within the Corporation and not rethink  
11 the whole thing.

12 That there be a preliminary paper presented for  
13 the Board's consideration by the June meeting that covers  
14 at least these three areas.

15 MR. ENGELBERG: I think that's fine. My problem--  
16 I thought that's what you said, but I wanted to be sure.

17 My problem is I feel still somewhat adrift.  
18 I mean, I think each of those things have to be done.  
19 I'd like a little better definition of the self-evaluation.  
20 The first two are very clear and clearly should be done.

21 For example, I would like, and I think we  
22 could do this, is say what is our first planning priority.  
23 I accept fully the comments made about before you can do  
24 budgeting, and I certainly just kind of skipped over that;  
25 but of course, before we can do budgeting, we have to

1 kind of put that in a philosophical framework.

2 I must say my problem is everytime you start  
3 with these philosophical frameworks, you're talking about  
4 meeting the legal needs of the poor, maximum impact,  
5 and it sort of just kind of goes up in smoke.

6 You either are dealing with very high sounding  
7 phrases, which everybody is going to agree with, and by  
8 the time you chop them down, it gets kind of hard.

9 MS. RODHAM: But Steve, see, I think, though,  
10 that Cecelia's recommendations to an extent answers that  
11 because you have a lot of recommendations or processes  
12 that are premised on some philosophical framework.

13 MR. ENGELBERG: I couldn't agree more. All I'm  
14 saying is I would like to get some specific objectives  
15 beyond these kind of--for example--and I just throw it out.

16 For example, I would like--maybe we could just  
17 do this. Come up with a proposal, and I'll get to this  
18 business about client involvement in a minute--come up  
19 with a proposal for a framework--and I agree with Howard.

20 The budget priority should be done in a long-  
21 term and a short-term way. Howard's point about let's  
22 be realistic about discretionary money is a very good  
23 point.

24 You know, we may be talking about peanuts.

25 Although, I suppose, Howard and Bruce, that if we wanted to

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1 we could radically alter the whole, you know, we could  
2 radically alter the existing--

3 MS. RODHAM: We spent five years defunding  
4 everybody.

5 MR. ENGELBERG: But the point is, though, you  
6 know, we've got to look at this.

7 So, I would propose that step one prior to June--  
8 and which flows out of all this work and particularly  
9 flows out of the review of the Next Steps thing be a  
10 proposed long-term, short-term philosophical framework.

11 I guess you could say--just quickly, you could  
12 say that a long-terms framework is a needs strategy; and  
13 a short-term framework is maximum impact.

14 I think that at least that starts to get toward  
15 a funding philosophy. Then what you're going to say is,  
16 "All right, for the next three years, here's how we're  
17 going to go after maximum impact; and for the next 10 years  
18 or 20, here's where we're going toward legal needs."

19 I'm not proposing that, but that's, I think, the  
20 kind of framework you're talking about, Mickey.

21 Then start looking toward budgeting. I remind  
22 you that we're going to go through a budgeting exercise  
23 in September. If we can't finish this by then, that's  
24 okay; but I think we should make, you know, we should at  
25 least keep that in mind.

1 I would like before we leave today to reach  
2 some agreement on--if that is an acceptable first step.

3 Now, on the client involvement thing, I would  
4 propose this.

5 I think that it's fair, based on the existing  
6 processes existing, that this Board can come up with a  
7 proposal, you know, which would say "Do number one";  
8 that is, the philosophical framework and the budgeting  
9 strategy.

10 I agree with Mickey, and I agree with Romona  
11 that there should be an interval before that's adopted  
12 because it is critical to the Board; and we could come up  
13 with, and I think we'd have to spend some money, a fairly  
14 quick, but effective mechanism--rather than going back  
15 through some ill-defined planning process, we would go  
16 out through either the local programs or whatever, and I  
17 don't pretend to know how we do that and insist and do  
18 everything we can to get maximum client involvement.

19 The point is, I think we had enough input from  
20 not only clients, but from everybody that's been dealing  
21 with this program. I want to avoid having to kind of  
22 stumble around and talk about the process stuff.

23 I'd rather come to a tentative agreement on  
24 exactly what Howard is talking about; long-term, short-term  
25 and a budget priority based on all this material.

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1 Of course, before we adopt it, then float it  
2 once again; not just to the clients but to everybody.

3 To focus on the question, I think Revius is  
4 right. You can criticize the Next Steps Process and  
5 probably people were overwhelmed. It was too controlling.

6 I think people can react better if you say  
7 "This is what we're thinking of doing. Are we dead wrong  
8 or not?"

9 The point is, I would like it if we could define  
10 what we're going to do in June.

11 I would propose, number one, the framework and  
12 a budget strategy meet that framework.

13 MS. RODHAM: Well, Steve, I don't see what you've  
14 said is in anyway different than what I've requested.

15 I mean, I may not have expressed exactly, but I  
16 don't see how you can review existing materials and come  
17 up with recommendations out of it unless you've got some--

18 MR. ENGELBERG: I wanted to pin down what the  
19 recommendations are going to be, Hillary.

20 MS. RODHAM: I don't know what they are going to  
21 be yet.

22 MR. ENGELBERG: No, no. I mean, what it is we're  
23 trying to recommend.

24 The problem is the Next Steps thing deals with  
25 everything from budget setting to, you know, white bread.

1 I want to focus on what I think is the critical  
2 priority to this Board is making budget.

3 MS. RODHAM: Well, I agree with that, and that's  
4 why I've added the funding implications have got to be  
5 included in any kind of review of the recommendations.

6 I understand what you're saying is that it's  
7 sort of a cart and horse type of problem.

8 I don't think, though--I think that through the  
9 discussions of those Board members who are going to be  
10 willing to give their time to participate in this, I  
11 don't think that those need to be separated.

12 I think that everybody needs to keep in mind,  
13 as Howard pointed out in his description, that long-term,  
14 short-term--the short-term, we've got a budget process.  
15 If we're going to make any changes, if we're going to  
16 begin any kind of direction, we're going to have to come to  
17 some conclusion about where we go before September.

18 As you pointed out, we may decide we don't do  
19 that, but I think that has to be kept in the back of our  
20 minds as we compare whatever documents are going to be  
21 considered in June.

22 Steve, you know, I understand your point, and I  
23 think that--

24 MR. ENGELBERG: Well, Hillard, with all due  
25 respect, and maybe the Board will disagree. That's fine.

1 MS. RODHAM: Tell me how exactly.

2 MR. ENGELBERG: Well, I thought I said so, but  
3 my focus as step number one, after these three things are  
4 done, is that this first assignment in June will be to  
5 develop a tentative philosophical framework for both a  
6 long-term and short-term budgetary strategy.

7 Step number two would be to actually adopt  
8 proposed budgetary strategy.

9 MS. RODHAM: That's fine. If that can be done,  
10 I would very much love that.

11 I think, though, that goes along with sort of--  
12 and I guess I shorthanded it.

13 Under Howard's position, that would, of course,  
14 have to be done. If you were coming up with proposals  
15 as to how to use the discretionary money, you have to have  
16 some rationale or philosophy that supported those decisions.

17 I agree with you and I accept it.

18 MR. ENGELBERG: I just want to focus it, and maybe  
19 somebody else thinks that's not the way to focus it.  
20 I'm throwing it out for everybody's--

21 MS. RODHAM: I think as specific as we can be  
22 in whatever comes to the Board in June, the better off  
23 we're going to be. I think the direction you described  
24 is the direction we should go after this first initial  
25 thing, and if it can be done by June, I want it done by June.

1 MR. SACKS: Steve, that's what I had in mind.

2 MR. TRUDELL: Hillary, let me think out loud  
3 for just a second.

4 The reason I'm saying that is I think I would  
5 hate to see us leave this meeting and not really do anything.

6 I know, on one hand, it's nice to have all the  
7 Board members participate, but I'm sure you have someone  
8 in mind who you would like to see coordinate it--

9 MS. RODHAM: I do. Do you want to know who it is?

10 MR. TRUDELL: I feel in a sense that we're going  
11 to a Next Steps Process, and the June meeting will be our  
12 first meeting where we, in a sense, pull everything  
13 together.

14 I think there probably should be more than one  
15 person. It's a lot of responsibility. I think the idea  
16 of a committee, the more I think about it, makes sense.

17 I was just thinking and I'll mention some names  
18 that I was thinking of in terms of how you can pull  
19 things together, and I think that the small committee  
20 should have the authority to pick up a consultant; someone  
21 that will, in a sense, make sure that they get what they  
22 need from the staff, and in a sense, I guess, like the  
23 research process went. Having someone that could spend  
24 a little bit of time to make sure that everything was  
25 pulled together and something would be developed.

1 I'm not saying not rely on the staff, but  
2 to coordinate to various staff--

3 MS. RODHAM: Let me just interrupt there.

4 I think, and I'm not sure, but I think that  
5 we can do that through this recommended process.

6 First of all, I'm thinking of Howard partly  
7 because he always reads his material, which I appreciate,  
8 and he's always prepared, you know, to talk about these  
9 things.

10 He has the time, apparently, because I have  
11 mentioned it to him. It automatically eliminated  
12 Engelberg.

13 MR. TRUDELL: The three people I had in mind  
14 all come from different committees.

15 I think Cecelia with the Budget Committee. I  
16 think Mickey has a great deal of experience, and I think  
17 him having been through the whole thing means a lot.

18 Then I think a person like Jo that could  
19 represent all three committees.

20 I think prior to the June meeting, the various  
21 committees are going to meet. I think it's really important--  
22 it's just a lot to shoulder for one person.

23 MS. RODHAM: I have no objection if Mickey  
24 and Cecelia and Jo want to work as a committee with  
25 Howard.

1 I would like still to ask Howard to do it  
2 because he's got the time, and it will be done; and I  
3 say that very frankly. It will be done.

4 I'm not going to take a chance it won't be  
5 done, and if we want to have a committee with Howard,  
6 Cecelia and Mickey, who's in charge of beating Howard  
7 Jarvis, who I can't imagine is going to have the time.  
8 He can't do it.

9 MR. KANTOR: I will do as much as I can, but  
10 between now and June 3, I am literally--

11 MS. RODHAM: Cecelia has got a full-time law  
12 practice going. Jo, I hope, could participate. We  
13 can't speak for her. She'd not here. You know, she's  
14 involved with her community.

15 The only person that I know of who will give  
16 the time and has committed to giving the time right now  
17 is Howard.

18 Now, if we want to set up a committee for  
19 Howard to work with, I would hope that it would be--that's  
20 why I said a self--

21 MR. ORTIQUE: Then he's got to call the committee  
22 and all that.

23 MS. RODHAM: Howard has volunteered to do this.  
24 He has volunteered to go out like for instance to Omaha  
25 and sit down and talk with Bob, if Bob has ideas, but he

1 can't come to Washington; to go to California and talk  
2 with Mickey, if Mickey can't come to Washington.

3 You know, to set up times when all of us who  
4 can come will be there. Hopefully, you and Cecelia and  
5 Romona and I will be there; but if we aren't there, at  
6 least I know Howard is there working and getting it done.

7 If we can't come to him, then perhaps either  
8 through telephone or travel, he can come to us.

9 That's my only concern, Dick. I don't care.  
10 A committee is fine with me, but I don't want to set up  
11 a committee and then poor Howard calling me and saying,  
12 "It's impossible for Mickey to be here because he has  
13 to debate Howard Jarvis."

14 I want to say, "Howard, you've got the  
15 responsibility."

16 I, for one, will come anytime that I can and  
17 do anything I can. I'll write anything I can, and I  
18 think all of the other Board members feel that way,  
19 and that provides a kind of self-selection process,  
20 and that everyone of us will participate hopefully 100%;  
21 but I know realistically that's not going to happen.

22 One of the things that I would also recommend  
23 is that around the times that we schedule the committee  
24 meetings, provisions, and operations and appropriations,  
25 we try to do that at the same time so that all the

1 Board members will be there for their committee  
2 responsibilities, and then Howard can have a chance to  
3 help pull them together in addition to the committee  
4 meetings.

5 I think there's lots of flexibility in this  
6 plan. I've given it a lot of thought because, as you  
7 notice in the memorandum, I originally said committees.  
8 Then I started hearing and talking to people and thinking  
9 about it, and decided that probably isn't the best way to  
10 go.

11 I have a lot of faith in Howard, and I think  
12 that he'll do us an excellent job, and the rest of us  
13 should help him.

14 MR. TRUDELL: I guess I would agree, and the  
15 only reason I suggested a committee is that it's a lot of  
16 ground to cover.

17 MS. RODHAM: I know it.

18 MR. TRUDELL: Howard has the time because  
19 fortunately school is over with, I guess, and whatever  
20 his plans are for the summer to have the luxury where you  
21 don't have a pressing schedule.

22 I think if that's the thing that's going to  
23 happen, I think Howard should be given some help.

24 MS. RODHAM: Oh, I agree.

25 MR. ENGELBERG: One way to get help, it seems to

1 me, would be for Howard to ask Dan--somebody has got to  
2 pull together--(inaudible), and it seems Howard should  
3 make a request of Dan and allocate somebody on the staff  
4 to work with Howard and if Dan can't do that, we should  
5 hire a consultant.

6 I know that it's a lot of work, but I think  
7 that Howard can utilize the resources of the Corporation  
8 and he should be able to get it done, in terms of the  
9 kind of material we're going to need to try and work  
10 with him.

11 MS. SHUMP: Hillary, we have a client in the  
12 audience that would like to speak.

13 MS. LEGARD: Good morning. My name is Eva  
14 Legard. I'm from Baton Rouge, Louisiana.

15 We drove down here because we heard that you  
16 were meeting. We were concerned, and we came at our  
17 own expense.

18 We've listened very attentatively to what you  
19 have to say.

20 We came because we have a serious problem,  
21 and what you have said this morning sounded very good,  
22 but the client community is beginning to believe that  
23 only lip service is given and no real decisions when  
24 problems are faced by the client community that it finds  
25 itself not able to cope with or bring some kind of bearing

1 on the local Board.

2 I do serve on the Board. There are two other  
3 Board members who are here.

4 I'd like to give you just a hypothetical example  
5 of what we are facing.

6 We have an Executive Director, who is very  
7 sensitive to the community who has brought about community  
8 education in a very meaningful way; an Executive Director  
9 who has had the client community participate in the priority

10 setting brought out into the community where the  
11 community felt at ease to participate and not in some  
12 outlying area.

13 We have an Executive Director who has put into  
14 practice, Mr. Kutak, the kinds of things that you  
15 stated. We are dealing with educational problems, We  
16 are dealing with housing problems. We are dealing with  
17 a multitude of problems that effect the client community,  
18 and I agree with Judge Ortique.

19 We don't need attorneys to get divorces to make  
20 a final separate in families because we have other folk  
21 who can do that.

22 We have persons in the community who are educated  
23 and can handle these kind of things.

24 These are the things that were set in our  
25 priorities when we had a Priority setting session.

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1 Now, because of the kinds of programs she has  
2 implemented, and she has been instrumental in really  
3 taking into consideration our desires that were practical,  
4 our desires that face poor people and poor people need  
5 to be addressed.

6 A group of attorneys had a private meeting,  
7 and excluded the client community or the clients on the  
8 Board and went to her and told her that she should resign  
9 because--that was on a Thursday. They have a number of  
10 votes to fire her Monday.

11 Well, we didn't know how to handle it because  
12 we were completely ignored.

13 At the Monday meeting, to keep this from coming  
14 about, since we could not be heard and everything that we  
15 tried to do was--we were just completely ignored.

16 Whenever we tried to address the Chairman, he  
17 let us talk and then went on to something else.

18 Well, we disrupted the meeting, but we can't  
19 continue to disrupt. We know that there's some things  
20 which must go on.

21 However, if we allow a person such as the  
22 present Executive Director to be fired because she's  
23 doing exactly what you've sat around this table and said  
24 you feel should be done, and we have written to the  
25 Regional Office. We have not heard anything, and we did

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1 address one person last night about this; and of course,  
2 we were just sort of brushed aside.

3 When will the client community really have the  
4 decision making authority or power or whatever to decide  
5 what is important to them?

6 All that the present Board really recognizes  
7 is the divorces, and we have a serious problem with the  
8 Board.

9 When the monitors came out in the Monitor Report,  
10 it was stated that there was too much daily interference  
11 by the Board; but then when we bring this to the  
12 attention of those who did the monitoring, there's nothing  
13 done.

14 What we're here today is not to say to you  
15 we want you to solve our problem. What we're here today  
16 is to ask you that when programs around this nation  
17 implement what you are talking about now, and the direction  
18 that the clients feel, as long as it's a proper direction,  
19 that some support is given those programs.

20 We have too many programs who ignore clients.  
21 You have a program who's not only trying to work with  
22 clients, but with the attorneys also.

23 What kind of feeling do you think we have  
24 when--the community spoke. We have our politicians out.  
25 They spoke, but were completely ignored because, of course,

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1 we're outnumbered. So, they can outvote us.

2 I just would like to get some reaction, and  
3 one of the things they also want her to do was take on  
4 the role of bookkeeping, and that is really out.

5 So, we're frustrated. We're disturbed. We  
6 don't know in which direction to go because when we have  
7 gone to the Region, we have not gotten relief.

8 So, we felt that maybe we would bring it to you,  
9 and in your deliberations of the future, you would come  
10 up with some kind of thing or some kind of recommendations  
11 to help alleviate those problems.

12 I would also like to recommend that possibly  
13 in your plan for hearing from the clients, you might  
14 think about state chairpersons and regional chairpersons  
15 coming to you, which would not preclude any other clients  
16 that you would want to hear from; but at least your  
17 state chairpersons and your regional chairpersons would  
18 have more or less what the client community is thinking.

19 I certainly hope that you will take into  
20 consideration what I have said today. Thank you.

21 MS. RODHAM: Thank you. I am concerned about  
22 your report that there's been no response from the  
23 Regional Office, and I would expect that Dan and Clint  
24 would look into that in more detail and make sure what  
25 should be done is being done.

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1 MR. BRADLEY: I'm concerned about two things.  
2 The one that Hillary mentioned, I'm concerned about  
3 what's happening and I certainly have not been informed  
4 of this.

5 I'm equally concerned as to why it appears that  
6 our Regional Office has not been responsive to the  
7 concerns that you just raised, and if we have a chance  
8 after the meeting today--Clint, who is the Director of  
9 Field Services is with us, and I'd like for the three of  
10 us to sit down and specifically talk about some of the  
11 concerns that you have raised, and I assure you that we'll  
12 do everything we can as quickly as we can to try to  
13 correct those problems.

14 MS. RODHAM: Berney?

15 MR. VENEY: Hillary, I want to make sure the  
16 message isn't lost because Eva brought to you the  
17 situation in Baton Rouge, and I think you clearly can  
18 say as a Board that, "Gee, that's something that our  
19 Field Offices should handle, our Regional Offices should  
20 handle", but she had another message, and I want to make  
21 sure that comes through.

22 The other message was to what degree is this  
23 Board going to support what you have been talking about?

24 Steve, you mentioned the Next Steps Process,  
25 and said you didn't want to go through it again. It was

1 a length and expensive process. I agree with you.

2 Mickey, I think you said you weren't sure that  
3 anybody wanted to go through that process again, and  
4 again, I agree with you.

5 My question is to what degree has this Board  
6 implemented what the client said during the Next Steps  
7 Process?

8 I think a good deal has been implemented that  
9 the Field said.

10 I think what Eva is saying to you, and I know I  
11 am certainly saying to you that much of the thrust that  
12 the client community was talking about during the Next  
13 Steps Process has almost completely been ignored.

14 The problem, I guess I have with the committee  
15 that you're setting up, and it's not about the structure  
16 of who will head it or anything of that nature.

17 It is the question of to what degree will what  
18 the client said at the Next Steps Process, what I think  
19 I've been trying to say over the course of time to you  
20 be heard, and that is, to what degree is the Corporation  
21 going to look at a new philosophy, perhaps. I don't  
22 want to get too amorphous; but a new philosophy that  
23 will recognize the difference between the client in  
24 crisis comes to the program, and the client community  
25 that as a whole should be looked at as a resource.

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1           Eva mentioned in her presentation the fact that  
2 in support of a Project Director that they thought was  
3 doing the job that was being responsive, they ruled out  
4 a meeting full of clients, the local politicians and others.

5           This is the capability that exists within the  
6 client community. This is the capability that we are  
7 not currently using, and I don't care whether we're talking  
8 about best case, worst case situations.

9           I don't care whether we're talking about  
10 Congress reducing the funding or expanding the funding.  
11 We've got to know that in simple point of fact there  
12 will never be enough money for the entire job to be done  
13 by the attorney. Never.

14           We have got to know that at some point in time  
15 you who are the poor people's last best hope--if you  
16 look at it, there's nothing else out there folks. There's  
17 nothing else out there, other than Legal Services.

18           In simple point of fact, if we are, in fact,  
19 to get Food Stamps for poor people after June 1, it's  
20 got to be because of the mobilization of people; not by  
21 Legal Services attorneys. Don't be frightened by that;  
22 but by the very real probability of another suit against  
23 the Department of Agriculture similar to the suit that  
24 was brought previously when the cut off of Food Stamps  
25 was proposed.

1 In fact, if we're not to take it to the streets,  
2 we've got to rely on the attorney.

3 Judge Ortique said it today. Judge Marshall  
4 in the Civil Rights Voting Case that was just decided by  
5 the Court said it equally well.

6 People are thinking about taking it to the  
7 streets, and you are the last best hope for all of us that  
8 we don't get back to that thing of burning it down; of  
9 disrupting or destroying the fabric of this country.

10 I want to remind us that the Act calls not only  
11 for the delivery of Legal Services; but those actions  
12 that will better the lives of poor people.

13 Now, we think only, I fear too often in terms  
14 of how do we better deliver legal services.

15 I think whatever you do in committee or as a  
16 whole in terms of future of legal services has got to  
17 bring in how do you better the lives of poor people, as  
18 well as how do you deliver legal services.

19 As you've suggested, Steve and others, by budget  
20 shall you be known. Put your money where your mouth is  
21 folks.

22 You talk about what goes on at the national  
23 level, and I'm not going to make a pitch for more money  
24 for client counsel. You know that's a pitch. You've  
25 heard it.

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1           The pitch I would make is that you put a mandate  
2 out there in terms of what goes on at the local level,  
3 and that's very simple.

4           You don't have to quantify. YOU don't have  
5 to talk about percentages.

6           You can simply say that you're going to put a  
7 line item in each program's budget on client involvement.

8           You can simply do what Eva is suggesting, and  
9 that is support the client community where that client  
10 community is saying, "We've got a good thing going  
11 and where it's being messed around is by those folk who  
12 don't seem to want to delivery legal services to poor  
13 people".

14           See, I'd go another step from Eva. I'd ask the  
15 Corporation why it is not forcing that program to comply  
16 with that part of 1607 that says the attorneys on the  
17 Board would, in fact, be in sympathy with the purposes of  
18 the Act.

19           See, I can't construe that people want  
20 divorces would be in sympathy for the Act.

21           I've talked much too long, but in simple point  
22 of fact, I would hope that the message Eva brought you  
23 is not lost in the welter of the fact that it was Baton  
24 Rouge that she might have been using as a primary  
25 point of reference.

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1           One other thing I would just state. Eva  
2 mentioned state and regional chairpeople as being resource  
3 for you.

4           I think she was referring to a state and  
5 regional chairpeople that are part of the National  
6 Client Council network, just so that's clear.

7           MR. ENGELBERG: Let me ask you a question.

8           You touched on something in terms of going back  
9 to this planning process or the Board's planning process,  
10 and I ask Revius the same thing.

11           I philosophically--if it were up to me, and  
12 there were no other concerns politically, locally or  
13 anything else, I would opt for a very heavy impact  
14 strategy.

15           In other words, you alluded to that. You were  
16 talking about how we're going to change, you know,  
17 conditions, and that debate could go on forever.

18           I'm still troubled by this notion. In terms  
19 of the planning process, how do we deal--if the Board  
20 adopts, let's say, as a short-term strategy a high  
21 visibility impact, how do you deal with the local Board  
22 process?

23           I'm talking about client process that doesn't  
24 want a high impact--you know, the local program--take  
25 this program that is in a complete flip and really wanted

1 a more traditional conservative of legal--not conservative;  
2 but divorces--

3 MR. ORTIQUE: This program, you mean Memphis?

4 MR. ENGELBERG: No, no, any program.

5 Berney, I'm asking you in terms of the planning  
6 process, how does the National Board make a priority  
7 judgement which could certainly theoretically run afoul  
8 of local--and I'm talking about local clients desires  
9 about how they want to be served.

10 I have a great deal of trouble saying to a  
11 democratic elected Board that has a substantial client  
12 representation that says, "We really want divorces, folks  
13 and that's what we want".

14 I'm talking hypothetically.

15 Are you suggesting that we would override that  
16 notion through funding criteria, et cetera?

17 MR. VENEY: I'm not suggesting that you override  
18 anything at all, Steve.

19 My major premise has always been strengthen the  
20 local Boards and appreciate the role of the local Board.

21 I didn't find this Board having a great deal of  
22 problem when it decided yesterday or has been talking  
23 about in terms of its funding, that one of your priorities  
24 was going to be the rights of institutionalized persons.

25 I would suggest to you that the institutionalized

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1 persons are related to many of the same people who come  
2 into the local program and deal with a whole series of  
3 other things.

4 I think I disagree with Judge Ortique around  
5 let's farm out the divorces.

6 One of the things we keep hearing as we go  
7 around the country is perhaps one of the most major problems  
8 of Legal Services Programs is the ease with which they  
9 permit divorces because they are meeting the instability  
10 in the poor community.

11 I would suggest to you that if, in fact, the  
12 Corporation make the programs implement the priorities  
13 that were set, you would find a whole different set of  
14 things going on out there in that community.

15 What is going on now, we're about to have a  
16 major problem in Florida because there was an extensive  
17 priority setting process that's not being implemented by  
18 the program.

19 MR. ENGELBERG: Berney, what I'm asking really  
20 is a process question.

21 It seems to be obvious that there is--and I'm  
22 thinking ahead. There's an inconsistency between this  
23 Board setting certain objectives on the one hand; and the  
24 other hand, you know, the whole point of local control,  
25 which I happen to believe in. I think most of the people

1 on the Board believe in.

2           There are times those two things are going to  
3 run--

4           MR. VENEY: Clearly they are. That's not a  
5 problem.

6           You are not saying to the program, "You will  
7 put all of your money into the rights of institutionalized  
8 persons". You're not saying that at all.

9           What you're saying is, "You've recognized a  
10 national need" by whatever method you used and we are  
11 now going to do those things that help programs address  
12 that need if they make that decision.

13           MR. ENGELBERG: Are you saying, just hypothetical,  
14 let's say this National Board said, "We think there must  
15 be service to the institutionalized in every local program  
16 and if you're going to buy into the program; that is,  
17 if you're going to be a grantee, you've got to do that;  
18 but we don't care what else you do. If you don't do that,  
19 you're not going to get any money".

20           Do you think that's legitimate?

21           MR. VENEY: No, clearly not.

22           MR. KUTAK: What I hear, and that's why I don't  
23 think it's an all or nothing situation, Steve.

24           What you're saying, however, is that through  
25 education and leadership, we may point out further options

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1 and we think the program ought to move, and I think we  
2 need to provide that education and leadership; but we  
3 can't preempt the local responsibility for setting their  
4 own priorities knowing they have a broader vista.

5 MR. ORTIQUE: Let me make one quick comment  
6 because this Board is going to have to make a decision  
7 with reference to its relationship to those groups  
8 and how we develop a mechanism for making sure that the  
9 clients who find themselves in that position are able to  
10 do something about it because that's where the frustration  
11 is being felt.

12 We want certain things done, and they are not  
13 being done.

14 Now, I suspect although I haven't asked anybody;  
15 but I suspect that we have two political problems--well, I  
16 know we have in our region; that is, that in Louisiana  
17 the Bar Association for many years did not want any Legal  
18 Services Programs.

19 Then we get to the point where this Corporation  
20 has established minimum access. Either you have it on the  
21 basis and these are some things this Board wouldn't know  
22 except somebody was able to explain to them, and these  
23 clients can't get their point across. So, they drive up  
24 here.

25 I'm sure that our Regional Office is concerned

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1 that we may return to that day, and what these clients  
2 are saying is that Louisiana will never be the same.

3 The clients have a means by which they can call  
4 upon their politicians. They become registered voters.  
5 They exercise pressure tactics.

6 The only reason that the lawyers in other parts  
7 of Louisiana decided that they wanted a piece of this  
8 action is because they had hopes that they would control it,  
9 and in many areas, they are still controlling no matter  
10 what the clients want.

11 So that the lawyers on the Board attempt to  
12 protect what they think is their interest, no matter what  
13 those clients want.

14 All that I'm saying is at some point this Board  
15 is going to have to develop a mechanism that we pass  
16 through our operation in WASHINGTON that gives to those  
17 clients some protection against Bar Associations and lawyers  
18 who are determined that they will have their way or no  
19 way.

20 You hear all over, and I have to speak for the  
21 South because that's the area I'm most familiar with.  
22 All over the South you hear from clients that we meet,  
23 we decide, we are out voted.

24 I'm not sure that I'm whetted to the notion  
25 that divorce is a thing we ought not be doing, but I say

1 that in my view, given the types of problems that I have  
2 observed that poor people have, divorces, separations,  
3 bankruptcy and adoptions are to be low priority.

4 I understand that Berney has some concerns that  
5 the facility with which you get divorces is causing  
6 instability.

7 Well, facility with which you get divorces now  
8 in this country is causing instability not only among  
9 poor people, Berney; but among everybody.

10 Louisiana has now adopted the no fault mechanism.  
11 You sign an affidavit today, and you go in three days  
12 later, and get a divorce and the parties come together  
13 and sign that affidavit, and that's it.

14 MR. VENEY: No lawyers?

15 MR. ORTIQUE: You don't even need to have lawyers.

16 MS. ESQUER: Judge, are you to a point now  
17 where there's this philosophy that one way to change an  
18 institution is to change the decision makers?

19 Are you prepared now to lobby that change in  
20 makeup of local boards? Maybe at least 50-50 or 60-40  
21 the other way?

22 How do you see that?

23 MR. ORTIQUE: That's going to have to be  
24 considered and that's going to have to be what I would  
25 think will come through that committee that I'm hoping

1 that the Chairman expects to form because we're not going  
2 to get it otherwise unless we begin to look at what I  
3 kept saying realistically at what is out there, as opposed  
4 to what we've been saying.

5 MR. ENGELBERG: That would come under the  
6 self-evaluation.

7 The kind of thing we're talking about here, I  
8 mean, the regulatory framework clearly requires a certain  
9 number of clients and clearly, I think requires, that  
10 the client priorities must be right--

11 MS. SHUMP: They aren't.

12 MR. ENGELBERG: The point is, though, the  
13 self-evaluation part of this exercise is the question  
14 of "Okay, there are implementation problems. Why? Are  
15 the Regional Offices understaffed, badly staffed or  
16 whatever?"

17 That's certainly an appropriate function of this  
18 Board, and certainly we have to get into this.

19 MR. VENEY: I just want to take a couple more  
20 seconds, if I may, and Romona can testify to this because  
21 she was at the same training session.

22 I was very much surprised to find out that one  
23 of the things that we had to address in client-Board  
24 training with the simple question, "How, as a client Board  
25 member will I get things on the Agenda? How, as a

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1 client-Board member do I get some measure of control  
2 over when and where the Program Board meets?"

3 To a degree that that is a basic problem, and  
4 it wasn't a problem of any single person. It was a  
5 problem for the 40 or 45 people who were at that training  
6 session.

7 I mean, I've got to admit I was very surprised  
8 and shocked by that.

9 The other statement I want to make is that I  
10 think the Funding Criteria Committee has given you a good  
11 springboard.

12 I think we have major problems with that spring  
13 board in that it relies solely upon the premises of the  
14 past. It does not take a look at how we might take the  
15 great leap forward by using clients as resources.

16 So, we do have some fundamental problems with  
17 the Funding Criteria Committee's presentation.

18 MS. RODHAM: Bob?

19 MR. KUTAK: So we have something before us, may  
20 I offer this motion that the Chairman appoint one  
21 member of the Board to serve as a reporter to work with  
22 the members of the Board, the Officers of the Corporation  
23 our constituents in the Corporation and all other  
24 appropriate groups to report back to the Board at its  
25 June meeting as to what the overall goals or objectives

1 for the Corporation should be; and to propose a specific  
2 strategy for accomplishing those objectives.

3 MS. RODHAM: And taking into account the  
4 discussion we've had this morning, in particular the  
5 review of material and the evaluation--the specifics  
6 that have been raised.

7 MR. KUTAK: And would give our Chairman--our  
8 appointee--your appointee the broadest jurisdiction and  
9 range of authority conceivable to carry out that, as you  
10 say, awesome, but important assignment.

11 MS. RODHAM: Is there a second?

12 MR. KANTOR: I second.

13 MS. RODHAM: Any further discussion?

14 (No response.)

15 MS. RODHAM: All those in favor, please signify  
16 by saying "aye".

17 (Ayes.)

18 MS. RODHAM: All those opposed?

19 (No response.)

20 MS. RODHAM: Well, I think that all of us  
21 bear the responsibility, and I am heartened by this  
22 morning's discussion. I think it has been fruitful and  
23 informative and helpful; but I think that it's just the  
24 bearest beginning and certainly if Howard accepts my  
25 request and that he be the person who serves as the

1 reporter everyone of us has got to take the responsibility  
2 either to participate in person with Howard or through  
3 written or other communications that can give him the  
4 benefit of our ideas, and that Dan will provide--I don't  
5 see any really more important task for the Corporation  
6 than to assist Howard between now and June, and I hope  
7 that someone could be nearly full-time put on that  
8 responsibility--

9 MR. BRADLEY: Judy.

10 MS. RODHAM: And that we have the fullest--

11 MR. KANTOR: I think that was Judy's resignation.

12 MS. RODHAM: --the fullest cooperation from  
13 everyone in the staff and then from all of the other  
14 constituent groups, and I see that all of our members  
15 of the Funding Criteria Committee representing the field  
16 are not here; but Charles, if you would, convey that to  
17 them and then Berney, if you would convey it also to  
18 those in the client community who wish to get in touch  
19 with Howard and make themselves available as well.

20 MR. ORTIQUE: Madam Chairman, I can't let that  
21 pass. He made that remark, but I think that should be  
22 serious considered.

23 Judy made some statements yesterday, and I  
24 think her comments were basically written into that report.  
25 Judy is going to be assisting us as our representative by

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1 seeing to it that editorial changes are made, and Judy  
2 is going to be the one who is going to make sure that  
3 the quality statement is there and on time. She doesn't  
4 have time to do all those little things.

5 I don't think Judy ought to be the one--and the  
6 only thing I'm expressing to you, Dan, is by God, Judy  
7 can't do everything--

8 MR. BRADLEY: She could, if she would work full-  
9 time rather than part-time. I know what you're saying,  
10 Judge.

11 MR. ORTIQUE: I think that we want to make sure  
12 that Howard has the help that he needs and at the same  
13 time, that we don't come up with a delay.

14 I'd rather see Judy's talents to that report,  
15 and find somebody or bring somebody in or do whatever--

16 MS. RODHAM: I'm going to leave that to the  
17 President.

18 MR. ORTIQUE: I just want to make sure that  
19 Mickey's--because I thought his remark was said more in  
20 seriousness than in jest.

21 MR. BRADLEY: Judge, I said that almost  
22 facetiously because everytime we get a rock and a hard  
23 place in the Corporation, I always turn to Judy.

24 MS. RODHAM: The next item on the Agenda is the  
25 President's Report.

1 MR. BRADLEY: Which is going to be very brief.

2 I just want to report that I was sitting here--  
3 yesterday was a very depressing day for me as President  
4 of the Corporation in retrospect; but for the last three  
5 hours just hearing this kind of comment and this kind of  
6 thought coming from each of the Board members gets my  
7 adrenalin going again. It makes me feel proud to be a  
8 part of this group, and I very much appreciate, Hillary,  
9 you making sure that this was the issue and these were  
10 the things that were discussed today.

11 I pledge to Howard especially, but to all of you  
12 of the staff, we will, in fact, make this, and this is  
13 at this moment our top priority.

14 Whatever Howard and the other Board members  
15 want and need, he's going to get it; whether it's staff  
16 or reallocation of some money to cover any additional  
17 expenses. That will be done, and Howard will have our  
18 complete cooperation.

19 Just getting back to specifics because the one  
20 thing we did not mention yesterday, and I want to  
21 formally--informally we've asked most of you; but I'd  
22 like to formally--Mary spent a great deal of time  
23 yesterday--some of you were not here, but we spent a  
24 full hour talking about what's going on in the United  
25 States Congress on our budget.

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1           Incidentally, I spoke to Mary this morning and  
2 the House yesterday rejected the whole substitute amendment,  
3 which would put us back to the \$300 million level, and that  
4 was the most serious threat to our budget. So, we're  
5 still in at \$321; but we are having a very difficult  
6 time especially Steve and those who are in Washington.

7           We have structured a fairly formal process that  
8 involves a substantial number of persons at 8:30 every  
9 Monday morning; representatives of the American Bar  
10 Association, client community, PAG, the Legal Services  
11 Staff, NLABA, and others in the Washington area.

12           We meet for several hours every Monday to plan  
13 our strategy during that week--our legislative strategy,  
14 our outreach in the community, and Mickey, you used to be  
15 one of the lobbyist, what we've tried to do, and you recall  
16 we really haven't had to do this for the last five years.

17           We're now going back and structurally trying  
18 to get something going with every group that you can imagine  
19 from the American Association of Law Schools, from the  
20 National Bar Association--every group that we can possibly  
21 identify that has in the past supported us--it's too long  
22 to mention all of them.

23           We are now trying to formally integrate them  
24 into the kind of massive representation of our officials  
25 in Congress that the Legal Services reauthorization is

1 extremely important; the adequate funding for the Legal  
2 Services Program is crucially important and that we  
3 expect and we hope and encourage all of those organizations  
4 to contact their elected representatives.

5 All of you sitting in this room, I know I  
6 spoke with most of you individually by calling a certain  
7 Mayor or certain Congressman; that I would encourage you  
8 in your own judgment and in your own way and your own  
9 time, please let your voices be known to your local  
10 elected officials and the national elected officials.

11 It's encouraging in a way to see all of a  
12 sudden we now have identified in every state, and PAG  
13 has been of vital importance in doing this for us. We  
14 have a key coordinator in every state. We have some  
15 additional people we put on Mary's staff in Washington  
16 that we have daily telephone communication with the 50  
17 state coordinators. PAG has identified those 50 state  
18 coordinators for us. They, in turn, have a tree network  
19 assistant. They are very sophisticated in drawing on  
20 the newspaper editorial support, the bar resolution  
21 support. It would take me the next few minutes to even  
22 name a lot of the newspapers and all the Bar Associations  
23 that just in the last few weeks have generated resolutions  
24 and editorials.

25 We're going to keep that kind of attention on

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1 this effort until we get through the budget process,  
2 the appropriation process and the reauthorization process.

3 Anything you all can do, we would be very much  
4 appreciative. Mary is going to start keeping you all more  
5 formally advised by memorandum--a memo each week as to  
6 what happened in Congress during that week because  
7 we're now getting down to floor action probably by the  
8 end of this month, especially on our reauthorization and  
9 probably go into June with our appropriation and will  
10 need your help in that.

11 Finally, A.C. is still here, and the Chairman  
12 of his Board, Willie Pearl Butler was here. There you are,  
13 and on behalf of all of us, A.C. and Willie Pearl, I  
14 want to thank you for entertaining us last night. It  
15 was very very good for the Board to have the opportunity  
16 to get together with all of your staff and the Board  
17 members.

18 If I could just take a personal note, I was in  
19 the Regional Office in the early 70's when we fought  
20 tooth and nail to try to get a few measly dollars into  
21 the Memphis and Shelby County Legal Services area and  
22 because of a few guys like Ron Burrad and Irv' Bogotten  
23 and Mike Cody and a few others in opposition really to  
24 the Bar Association and some others and Congressman  
25 Kuykendall, we had a very very difficult time getting

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1 the program together.

2 I first met Willie Pearl, I guess, about 10  
3 years ago, and she was a client struggling along and got  
4 appointed to the Board.

5 Now, she's Chairman of the local Board and in  
6 talking to some of the lawyers last night, Willie Pearl,  
7 they say you've come a long way and Irv last night  
8 assured me that this Board in Memphis is very responsive  
9 to the client community; but more important the Irv  
10 Bogotten, who is a leading attorney here in town, Irv  
11 and I were sort of reminising last over a drink downstairs,  
12 and just with a grin on his face, he said, "Dan, I can  
13 tell you, the best thing going on for poor people in  
14 Memphis is A.C. and the local program" and he was so  
15 proud of it, and we're very proud of it, and we really  
16 appreciate the leadership that you're providing, Willie  
17 Pearl.

18 Especially, we appreciate the hospitality  
19 you shared with us last night. Just keep up the good  
20 work.

21 MS. BUTLER: I just kept being accused by  
22 Irv and the other lawyers of always trying to steal  
23 A.C. for other purposes, and they assured me that would  
24 never happen, and I told them that wouldn't mean we'd  
25 stop trying.

1 MR. ORTIQUE: I don't want to bring the  
2 President down off his cloud. He looks great today.  
3 Yesterday, he looked miserable.

4 MR. BRADLEY: I'd been to Texas the day before.  
5 That's the reason.

6 MR. ORTIQUE: That can do it, especially Dallas.  
7 We're going to be meeting in Washington the  
8 next time. We have not had a report from the Equal  
9 Opportunity Director in a long time.

10 We may not get a chance to hear from him at  
11 that meeting, but I certainly hope that he would be on a  
12 standby basis ready to report, if we do have the  
13 opportunity.

14 MS. RODHAM: On page 59, we have a list of the  
15 future meetings.

16 MR. ENGELBERG: May I respond to something?

17 MS. RODHAM: Sure.

18 MR. ENGELBERG: Dan, it occurs to me that  
19 given the short-term and long-term funding problems, I  
20 would urge you, if you haven't already done so to  
21 consider beefing up perhaps that whole Mary Bourdette  
22 operation.

23 MR. BRADLEY: We have. We've added full-time  
24 persons to her staff.

25 MR. ENGELBERG: How many?

1 MR. BRADLEY: Well, we have a full-time person  
2 from the field that's in from the Michigan Program.  
3 Bert Fratz, who succeeded Mickey Kantor is the head of ALR  
4 has come in full-time.

5 We have some summer law students that have  
6 worked before.

7 MR. ENGELBERG: This is not meant as criticism  
8 at all, but I had a meeting with a friend of mine who is  
9 a lobbyist for the NSW, and in fact Glen Allison is the  
10 founder of Title 20. It was fairly esoteric Washington  
11 reorganization battle over Title 20, in which he  
12 was inviting the key Title 20 lawyers in town and none  
13 of the Corporation people showed up. I know the reason  
14 they didn't show up was because there was so many other  
15 things going on.

16 In terms of other funding sources, there is so  
17 so much that's happening among other agencies particularly  
18 as our own budget is getting more difficult; but I just  
19 wanted to be sure, and again, I'm not in any way  
20 criticizing you or Mary.

21 I know that you spend an enormous amount of  
22 time--

23 MR. BRADLEY: We have five persons who work  
24 literally full-time on reauthorization, but the major  
25 resource fortunately is what PAG has brought forth because

1 I just can't over emphasize the formal structure.

2 It's incredible what the tree has produced,  
3 and I can start naming the states just almost overnight,  
4 telegrams, letters, editorials, Bar resolutions. It's  
5 just coming in by the volume.

6 Mary is sort of coordinating all of that through  
7 this Monday morning strategy.

8 MS. RODHAM: Bob?

9 MR. KUTAK: I don't know if it's in the category  
10 of Dan's report or new business, but I sense we may be  
11 moving to the last item.

12 So, I would like to raise it at some appropriate  
13 point, and it ties back to something all of us have said  
14 in one fashion or another in terms of the last two days  
15 and if not said but felt it; that is, as Board members  
16 obviously not entirely full-time Board members, but people  
17 who have to less or greater degrees keep abreast while  
18 they are concentrating on other assignments, I've really  
19 struggled with how to keep informed.

20 I know we get periodic memos from the Corporation,  
21 and we certainly get the newsletter and other publications  
22 of the Corporation; but as a Board member, I feel they  
23 don't really focus on what we might need, as a Board member  
24 until frankly, I've had a comparable experience on another  
25 national Board, specially the National Institute of

1 Corrections, which by the way, also meets only four times  
2 a year or about.

3 WE haven't had a vehicle. In that instance,  
4 we came up with one. Allan Breed, who is the Director  
5 of the NIC, as it's called, developed a monthly report  
6 to the Board.

7 It's just a superb report. It really helps us,  
8 as Board members, to keep in touch and stay on top of  
9 not only activities of the problems between scheduled  
10 Board meetings.

11 Frankly, those memos really serve purposes way  
12 beyond my expectations when we first discussed it because  
13 what they do is they help me in preparation for Board  
14 meetings to have a record, so to speak, beyond the minutes  
15 of the last Board meeting to know what I should really be  
16 thinking about when I go to the next Board meeting.

17 I wonder if I could throw out, Hillary, the  
18 request or the President, on a regularly scheduled basis  
19 between Board meetings preferably no more than once a  
20 month and would prepare a memorandum to the Board focusing  
21 on the issues that he and his staff are facing.

22 It's not necessarily issues, but what things  
23 are developing and what activities are occurring, of  
24 course, on an appropriately discriminating basis.

25 Surely, such memoranda are prepared by staff

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1 or for staff at your weekly Board meetings. Perhaps,  
2 they can be distilled so that at least we would know  
3 between Board meetings what are the problems that you,  
4 as the President and your able staff are grappling with  
5 and frankly what progress is being made so that we could  
6 use this together with the minutes of the last meeting  
7 and together with the newsletters that I periodically  
8 take with me and have to sort through as I try to order  
9 my own thinking for the Board meeting; that we don't just  
10 depend upon the experiences we have with respect to our  
11 committee assignments, but knowing how all those  
12 assignments together with the responsibilities you share  
13 are before us.

14 I hate to depend upon a clipping service. By  
15 the way, it's very good. I hate to depend upon the  
16 newsletter; although, by the way, I think that's very good.

17 I'd like to have you, if you didn't think it  
18 was an imposition consider developing for us on a monthly  
19 basis, at the very minimum, a report to us as to what is  
20 happening in the Corporation; what is coming to the  
21 Corporation at a level that you believe should be  
22 information for the Directors of the Corporation so that  
23 as we come to the meeting, we can do more than simply  
24 respond at the moment to what reports are given to us;  
25 so we can reflect on them and perhaps even focus on them

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1 and be able to feel a little bit more involved in them  
2 and able to, perhaps, give more guidance to you or you  
3 and your senior officers come to us with the report  
4 of the moment.

5           Maybe we will have a greater ability to feel  
6 that we are more fully informed and capable of giving  
7 other than off the top of our head responses to those  
8 reports.

9           MR. BRADLEY: Enough said, Bob. That will be  
10 done.

11           MS. RODHAM: And I hope they will be read.

12           MR. KUTAK: I think they will be.

13           MS. RODHAM: Unless there's any further points,  
14 look at page 59, the Future Meeting Dates to make sure  
15 those are suitable.

16           Mickey, when is your election in California?  
17 It will be over before the next meeting?

18           MR. KANTOR: June 3.

19           MS. RODHAM: Howard?

20           MR. SACKS: One item of new business.

21           Leona mentioned to me last night a possible  
22 problem of refunding the eight delivery systems study  
23 programs whose funding runs out at the end of June,  
24 and I suggested that she take it up with you, Dan, to  
25 see whether it requires any action today.

1 MR. BRADLEY: It doesn't today. It's on the  
2 Agenda item for Steve and the Audit Appropriations  
3 Committee, which is going to be meeting in May.

4 MS. RODHAM: Berney?

5 MR. VENEY: The same question about the QUIP  
6 funds?

7 MR. BRADLEY: Yes. We've talked about it at  
8 the last several Board meetings because it represents  
9 the next funding crisis that this Board is going to have  
10 to deal with.

11 You have allocated no money. In fact, you have  
12 no money, unless you want to find it from some other  
13 source; to continue some, none or all of those QUIP  
14 projects. Many of them by the middle of the summer will  
15 be phasing out. That's also on the Audit Committee  
16 meeting for this month.

17 MS. RODHAM: Are these dates satisfactory  
18 to the Board?

19 MR. ORTIQUE: They are set, aren't they?

20 MS. RODHAM: Yes, but I just want to make sure.  
21 These will be set.

22 MR. BRADLEY: These were the dates you all  
23 agreed to.

24 MR. ENGELBERG: Seriously, I think we had already  
25 set these dates.

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1 MS. RODHAM: We just wanted to remind you.

2 MR. BRADLEY: In Washington.

3 MR. ORTIQUE: The next meeting is in Washington.

4 I must have missed one meeting, although I have no record.

5 MR. ENGELBERG: You're getting old, Revius,  
6 but gracefully.

7 MR. ORTIQUE: When did we set in concrete that  
8 we would not meet in the state that had not adopted ERA?

9 MS. RODHAM: We didn't set it in concrete.

10 MR. ORTIQUE: We would have been in Arkansas  
11 but for that. It seems to me that we can get a message  
12 across if we met in New Orleans. I'm serious.

13 We've stayed away from New Orleans so long  
14 because and the State of Louisiana, and you've suffered.

15 MS. RODHAM: Oh, Revius, if I could't let people  
16 come to Little Rock, I'm not going to New Orleans.

17 MR. KUTAK: Did we adopt such a policy?

18 MS. RODHAM: No.

19 MR. KUTAK: I would like to be on record, if we  
20 did, of objection because I again--

21 MR. KANTOR: We never adopted it.

22 MR. KUTAK: We can meet anywhere in the country.  
23 This still is the United States of America.

24 MR. ORTIQUE: I think we need to come to New  
25 Orleans in September. I really do. My terms ends in '81,

1 and I think you owe it to me to come to New Orleans.

2 MR. BRADLEY: Howard has invited us to  
3 Connecticut.

4 MR. ENGELBERG: Can we decide in June, Revius?

5 MR. ORTIQUE: It doesn't matter to me.

6 MS. RODHAM: I think it would be important that  
7 we have some better idea of what might be happening  
8 in September that might necessitate our being or suggest  
9 our being in Washington. It's a likely possibility.

10 I mean, I'd love to go to New Orleans.

11 MS. SMART: Madam Chairman, would you all  
12 consider coming to Baton Rouge? That's the Capital.

13 MR. ORTIQUE: I'll let them make a side trip.

14 MS. RODHAM: Is there any further business to  
15 come before the Board?

16 (No response.)

17 MS. RODHAM: Then we stand adjourned. Thank you  
18 very much.

19 (Whereupon, at 12:05 p.m., the hearing was  
20 adjourned.)

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This is to certify that the attached proceedings,  
Meeting of the Board of Directors of Legal Services  
Corporation, held at the Rivermont Hotel, Memphis,  
Tennessee, on May 1 and May 2, 1980, were held as herein  
appears, and that this is the original transcript thereof.

*Margaret Foster*

MARGARET FOSTER  
Official Reporter

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