

RETURN TO CORPORATION  
SECRETARY ARCHIVES FILE

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS MEETING

OPEN FORUM

October 20, 1991

4:15 p.m.

The Portland Regency Hotel  
20 Milk Street  
THE BALLROOM  
Portland, Maine 04101

Board Members Present:

George W. Wittgraf, Chairman  
Howard H. Dana, Jr.  
William Kirk, Jr.  
Jo Betts Love  
Thomas D. Rath  
Basile E. Uddo  
Jeanine E. Wolbeck  
Norman Shumway  
J. Blakeley Hall  
John O'Hara

Staff Present:

Jack O'Hara, President  
Alan Severson, Vice-President  
Patricia Batie, Secretary  
Victor Fortuno, General Counsel  
David Richardson, Treasurer and Comptroller

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

1  
2 CHAIRMAN WITTGRAF: It's my understanding that we have  
3 a couple of distinguished New England bar leaders with us who  
4 have a few comments to share with us first, before we begin, with  
5 the comments of the program directors who are present.

6 If you gentlemen would be kind enough to introduce  
7 yourselves, we'll try to get some people up here to get the  
8 benefit of your thoughts.

9 MR. GRECCO: My name is Mike Grecco. I'm a trial  
10 lawyer in Boston, Massachusetts, with a law firm called Hill &  
11 Barlow. Five years ago, five or six years ago, I was president  
12 of the Massachusetts Bar Association, and since then, I have also  
13 served as president of the New England Bar Association.  
14 Currently, I am president of the New England Bar Foundation and  
15 with John Ross, who will speak first, and Bill Whitehurst, then  
16 president of the State Bar of Texas, the three of us formed a  
17 group, which is still very active, called Bar Leaders for  
18 Preservation of Legal Services for the Poor.

19 CHAIRMAN WITTGRAF: Mr. Ross.

20 PRESENTATION OF JONATHAN ROSS

21 CO-FOUNDER, BAR LEADERS FOR THE PRESERVATION  
22 OF LEGAL SERVICES FOR THE POOR

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1           MR. ROSS: Mr. Chairman and members of the Board, my  
2 name is Jonathan Ross. I am a lawyer from Manchester, New  
3 Hampshire. I am past president of the New England Bar  
4 Association, past president of the New Hampshire Bar Association  
5 in 1985, but most meaningful to me, a co-founder of Bar Leaders  
6 for the Preservation of Legal Services for the Poor.

7           We are within a few days of the sixth anniversary of  
8 the first time that I addressed the Legal Services Corporation  
9 Board of Directors, along with my colleague and co-founder of Bar  
10 Leaders, Michael Grecco, who was then president of the Mass Bar.

11           Back in Gilford, New Hampshire, in October of 1985,  
12 Mike and I appeared to welcome the Board to New England,  
13 specifically to New Hampshire, and to present to them the views  
14 of local bar leaders that legal service programs, which provided  
15 desperately needed services effectively, professionally, and in  
16 the highest tradition of client representations were constantly  
17 underfunded and under attack by a national administration bent on  
18 their destruction.

19           Each of us, in turn, was appalled, shocked, and angered  
20 by the manner in which that board of directors treated the people  
21 who appeared before the board, from bar leaders to legal service  
22 attorneys to project directors. We did not then, but soon came

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1 to understand that contrary to the views of the bar associations  
2 that we represented, that board did not favor a strong,  
3 independent federally funded legal service program. It did not  
4 consider it vitally essential to fulfill this nation's stated  
5 promise of equal access to justice for all Americans.

6 That day, followed by a similar performance by the  
7 board in El Paso, Texas, before the end of 1985, galvanized us  
8 and our colleague, Bill Whitehurst, who was then President-elect  
9 of the State Bar of Texas, to do something. We formed Bar  
10 Leaders for the Preservation of Legal Services for the Poor, an  
11 ad hoc group of bar leaders dedicated to the proposition that a  
12 fully funded, well-staffed, and vital legal services program was  
13 essential to the fair administration of justice in this country.

14 Within a very short time, we were joined by bar  
15 associations in every state in this country and by numerous bar  
16 leaders. Our efforts became a major vehicle through which bar  
17 leaders actively participate in national efforts to sustain and  
18 improve the Legal Services program. Working closely with the  
19 American Bar Association and other advocates for equal justice,  
20 Bar Leaders seeks to ensure that the issue of the survival of  
21 legal services is on the agenda of state and national bar  
22 meetings.

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1           Through our news letter, we provide information on  
2 legislative activity and corporation action, and urge bar leaders  
3 to become active in the continuing struggle for the principle of  
4 equal access to justice in the United States.

5           Last year, we called upon bar associations to convey  
6 their opposition to the McCollum-Stenholm legislation to members  
7 of their congressional delegation. More than 100 resolutions  
8 from state and local bar associations representing 38 states  
9 poured into congressional offices.

10           Earlier this year, when the House Judiciary Committee  
11 considered the reauthorization of the Legal Services Corporation,  
12 the chairman and three other members of the committee cited  
13 opposition of their local bar associations in their own decisions  
14 to oppose McCollum-Stenholm.

15           We are an entirely voluntary ad hoc group. We have the  
16 support of bar associations and individual lawyers across the  
17 country, a strong and independent and vibrant Legal Services  
18 program is at the top of the priority list of bar leaders  
19 throughout this country.

20           The composition of your board, Mr. Chairman, is  
21 different. The names and faces have changed, for the most part,  
22 and the overall temperature of the exchanges is milder. The

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1 challenges facing legal service programs and their clients today  
2 are not all that different from what we faced in 1985. If  
3 anything, with the economy we see in this country, and  
4 particularly in this region of the United States, things are more  
5 difficult for the poor, and there are more poor people.

6 While this board has requested, and Congress has  
7 improved increased funding for the Corporation for the next year,  
8 the fact remains that fully 85 percent of the civil legal needs  
9 of the poor continue to go un-met.

10 It is a fact that salaries for Legal Services attorneys  
11 are so low that many young lawyers who want to devote their lives  
12 to a career in this area cannot do so because of overwhelming law  
13 school indebtedness. The fact remains that among many members of  
14 the LSC staff, there is an us versus them mentality toward field  
15 programs, and it is still sadly a fact that a majority of this  
16 board is on record in support of so-called reforms contained in  
17 McCollum-Stenholm, proposals which would cripple if not destroy  
18 the Legal Services program.

19 Mr. O'Hara, who I had the pleasure of meeting and  
20 speaking with last night is the seventh president of the Legal  
21 Services Corporation that we have known since we were in Gilford,  
22 New Hampshire, six years ago. We wish him well, despite the fact

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1 that we feel that the manner in which he was selected again sent  
2 a very negative message about this board to the people who serve  
3 the poor, under its umbrella.

4 We hope he will listen, and from what I heard last  
5 night, he had a very favorable reception yesterday, not just to  
6 the staff of the Corporation, some of whom have been a large part  
7 of the problem, but listen to the people who actually represent  
8 the clients, who struggle with the paperwork requests, who  
9 endeavor to satisfy often hostile monitoring teams, Mr. O'Hara  
10 has indicated that he wants to offer technical assistance to  
11 field programs, not just monitor.

12 We applaud this attitude. We urge all of you to listen  
13 to the same people, to visit their programs, to meet with their  
14 boards of directors to find out what they believe are the service  
15 priorities within their own communities.

16 None of your predecessors, who have served on this  
17 board, who have opened their minds and listened, who have  
18 observed the work of these extraordinarily dedicated and talented  
19 people, whose programs you fund, regardless of that board  
20 member's persuasion, ideology, or political background, have come  
21 away persuaded that the work of these programs is highly  
22 professional, exceedingly important to their clients' lives, and

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1 absolutely essential to the quest for equal justice under law in  
2 America.

3 I'm here to present a challenge to urge this board to  
4 take on a role that its predecessor boards have shied from. I  
5 urge each of you to take hold of the fiduciary responsibility  
6 inherent in being a director of this corporation.

7 I urge each of you to end the old attitude of  
8 nightriders looking for fraud and abuse as a primary purpose. I  
9 urge each of you to take as your primary guiding light, while you  
10 serve on this board, the purpose and mission of the Legal  
11 Services Corporation. I challenge you to do that independently  
12 and with a view toward making this program work better and not  
13 looking to do what you think your president, who appointed you,  
14 wants you to do.

15 Once you have accepted the deep responsibility of  
16 managing the affairs of the Corporation, it seems to me that you  
17 must do so in the way I have described. You need to learn the  
18 business of those parts of the Corporation that are funded by its  
19 resources. You need to meet and appreciate the people it serves.

20 You need to understand the dedication of the ideal of  
21 equal justice that propels young, talented, and I'm referring, of  
22 course, to my friend, Bob Gross, old, talented lawyers, to take

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1 what are, basically, very low-paying jobs in exchange for very  
2 intense, long hours of hard work for little financial gain. You  
3 need to find ways to help them do their job better. You need to  
4 understand that in order to do it well, they need more money, and  
5 I think you do understand that, and they need more resources.

6           You need to be able to believe the unmet legal need  
7 studies done by states all around this country, that only 15 to  
8 20 percent of the need is being met by all the efforts of this  
9 corporation, its grantees, bar associations, and lawyers  
10 generally, and you need to find a way to increase the ability of  
11 this organization to do more. You need to preserve and find ways  
12 to augment the very special expertise in areas of law that deal  
13 most directly with the poor that have been developed by your  
14 grantees.

15           We understand that your duties include monitoring and  
16 overview with compliance of federal law and regulations, and we  
17 expect that you will do that job. We hope that you can start  
18 that process as a constructive measure, rather than a punitive  
19 one. We hope that you can do it with a view toward helping your  
20 grantees meet the complexity of federal regulations rather than  
21 going on a witch hunt.

22           We hope that you can have these things conducted in a

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1 way that doesn't paralyze an office like Seattle and doesn't  
2 prevent it from doing its primary function, which is to handle  
3 legal cases for people.

4           The provision of legal services is not the same as the  
5 sale of automobiles. The issue of competitive bidding has been  
6 a catchy phrase for a while and I think one that is without much  
7 substance and is principally a politically economic term.

8           The delivery system now in place provides a nationwide  
9 network of stable programs under the control of local boards of  
10 directors, the majority of whom are members selected by local  
11 bars. The staff attorneys and paralegals who have expertise in  
12 specific areas of poverty law, such as public benefits, child  
13 welfare, access to health care, federal housing, and food stamp  
14 regulations are the essential underpinnings of a system that  
15 engages thousands of private attorneys in pro bono service to the  
16 poor.

17           All of the rest of us private lawyers are able to be  
18 part of this vital system because there is an experienced  
19 staff/attorney program to reply and to rely upon in an  
20 organization that we can support. Those folks are not our  
21 competitors. Those folks practice quality law. Those folks are  
22 good lawyers who do their best for the clients they represent.

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1           They are not our competitors down the street trying to  
2 run a storefront legal clinic by volume. They certainly are not  
3 there for their financial well-being. You should be very careful  
4 that in your eagerness to deal with the issue of competition that  
5 you do not dismantle a proven, efficient system easily accessible  
6 to clients and substitute a patchwork system of short-term  
7 grantees offering limited services.

8           We should be doing all of this in a partnership, and I  
9 hope that no system of competition is considered that will  
10 undermine the extensive efforts of the private bar to support  
11 those staff programs through pro bono activities.

12           There is much for all of us to do. The quality of  
13 justice is not yet a reality for millions of Americans. In order  
14 to continue toward that goal, we have to get beyond the  
15 ideological battles of the past. We have to stop looking at each  
16 other as adversaries and begin to work together.

17           We have to stop trying to tear this system apart and  
18 concentrate on funding it better, reaching for a goal of minimum  
19 access, finding ways to make the system better, and finding ways  
20 to stretch our resources to help the most people. We have to  
21 avoid the old Clark Durant cliches that poor people's problems  
22 are not difficult, that they can be categorized as simple things

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1 that should be handled in an automated fashion.

2 We need to understand that poor people's lawyers should  
3 have the same tools available to them to solve people's problems  
4 that those of us who can afford legal service can obtain. If  
5 your goal is not the same as the purpose and mission of this  
6 corporation, as developed and continued by the Congress, then I  
7 wouldn't understand why you would take this job. I hope that  
8 each of you are truly dedicated to that proposition that equal  
9 justice under law is deserved by every person who lives in  
10 America.

11 Bar Leaders for the Preservation of Legal Services for  
12 the Poor will continue to be part of the effort to strengthen and  
13 provide legal services for the poor in this country. We will  
14 continue to oppose as forcefully as we know how those who would  
15 restrict the kind and quality of legal representation available  
16 to the poor.

17 We will continue to speak out and urge our fellow  
18 lawyers to join us and educate the bar about what is going on.  
19 We will urge concerned citizens to tell their elected  
20 representatives how important this program is to their  
21 communities.

22 I offered you a challenge. If you accept it and act on

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1 it, then our effort will have been successful. Unlike six years  
2 ago, in Gilford, New Hampshire, we, at least, have hope that  
3 there is the opportunity now that this board will be a group of  
4 leaders dedicated to the preservation of legal services for the  
5 poor. Then Mike, Bill, and I, and others of a similar mind can  
6 go back to practicing law, doing pro bono work, and leave these  
7 issues to you. I hope that happens.

8 Tom Smegal, who was the last Californian representative  
9 to this board, put it to me in a way I will never forget. He  
10 said, "Of all the things that I've ever had the opportunity to  
11 do, service on this board was the most meaningful, because I had  
12 the opportunity to do the most good for the most people." Thank  
13 you, Mr. Chairman.

14 CHAIRMAN WITTGRAF: Mr. Grecco, did you want to  
15 add --

16 PRESENTATION OF MICHAEL GRECCO, PRESIDENT  
17 NEW ENGLAND BAR FOUNDATION

18 MR. GRECCO: Mr. Chairman, I may just add two quick  
19 points, because I, of course, agree fully with what John Ross has  
20 said to you, but picking up on what John just said about Tom  
21 Smegal's comment, the same, I think, can be said of the bar  
22 leaders who I've come to know personally in the last six years.

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1           Every year, there is a group of 50 new state bar  
2 presidents, and any number of dozens of local bar association  
3 presidents, and what's been happening in the last six years is  
4 that as each of these new bar leaders comes to understand this  
5 issue, the issue being equal justice for all of us in this  
6 country, especially the poor among us who can't afford a lawyer  
7 and but for the Legal Services' lawyer would have the courthouse  
8 door shut on their problems, each of the bar leaders in the last  
9 six years that I've come to know has come away saying the same  
10 thing, that in their bar year, there was not an issue more  
11 important, more demanding of attention than the issue of legal  
12 services for poor people.

13           The people on your board, who I have come to know in  
14 the past six years, who have taken the time to go out to the  
15 field to meet with the Legal Services program lawyers, to meet  
16 with the clients and familiarize themselves with the kinds of  
17 problems that the Legal Services lawyers are addressing  
18 throughout the country also have come to understand the vital  
19 importance of this program funded to the maximum, independent,  
20 not hampered by the kinds of regulations that, unfortunately,  
21 have been the case in the last five or six years.

22           I would say only this in closing: That five -- six

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1 years ago, now, John and I appeared before the board, your board,  
2 predecessor board, in Gilford. I have had the pleasure of  
3 addressing this board at least four other occasions in San Diego,  
4 in Sante Fe, and now today, and I have to tell you that not much  
5 has changed in the last six years.

6 New people come on the board, new presidents, Mr.  
7 O'Hara, come on the board. We've heard a lot of rhetoric. We've  
8 heard a lot of expression of good intentions, but not much really  
9 has happened, because in New England, I know firsthand what the  
10 legal needs of the poor is, because I chaired the Massachusetts  
11 Legal Needs Study, which issued its report three years ago, and  
12 I've been very familiar with the main Legal Needs Study that was  
13 recently completed, and the fact is that we are not serving more  
14 than 15 to 20 percent of the legal needs of poor people.

15 That statistic is like every other statistic you will  
16 hear and read, and that's why I urge you, apart from what you  
17 will hear John and me and others say to you at formal meetings  
18 like this, do what I urge you to do, each of you, go out to the  
19 field.

20 Meet the lawyers who are your clients, so to speak,  
21 meet their clients, and if you don't change, if you are not  
22 convinced now about the vitality of the current program, even

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1 with all the hampering that's been happening, if you are not  
2 convinced that this is, perhaps, the most important undertaking  
3 you may ever under take, then it's a hard person -- I'd like to  
4 talk with you after you've made those visits, because I think, if  
5 you have any doubt, those doubts would be removed. Mr. Chairman,  
6 thank you very much.

7 CHAIRMAN WITTGRAF: Thank you, Mr. Grecco. I've got  
8 one question first for either of you or both of you. You have  
9 each spoken eloquently of un-met legal needs in the range of 80,  
10 85 percent. Whatever the exact percent, obviously, it's  
11 substantial, and as you said, Mr. Grecco, remains substantial.

12 We know that federal funding has increased a little bit  
13 for FY '92, \$350 million. Programs it will increase some for FY  
14 '93. I think you'd agree with me in the conclusion that IOLTA  
15 funding is pretty well maxed out, and, if anything, because of  
16 the success of the IOLTA efforts, those funds may come under, if  
17 not attack, at least being coveted by other governmental  
18 responsibilities in the individual states.

19 So with limited increases on the federal level in  
20 funding, and with IOLTA having gone, perhaps, as far as it can,  
21 in terms of its financial potential, how do you see, or where do  
22 you see, or in what way, in terms of resources, do you see us

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1 making major strides forward in meeting those un-met needs?

2 MR. ROSS: I would answer you this way, because I think  
3 the future of IOLTA is very much in doubt. We need, in this  
4 country, more than just lawyers, more than just professional  
5 organizations, more than an ABA, to stand up and say, "This has  
6 to be taken care of, and the responsibility rests with the  
7 government, in large measure."

8 I would applaud this board, if it would come to the  
9 conclusion that minimum access is a goal to be reached, and you  
10 began to pursue it, so that there were a minimum of two lawyers  
11 funded by this program for every 10,000 persons in population of  
12 poor people.

13 That may not do it all, Mr. Chairman, but it would set  
14 a tone. It would set an approach. It would begin to put the  
15 pressure where it belongs, on the Congress, to continue to do  
16 more, as they did this year at your urging, and I think that if  
17 do you that that you will see an increase in the way bar  
18 associations, lawyers, respond and cooperate.

19 CHAIRMAN WITTGRAF: I guess one thought that occurs to  
20 me is that the private bar, of which I've been an active member  
21 for some 15 years, as the two of you have and longer, is doing,  
22 perhaps, more than ever before, and as Mr. Grecco has indicated,

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1 state bar presidents have become very sensitive and are doing  
2 what they can, and that's true in Iowa, as it is in many states.

3 My sense is still that we, as private practitioners, we  
4 of the private bar, don't do as much as we can, don't do as much  
5 as we should, don't do as much as we must. What, if any,  
6 thoughts do either of you have on ways to further stimulate our  
7 fellow practitioners into assuming more completely their  
8 obligations as professionals to meet the needs of clients who  
9 can't pay as well as the needs of clients who can pay?

10 MR. GRECCO: Well, Mr. Chairman, let me address that  
11 question. First, I think a fair statement of the current level  
12 of private bar delivery of pro bono services is that it's at the  
13 highest level it's ever been. There has been a response by the  
14 private bar. In my own state, Massachusetts, two years ago,  
15 after an effort, 500 new attorneys were enlisted to help deliver  
16 legal services on a pro bono basis.

17 I think, though, that it's erroneous to think that even  
18 if we doubled the current level of private lawyers who deliver  
19 legal services to the poor could we make an in-road into the  
20 problem.

21 The best approach to delivering legal services for the  
22 poor in this country is the system we have now, which is the

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1 programs in the field throughout the country, people who are not  
2 only trained as lawyers in those specialty fields, but people who  
3 have the kind of commitment and dedication, as John said, at very  
4 low salary.

5           The kind of attention that those problems will get from  
6 the current Legal Services lawyers is far greater than the  
7 private attorney who will come in for one or two pro bono cases  
8 and who will do the best that he or she can, but it just isn't  
9 workable.

10           So the concern that John and I and Bill Whitehurst and  
11 all of us bar leaders around the country have is that tinkering  
12 with the current Legal Services program, including the  
13 competition proposals, if you take away the structure, which  
14 currently exists and the structure, the backbone, the skeleton of  
15 the structure is that there is this network of lawyers around the  
16 country that private lawyers can tap into for one, two, or ten  
17 pro bono cases.

18           You take away that structure or change it appreciably,  
19 you take away my ability, the ability of private lawyers who are  
20 willing to do this work on a one- two- three- five-time basis.  
21 So you've harmed not only the existing program, but you've harmed  
22 the private bar ability to do more.

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1           Finally, it's an ever ongoing process to educate our  
2 colleagues at the bar as to the need and the fact that they need  
3 to do more, just as it is an ongoing process for the new board  
4 members on this board, members of Congress, and others in  
5 decision-making around the country, that the problem has the  
6 scope that it has and the need for the kind of funding that we  
7 come back to you every year to say we absolutely must have.

8           CHAIRMAN WITTGRAF: Further questions or comments? Mr.  
9 Dana.

10           MR. DANA: I enjoyed your presentation. I am glad  
11 you've been there the last six years, and I hope that in the not  
12 too distant future, you can retire.

13           MR. GRECCO: No parachute.

14           CHAIRMAN WITTGRAF: I think he's defined the situation,  
15 that it's an ongoing and professional concern, and somebody has  
16 to be there to provide the stability to educate the bar leaders  
17 and to educate the rest of us, and I assume these two, along with  
18 Bill Whitehurst, are the self-defined three prophets or educators  
19 or mentors for us.

20           MR. DANA: Mr. Chairman, as I was listening, they were  
21 hoping that we would take over that.

22           CHAIRMAN WITTGRAF: I see. You and me and Mr. Kirk.

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1 Mr. Hall.

2 MR. HALL: I am not disagreeing with you, but I wonder  
3 if would you elaborate on how competition would take away the pro  
4 bono efforts that are made, and could the pro bono efforts be  
5 saved in a competition program? Is there something that can be  
6 written it, or has that been -- to either of you gentlemen.

7 MR. ROSS: I start with the proposition that I'm not  
8 sure I understand what you mean by competition. I listened to  
9 some of the earlier discussion about quality lawyering, and if  
10 there is a process to improve quality in lawyering, that's good  
11 competition, I suppose, but what I think about is the experience  
12 that I've read about and you know about in the indigent defense  
13 field.

14 I think about private law firms bidding for government  
15 contracts to provide services to poor people, and I say to you  
16 that if my time, which is my stock and trade, as yours, is to be  
17 given away in an effort to help people, then I am not inclined to  
18 do it, to help the guy down the street who also wants to run a  
19 private law practice.

20 That it seems to me that if I am called upon to do that  
21 and give him a competitive advantage in making a living, then I'm  
22 not going to be inclined to do that, that I do not want to be, as

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1 a bar leader, involved in the process of supporting commercial  
2 interests, earning money on poor people's representation.

3 I think I would rather spend my time, as I have, in  
4 making sure that the people that do that work are good lawyers  
5 who do it because they want to help not because they're looking  
6 for a way to earn a living. There aren't any of them in my stable  
7 who earn more than the starting salaries of Manchester, New  
8 Hampshire, for large firms, and some of them have been there for  
9 years.

10 I don't think that you will keep the bar associations  
11 and their leadership interested if what they're doing is simply  
12 participating in a marketplace. That's not why we're there. ■  
13 New Hampshire public defender sponsored by a particular group  
14 that happened to be New Hampshire Legal Assistance, and there was  
15 another group that decided it would bid for the state contracts,  
16 and I used the position that I had in the bar to insist that that  
17 private group include bar association members on its board of  
18 directors, not unlike we do with Legal Services projects, to make  
19 sure that if they got the grant that they would be guided by the  
20 same purpose Legal Assistance was guided in trying to provide  
21 this work.

22 It happened that way; they've got the job, and they've

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1 done the job. I can't be any more specific for you, sir.

2 I don't see a way to make the provision of lawyers to  
3 poor people a commercially attractive venture and keep volunteers  
4 involved in the system.

5 MR. HALL: Well, we obviously need the cooperation of  
6 groups such as yours, and I feel that this board is going to look  
7 at competition, at least from my viewpoint, to see if it would  
8 improve what we already have, not just to go forward with it, but  
9 to look at it and see if it would improve, and if it would  
10 improve, then perhaps to go forward with it then, but I fear that  
11 we have no support from your group in that regard to look at it,  
12 to study it?

13 MR. ROSS: I can't speak for all bar leaders of this  
14 country, but for me, I would say to you that as I understand the  
15 emphasize and the push for the issue of competition, you do not  
16 have my support.

17 I fear it not as a way of improving the quality of  
18 lawyering, that ephemeral thing that was being discussed during  
19 your meeting, but as a way of getting more for the dollar. And  
20 volume, volume of individual cases or a lower cost per case is  
21 not what I understand this is all about. I have several problems  
22 with it.

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1           One is that it tends to focus on processing of  
2 individual things like divorces, and fails, I think, to take into  
3 account the myriad of problems that poor people have that are not  
4 attractive to that kind of lawyering, and it tells me that the  
5 standard of how much bang for the buck you get has not been fully  
6 agreed on.

7           I served as guardian for a young lady in New Hampshire  
8 at the request of New Hampshire Legal Services, whose welfare  
9 benefit -- she was 17 and had a child out of wedlock -- was being  
10 restricted -- restricted. They were deducting money from it  
11 because her mother, when she was on welfare, had been convicted  
12 of welfare fraud, and because my guardian, my ward, was a member  
13 of her household at the time that her mother committed the fraud,  
14 they were recouping from her.

15           Ultimately, there was a consent decree that the  
16 regulation of the New Hampshire welfare folks that provided for  
17 this would no longer be done. I can't imagine a private group of  
18 lawyers bidding for a government contract to do work for the poor  
19 who would bring that case, and it affected the rights of hundreds  
20 of poor people in New Hampshire.

21           MR. GRECCO: My only experience, if I can speak from  
22 that perspective -- I agree with John. Until the concept of

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1 competition is thought through clearly as to what the objective  
2 really is -- if the objective is simply to process 1,000 cases  
3 for \$7 apiece rather than \$20 apiece, I think what we lose there  
4 is the human element, the dedication of the lawyers who will,  
5 after the meter has run and the money has run out, won't run out,  
6 because the money isn't there, and the experience I want to speak  
7 from is that I was appointed by the Massachusetts Supreme Court  
8 Judicial Court a number of years ago to serve on the board of our  
9 overseers of Massachusetts.

10 This is the group, nine lawyers and three non-lawyers,  
11 which enforces the Cannons of Ethics in Massachusetts, and we had  
12 an incident about six years ago of a lawyer who advertised that  
13 he and his clinic would process divorce cases cheaper than any  
14 other lawyer in the state could do it, and as a result of this  
15 entrepreneurial competitive approach, he took hundreds, thousands  
16 of clients away from the lawyers who do this kind of work day-in  
17 and day-out, have been doing it for the last 30 years.

18 There came a time when this lawyer declared bankruptcy  
19 and left the state with all of the retainers having been paid  
20 ahead of time. So that this person took the money that these  
21 people had paid, thinking they were going to get divorce  
22 services, and the irony in that was that the Court, the Supreme

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1 Court, asked the private bar to represent all of these people for  
2 free.

3 Now, that's the worst case scenario I can think of, but  
4 what it speaks to is, if you look only at the profit motivation,  
5 the profit -- the cost issues, I think you make a mistake,  
6 because there's a lot more to delivering services in general,  
7 legal services, and especially delivering legal services to the  
8 poor than doing it for the cheapest dollar you can do it.

9 MR. HALL: Well, I agree with you, and I think if the  
10 profit were the only thing and costs the only thing, it wouldn't  
11 take us long to devise a program of competition, but quality is  
12 important to me, and I know that every board member has expressed  
13 the same, and I'm hoping and trust that when we do look at  
14 competition that that would be the most guiding factor. I know  
15 we have a duty to look at the dollar, but quality is certainly in  
16 there as a heavyweight.

17 MR. ROSS: I would have hoped that, in that regard,  
18 that as you look at quality and those issues, that you might  
19 champion the idea of board-promoted CLE requirements for your  
20 field lawyers that you fund and provide travel for, that you help  
21 with project directors and seasoned lawyers that work for your  
22 grantees to meet regularly and discuss issues of common

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1 representation and the upgrade of quality, that you find ways in  
2 the budget for these folks to participate in bar association  
3 CLEs. I know, in my state, we're going to have mandatory CLE  
4 pretty soon.

5 I hope that in funding the lawyers that work for New  
6 Hampshire Legal Assistance that you'll take into account their  
7 need to go to these things. There's a lot that this board could  
8 do to influence quality lawyering with the folks that you have.

9 CHAIRMAN WITTGRAF: Mr. Kirk.

10 MR. KIRK: Mr. Ross, I won't have the time to prepare  
11 a response, as you prepared your presentation today, and I won't  
12 be as artfully presented, but I would ask you to go back and read  
13 it and, perhaps, to think and ponder whether or not maybe there  
14 might be just the slightest bit of room for reform.

15 Maybe there must be just the slightest bit of  
16 improvement from the field, because all I heard was lecturing  
17 against us and what we have done, how we had voted to cripple and  
18 destroy, absolutely destroy Legal Services.

19 Now, I want to tell you, sir, that's not our goal, and  
20 even though we may have different views and different ways of  
21 attaining it, I think that we share the same goal, and the goal  
22 is improving the dispensing of legal services to the poor. Just

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1 because some of us think that there may be no prediction, as you  
2 predicted, but we like to try and look and see what competition  
3 brings, and we think there might be a ray of light in there.

4           If there is, we think that it might help dispense legal  
5 services to the poor, and I appreciate Mr. Grecco's comments, I  
6 appreciate your extending your hand, because you extended a hand,  
7 and we would like to take it. What we want to do is, yes, get  
8 more bang for the buck, Mr. Ross.

9           Yes, if we can deliver more legal services for less  
10 money and hit some of that 80 percent that we're not hitting, I'd  
11 like to do that. Now, if I could do it without a sacrifice in  
12 quality, and I think, if you've talked to the people that I've  
13 been dealing with, quality is a very important thing to me. I  
14 think, though, that we need to do the best that we can for the  
15 funds that we get, and as long as the funds are restricted, I'd  
16 like to reach as many people as humanly possible.

17           I think it's great to tell the federal government that  
18 they need to pour more money into a situation that, in my view,  
19 is created by our legal system, and it's not very cheap for poor  
20 people to get justice under this legal system, and I think that  
21 those in the bar, perhaps, ought to be exploring other ways  
22 within the system that we can make it more accessible to poor

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1 people, rather than continuing to look to Washington for more  
2 help.

3 We got a small break this year, but it's nowhere near  
4 the break that's needed to fulfill the needs that you've  
5 described, and I don't see it coming. So we're going to work  
6 within the limits of the money that we've got, and we're going to  
7 do the best we can. If I might offer you a challenge, it's to go  
8 back and work within the areas that you've worked in, and that  
9 being the bar, and help us find other ways to meet these needs.  
10 Thank you.

11 CHAIRMAN WITTGRAF: Mr. Shumway?

12 MR. SHUMWAY: I have no questions.

13 CHAIRMAN WITTGRAF: Mr Uddo.

14 MR. UDDO: I don't have any questions. This isn't as  
15 exciting as Gilford was, I'll tell you that much. I'm the one  
16 familiar face from Gilford, so I'm very conversant with what  
17 happened there, and this is a much more pleasant experience, I  
18 agree. As Bud says, we find ways to make progress together.  
19 Thank you for coming.

20 CHAIRMAN WITTGRAF: Ms. Wolbeck.

21 MS. WOLBECK: No.

22 CHAIRMAN WITTGRAF: Mr. Grecco.

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1           MR. GRECCO: I was just going to comment, if I may, Mr.  
2 Kirk. If you bear in mind for a moment that the two of us have  
3 -- I guess the best description is that we're kind of battle  
4 scarred. There's been a guerrilla war going on on this issue for  
5 at least the last six years that John and I have been involved in  
6 it and before that. It actually goes back to 1981.

7           So if you here us say things that are a result of that  
8 mentality; that is, that we have tried, in the past, to work with  
9 the Board, and we haven't been met halfway, far from it. What  
10 we'd like now, what we hope for now, as Basile just said, that  
11 this is a different working environment; that this is a different  
12 group with a more open mind, and that's all we ask, because if  
13 you do some of the things that we've suggested, which is to  
14 educate yourselves, meet the field lawyers, meet the clients, you  
15 can't help but say, "What have I been hearing all this criticism  
16 about? These are good people, lawyers, delivering services to  
17 needy people who deserve to have justice."

18           On that basis, battle weary or not, we're going to  
19 continue, and I hope we can work together, because that's what  
20 we'd rather be doing. In fact, I would like to be able to retire  
21 from this, and as I said offhandedly, we wouldn't even ask for a  
22 parachute after we retire.

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1           CHAIRMAN WITTGRAF:    You're the same as our new  
2 president, so, obviously, there's a great deal of common on both  
3 sides of tables here.    We appreciate the comments and the  
4 responses of the two of you.    Now we're looking forward to  
5 visiting with ten or so of those field lawyers you've been  
6 describing.    Thank you.

7           I don't know if all of you will have speaking parts,  
8 but if you do -- we do have, as I indicated before the break  
9 earlier, as provided by the staff, some background information,  
10 I think, on all of the programs you represent.

11           I should also say to my colleagues on the board that  
12 this red booklet does contain confidential and privileged  
13 information, and I don't know that there's anything here that  
14 would have the potential attraction that some of the materials  
15 that were recently shared with the country during the  
16 confirmation period, but we will try to keep these materials to  
17 ourselves.

18           Our experience usually is that by the time you get to  
19 that table, you've structured yourself, and we commend you for  
20 that.    If would you introduce yourselves, then, please proceed in  
21 the way you wish.

22           We're hoping we've got yet 45 minutes or so left by

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1 your colleagues from the established bar, and we undoubtedly will  
2 have some questions and some comments, and we would certainly  
3 hope that all of you, even those of you who don't have speaking  
4 parts at this point, could be involved in that colloquy.

5 MS. CONNOLLY: Thank you. We appreciate the  
6 opportunity to meet with you today, as we appreciated the  
7 opportunity to meet with the new President O'Hara yesterday. We  
8 think that that exchange was a very helpful beginning, and we  
9 look forward to continued dialogue on many of the issues that we  
10 raised.

11 What we would like to do, first of all, let me  
12 introduce myself. I'm Meg Connolly. I am the director of the  
13 Volunteer Lawyers' Project in Boston. I'm a 1970 graduate of  
14 Boston College Law School, and I have been involved in legal  
15 services since graduating, and, in some senses, prior to  
16 graduating.

17 I was on the first board of directors of the clinical  
18 program at Boston College and its first and second vice  
19 president. What we would like to do is to introduce, I believe  
20 there are 11 directors here. Some are at the table and others  
21 directly behind us. I would ask our colleagues behind us to come  
22 forward and just introduce themselves and give them a sense of

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1 which programs they're with.

2 PRESENTATION OF THOMAS BARBIERI,

3 DIRECTOR, MERRIMACK VALLEY LEGAL SERVICES

4 MR. BARBIERI: Very briefly, my name is Thomas  
5 Barbieri. I'm a director of Merrimack Valley Legal Services, a  
6 small program in the northeastern portion of Massachusetts,  
7 approximately 25 staff people. We've been there for  
8 approximately 16 years, and in my 15 years with the program, and  
9 I've been involved as a staff attorney, as a managing attorney,  
10 and as a project director, and I've been involved with seeing the  
11 program grow, create offices, bringing staff.

12 I have also watched the office shrink, lose offices and  
13 lose staff, and I would just like to say that over those 15  
14 years, our biggest goal has been consistency, trying to make sure  
15 the clients understand that we are their attorneys, and we will  
16 be there tomorrow, and I hope that in the course of our work with  
17 the board, that that will be part of our common theme that there  
18 will be that consistent delivery of services. That's all I want  
19 to say.

20 PRESENTATION OF ERIC AVILDSSEN,

21 PROJECT DIRECTOR, VERMONT LEGAL SERVICES

22 MR. AVILDSSEN: My name is Eric Avildsen, and I'm the

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1 project director in Vermont. It's a statewide program with seven  
2 offices. It had eight officers until about three weeks ago when  
3 we had to close one of our small branch offices due to lack of  
4 funding.

5 PRESENTATION OF ROBERT GROSS, DIRECTOR,

6 NEW HAMPSHIRE LEGAL ASSISTANCE

7 BOB GROSS: I'm the older attorney that John talks  
8 about. I'm Bob Gross from New Hampshire Legal Assistance, and I  
9 just want to take a minute to respond to Mr. Kirk for a second  
10 about John. He is so well known in the state of New Hampshire  
11 for trying to make the courts accessible to everyone, there's an  
12 award that's given out annually to the pro bono lawyer of the  
13 year in New Hampshire, and it's named after John Ross.

14 I know we didn't want to kind of engage in any more  
15 drama, but he's done a lot and continues to do an immense amount  
16 in New Hampshire to make the system available for all of us, and  
17 he's truly appreciated. So I think he's gone that halfway also,  
18 in our state, to improve the system, and I think it needs  
19 improvement.

20 I'm a 1972 graduate of Case Western Reserve University  
21 Law School. I actually started my legal services career probably  
22 in 1970 as a law student interning in the Cleveland Legal Aid

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1 Society. In 1971, I came to New Hampshire as a law student.

2 Upon graduation, I was a Reginald Hubert Smith Fellow  
3 and came back to New Hampshire and was a staff attorney under  
4 that program. In 1976, I became the Director New Hampshire Legal  
5 Assistance and I've been there ever since. Like the rest of us,  
6 I've seen the program change over time. Unfortunately, much of  
7 that change lately has been as a result of a decline in funds, a  
8 decline in the number of attorneys available to serve our  
9 clients.

10 I won't speak about the recession that you all are  
11 aware of any more than I need to, but suffice it to say that the  
12 number of clients that we're trying to serve has grown  
13 dramatically, particularly in New Hampshire where unemployment  
14 has tripled in just the last couple of years, and the number of  
15 attorneys, unfortunately, has gone down by almost 20 percent.

16 We were the second state in the nation to get IOLTA  
17 going. We had the highest, I think, perhaps -- we were rivals as  
18 to which one had the highest percentage of lawyers volunteering  
19 in IOLTA. But I think the income peaked, and as it's declined,  
20 our staff has declined, and we appreciate your support in going  
21 to the Congress and hope that you will continue to do that.

22 CHAIRMAN WITTFRAF: We commend you, Mr. Gross, for not

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1 being quite as prominent a Reggie as either Geraldo Rivera or  
2 John Doggett. We're not mistaking you for John Doggett yet, no.

3 PRESENTATION OF BOB SABLE, DIRECTOR

4 GREATER BOSTON LEGAL SERVICES

5 ROBERT SABLE: My name is Bob Sable, and I'm another  
6 lesser known Reggie. I became a Reggie in 1968. I graduated  
7 from Yale Law School, and I was assigned to Cleveland Legal Aid  
8 Society. I stayed there until 1974 as staff attorney, as a  
9 managing attorney, as the civil director.

10 In 1974, I came to the National Consumer Law Center,  
11 where I served until just this June, both as the staff attorney  
12 and as the director.

13 I'm now the director of Greater Boston Legal Services,  
14 which is the major field program for the Greater Boston Area, and  
15 we face the same problems of all our colleagues, but  
16 particularly, in the last two years, as our economy has gone  
17 down, our program has shrunk from 1980, where I'm told we had 90  
18 attorneys to now where we have about 50.

19 In the last two years, not only has our case load -- I  
20 mean, not our case load, but the number of people trying to get  
21 our services increased dramatically, but the severity of the  
22 problems that we are facing has increased -- that our clients are

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1 facing, rather, has increased dramatically as well.

2 MS. CONNOLLY: I've lost track of who we have. What  
3 we'd like to do with the group here at the table is to put a  
4 little flesh onto that which you have before you regarding a few  
5 of our programs. The people here are representative, their  
6 programs are representative of the programs in our region and, to  
7 some degree, obviously, in the country.

8 I think our directors are also representative of many  
9 of the people around the country who have engaged in this work,  
10 as you can see, for some period of their careers, if not fully.

11 We have some of the oldest programs in the country, if  
12 not some of the oldest directors, and we think we have among the  
13 best programs in the country, but when I say that, I say that  
14 when I mean that the entire community is one comprised of quality  
15 programs.

16 We like to think of ourselves as first among very equal  
17 and excellent programs. I'm going to ask Nann Heald, from Pine  
18 Tree Legal Assistance to start. She is our host and I think she  
19 will give you a sense of the community which you are visiting,  
20 perhaps from a different perspective from the Regency Hotel.

21 PRESENTATION OF NANN HEALD

22 PINE TREE LEGAL SERVICES

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1 MS. HEALD: Thank you, Meg. My name is Nann Heald. I  
2 graduated in 1980 from George Washington University in  
3 Washington. I came to Legal Services somewhat indirectly. I  
4 worked for the Interstate Commerce Commission.

5 I worked as a criminal prosecutor, and I worked for two  
6 years for an insurance defense firm in Portland, and then I came  
7 to Legal Services, and I can tell you that my job satisfaction  
8 here greatly exceeds the salary cut that I took to come here.

9 CHAIRMAN WITTGRAF: You didn't come from Verrill &  
10 Dana, I trust.

11 MS. HEALD: Pine Tree is a wonderful program, and I  
12 hope that many of you will take the opportunity to come tomorrow  
13 to visit with us at our Portland location to meet with our  
14 Portland directing attorney of our basic field office, with the  
15 head of our Volunteer Lawyers' project, which has a participation  
16 rate, I think, unequalled in the country.

17 Over 70 percent of the private bar in main participates  
18 in one form or another in our pro bono private bar involvement  
19 project at Pine Tree.

20 We have six field offices in Maine. We have one field  
21 office five and a half hours away from here in Presque Isle,  
22 which serves a single county, which itself is larger than

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1 Connecticut and Rhode Island together, to give you a sense of the  
2 rural access problems that we have in Maine.

3 Maine is a beautiful state. You've had a chance to see  
4 how lovely Portland is, but you should appreciate that we don't  
5 often encourage our visitors to go to the towns where our clients  
6 are struggling, to the mill towns where mills have closed and  
7 unemployment rates are very high, to the public housing projects  
8 where many of our clients are.

9 The legal needs study that was conducted in Maine in  
10 1989 concluded that one out of every five people in this state is  
11 eligible for our services at Pine Tree, and we are only meeting  
12 a tiny fraction of that need with our 25 lawyers. We have a  
13 staff that is incredibly dedicated, that works very hard.

14 They have been at Pine Tree an average of ten years,  
15 the staff attorneys that work here. We have paralegals that have  
16 been with our program for 21 years. Their connections and their  
17 roots in the community are very strong, and it really helps them  
18 provide the quality services that they do.

19 We work hand-in-hand with the private bar. We work  
20 hand-in-hand with the towns and the communities in which we  
21 provide services, to make sure that we are trying to meet the  
22 needs of those local communities, but our funding levels are

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1 EXECUTIVE DIRECTOR, RHODE ISLAND LEGAL SERVICES

2 MR. BARGE: I didn't know I was coming next. Thank  
3 you. My name is Robert Barge. I'm Executive Director of Rhode  
4 Island Legal Services. I'm a 1976 graduate of the UCLA School of  
5 Law.

6 I joined the staff of Rhode Island Legal Services in  
7 1979, a staff attorney in the Pawtucket office, and one year  
8 later, I became managing attorney of the Pawtucket office.

9 Thereafter, it was one office that was closed during  
10 retrenchment. At that particular period of time, we lost  
11 attorneys -- we had 27 attorneys, and now we have 13. So we lost  
12 about 25 percent of the staff. We also had to close the  
13 Pawtucket office, so I was no longer managing attorney.

14 I then went and developed the Inner City Advocacy  
15 Project of Rhode Island Legal Services, which was the outreach  
16 project to the minority community of Rhode Island.

17 We would actually go out to various agencies and  
18 interview clients at the agency itself. I also would circuit  
19 ride. Since we didn't have an office in the southern part of  
20 Rhode Island at that time, I'd circuit ride to the CAP agency  
21 there and interview clients there at the CAP agency.

22 I would also circuit ride to northern Rhode Island,

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1 since we didn't have an office there, and interview clients  
2 there. After IOLTA was developed, we then opened our two  
3 additional offices. We opened an office in northern Rhode Island  
4 in Woonsocket, and we opened an office in South County in the  
5 city of Wakefield, where I used to circuit ride to.

6 So I like to think of myself as a forerunner for those  
7 offices. We also have an office in Newport, which services the  
8 Newport County. The main office is located in Providence.

9 So as I indicated before, we have 13 attorneys. We  
10 have a total staff of 34, and we have 6 secretaries, a  
11 receptionist, a financial officer, a statistician, and one  
12 program coordinator. I included myself within those 13  
13 attorneys.

14 So we are nowhere near what we were in 1981, when we  
15 had 27 attorneys. We need 27 attorneys. That's what's necessary  
16 in order to even meet minimum access to the civil justice system.  
17 That's two attorneys per 10,000 low income people, and when I'm  
18 saying 27 attorneys, I'm talking about the 1980 census. I think  
19 that we have more low income people now.

20 The number of low income people in the service area  
21 presently is 93,000, and that's at 100 percent of the income  
22 guidelines, federal income guidelines. We, however, represent up

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1 to 125 percent of the federal income guidelines. That's 132,000  
2 people. 132,000 low income people.

3 No way can we provide legal assistance that's needed.  
4 Each year, however, we represent approximately 4,00 people, 4,000  
5 to 5,000. I think this year we'll probably represent 5,000. The  
6 majority of those are advice only. Some are referrals, some are  
7 direct representation.

8 We focus on representation for the individual client.  
9 However, I insist, and the program backs me 100 percent, that you  
10 also need to develop an expertise in some particular field. Many  
11 people, since we're divided into units in the main office, people  
12 develop an expertise in housing in a housing unit, and also in  
13 consumer.

14 In the FHEW unit people developed an expertise in  
15 family law or in welfare rights, or public benefits, SSI  
16 disability, unemployment compensation, et cetera.

17 In the branch offices, more or less people become a  
18 generalist, because you're required to see people with a host and  
19 a variety of problems in the branch offices. So they're more or  
20 less generalists.

21 Still, we require people, through that expertise, to  
22 also look for major problems affecting low income people, to look

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1 to resolve those problems. I won't take too long here. I was  
2 really just getting started.

3 CHAIRMAN WITTGRAF: There's no doubt that you're a  
4 lawyer. We can see that.

5 MR. BARGE: I'm going to cut it short, and I'll be  
6 brief, but at any rate, I just wanted to mention that despite  
7 focusing on the representation of individual clients, we also do  
8 significant litigation, and we look for the major issues that are  
9 affecting low income people. We look to get the bang for the  
10 buck.

11 One way of doing that, I'd just like to mention a  
12 couple of our cases. One, in particular, involves one of our  
13 attorneys, John Reo, who saw that one of the biggest problems  
14 affecting low income people was termination of their utilities.  
15 John Reo worked to develop, along with a client-eligible group,  
16 the Percentage of Income Payment Plan, called PIP.

17 This is a plan where people participate based on their  
18 gas bills a percentage of their income. We almost practically,  
19 for low income people who are participating in this plan,  
20 eliminated utility shutoffs. This plan is becoming a model, I  
21 believe, for the nation, and that's been implemented in Rhode  
22 Island for gas bills.

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1 I believe he's also looking to implement a similar  
2 program for telephone bills. I might also mention one other big  
3 bang for the buck case, and that is the YMCA. There was an old  
4 abandoned YMCA that once housed low income people, like most  
5 YMCAs do for \$10 a night, et cetera. Bob Sable, the managing  
6 attorney in Newport, saw the problem, that they were closing it.  
7 Those people would have no place to go.

8 What he did, in working with another client-eligible  
9 group, they developed the old YMCA into 100 units of low-income  
10 housing. Also, Bob was able to negotiate some space for our  
11 office in Newport in that building as well. I compliment him on  
12 that.

13 When you visit Newport, stop by and look at 50  
14 Washington Square. It is an unbelievable project. I don't know  
15 how he did it. He amazes me, but we have those kind of lawyers.  
16 Bob Sable has been with the program for 15 years. I assure you,  
17 Mr. Kirk, that you are getting bang for the buck from Legal  
18 Services programs. I guarantee it.

19 Those two cases alone, and I could go through others,  
20 are just tremendous cases, and I think is really evidence of the  
21 kind of commitment that you're getting from the Legal Services  
22 attorneys nationwide. Thank you.

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1 MR. KIRK: Can I ask a question about that?

2 CHAIRMAN WITTGRAF: Yes. Mr. Kirk.

3 MR. KIRK: I think those are fantastic projects. Tell  
4 me why the lawyer did those, and why wasn't somebody else to  
5 shepherd that through? I mean, this is just -- I mean -- and  
6 again, there's no criticism. I think it's great, but it would  
7 seem like there would be somebody else in the community that  
8 would do it.

9 MR. BARGE: Paperwork. There were people in the  
10 community. In fact, there was, I believe the -- well, I can't  
11 reveal that name, but it was a community organization. I don't  
12 want to reveal a client name at this point, but I'm sure that  
13 somewhere in our application we mentioned it.

14 Basically, the paperwork. It's so complicated to  
15 figure out what forms to file with the federal government in  
16 order to get federal funding to renovate a building of this  
17 nature. It's extremely complicated, and Mr. Sable was willing  
18 not only to spend the time that we'd pay him for but just hours  
19 upon hours of his own time.

20 I mean, I can't even begin to figure out how much time  
21 he spent, but it was a tremendous effort on his part in working  
22 with our community groups, and it was a success.

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1           CHAIRMAN WITTGRAF: Ms. Love.

2           MS. LOVE: I have a question for the young lady. You  
3 said you don't encourage -- I don't know if you set the Board,  
4 people to go to the poverty area. Why not? Because, you know,  
5 I feel that this Board, maybe I'm the only one that knows what  
6 the ghetto look like, and I feel like the Board would learn an  
7 awful lot if they go out there and get dirty. So what's the  
8 problem? I don't understand.

9           MS. HEALD: Well, Ms. Love, I didn't mean to suggest  
10 that we don't encourage that, but certainly our tourist bureau  
11 and the Governor at the reception last night did not encourage  
12 -- encouraged you to go to Freeport, as many of our visitors do  
13 go, and not to visit some of the heart of our client community.

14           I encourage this Board to do that. Our office in  
15 Portland is on the edge of the Monjoy Hill Community, and it is  
16 very evident that we have a significant client population there,  
17 and I hope that you will have time to walk around.

18           MS. LOVE: One last thing to that. I rode in  
19 Washington, D.C., and I'd never been to D.C. -- earlier in life,  
20 maybe 16 years old, but I took 85 cents since I've been on this  
21 Board, and I toured Washington on a bus and got lost. So it's  
22 nice to see the ghetto, and I believe in self-help.

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1 MS. HEALD: Thank you. If we could, Patricia Pap from  
2 Cape Cod.

3 MR. UDDO: I hate to interrupt. I'd just like to ask  
4 Mr. Barge one question. The percentage of income program, you  
5 said "case." Was that a product of litigation?

6 MR. BARGE: Well, I think it was being approached as  
7 administrative advocacy. We were contacted by a client-eligible  
8 group who knew what the problem was, and I worked with Mr. Reo,  
9 John Reo, on that issue.

10 MR. UDDO: So that's by administrative order that  
11 that's done? That's not by negotiation with the utility  
12 companies, is it?

13 MR. BARGE: Well, no, but it will be through a host of  
14 negotiations, I believe. We refer to it as administrative  
15 advocacy.

16 MR. UDDO: But it ends up being an administrative  
17 regulation. It's not an agreement between a group of clients and  
18 the utilities?

19 MR. BARGE: Right.

20 PRESENTATION OF PATRICIA PAP, DIRECTOR

21 LEGAL SERVICES OF CAPE COD

22 MS. PAP: Mr. Chairman, President O'Hara, Members of

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1 the Board, my name is Patricia Pap. I'm a 1978 graduate of Case  
2 Western Missouri School of Law. Immediately upon graduation, I  
3 went to Legal Services of Eastern Michigan in Midland, Michigan,  
4 and practiced as a housing attorney in a rural area for several  
5 years.

6 I then moved to the Saginaw office of that program as  
7 a managing attorney, and, in 1984, a little over seven years ago,  
8 I came to my current position as director of Legal Services for  
9 Cape Cod and the Islands. LSCCI is a rural, ex-urban sort of  
10 program that covers four counties, including Barnstable, Dukes,  
11 Nantucket, and Eastern Plymouth Counties.

12 It's a large geographic area that has no public  
13 transportation. According to the 1980 census, there were 40,000  
14 poor people and 40,000 elderly people who lived within our  
15 service area, but that is an area of tremendous growth, so I know  
16 those figures are much higher at this point.

17 Even this summer, the unemployment rate stayed at 15  
18 percent, and we are certainly seeing the effects of the  
19 recession. The most serious of the problems that our clients  
20 have are homelessness. There is also a significant problem with  
21 inadequate flow of income and with access to health care for both  
22 our low income families and our elderly and frail elderly

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1 clients.

2           Legal Services for Cape Cod and the Islands was  
3 organized in 1967, and throughout its history, it has had a long  
4 contact with the private bar and is very proud of those strong  
5 ties. Among the group of attorneys who formed the program we  
6 have two district court judges, one probate court judge, several  
7 bar association presidents, and many other members who are  
8 currently active in the local bar associations.

9           The program's strengths, the particular strengths of  
10 LSCCI, include aggressive service work on behalf of individual  
11 clients and representation of client groups and impact sort of  
12 work, including utility rate reform and access to medical care.

13           In 1990, LSCCI staff completed work on 2,400 cases,  
14 where already this year we have completed work on 3,300 cases, a  
15 54 percent increase, and this is the result of increased client  
16 demand and the current economic times.

17           I think that a particularly important factor in the  
18 effectiveness of LSCCI is its continuity and its stability. I'd  
19 like to mention some things in this regard, and I hope that you  
20 might consider them as you think about competition and  
21 competitive bidding.

22           The president of my board of directors is Bernard T.

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1 Kilroy, who is a partner in one of the largest law firms in our  
2 service area, which makes his firm about the same size as my  
3 program. He's been president of the board since 1973, and he's  
4 watched the program develop during the years.

5           When I told him that I was coming up here, he mentioned  
6 to me some of his thoughts about competition. He told me that  
7 his chief concern, when he first came to the program, was the  
8 lack of experience of the staff and the institutional newness of  
9 the program, which he believed led to an inefficiency in a  
10 handling of cases.

11           He contrasts that now to the current level of  
12 experience among the staff. We have one lawyer who has been with  
13 the program for 18 years. We have several other lawyers who  
14 boast 10 to 12 years of Legal Services' experience. Our  
15 paralegal staff is similarly experienced, 8 to 12 years, and our  
16 secretarial staff includes people who have been with us from 5 to  
17 8 years.

18           This experience gives us a tremendous accumulative  
19 knowledge in each of the staff people and in the program as a  
20 whole. Our staff know the legal needs of clients. They know the  
21 client community. They know the law, and they know the direction  
22 in which the law is developing. I think this makes us efficient

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1 and effective in the courtroom, in administrative hearings, and  
2 in any other form in which we participate.

3           The longevity of the staff and the stability and the  
4 visibility of the program also give us a credibility with the  
5 bench, the bar, and the government that overcomes the tendency  
6 which exists in these institutions to be antagonistic to the  
7 rights of poor people.

8           In addition to increasing our effectiveness, these  
9 relationships and our relationship with the client community  
10 require that our program remain innovative, flexible, and  
11 successful in its work, and I'd like to give you some recent  
12 examples of our innovations and experimentations.

13           One of our recent innovations was driven by private  
14 attorneys. A large law firm in a distant part of our service  
15 area came to me and asked me to design a pro bono program --  
16 there is a squeak, isn't there -- asked me to design a pro bono  
17 program in which each member of that law firm could participate,  
18 and the partner required that the commitment that each lawyer  
19 make be manageable in scope, be predictable in size, and be  
20 uniform so that they could do it on a regular basis and involve  
21 everyone.

22           As a result of that request, we came up with a program

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1 we call the Law Firm Counseling Project that has now expanded to  
2 include eight different law firms in three different locations on  
3 Cape Cod. This program provides initial counseling and advice to  
4 a much greater group of clients than we've been able to see in  
5 the past, allows them to see lawyers face-to-face at the first  
6 time at the initial interview and reduces the amount of traveling  
7 that they must do in order to see a lawyer.

8 Another recent innovation was client-driven. We  
9 noticed approximately a year ago that there were a flood of calls  
10 about bankruptcy coming into the office. Bankruptcy was an area  
11 in which we'd never practiced, but call after call finally  
12 convinced us that we had to do something about this.

13 So we recruited a panel of private attorneys who are  
14 familiar with bankruptcy, and they have conducted seminars for us  
15 about every six weeks where 20 or 25 clients who have problems  
16 with creditors will come in, learn what their rights are and  
17 learn about bankruptcy and whether that is a possible solution  
18 for them. At the same time, they find out that they are not  
19 alone in their problems with their income stream compared to  
20 their expenses.

21 MS. CONNOLLY: Pat, if I may. May I just check with  
22 the Chair as to our time allocation?

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1           CHAIRMAN WITTGRAF: I'm thinking that we need to recess  
2 by about 6 o'clock.

3           MS. CONNOLLY: If my other two colleagues can hold  
4 themselves, in spite of their educations, to five minutes, we  
5 would all appreciate it

6           MS. PAP: I'll try to --

7           MS. CONNOLLY: Okay. Thank you.

8           MS. PAP: I just want to tell you about one other thing  
9 that we're working on right now that is driven by a combination  
10 of client/community, private bar, and the judiciary. It has to  
11 do with the reevaluation of our family law priorities based on  
12 shrinking court resources and growing client needs in this area.

13           I think that my essential point to you is that there  
14 are a number of factors that exist for a legal services program  
15 because of relationships, because of a need to protect a  
16 reputation, because of a desire for goodwill and our professional  
17 contacts that require that we constantly be vigilant to our  
18 effectiveness and our efficiency, which demand that we experiment  
19 and be innovative.

20           I think that these factors are far more powerful than  
21 competitive bidding is in the environment in which we exist. So  
22 let me stop there. I think that there are other things as well

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1 I wanted to talk to you about, the staff and stress and so on,  
2 but I think this gives you a sense of the message I'd like to  
3 convey to you.

4 I'd like to recommend that if you're going to study  
5 competition, you include a study of factors like those which I've  
6 mentioned, and see how they operate in each and every field  
7 program throughout this country and then compare the positive  
8 aspects of those to the competition.

9 MS. CONNOLLY: Hugh. Hugh Heisler.

10 PRESENTATION OF HUGH HEISLER, PROJECT DIRECTOR,  
11 LEGAL ASSISTANCE CORPORATION OF CENTRAL MASSACHUSETTS

12 MR. HEISLER: Thank you. Mr. Chairman, Mr. O'Hara,  
13 Members of the Board, my name is Hugh Heisler. I'm presently the  
14 project director of Legal Assistance Corporation of Central  
15 Massachusetts. I've been with LACCM, as we're known, as our  
16 acronym is known, for about two years.

17 Prior to that, I had served in a number of different  
18 capacities with a Legal Services program in Newark, New Jersey,  
19 following my graduation from Rutgers School of Law in Newark in  
20 the early '80s.

21 I served as a staff attorney prior to a brief hiatus as  
22 a judicial law clerk with a federal district court judge in

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1 Newark and then returned to Essex Newark Legal Services as a  
2 litigation director, served for about a year and a half as acting  
3 executive director before moving to my presenting position.

4 LACCM is a program that serves both urban and rural  
5 poor people throughout Worcester County, which is the largest  
6 county in Massachusetts, basically cutting a swath down the  
7 central part of the state. Our staff is composed of 38  
8 individuals, 19 of whom are attorneys, 11 paralegals, and the  
9 balance are administrative and support staff.

10 In my biased opinion, each of these staff members are  
11 truly dedicated professionals, many of whom have committed their  
12 professional lives often at great sacrifice to serving the  
13 interests and the legal needs of the poor people residing within  
14 our service area, needs which have dramatically escalated over  
15 the past several years.

16 I think we have, because of that dedication and the  
17 amount of expertise that these individuals have developed over  
18 many years, gone a long way towards achieving our goal of  
19 becoming a respected force to be contended with within the legal  
20 profession in our areas of specialization.

21 Just a brief example of that, I meet periodically with  
22 judges before whom our staff appear on a regular basis. In

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1 meeting recently with the housing court judge in Worcester, he  
2 commented somewhat tongue-in-cheek that his primary criticism of  
3 our attorneys was that they were too good and further remarked  
4 that in his over four years of practice sitting on that bench in  
5 that position he could not recall a single case in which our  
6 attorneys had not prevailed on behalf of our clients.

7 I wanted to just briefly focus some of my remarks on  
8 the movement of the Board in the direction of competitive  
9 bidding. I'm hopeful that this movement represents a good faith  
10 desire to enhance quality representation; however, I would urge  
11 the Board not to undertake implementation of some sort of system  
12 of competition without a full assessment of the extent to which  
13 quality is not already being provided.

14 My fear is that well-meaning attempts to fix something  
15 that might not be broken could result in the destruction of  
16 existing relationships and systems, many of which Patty referred  
17 to, that already exist and contribute in a big way towards the  
18 level of representation that's already being provided.

19 I specifically wanted to note the effect that  
20 competitive bidding or some sort of competitive system within the  
21 delivery system of legal services to poor people could have on  
22 the extent to which we, as grantees of the Legal Services

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1 Corporation, are already accountable to local organizations, bar  
2 associations, and client groups and reinforce my concern that  
3 some system of competitive bidding could defuse and would likely  
4 defuse that accountability, the accountability that already  
5 exists.

6 I mention local control not simply as a mantra that's  
7 repeated by grantees in response to efforts to further some sort  
8 of national agenda; rather, I think that programs like LACCM, but  
9 I don't think we are atypical, already operate under a  
10 microscope; that we have relationships with the Bar Association,  
11 with the Judiciary, with our clients groups, which already hold  
12 us accountable, to a large extent, in our efforts to serve our  
13 client population.

14 We work very cooperatively with the private bar, and I  
15 think there is a sense, particularly within our county, where we  
16 only have one bar association -- I believe that they already have  
17 a sense of ownership over our program through the McCollum  
18 provisions in the statute. As you know, our board is composed --  
19 18 of the 30 members of our board are appointed by the local bar  
20 association.

21 Currently, we have the present president of the Bar  
22 Association and two former presidents of the Bar Association

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1 serving on our board. We work very cooperatively with the Bar  
2 Association. We operate the PAI program in our county. We  
3 worked very closely with the committee that was formed in  
4 response to the MBA's challenge to increase the level of  
5 participation by private attorneys in existing PAI programs by  
6 500 attorneys, and as a result of those efforts, increased our  
7 panel by 150 attorneys to a level of over 500 private attorneys,  
8 which represents about 50 percent of the practicing attorneys in  
9 our area.

10 We also have a number of local funding sources who also  
11 provide direct oversight and support on a regular basis, and I  
12 caution that the Board may be moving in a direction that's out of  
13 step with the emphasis that's being placed at a local level on  
14 providing services to low income people.

15 I think, if you speak to local funding sources, you'll  
16 find that there is a lot of emphasis being placed not on creating  
17 more providers within a given area for particular types of  
18 services, but rather in consolidation, merger, and cooperation in  
19 providing services, the intention being to eliminate duplication  
20 of services and eliminate duplication of administrative expenses.

21 This is not a new development. We have, in 1983, prior  
22 to 1983, there was a system within our -- there was competition

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1 within our service area that, in many ways, resembles several of  
2 the models that are being considered by the Board presently.

3           There was the Worcester County Legal Aid Society and  
4 the Central Massachusetts Legal Services Program operating within  
5 our service area with overlapping areas of service and two  
6 programs that were competing for funds from the same funding  
7 sources.

8           It was not at the instigation of the two programs to  
9 try to consolidate those services, but rather at the direction,  
10 inspiration, and not the least of which, a fair amount of  
11 pressure from groups like the local United Way, the Worcester  
12 County Bar Association, for those two programs to merge.

13           Rather than concluding that the competition that  
14 existed between the two programs was healthy were elevating the  
15 quality of services that was being provided to clients. It was  
16 the consensus among local groups and local groups consisting of  
17 highly respected members of the community that it was causing --  
18 that these two side-by-side programs were causing confusion among  
19 the client population, many of whom are not terribly  
20 sophisticated in seeking out services, was causing confusion  
21 among social service agencies who were unsure as to which group  
22 to refer clients.

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1 I can imagine that level of confusion, given the extent  
2 to which our advocates work very closely and hand-in-hand with  
3 other social service providers, that that competition was causing  
4 duplication of services that the local funding source did not  
5 want to have to pay for and was causing inefficient duplication  
6 of administrative expenses that the local funding sources did not  
7 want to have to pay for, and they were paying for both. Both  
8 programs were receiving monies from the Worcester County Bar  
9 Association and receiving monies from the local United Way  
10 program.

11 CHAIRMAN WITTGRAF: Did you have a final comment you  
12 want to make?

13 MR. HEISLER: Just by way of another metaphor. In  
14 summing up, I just wanted to caution the Board against throwing  
15 the baby out with the bath water. We are providing quality, and  
16 I'm not an apologist for the present system. There are clearly  
17 ways in which we can improve, but I think there are also ways  
18 absent some exploration into a competitive model that the  
19 services and quality can be improved within the existing delivery  
20 system.

21 CHAIRMAN WITTGRAF: Ms. Connolly, let me make a  
22 suggestion. This may not be fair to two or three of you, as

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1 things have unfolded, but I think it might be more beneficial for  
2 the Board and, perhaps, for you all, if we were to let the Board  
3 members ask some questions or make some comments at this point.  
4 Every program is different, but I think there certainly are many  
5 similarities among those and even among the four who have had a  
6 chance to describe their programs thus far.

7           Let me ask one question first: If my reading of the  
8 background data we have is correct, all four of the programs  
9 represented by the four people who have just spoken have been  
10 monitored within recent weeks or within the last six months, and  
11 you did get the visit from Mr. O'Hara, Mr. Santo, and other  
12 members of the staff yesterday, but would one or two or more of  
13 you like to comment briefly on the experience, or Mr. Steinberg,  
14 perhaps, of your most recent monitoring, both going to the  
15 comment Mr. Uddo made earlier this afternoon about, say, a few  
16 years ago compared with today, and, briefly, any suggestions  
17 about the future of that relationship to make it a helpful one as  
18 well as an accountability one?

19           MR. SABLE: I was monitored within a month of becoming  
20 the new project director, and fortunately avoided the  
21 premonitoring requirements. We were required -- what we  
22 submitted was 16 pounds of materials to the Legal Services

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1 Corporation, which tied up our administrative staff for a  
2 significant amount of time. We had a team in our office for a  
3 month -- I mean, excuse me, for a week --

4 CHAIRMAN WITTGRAF: It seemed like a month, yes.

5 MR. SABLE: It was only a week. I will say that  
6 compared with earlier monitoring visits that I had been told  
7 about and earlier monitoring visits in my previous program, the  
8 level of professionalism, the level of courtesy, was much higher,  
9 was definitely no attempt at confrontation, an intent to get  
10 through it in an honest way.

11 I think there was virtually no serious attempt at any  
12 -- attempt to evaluate the quality. The quality of our work is  
13 strictly, as far as I could see, compliance-thing, with the  
14 exception, I would say, of the fiscal people who were helpful, in  
15 terms of various types of fiscal things, but the rest of it is  
16 simply an endless going through of whether or not we were in  
17 compliance with endless LSC regulations, which we had always been  
18 found in compliance with and am confident we'll be found in  
19 compliance with again.

20 Mr. Severson, who was with us, suggested that, "Hey,  
21 your program looks like it's in compliance now. It was in  
22 compliance two years ago when they came. It was in compliance

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1 two years ago. Is there any need to go through this every two  
2 years to find the same thing?" I would echo his comment.

3 PRESENTATION OF ANDY STEINBERG, EXECUTIVE DIRECTOR

4 WESTERN MASSACHUSETTS LEGAL SERVICES

5 MR. STEINBERG: Yes, my name is Andy Steinberg. I'm  
6 Executive Director of Western Massachusetts Legal Services, and  
7 I won't comment on our 1985 monitoring visit, because Susan  
8 Sparks was the head of the team, and it might be difficult, but  
9 it actually was a very good visit then.

10 We have not had a bad monitoring experience, but it has  
11 been difficult. To compare '87 -- the last two years, two years  
12 ago, the amount of documents requested was much greater because  
13 it was done as very much of a shotgun approach, trying to ask us  
14 to see large volumes of files, which became very difficult to  
15 respond to.

16 I think the significant difference in the premonitoring  
17 requests, which was still quite voluminous at about 1,000 pages,  
18 but more particularly at the on-site was much easier to deal with  
19 than the on-site visit this year. It was very focused requests  
20 and, as a consequence, it was much easier to respond to.

21 We had a monitoring team of five. Mr. Dana was asking  
22 about attorney members of the team. We had two attorney members

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1 on the team of five. The attorney members on our team were  
2 experienced. One was a private practitioner from Louisville.  
3 The other one was a private practitioner who did have some  
4 experience in housing law.

5 I did have the comment from a number of members of my  
6 staff that he asked narratively about their housing work and  
7 engaged them in conversations, and whether it's reflected in the  
8 report or not, he certainly was quite clearly in the position to  
9 understand the quality of the work that they were presenting, and  
10 the visit was not of the same nature as it had been before.

11 A substantial amount of time was spent on compliance  
12 monitoring, as Bob Sable just indicated, checking to make sure  
13 that we were in compliance with regulations. That was what we  
14 expected before the visit began. It's clearly the responsibility  
15 of the Corporation to make sure grantees are in compliance, so I  
16 was not surprised, and we expected it and certainly cooperated  
17 with it.

18 CHAIRMAN WITTGRAF: Mr. Dana.

19 MR. DANA: I think these presentations have been very  
20 helpful, but would the gentleman who hasn't spoken to us  
21 introduce himself, and I give you my question time just to find  
22 out who you are and what your program is.

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1 PRESENTATION OF NORMAN JAMES, EXECUTIVE DIRECTOR

2 CONNECTICUT LEGAL SERVICES

3 MR. JAMES: Thank you very much, Mr. Dana. My name is  
4 Norman James. I'm the Executive Director of Connecticut Legal  
5 Services. Actually, I'd love to tell you about my program. I'm  
6 a little curious about what's in your red books.

7 CHAIRMAN WITTGRAF: There's no reference to Long John  
8 or long anything else.

9 MR. JAMES: Good. I'm off the hook then. That's  
10 great. Actually, I've been involved in legal services for a  
11 longer time than Bob Gross, although he's been an executive  
12 director for longer than I have.

13 CHAIRMAN WITTGRAF: You haven't had the opportunity of  
14 being able to mature with the color of your hair as rapidly as  
15 Mr. Gross, apparently.

16 MR. JAMES: No, that's right. I am younger than Mr.  
17 Gross. I appreciate it, Mr. Dana. I would say four things to  
18 the Board very, very quickly, although the urge to say a great  
19 deal more is quite overwhelming. I've been involved with Legal  
20 Services since 1967, and I've never had an opportunity like this.

21 CHAIRMAN WITTGRAF: And if you're lucky, maybe you  
22 never will again.

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1           MR. JAMES: I'm thinking the same thing. Please come  
2 and visit if not Connecticut, some of the programs. I don't  
3 think there's any way that you can really understand what we're  
4 about other than spending some time watching us do it.

5           The work we do is really something very exciting and  
6 very dramatic, and my colleagues have told about some of the ways  
7 in which we've been able to make a significant difference for our  
8 clients, but you also have to understand that most of what we do  
9 is pretty unglamorous.

10           We're representing individual clients, helping them  
11 like any lawyer, clean up the messes in their lives, and lots of  
12 times, that's very hard and unglamorous and not very exciting on  
13 a case-by-case basis.

14           The third thing is, when I hire new staff, and I'm  
15 happy that the Connecticut IOLTA program, we're on the crest of  
16 the wave, so we have increased our staff, and I've done quite a  
17 bit of hiring recently, I tell every new lawyer who comes on  
18 board that one of the hardest things that they will do in their  
19 practice in the Legal Services program is to say no, and every  
20 day they must say no to some client who has a very compelling  
21 need to be represented by a lawyer.

22           Again, you've been told that, and you've heard

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1 statistics, but you really have to feel that in order to really  
2 fully understand just how much of a burden that is. My final  
3 point that I would like to share with you is something which I  
4 think was certainly humbling to me and I hope will be somewhat  
5 humbling to you on the Board, and that is we're all part of a  
6 movement which is really greater than those of us who have been  
7 doing it a long time and the programs that have been doing it for  
8 a long time.

9 It's greater than the Legal Services Corporation. It's  
10 even greater than the Congress, if you can believe that. This is  
11 a movement which is here to stay. It'll be here to stay, because  
12 the clients will demand it, because the organized bar, the legal  
13 profession in this country will demand it, and I really think  
14 that the American people will demand it. Thank you.

15 CHAIRMAN WITTGRAF: Thank you, Mr. James. Mr. Hall.

16 MR. HALL: I have nothing.

17 CHAIRMAN WITTGRAF: Mr. Kirk.

18 MR. KIRK: Mr. Heisler, I hope that you and I have a  
19 chance to talk maybe when this is over. I think that, as  
20 lawyers, we tend to stake out our territory, and maybe, if we  
21 talked, I have some questions I would really like to ask you and  
22 probe into some of the issues that you spoke about last. So if

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1 you would be around, I would like to do it.

2 MR. HEISLER: I'd be happy to.

3 MR. KIRK: Mr. James, you're exactly right that we do  
4 need to get in the field. We need to spend more time, and I  
5 think it goes without saying that each time we've had exposure to  
6 the elite of the field such as you but also getting into the  
7 offices and seeing how they work, it's affected us all.

8 Maybe, if some of you would listen to some of the  
9 critics a bit and understand their consternation and their  
10 concerns and understand those as well, we would all be able to  
11 move a little easier toward our stated goals.

12 We hear, perhaps, a lot more complaints and have to  
13 look at them from those who are concerned about what's happening  
14 with Legal Services, and so, to whatever extent I can offer you  
15 the opportunity to talk to somebody that's been burned by their  
16 own taxpayer dollars in what they considered an unjust way, you  
17 could understand why there's a lot of concern, but I want to  
18 reiterate that we all stand by the same effort and that's to  
19 deliver the most we can to the poor.

20 CHAIRMAN WITTGRAF: Ms. Love.

21 MS. LOVE: I've enjoyed coming to Maine. I've enjoyed  
22 going to the field, and I feel like we are an old board but yet

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1 a new board, and we are really trying to reach out to you all,  
2 and I think you all should cooperate with us and help us, because  
3 we're learning. Thank you.

4 MS. CONNOLLY: That's what we're doing here, I hope.

5 MS. LOVE: Thank you.

6 CHAIRMAN WITTGRAF: Mr. Shumway.

7 MR. SHUMWAY: Thank you, Mr. Chairman. I keep telling  
8 myself that I should not express what I'm thinking at this  
9 moment, but as I've listened to the panels this afternoon, it  
10 seems to me that there are, basically, six assumptions that have  
11 been at the predicate for much of what we've heard, not  
12 everything, but many of the comments have been based upon these  
13 assumptions.

14 One is that -- and I've made note as I've listened to  
15 this things. One is that we don't realize or recognize the  
16 devotion, the dedication, the skill of Legal Service lawyers.  
17 The second is that we don't understand what ghettos look like and  
18 somehow we don't keenly perceive the need for legal services to  
19 the poor.

20 A third is that any enhancement of the program  
21 providing legal services to the poor must come from the federal  
22 government. A fourth is that we, somehow, this Board, can

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1 increase the funding available for this program so that more  
2 lawyers could be hired and we're somewhat liable for our alleged  
3 shortcomings or the shortchanging of the program now.

4 Five, we are blind to the provisions of the Legal  
5 Services Act and amendments to bills as they've gone through  
6 Congress each year, and six, that somehow competition is bad per  
7 se, and we shouldn't even look at it.

8 If, indeed, these assumptions are correct, and I've  
9 seen them referred to in different ways over and over again, I  
10 believe they have been the message we've heard, I think they're  
11 all faulty. I think that there is a great deal of perception on  
12 the part of this Board, understanding of the problem, desire to  
13 address it, efforts made long before I became a member of the  
14 Board to be efficient, to be responsive.

15 I would just like to remind this panel as well as prior  
16 speakers that our job is to carry out the law. We want to work  
17 with you in doing this. That's certainly my point of view, but  
18 I don't think it helps any of us to come here with the attitude  
19 of killing the messenger.

20 We are very willing to hear suggestions, and certainly  
21 I think our programs can be improved, but I don't think that  
22 comments that are based upon assumptions like these really are

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1 the kind of comments that are going to be mutually constructive.

2 CHAIRMAN WITTGRAF: Mr. Uddo.

3 MR. UDDO: Let me just say that I guess partly in  
4 response to what Mr. Shumway said, I understand a little bit  
5 better than maybe most the tone of the comments and some of the  
6 presuppositions, and I think some of it is overstated, but a lot  
7 of it is based upon an experience from a prior board that I  
8 served on, and Blakeley was there for a period of time, and I  
9 think there was a different relationship, and I think that we're  
10 just paying the price of having damaged a relationship that we've  
11 got to reconstruct to be more positive and more constructive.

12 I think it's pretty clear, and I would say this to all  
13 of the people who spoke today that I do believe that you're  
14 operating with a group of people who are coming from the  
15 perspective of goodwill, who are trying to be more positive in  
16 their approach and who are trying to have a positive impact on  
17 the delivery of legal services for the poor.

18 I understand what causes your concern and your  
19 suspicion, but I also know these folks well enough to know that  
20 it's a different era, and I think we can start off on a different  
21 foot.

22 CHAIRMAN WITTGRAF: Ms. Wolbeck.

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1 MS. WOLBECK: For once, George, I will say something.  
2 I keep hearing from people that I don't talk enough, but this has  
3 been very overwhelming for me, and I'm listening. I'm really  
4 listening. I appreciate being able to come to Maine. It's  
5 beautiful and the people are wonderful, and I appreciate your  
6 time to come and tell us how you feel about these things, because  
7 it's very important to me that I hear this.

8 I have a lot of questions, but it's questions that I  
9 need to ask of you people who work in the field, and I really  
10 would like to come out and see some of your programs and to be  
11 able to sit down one to one with some of you, because, like I  
12 said -- I mean, I keep asking -- in case you noticed, I keep  
13 talking to Mr. Uddo, CLE, Continuing Legal Education, I have a  
14 lot of abbreviations I need to find, things like that. So I hope  
15 you didn't find that too irritating, but just be patient with us,  
16 and we really do care. We do want to try, and we are listening.  
17 Thank you.

18 MS. CONNOLLY: I think you can tell from the time we  
19 took to discuss our programs that we'll be only too happy to  
20 explain anything in greater detail.

21 CHAIRMAN WITTGRAF: I think at least several of us,  
22 hopefully the majority of us, will be sharing, hopefully, some

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1 firsthand experiences with Ms. Heald and members of her staff and  
2 members of her board tomorrow afternoon before we have to depart  
3 this fair part of the country.

4 We have, in the last year and a half, been preoccupied  
5 with a lot of administrative matters, not the least of which has  
6 been the selection of a president and then the selection of  
7 another president, and I guess I'll go back to Mr. Ross's  
8 comment, and I don't mean to ask any of you to accept  
9 accountability for John's comments.

10 There have, no doubt, been seven presidents during the  
11 last year. I guess we can't guarantee -- excuse me, during the  
12 last six years. It only seemed like seven in the last year. And  
13 we have periodically asked Mr. Martin, Mr. O'Hara, and others why  
14 in the world they would want to even get a piece of this action,  
15 and to their credit, they're willing.

16 That has preoccupied us necessarily and, perhaps,  
17 unfortunately, and I would say to Mr. Ross and to all of you that  
18 one reason we moved so swiftly on September 16th in Jackson,  
19 Mississippi, in selecting Mr. O'Hara was not only because of our  
20 faith in him but also because of our desire to move on quickly  
21 and not to put our relationship with one another, our  
22 relationship with our staff, our relationship with you in the

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1 field into limbo for another four to six to eight months,  
2 perhaps, as we had to do in 1990, as we were all coming aboard  
3 initially, except Mr. Hall and Mr. Dana at that point, and that  
4 was the reason that we moved forward so quickly.

5 I would like to think, again, going to Mr. Grecco's  
6 comment, I guess, that there is no parachute for Mr. Grecco.  
7 There will be little or no parachute for Mr. O'Hara, at his  
8 request. On the other hand, we hope that we might be at a point  
9 where we will have a president who makes it through a year and  
10 maybe two years and maybe three years.

11 Part of it may be due to his ability to get along with  
12 all of us, who try to be of goodwill and good cheer with one  
13 another and with him on our staff, also, his ability to get along  
14 with you all in the field and with our own staff. Hopefully, our  
15 staff and you, and we on the Board won't chew him up over the  
16 next year so we might get two or three years before he starts to  
17 covet Social Security and the possibility of retirement.

18 It may be more than two or three years. That would be  
19 wonderful. We were in Denver a year ago at this time, 13 months  
20 ago, and that was a learning experience for several of us. Most  
21 of us have been in projects and visiting with programs in our  
22 immediate geographic areas. We were in Jackson last month, as

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1 you know.

2           We're here today, and as we look to 1992, particularly  
3 while we haven't been confirmed and have no regulatory authority,  
4 which should cause all of you to sigh just a little breath of  
5 relief, one of the things that we undoubtedly will be doing in  
6 1992 is spending a great deal of time in the field. We won't  
7 threaten yet that we'll be in Connecticut, but we will be,  
8 hopefully, in four or five, six other parts of the country, and  
9 we will be continuing to learn.

10           Clearly, one of the things we can do as advocates for  
11 more funding for civil legal services for the poor is to be able  
12 to understand better and to be more persuasive in our dealings  
13 with the Congress. At the same time, you do, as suggested by Mr.  
14 Kirk and Mr. Shumway and others, need to work with us to help  
15 make the case that we're being as accountable, in terms of both  
16 economy, efficiency, and quality as we can.

17           We think that as we ask you to help us in that regard  
18 that we are, among other things, facilitating the making of a  
19 better case for more resources. I'm a little skeptical, as I  
20 think others here are, that we'll be able to get the federal  
21 government to pick up the whole gap that exists, in terms of  
22 meeting minimum access.

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1           We'll do as much as we can, and that's what our work  
2 begins with for FY '93 at our next meeting in November, but try  
3 to understand that we think we can be more persuasive as we can  
4 make the case that you're doing a fine, fine job, and part of  
5 that is, unfortunately, the burden of some statistics.

6           Trust us that we'll try to go to those statistics that  
7 we consider essential, try to eliminate those statistics, those  
8 stacks of papers that are not essential, either for  
9 accountability and reporting to Congress, or simply for  
10 monitoring to make sure that you're doing what we think the law  
11 says you're supposed to do.

12           We want to work together with you, and we think, just  
13 as with the \$350 million appropriation for the new fiscal year  
14 that we can accomplish far more together and do give us the  
15 benefit of the doubt, as several of us has asked.

16           While we may not agree on every single thing, and why  
17 we may try some innovative methods, which may still carry the  
18 label competitive bidding or competitive funding, please don't  
19 assume that that's a destructive effort on our part, an effort  
20 that's going to destabilize, necessarily, a generally good system  
21 that's in place and has been in place in various parts of the  
22 country for 15 to 20 to 25 years or more.

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1           So do give us the benefit of the doubt, just as I think  
2 we try to give you all the benefit of the doubt as we make the  
3 case for increased funding for civil legal services for the poor.

4           We will be, on an annual basis, hopefully, having  
5 conferences where we try to get together with you, as we will in  
6 two months in St. Louis. As your time allows, as your budgets  
7 allow, do try to join us.

8           We're learning every time we get together with you, and  
9 we're cutting you a little bit short today, and we apologize for  
10 that, but try to get together with us when we're someplace where  
11 the doors are open, and we'll be traveling around the country in  
12 the meantime.

13           We thank all 11 of you for being here and taking the  
14 time to be here, taking that part of your budget, perhaps, that  
15 made it possible for you to be here, taking it away from  
16 something else. We hope to see you often, and we hope to be able  
17 to move forward together. We're going to recess at this point  
18 until 9 o'clock tomorrow morning.

19           Two things as we recess. First of all, when we convene  
20 in the morning, for those of you who foolishly or otherwise are  
21 still around, we probably will spend the first hour and a half or  
22 so no closed or Executive Session. So open session probably

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1 won't be until 10:30 or later. Mr. Dana, you have an  
2 administrative comment to make?

3 MR. DANA: If you will tell me the time.

4 CHAIRMAN WITTGRAF: 6:05.

5 MR. DANA: At 6:30, those of us who are going out to my  
6 house for dinner should be -- can get into two vans, which are  
7 outside, and there are two or three cars to take the stragglers,  
8 but I would encourage you to be there at or about 6:30, and dress  
9 informally, if you can. It's not required, but dress informally,  
10 if you can.

11 CHAIRMAN WITTGRAF: And thank you all. We'll look  
12 forward to seeing you again.

13 (Whereupon, at 6:07, p.m., the board meeting was  
14 concluded.)

15 \* \* \* \* \*

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