

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

COMMITTEE ON PROVISION
FOR THE DELIVERY OF LEGAL SERVICES

Friday, August 23, 2002

12:00 p.m.

The Marriott at Metro Center
775 12th Street, N.W.
Washington, D.C.

COMMITTEE MEMBERS PRESENT:

Ernestine P. Watlington, Chair
Douglas S. Eakeley (ex officio member)
F. William McCalpin
Maria Luisa Mercado

BOARD MEMBERS PRESENT:

Hulett H. Askew
LaVeeda Morgan Battle
Edna Fairbanks-Williams

STAFF AND PUBLIC PRESENT:

John N. Erlenborn, President
John Eidleman, Acting Vice President for Compliance
and Administration
Victor M. Fortuno, Vice President for Legal Affairs,
General Counsel and Corporate Secretary
Mauricio Vivero, Vice President for Governmental
Relations and Public Affairs
Randi Youells, Vice President for Programs
Leonard Koczur, Acting Inspector General
Laurie Tarantowicz, Assistant Inspector General and
Legal Counsel
David Maddox, Assistant Inspector General for Resource
Management
David L. Richardson, Treasurer and Comptroller
Mattie C. Conray, Senior Assistant General Counsel
Alice Dickerson, Director, Office of Human Resources
Patricia Hanrahan, Special Assistant to the Vice
President for Programs
John Meyer, Director, Office of Information Management
Christopher Sundseth, Research Analyst, Office of
Information Management
Leslie Russell, Director, Office of Information
Technology
Michael Genz, Director, Office of Program Performance
Robert Gross, Senior Program Counsel, Office of Program
Performance
Cynthia Schneider, Program Counsel, Office of Program
Performance
Reginald Haley, Program Counsel, Office of Program
Performance
Althea Hayward, Program Counsel, Office of Program
Performance
Joyce Raby, Program Analyst, Office of Program
Performance
Glen Rawdon, Program Counsel, Office of Program
Performance
Robert Dieter, University of Colorado
Michael McKay, McKay Chadwell
Frank Strickland, Attorney, Strickland Brockington
Lewis, LLP
Linda Perle, Senior Staff Attorney, Center for Law
and Social Policy
Elizabeth Arledge, Director Communications, National
Legal Aid and Defender Association

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

2 CHAIR WATLINGTON: I'd like to welcome everyone to
3 the Committee on Provision for the Delivery of Legal
4 Services, August 23rd, here this morning.

5 And I don't know all of the new people here, but we
6 have attendance -- the committee present as Maria and Bill
7 McCalpin, and then we have other board members, and we have
8 the president of the board, and also the president of the
9 Corporation present with us also.

10 I'd like to open the meeting with the approval of
11 the agenda.

12 M O T I O N

13 MR. McCALPIN: So moved.

14 MS. MERCADO: Second.

15 CHAIR WATLINGTON: It's been moved and seconded,
16 the approval of the agenda. Signify by saying aye.

17 (A chorus of ayes.)

18 CHAIR WATLINGTON: So moved.

19 The next should be the approval of the minutes of
20 the committee meeting.

21 M O T I O N

22 MS. MERCADO: I move their approval, Madame Chair.

23 MR. McCALPIN: Second.

24 CHAIR WATLINGTON: It's been -- signify the
25 approval by saying aye.

26 (A chorus of ayes.)

27 CHAIR WATLINGTON: So approved.

28 MR. EAKELEY: This may be a record, the first time
29 Mr. McCalpin hasn't amended minutes of a meeting in nine
30 years.

31 MR. McCALPIN: I've been silenced because Bucky
32 tells me I missed something in the board minutes.

33 (Laughter.)

34 MR. EAKELEY: Very depressing.

35 CHAIR WATLINGTON: Okay. The next item on the
36 agenda is a report by Glenn -- I don't know how to say that
37 last name.

38 MR. RAWDON: Rawdon.

39 CHAIR WATLINGTON: Office of Program Performance
40 and Office of Information Management, an update.

41 MR. EAKELEY: With Chris Sundseth.

42 MR. RAWDON: Thank you very much. The projector is
43 warming up here and we'll have a nice slide show.

44 Today our report is on the Matters Reporting
45 System. In way of background, you'll remember that several
46 years ago we started working with the programs and with some
47 of the vendors to ensure the accuracy of the CSR reporting
48 system.

49 And at that time, many of our grantees said to us,

1 but there's much that we do that is not related to the cases;
2 that when we report to you the cases, that doesn't tell you
3 the full story of what we're doing.

4 So we put together a group under the direction of
5 John McKay, who was then president at LSC, to start looking
6 into the Matters Reporting System. In other words, we wanted
7 to look at items that are not cases, but which our grantees
8 provide services to the public.

9 And so when John McKay left, he turned the reins of
10 this group over to Randi Youells. And to remind you, that
11 group was made up of Bert Thomas and Danilo Cardona in the
12 Office of Compliance and Enforcement, Chris Sundseth and John
13 Meyer in the Office of Information Management. Mike Genz and
14 myself were on it for OPP. And then Randi Youells and John
15 Eidleman as well have been working on this project.

16 So it was a joint function at LSC that came up with
17 the Matters Reporting System. It wasn't just from one
18 particular unit at LSC.

19 I'm not sure why the -- I apologize for the
20 technical difficulties.

21 MR. EAKELEY: I suspect you didn't include the
22 Office of Information Technology in your working group.

23 MR. RAWDON: I'm sorry. I understand now why we're
24 having problems.

25 MR. EAKELEY: Leslie has ways of getting back.
26 (Pause)

27 CHAIR WATLINGTON: I can get the president to
28 introduce our three new board members that are present with
29 us today that I forgot to.

30 MR. EAKELEY: Let me say welcome to Frank
31 Strickland, Bob Dieter, and Michael McKay.

32 MR. McCALPIN: Once again.

33 MR. EAKELEY: Once again.

34 Does the slide presentation track the written
35 materials in the board books?

36 MR. RAWDON: Yes. We can do it without the slide
37 show, if you like.

38 MR. EAKELEY: Why don't we do it, because the board
39 book materials were excellent, I thought. So give it another
40 try.

41 CHAIR WATLINGTON: We have a full agenda here.

42 MR. EAKELEY: It starts on page 12 of the
43 materials, under Provisions.

44 MR. McCALPIN: Guess what? I never got that in my
45 book. That's missing from my book.

46 MS. MERCADO: It sure is. He doesn't have it.

47 MR. EAKELEY: Randi, do you have another copy of
48 the status report on the Matters Reporting System, or an
49 extra board book for Mr. McCalpin?

1 MR. McCALPIN: My book goes from page 11 to page
2 22.

3 MS. MERCADO: That whole color part is not in
4 there.

5 MR. McCALPIN: Pardon?

6 MS. MERCADO: The whole colored section is not in
7 yours.

8 MR. EAKELEY: Gremlin. It's the same gremlin.

9 MR. McCALPIN: Yes.
10 (Pause)

11 MR. ERLBORN: Glenn, we do have a colored map
12 here on page 23. Is that --

13 MR. EAKELEY: No. John, you see page 12, the
14 Matters status starts at page 12 of the materials, but
15 they're missing from other board books, too.

16 MR. RAWDON: Those color pages there, John, should
17 be correct.

18 MR. ERLBORN: Yes. I see it. And I do have it.
19 (Pause)

20 MR. RAWDON: Also, I should mention that Ken Smith,
21 a private consultant, worked with the group. And his work
22 was really very valuable to us. He does lots of work with
23 the IOLTA programs, and he's very in tune with the community
24 and what people are looking for and what other groups are
25 asking for to be reported.

26 What we wanted to do, as I said, was capture
27 information on the assistance being provided by our programs
28 that's not reported to us in cases. And this breaks down
29 into basically six categories: community legal education;
30 pro se assistance; referrals that are not cases -- now, some
31 of our referrals can be cases, but these are the ones that
32 are not cases; outreach; indirect services; and other
33 matters. And now Chris and I are going to cover these
34 particular items for you.

35 Community legal education: We found out -- also to
36 remind you, we didn't implement this system until July 1,
37 2001. So the data that we collected was only for six months.

38 But that information showed us that 1,450,000 people receive
39 community legal education assistance from our programs.

40 And for one of the examples, we put in there the
41 program in Arkansas, which seeing the need in their community
42 for grandparents that were having to become caregivers of
43 their grandchildren, they started a community education
44 program where they explained to them their rights to public
45 benefits; how they could obtain guardianships; how they could
46 do adoptions; explaining to them about juvenile proceedings,
47 because so often they would enter the case because the
48 children were in juvenile court; and also how to get other
49 services for which they were eligible now because they were

1 being the caregivers for their grandchildren.

2 Other things that were included in legal education
3 were presentations at senior centers. Under the Title 3 Act,
4 many of our programs do regular programs at the senior
5 centers.

6 Legal education brochures in the waiting rooms. We
7 put out a lot of information for people that we make
8 available in the waiting rooms and through the mail.

9 Legal education videos on public access TV. More
10 and more of our grantees are using this free medium to
11 prepare shows and put these on public access television that
12 can be seen by people all times of the day and night, and in
13 legal ed materials that are available on the website.

14 We've talked to you about our technology
15 initiatives that we've had with statewide websites. More and
16 more of this information is being made available to this.
17 And now, with the Matters Reporting System, we have a way of
18 tracking how many people are receiving this type of
19 assistance.

20 Also, very closely related to this is pro se
21 assistance. The courts are very interested in providing pro
22 se litigants with help to help them navigate through the
23 system. You all are aware of the ABA studies and other
24 studies that have been done and things that we've tracked in
25 our Strategic Directions that talk about increasing access
26 for those people who are under-served.

27 And so the matters reporting will help us see how
28 we are doing on the Strategic Directions of improving this
29 access. And 183,000 people in the second half of 2001 were
30 served with some type of pro se assistance. These were
31 people that we couldn't provide full representation or didn't
32 meet our priorities, but for whom we could provide assistance
33 on pro se.

34 And one of the examples for this was the
35 Neighborhood Legal Services in Los Angeles, and they had
36 three self-help centers. They collaborated with many other
37 partners in the community, and they provided assistance to
38 15,049 people in the second half of 2001 in this one program
39 alone on pro se assistance. And the majority of those were
40 indigent, non-English speaking people who otherwise would not
41 have been able to receive this type of assistance.

42 Other models that were used and how prevalent they
43 were: Self-help workshops or clinics, 89 of our grantees
44 regularly conduct those.

45 Help desks at court: Now, this is one I was really
46 impressed with. Fifty-six of our grantees said that they
47 work with the courts to provide self-help desks at the
48 courts.

49 Self-help materials posted on the web: We had 44

1 grantees reporting that they were doing that. I hope to be
2 able to show you next year many more because of our
3 initiatives on the websites.

4 And then other types of pro se assistance: We had
5 70 different grantees that provided some other type of pro se
6 assistance other than the ones I've just mentioned.

7 Referrals: We've always known that we were kind of
8 the entryway for people to the justice community, and that's
9 one of the things that we've tried to be key for with the
10 Strategic Directions, is being that point.

11 State planning: We talk about state justice
12 communities. Well, by being able to track this information
13 through the matters reports, we're able to show that we're
14 actually doing what we set out to do with this.

15 We had 533,000 people that came to us for legal
16 assistance that we were able to refer to other providers.
17 One of the examples we use here is the Community Legal Aid
18 Services in Ohio. They've done a really good job of setting
19 up specialists in this position, people that are trained
20 about all the other resources in the community, so that when
21 someone comes to them, they'll be able to send them to the
22 right place.

23 And so they can assist them not only with getting
24 to our program for legal services, but for other public
25 benefits programs, and also for ways to find food, shelter,
26 and safety from violence. Many of these things are very
27 immediate problems.

28 And these people are setting up systems to be able
29 to help them with the immediate problems that they have, even
30 though they're not legal problems. Now we have a way of
31 showing you and showing the public what our programs are
32 doing in this area.

33 Where are referring people? Well, by getting the
34 Matters Reporting System, we are able to show that 25 percent
35 of the people we referred were going to other legal
36 assistance providers; 43 percent are being referred to the
37 private bar. Now, these are not our pro bono programs, which
38 we track separately. These are not pro bono cases. But 43
39 percent were referred to other private bar resources to help
40 them with their legal problems.

41 Other social and human services providers, that was
42 19 percent. And then other helping agencies, such as United
43 Way, First Call, those types of things, we sent over 13
44 percent of those people were the referrals that we were doing
45 that.

46 And now Chris is going to talk to you about some of
47 the other areas that we've captured, and then some of the
48 ways that we're refining the system.

49 MR. SUNDSETH: The first I'm going to start with is

1 outreach. And outreach, of course, is a mechanism by which
2 legal services providers identify themselves to the community
3 and make their services known.

4 And they do this through a number of means. In one
5 specific example, just in Monroe County in New York, Monroe
6 County Legal Assistance Corporation uses bus and newspaper
7 ads. They use billboards, referral agreements with other
8 agencies. They have an outreach to the Spanish-speaking
9 community on Spanish language TV.

10 And they also use a website, and as Glenn referred
11 to, websites are becoming increasingly important as a tool
12 for outreach and also to actually deliver matter assistance
13 through page downloads and pro se assistance and that kind of
14 thing.

15 And I want to add one thing from personal
16 experience here. The so-called digital divide that was such
17 a big thing in the mid '90s, where basically affluent,
18 upwardly mobile people were the people that had access to the
19 web and computers and that kind of thing -- the digital
20 divide is eroding. And more and more, the Internet is
21 becoming ubiquitous and people across all kinds of ethnic and
22 income boundaries are finding access to the web.

23 And one example from my personal experience: Last
24 summer I was at Amarillo Technical College in Amarillo,
25 Texas, and the campus is adjacent to a lot of low-income
26 housing. And at 3:00 every afternoon, they open up the
27 library to anybody. And at 3:00 every afternoon, from this
28 housing comes a bunch of little kids on bicycles to go use
29 the Internet.

30 And these are children that probably don't have
31 computers in their homes. They probably don't have parents
32 who are web-savvy. A lot of them are Spanish-speaking. But
33 they understand the Internet, and they know that's a place to
34 go to get information. So more and more, the web is becoming
35 a very important piece of legal services outreach.

36 The next area was indirect services. Some of you
37 might remember, in November of 2000, we reported to this
38 committee. We were in the midst of the design phase then.
39 There are basically three phases to this project.

40 There was a design phase that started in the summer
41 of 2000 till about Christmas 2000; then a bifurcated test
42 phase that went through 2001; and then starting this spring,
43 we're sort of in the evaluation and kind of refinement phase.

44 But when we were in the middle of the design phase,
45 we reported to this committee, and one thing that really
46 stuck out then was when we were talking -- we were wrestling
47 then about indirect services and those kinds of things.

48 And both Ms. Mercado and Ms. Fairbanks- Williams
49 both cited activities in their responsive service areas at

1 that time that they knew were being undertaken by grantees of
2 this Corporation, and they knew that concrete benefits were
3 being conferred on the client community, but they also knew
4 that these weren't being captured or measured in any way.

5 And they pointed out that that was an important
6 thing for us to look at. And then Chairman Eakeley exhorted
7 rather strongly the committee that we really go after this
8 kind of thing, and devise some method by which we get these
9 activities reported.

10 And through narratives and other -- the way the
11 survey instrument was designed, we did get reports from
12 people. And we have reports from people about programs that
13 are providing indirect services. And one example is a
14 technology-based delivery model in nearby Maryland, where
15 they have a website called Peopleslaw.org.

16 And when you look at this website, it's very
17 intuitive. It just has a list down the left side of areas of
18 law, and you can click on it, and then up comes all sorts of
19 links, downloads, all sorts of help.

20 Anyway, that's an example of an indirect service.
21 It still provides a benefit to the client community, but it's
22 nothing that would ever be captured in the CSR or other
23 mechanisms.

24 Other services: 58,000 people were served in the
25 second half of 2001. That was the test phase that we did
26 program-wide, starting July 1, 2001. So these numbers we
27 have are the second half of 2001.

28 58,000 received other services. And other services
29 include things like alternative dispute resolution,
30 mediation, negotiation, arbitration, that kind of thing. And
31 things like -- small things like -- in terms of not
32 labor-intensive, but notarizing a document, for instance.

33 And while that might take an employee of a grantee
34 program only five minutes to do, it could be very important
35 for the person that, for instance, qualifies for some sort of
36 benefits but has to have an application notarized. They go
37 in there and they get that application notarized. Their life
38 changed that day. And it will never be counted as a case,
39 but it was another service, and it's important.

40 We aggregated matters, again, for the second half
41 of 2001. And the number we're using that we have on the
42 slide here is more than two million people received matter
43 services in the second half of 2001.

44 That is a very reliable figure. It's a very
45 conservative figure. I think people in this room, both at
46 the board level and the staff level, can appreciate the
47 heightened sensitivity we have to being accountable for
48 numbers that we use, and doing all due diligence to make sure
49 that the numbers that we put out have empirical integrity.

1 And we deliberately -- I mean, the committee
2 deliberately chose to use this number, rounding down. We
3 know it's a larger number than this. And a reasonable person
4 could extrapolate that if more than two million were served
5 in the second half of the year, because these data aren't
6 seasonable, it would be reasonable to extrapolate that in a
7 year, more than four million are served.

8 And my own personal opinion is that when the 2002
9 data are in and scrubbed, we'll find something on the order
10 of four to five million people easily will have received some
11 sort of assistance that is not quantified in the CSR system
12 from recipients of LSC funds.

13 We have what we called soft figures, which we don't
14 use. And some of these things are due to disparities in how
15 different programs capture and measure their own impact. For
16 instance, with newspapers, one grantee had an article in a
17 newspaper, and they extrapolated circulation of the newspaper
18 and said it was that many matters. Now, we're retooling
19 this, and I'll get to that in a minute, for 2002.

20 Web hits is another instance where if someone
21 clicks on a web page, that's a web hit. But did that mean
22 anything? Maybe not. We're going away from web hits toward
23 page loads, where a person actually gets into a website, and
24 perhaps there's a page that says, you know, print this for
25 sort of a road map for pro se assistance. If they download
26 that page, that's something. Somebody actually got into that
27 and did something.

28 And then there's third party distribution,
29 brochures and so on. We're actually going to retool that a
30 little bit, too. The Legal Assistance and Referral Center in
31 New Hampshire, LARC, came up with what we determined was best
32 practices for estimating and measuring brochures.

33 And what they do is if someone calls up and asks
34 for a brochure, and they send them on, that's a measured
35 delivery of a brochure. Or if they give a CLE seminar and
36 they put 100 purchases on the table and 100 get picked up,
37 that's 100. However, if they drop off at the ABA a thousand
38 brochures and then they don't know what happened to them,
39 those are estimated. So that's part of our retooling that
40 we're going toward to get away from soft numbers and get
41 toward more reliable figures.

42 The one slide -- and I'll hold it up for
43 you -- that I really wish you could see, it's a bar chart.
44 And the little tiny bar there is cases, CSRs. And the great
45 big bar that's four times that is matters.

46 And the thing that's startling about this graphic
47 is, you realize that the work paper of a legal services
48 grantee cannot be reduced to CSR data because they do so much
49 more. And so many of these benefits are so hard to quantify.

1 And, of course, one thing we haven't said, but it's
2 probably obvious, is we don't capture or measure outcomes.
3 We never know what happens at the end of the day. We know,
4 for instance, that a certain client gets referred to the
5 place that the professional that answered the phone at the
6 legal services grantee knows is the appropriate agency for
7 that person. We don't know what the outcomes are.

8 And this is not designed to measure outcomes. But
9 it's rather intuitive that if you're doing four to one
10 matters to cases, there is a considerable benefit being
11 conferred on the community.

12 For instance, they are providing really a full
13 range of services, and more than 75 percent of our grantees
14 in this exercise reported that they provide pro se
15 assistance. They partner with courts, agencies, community
16 organizations, and basically serve as gatekeepers in a
17 referral network.

18 Again, the chronology of this was the design phase
19 started in the summer of 2000 and went through the end of
20 that year. And then 2001 was basically a test year. We plan
21 to issue some adjustments to the field in October of this
22 year.

23 We're going to clarify certain definitions, like I
24 mentioned the newspaper articles rather than try and
25 extrapolate about circulation, page loads rather than web
26 sites, and that kind of thing. And for instance, for a PSA
27 video spot on a TV, to report how many they did, not estimate
28 how many viewers saw it.

29 And we plan to issue that in October. and some of
30 that data -- some of the guidelines will be geared toward, in
31 2003, this is how to look at things. But some of the things,
32 like what Glenn has been working on with the page loads and
33 so on on the web, can actually be retrofitted to change the
34 2002 data midstream.

35 So we'll get better data in 2002 than we had in
36 2001. For one thing, it was, of course, a test phase. It
37 was half a year. This will be a whole year. And we know a
38 lot more about what we're talking about now than we did.

39 This was really an ab initio project that we
40 started with a mandate and a blank slate, and we didn't have
41 a model that we could replicate. We didn't have a paradigm
42 we could build on. We started really with nothing.

43 And we have a pretty good idea now about what's out
44 there and what people are doing, and we have better ideas
45 about how to capture and measure these services in a manner
46 that will allow us to have numbers that we're comfortable
47 with and that we can defend.

48 The by-product of this Matters Reporting System, I
49 think, is multi-faceted. It's valuable for the corporation

1 to understand what services are being delivered and so on,
2 and perhaps it will be useful for Congress.

3 But I think that at the program level, it's
4 extremely helpful. And we've had anecdotal information from
5 programs that tell us this. For one thing, from a management
6 standpoint, in a critical self-assessment about what their
7 work paper is and benefits they're actually delivering to the
8 community they're chartered to serve, this gives a much more
9 fulsome picture than, for instance, CSRs would.

10 I think the information has intrinsic public
11 relations value. They can report to their stakeholders and
12 their local government and their community what it is they're
13 doing by using this information. And furthermore, I think it
14 can be leveraged for fundraising purposes at the local level
15 as well.

16 They can -- by seeing this information in
17 print -- all of them know intuitively that they're doing
18 these things. But by seeing this information quantified and
19 having it in a format that they can present it, I think it
20 helps them in a number of ways.

21 And again, the final slide is that the system is in
22 place in all programs. We're working with programs, Glenn
23 especially, with the information people there to sort of hone
24 how we're doing this and ensure a uniformity across the
25 system.

26 This information is available from one program to
27 another. So programs on the West Coast can find out what
28 programs on the East Coast are doing and how they're doing
29 it. And it tends to probably foster, with us as a catalyst,
30 best practices and cross- fertilization of better ideas and
31 that kind of thing.

32 And so it's, as Ken Smith says in his words, an
33 important asset created for the civil justice community. And
34 we didn't know when we started -- speaking for myself, at
35 least, two years ago when we started this, we didn't know
36 where we were going to end up. But I'm personally gratified
37 that we've found out as much as we have and that we're able
38 to help programs really see what they're doing.

39 MR. RAWDON: Last time, at the last board meeting,
40 you heard about the Legal Services Corporation -- the new LRI
41 project that we're having so that we'll get more information
42 out to the programs, the research initiative that we're
43 doing.

44 One of the things that we're doing is that we are
45 mining the data that came in with all the narratives. We
46 want the grantees to see that they're not just reporting this
47 to us and it's going into a black hole.

48 We're taking these narratives and we're looking for
49 best practices, for innovative delivery systems that they're

1 using out there. And we're going to be posting
2 that -- Monica Holman, that runs the project, and her
3 assistants are going through this, and we're going to be
4 posting this for those people so that when somebody is doing
5 something really innovative in one part of the country, other
6 programs will be able to see about that and say, gee, I think
7 that would work here. Let me call them, see how they use
8 that.

9 So we're going to get a lot of useful information
10 out of that that we can share with everybody. We'd be glad
11 to answer any questions that you might have about the matters
12 project.

13 CHAIR WATLINGTON: Thank you.

14 MR. EAKELEY: First, I'm really impressed by the
15 project and also by the report. I wouldn't call it at an end
16 point or a conclusion yet, however, but it's an excellent
17 start.

18 I think we do have to find a way to measure how
19 matters matter. I do think we have to find ways to assess
20 outcomes. We probably need to find ways to measure
21 investment in matters with the costs of those investments and
22 the benefits of those investments because it's part of the
23 whole story.

24 And I also want to just reinforce the last point
25 Glenn made, which is that after you get done doing this data
26 compilation, it is critically important to evaluate -- look
27 for and evaluate best practices, and then get them
28 communicated to as wide an audience as possible so that
29 others can have the benefit of what's out there.

30 MR. EAKELEY: Absolutely. I mean, that's what we
31 doing right now to get this. Because it's amazing what
32 programs think of on their own that nobody else will ever
33 hear about. They don't do a very good job of tooting their
34 own horns.

35 And I think that we're in a very good position to
36 toot their horns for them. And it's also been gratifying, as
37 we've called people up and talked to them, you know, they're
38 almost kind of surprised. It's like, you mean you read what
39 I sent you? And it's like, yes, we're looking at this.

40 MR. EAKELEY: You know, especially on the website
41 types of programs and community legal education, you can
42 design them so you get some feedback from the user. And I'm
43 sure that there are some programs that have that incorporated
44 into their operations already.

45 But I would encourage you to look for ways to
46 capture -- maybe not quantify, but capture the benefits of
47 this.

48 MR. ASKEW: I understand your concern about
49 counting web hits. But it seems to me it's a big gap between

1 hits and downloading a form, and there are a lot of useful
2 things a person does on a website without downloading
3 something.

4 MR. SUNDSETH: Let me clarify. We're not counting
5 only downloads. We're counting what's called a page load,
6 which is where someone actually -- they don't have to
7 download anything necessarily, but instead of, for instance,
8 just clicking on the home page and then leaving two seconds
9 later, they actually click on something on the home page that
10 says like "Pro Se Assistance" or "Show me a brief bank" or
11 something like that.

12 So if I said that we're only counting downloads, I
13 misspoke. It's more than that. But downloads is probably at
14 this end of the specificity, and web hits is at the other
15 end. We're looking for something in the middle.

16 MR. ASKEW: I'm wondering if time spent on the
17 website -- is that --

18 MR. SUNDSETH: Glenn can answer that.

19 MR. RAWDON: What we found was, we had told them to
20 count web hits. And what we determined was that a hit is a
21 really nebulous term. If you have like the LSC homepage and
22 you go to that, every one of those little graphic elements
23 that's on there is counted as a hit. So by clicking on that,
24 it might show 15 web hits.

25 Well, that's not what we want. So what we're doing
26 is we're looking at page views, which shows actually how many
27 different pages they viewed. We're learning how to refine
28 our definitions so that it gives more accurate information,
29 so that if you went to the LSC homepage, it would be one page
30 view but 15 hits.

31 So we're making it very clear to everybody, we want
32 you reporting on page views, not on hits any more, so
33 that -- and, you know, we're going to still capture the
34 information, but in a more uniform way.

35 Another thing, Doug, that you were talking about,
36 we recently sent out, and it's in your board book here on
37 page 206, we're asking for people to come in with proposals
38 for us on looking at the way to collect performance and
39 outcome information and results.

40 MR. EAKELEY: When I read this, I thought case
41 statistic reports. I didn't think matters. I didn't -- but
42 thank you for drawing the connection.

43 MR. RAWDON: Yes. Because it's very important to
44 be able to show that.

45 Now, it will have to be refined differently because
46 we don't always collect the name of the person that we
47 collect. But it might be something where we can devise a
48 system whereby every tenth person, you ask if they mind
49 giving that, and then following up and see.

1 But we will be working on this so we can show the
2 effectiveness, you know, of our referrals as well and the
3 other programs that we're doing.

4 MR. EAKELEY: Does this inform our technology
5 innovation grants strategy at all?

6 MR. RAWDON: Yes. We are also -- if you'll
7 remember, we had a national grant last year with MIE and
8 working with Summit and InnoNet to come up with an evaluation
9 model for our technology initiative grants. And that project
10 will be having a report at our technology conference in
11 October.

12 And we're coming up with seven different methods to
13 be used to help them evaluate the effectiveness of these
14 grants on the delivery system in their area, concentrating
15 much of it on websites, but also on new intake methods that
16 we're using, like in Arkansas and Virginia, where we've
17 increased with 1-800 number and all.

18 So we're going to give them the tools to help
19 evaluate the effectiveness of those technology grants.

20 CHAIR WATLINGTON: Are there any more questions?

21 MS. BATTLE: I'd just like to echo, really, what
22 Doug said and what Bucky said about the phenomenal step
23 that's been taken in starting to envision better ways to
24 capture all the various things that legal services programs
25 do in a way that it can be shared across programs and across
26 states and across the nation and across all that we do. And
27 I think that that's great.

28 Just following up a little bit on what Bucky said,
29 I got to thinking about, for example, on, I think, page 7
30 when you talked about publishing a newspaper and distributing
31 it to 90,000 people, and that we're not just trying to
32 capture the broad numbers, but more specifically people who
33 have been served as another piece of it.

34 But I think it's also important for us to be aware
35 of how broadly we disseminate information to people so that
36 they know who we are and what we do across the nation. So
37 having those numbers is helpful to us. Even if it doesn't
38 capture, for purposes of looking at actual services, who has
39 been served, it's important to know who knows who we are and
40 what it is that we do.

41 So I think that that's great, and continue to do
42 good work.

43 MS. FAIRBANKS-WILLIAMS: In the community education
44 and people that are trained pro se and so on, say if you
45 train them as housing applicants and elderly, do you keep the
46 numbers of the people that you have trained and then ask them
47 at the end of the year how often they used your education
48 piece?

49 MR. RAWDON: Well, many of the ones that come into

1 the -- we don't collect their names and addresses. We're not
2 requiring eligibility on matters. So that if we put on a pro
3 se -- if we put on a community education clinic, then it's
4 not where we take everybody in, ask them their income,
5 qualify them, do this type of thing.

6 MS. FAIRBANKS-WILLIAMS: No, no. I mean just their
7 name so that you could send -- so that the program could send
8 a questionnaire at the end of the year and say, was this
9 training helpful? Did you use this training this year, and
10 how many times, and so on. Would that be possible?

11 MR. RAWDON: I'm sure it would be. I'm sure many
12 of the programs are doing that. But we could find out a
13 way -- as we're learning more about evaluation and outcome
14 measures, that would be something we would want to do. So
15 I'm sure that's very possible.

16 We have a meeting again -- I mean, the committee is
17 still meeting and refining. So we're got a meeting, I think,
18 on September 4th. We'll be sure and discuss this, and how we
19 can incorporate those types of things, so that we can show
20 you not only the numbers, but also the effectiveness. I
21 think that would be very possible.

22 CHAIR WATLINGTON: There being no other questions,
23 as everyone knows, I'm very concerned with community
24 education and outreach. And that's one of the things all the
25 board members have said. We have not had a way of letting
26 other people know all the things and the services that legal
27 services is providing.

28 We are having some problems there, so rather -- the
29 next two things on the agenda have to use the machines. So
30 why not go into the diversity with Althea Hayward, and give
31 Leslie time to get his technology equipment together. Thank
32 you.

33 MS. HAYWARD: Good morning, Madame Chair and
34 members of the committee. My name is Althea Hayward. I have
35 been working as a member of the LSC state planning team since
36 December of 2001, with particular responsibility for
37 diversity.

38 Previous to my employment with the Corporation, I
39 worked for 20 years in the field as an administrator in an
40 LSC grantee program. The last two and a half years of my
41 tenure in the field, I worked with the program as its interim
42 executive director, and negotiated the reorganization and
43 merger in the eastern section of Virginia.

44 Thanks for this opportunity to share just a few
45 remarks about the status of the Corporation's diversity
46 initiative. I'd like to talk a few minutes about the
47 activities related to two particular diversity projects in
48 which we've been engaged during the last several months.

49 Firstly, as outlined by our diversity action

1 agenda, we continue to keep the issue of embracing diversity
2 as a national agenda item. And our grantees and members of
3 the equal justice community have joined with us in that
4 initiative.

5 In July 2002, staff organized and presented an
6 informative panel at the Southeast Project Directors
7 Association summer meeting in St. Petersburg, Florida. The
8 panel was entitled, "Inclusion in an Expanding World: The
9 State Planning Perspective." This session focused on the
10 benefits of embracing diversity and inclusion as stated
11 justice communities go about the business of planning for the
12 future.

13 In our efforts to bring this subject to the
14 forefront, we invited four individuals from the national
15 legal services community as panelists for the presentation:
16 Joseph Oelkers, the executive director of Arcadiana Legal
17 Services in Lafayette, Louisiana; Teeresa Cosby, executive
18 director of the South Carolina Centers for Equal Justice,
19 which is a statewide program; Charles Wynder, executive
20 director of the Legal Services of Eastern Virginia; and Lisa
21 Brody, staff attorney at Gulf Coast Legal Services, who is
22 also a member of the diversity task force of the Florida
23 state planning group.

24 Each of these individuals has been or is involved
25 in some level of reconfiguration in state planning. And
26 during the presentations, panelists described embracing
27 diversity as the extension of the circle of inclusion.

28 Each panelist clearly noted that state planning and
29 the changes brought about as a result of LSC's service area
30 reconfigurations have created untold opportunities for
31 expanding diversity and leadership.

32 They suggested ways in which equal justice
33 communities can value the inclusion of others. Some of these
34 included cultivating strong relationships and partnerships
35 with the judiciary, minority bars, law schools, and diverse
36 organizations representing the interests of clients and other
37 groups.

38 Secondly, they raise the issue of taking
39 responsibility for articulating and adopting appropriate
40 diversity protocols within the equal justice community.

41 Thirdly, looking and thinking outside the box with
42 regard to recruitment of attorneys by seeking attorney
43 candidates for positions with diverse experience, diverse
44 backgrounds, who may not have worked in legal services
45 before.

46 And finally, using state planning as a tool to
47 recruit, expand, and strengthen leadership throughout the
48 equal justice communities.

49 Attendees were pleased with the information that

1 was shared during the session. The panel participants and a
2 member of the African American Project Directors Association,
3 who was also present, congratulated LSC staff publicly on an
4 informative and exciting presentation. They also expressed
5 appreciation that LSC had moved forward in such a powerful
6 way with its diversity initiative.

7 Secondly, as new leaders emerged and equal justice
8 communities face the realities of providing services for
9 diverse populations, boards are challenged now to pay closer
10 attention to the issues of diversity and inclusion. LSC
11 staff has responded proactively by hiring a consultant to
12 design and produce a board training module on diversity and
13 leadership. A draft copy of the module, I believe, is
14 included in your materials.

15 The module, when it's completed, will be a training
16 tool with materials and resources that can be used with or
17 without the help of a consultant. And these materials will
18 sensitive participants to the benefits and challenges of
19 managing diversity.

20 Evora Thomas, the consultant retained by LSC to
21 develop this module, was assisted in this venture by a cadre
22 of versatile leaders from the national legal services
23 community. And they acted in an advisory capacity during
24 this entire process.

25 Special care was taken to include persons of
26 diverse cultures and experience. These persons have
27 participated very admirably and given of their time in
28 providing advice and feedback on the project thus far.

29 Carolyn Olive, who is a client representative from
30 Indianapolis, Indiana, worked on this initiative. Lillian
31 Johnson from Phoenix, Arizona, project director and convenor
32 of the African American Project Directors Association, who
33 was appointed to this committee by the National Legal Aid and
34 Defender Association.

35 Brian Leonard, a grantee project director from
36 Hammond, Louisiana. Jan Walker, who's a managing attorney
37 from Bath, New York. Wilhelm Joseph, a project director of
38 the Legal Aid Bureau of Maryland. Bonnie Brisbane, deputy
39 director, Columbia, South Carolina, who was appointed to this
40 committee by the African American Project Directors
41 Association.

42 Lillian Moy, a project director from Albany, New
43 York. Irene Morales, a project director from Riverside
44 California. And Terry Stangl, who is project director on a
45 non-LSC project from Saginaw, Michigan.

46 The first meeting of the advisory committee was
47 facilitated by Ms. Thomas in Baltimore, Maryland on May 21st,
48 and it was a wonderful bonding experience for the committee.
49 They shared histories of their legal services experience as

1 well as their commitment and why they wanted to participate
2 in this worthwhile project.

3 The meeting also produced a forum of issues and
4 ideas that were to be considered in formulating the work
5 paper that they were about. Some of those issues and ideas
6 included the importance of presenting the critical issues of
7 diversity in such a way as to assist boards and program
8 management to embrace diversity as a process as opposed to a
9 goal.

10 That is, that there is a need to look at:
11 Diversity past the counting and categorizing
12 according to EEOC guidelines.

13 The importance of valuing diversity as the process
14 of inclusion, that is, valuing the roles and contributions of
15 all members of the group, regardless of differences.

16 The consequences of programs that embrace
17 diversity. And as you may be aware, most funders now inquire
18 about the degree to which diversity is embraced by a
19 corporation when they are considering funding partnerships
20 and opportunities.

21 The importance of appropriate leadership modeling
22 for the equal justice community and for programs.

23 The need to value the client community that we
24 serve.

25 The ways in which boards and programs can reflect
26 respectful listening to clients. And this module should
27 teach the importance of valuing the input and opinions of
28 clients, especially our client board members and
29 organizations representing clients.

30 They talked about the importance of highlighting
31 best practices and appropriate resources that boards and
32 programs can use to build awareness and sensitivity. And
33 they talked about the need to have the training module
34 reflect the inextricable link between diversity and
35 leadership: that is, that the enhancement of board
36 leadership through diversity, its relationship to board and
37 program morale, and increased retention of staff is extremely
38 important.

39 Equipped with a clear understanding, then, of what
40 LSC's expectations were, the advisory committee, Ms. Thomas,
41 and the staff of LSC moved ahead to engage in the creation of
42 this product. Most of our work was done via conference call
43 and through e-mail exchange. In-depth discussions about what
44 the training module should contain, how it should be
45 presented, how it should be tested, have resulted in
46 production of a draft of the impressive training workbook.

47 The module workbook is divided into four sections:

48

49 The first section addresses the concepts of

1 diversity, including appreciating differences in the legal
2 services community.

3 The second section focuses on leadership, and
4 includes such subjects as effective leadership orientation
5 for board members and effective board leadership on diversity
6 issues.

7 Section three explores the link between leadership
8 and diversity, providing information on strategies for
9 developing and implementing a diversity plan within the
10 program.

11 The final section addresses diversity issues, and
12 provides a thumbnail sketch of some best practices already
13 being followed by grantees in the field. The advisory
14 committee developed standards for selecting testing sites for
15 the module.

16 Two training testing sites have been identified,
17 and those will take place in the month of September. A
18 testing session will be conducted by statewide Legal Services
19 of Connecticut in Middletown, Connecticut under the direction
20 of the program's board chair, Gurdon Buck, and its executive
21 director, Norman James. And I believe that is scheduled for
22 September 11th.

23 Another testing session will take place at
24 Community Legal Services in Phoenix, Arizona, and will be
25 facilitated by Lillian Johnson, who I previously described as
26 a member of the advisory committee.

27 These sessions will be monitored by LSC staff and
28 the consultant. The information gathered during the
29 monitoring and evaluation of the project will be studied, and
30 the training module will be adjusted and fashioned in final
31 form for distribution and launching.

32 We expect that this project will culminate before
33 the end of September, and the staff and Ms. Thomas plan to
34 launch the product at the National Legal Aid and Defender
35 Association meeting in November in Milwaukee, Wisconsin.

36 After that, we will then launch the distribution of
37 this module to our grantees late in the fall or early in the
38 winter. Funds from the 2003 diversity budget will be used to
39 help grantees to implement this board training initiative
40 within their service areas.

41 The successful development of this module could not
42 have been achieved without the excellent cooperation and
43 invaluable insight brought to bear by the members of the
44 advisory committee. These persons have sacrificed their time
45 and energies to work closely with our consultant, and they
46 are to be congratulated on the excellent contribution they
47 have made to our grantees and to the equal justice community
48 at large.

49 The consultant, Evora Thomas, has created an

1 excellent product, and she is to be applauded for her
2 creativity and expertise. I'd like to note that despite the
3 limited budget allocated for this project, Ms. Thomas took on
4 the task, realizing that it needed to be done. And she has
5 been outstanding by donating more than 225 pro bono hours to
6 this project thus far.

7 I'd like to take this opportunity, if I may, Madame
8 Chair, to sincerely thank the LSC board for its commitment to
9 the diversity initiative. We particularly need this work
10 done, and we appreciate the leadership and support,
11 particularly of Ms. Mercado and Ms. Battle, in this
12 initiative.

13 Our thanks also goes to our vice president for
14 programs, Randi Youells, who has been an exceptional source
15 of information and guidance on this project. Patricia
16 Hanrahan has also been very helpful and contributed
17 outstandingly to this project. Of course, you know she has
18 been in the forefront of the diversity initiative prior to
19 2002.

20 Please note that the training module is in its
21 draft form. It is a work in progress, and should any members
22 of the board, the committee, have ideas or comments or things
23 they'd like to suggest for inclusion, I'd be happy to have
24 you contact me and I will share those with the committee and
25 with Ms. Thomas.

26 I thank you again for this opportunity and for
27 listening.

28 CHAIR WATLINGTON: Thank you. I mean, I know
29 personally, and it's one of my concerns because I have three
30 handicaps, three things that brings in that diversity
31 involvement is real important to me. And all the board
32 members here appreciate your efforts.

33 Are we ready so that --

34 MS. MERCADO: Well, no. I mean, I just had a
35 comment.

36 CHAIR WATLINGTON: Okay.

37 MS. MERCADO: While I think it's very noble of
38 Ms. Thomas to provide 225 hours of pro bono to this project,
39 I'm somewhat a little concerned, actually. Because we have
40 spent millions of dollars in consultant lines over the years
41 for a variety of different things that we consult for.

42 I mean, I know that this not a budgetary item, but
43 we need to seriously look at making sure that people who work
44 on projects for us, that we don't take advantage of those
45 that are -- I mean, I know that we have firms that give us
46 pro bono hours and times and everything else. But there seem
47 to be an excessive amount.

48 And maybe at some future point -- I know this is
49 not the committee to look at it, but I would certainly want

1 to make sure that we spend some sufficient allotment to take
2 care of that budgetary item.

3 MR. EAKELEY: I just wanted to mention, Evora
4 Thomas started her legal services career as a regi at SYSNARC
5 Legal Services in Newark, New Jersey.

6 But I think we ought to just maybe consult with the
7 vice president for programs and Althea and talk about -- I
8 think there are some problems with allocating scarce
9 resources within budget lines, but I think your point, Maria
10 Luisa, really goes to the larger point of making sure that we
11 put as much money as we can into the access to justice
12 portion of our mission and not scrimp on important programs
13 like this.

14 MS. BATTLE: And I would just echo, we need to put
15 our money where our mouth is on this particular issue, and in
16 the appropriate committee, take a look at it.

17 I guess the only question I have is, what next?
18 We've got a copy of the draft report. It's a very detailed
19 and thorough draft. What can we expect next on this
20 initiative?

21 MS. HAYWARD: The next thing that will happen will
22 be the testing in the two states. We will study the results
23 of the testing. We will move from there to refine the
24 instrument, and then begin a national launch of this product
25 with individual -- our grantees will get the training product
26 directly so that they can share with their boards.

27 And we are encouraging, as we go across the country
28 meeting with leaders, that they encourage boards to look at
29 this as a viable training opportunity. So we're following
30 closely the action agenda that has been prepared and
31 presented in April.

32 MS. BATTLE: Thank you.

33 MS. MERCADO: Well, and in all this, we need to
34 remember that we have equal partners between the American Bar
35 Association and NLADA.

36 CHAIR WATLINGTON: Yes. That's what I --

37 MS. MERCADO: Just the general justice community,
38 that this has been a process that we have been working on
39 consciously for the last couple of years. So we're not in it
40 alone.

41 MS. HAYWARD: Yes. That's right. Absolutely.

42 CHAIR WATLINGTON: We do have some national
43 partners that I was going to mention also.

44 MS. HAYWARD: Absolutely.

45 CHAIR WATLINGTON: Any other questions? Comments?
46

47 MR. EAKELEY: Thank you.

48 MS. YOUELLS: Madame Chair, we'll return to our
49 agenda.

1 CHAIR WATLINGTON: Okay. John Meyer now will give
2 us an update on the 2003 census adjustment.

3 MR. MEYER: We're just going to make sure our --

4 CHAIR WATLINGTON: Leslie has equipment going.

5 MR. MEYER: -- audiovisual is up.

6 MS. YOUELLS: Madame Chair, since I see people
7 running to the bathroom, do you want to take about a
8 five-minute break while they make sure the equipment is
9 working?

10 CHAIR WATLINGTON: Yes. A five-minute break.
11 (A brief recess was taken.)

12 CHAIR WATLINGTON: We'd like to get you back seated
13 again. I extended our five minutes.

14 John Meyer will bring us up to date now.

15 MR. MEYER: Hello. I'm John Meyer, director of the
16 Office of Information Management, here to talk to you about
17 the 2000 census and 2003 funding.

18 Under current law, LSC funds its basic field
19 general and migrant programs based on the poverty population
20 for their service areas in the most recent census. Native
21 American programs and funding is not census-based.

22 2000 census numbers became available this year, so
23 2003 funding will be based on these new census numbers.
24 Census information is on pages 22 through 35 of the board
25 book.

26 Although the national poverty percentage declined
27 from 13.1 percent in 1990 to 12.4 percent in 2000, the actual
28 number of poor persons increased approximately 5.75 percent
29 because of the increase in total population in the country.

30 This increased poverty population causes funding to
31 drop from approximately \$8.84 per poor person to \$8.36 per
32 poor person. This is assuming flat funding. Accordingly, a
33 state or grantee program is projected to lose funding unless
34 it has a poverty population increase of at least 5.75
35 percent.

36 These new census numbers will result in a
37 considerable change in funding patterns. As you can see from
38 the map projected on the screen, the West Coast and Rocky
39 Mountain area, as well as the East Coast, except
40 Pennsylvania, Maine, and Vermont, and the Southeast gain
41 funding. The Midwest, Plains states, and the South away from
42 the Atlantic coast lose funding.

43 The biggest gainers are California, Nevada, Hawaii,
44 Florida, New Jersey, and Rhode Island. The biggest losers
45 are Ohio, Michigan, Iowa, Minnesota, Wisconsin, North Dakota,
46 Louisiana, Mississippi, and Puerto Rico.

47 At the state level, there are more losers than
48 gainers, largely because California has a huge 22 percent
49 gain, and two other very large states, Florida and New York,

1 gain 15 percent and 12 percent respectively.

2 Changes in funding reflect changes in poverty
3 percentage more than changes in population. The national
4 average population growth was 13.2 percent. On the map
5 display, you will see the population growth by state. It was
6 generally slower in the Northeast and Midwest, and faster in
7 the West and South, excepting Alabama, Mississippi, and
8 Louisiana. This pattern only partially correlates with the
9 funding pattern, and does not explain it in most states.

10 The biggest gainer, California, grew only
11 0.6 percent faster than the nation, but it had an increase in
12 its poverty percentage of 1.7 percent, which explains the
13 great majority of its funding increase.

14 Three states with large funding percentage
15 increases, New Jersey, Hawaii, and Rhode Island, had lower
16 than average population increases, so their increased poverty
17 rate accounts for all of their large funding increases. On
18 the other hand, funding growth in Florida and Nevada, and
19 other substantial funding increases in the West, are the
20 result of population increases.

21 The pattern for funding losses is similar.
22 Minnesota is near the national population average, and
23 Wisconsin and Mississippi are around 10 percent growth, only
24 3 percent below the average. So for Minnesota, Wisconsin,
25 and Mississippi, substantial decreases in poverty percentage
26 are the major cause of the funding losses. For example,
27 Mississippi went from 25 percent in 1990 to 20 percent in
28 2000 in their poverty percentage.

29 For Ohio, Michigan, Iowa, and Puerto Rico, their
30 population grew at 5 to 8 percent, significantly below the
31 national average of 13 percent, but their poverty percentages
32 also declined significantly. So their funding reductions
33 were a result of both factors. North Dakota's population was
34 stagnant, explaining most of its funding loss, though its
35 poverty percentage did also decline.

36 Projected funding charts, pages 24 through 35 of
37 the board book, show what funding will be in 2003 as compared
38 with 2002, assuming that LSC receives exactly the same
39 appropriation in 2003 that it received in 2002.

40 Please note that not all the listed grantees will
41 be LSC-funded in 2003. For example, service areas in some
42 states such as Michigan are being consolidated. These four
43 charts, based on 2002 programs and service areas, except for
44 New Jersey, which is 2003 alignment, all of which are sorted
45 by state, are as follows:

46 One, projected 2003 state funding levels with
47 mapped states by loss and gain; projected 2003 basic field
48 general funding levels by service area; projected 2003
49 migrant funding levels by service area; and projected 2003

1 grantee funding levels by program.

2 In many of the larger states, there is also
3 considerable variation between grantees within the same
4 state. For example, Illinois is losing 8 percent of its
5 funding, but most of this loss is concentrated in the Land of
6 Lincoln Legal Assistance, which has a 19 percent loss, while
7 Legal Assistance Foundation of Metro Chicago loses only 5.5
8 percent, and Prairie State only 2 percent.

9 Pennsylvania has an overall 4 percent loss, but
10 there is pronounced east/west split, as a result of which
11 there's a wide range of change, from a 17.5 percent increase
12 at Legal Aid of Southeast Pennsylvania to a 23 percent loss
13 at Southwest Pennsylvania Legal Aid. Ohio, on the other
14 hand, has its 16.5 percent loss relatively evenly distributed
15 among its grantees, except LAS of Columbus, which has only a
16 6.5 percent loss.

17 Likewise, funding gains for the larger states are
18 often distributed unevenly among grantees. For example,
19 Florida gains 15 percent overall, but changes in grantee
20 funding range from a loss of 7.5 percent in Northwest Florida
21 to a gain of 37.5 percent for Greater Orlando Legal Services.

22 New York gains 12 percent overall, but five of its
23 14 grantees, all in upstate New York, have losses in the 6 to
24 9 percent range, while in the New York City suburbs, there
25 are 31 to 32 percent increases for Nassau-Suffolk on Long
26 Island and Westchester-Putnam in Rockham County.

27 On the other hand, California's 22 percent increase
28 is quite evenly spread, with the exception of 47 percent
29 increase for Inland Counties Legal Services, and only a 7
30 percent increase for Bay Area Legal Services in the San
31 Francisco area.

32 So that's the numbers.

33 MR. EAKELEY: John, there was some concern that we
34 were somehow delayed in getting the numbers out, or crunching
35 the numbers and coming up with the projected implications for
36 funding. I know I was partially responsible for waiting
37 until the board meeting, perhaps, or at least suggesting that
38 the board be presented with the analysis.

39 But how efficient and timely were we in terms of
40 turning around the analysis that was generated by the census
41 and is required by our legislation?

42 MR. MEYER: Okay. We got our county-by-county
43 census numbers in June, and then, you know, we had to sort
44 out all the counties, get them allocated to the various
45 grantees state by state, check, recheck, recheck, and
46 recheck. And at one point I found 12 errors-- or I didn't,
47 but we did, clean them out.

48 And then once we had all that set out, we sent out
49 the -- grantees in each state got their state numbers, their

1 poverty numbers, now, not their funding numbers. We just
2 sent out the numbers. We gave them time to get back to us
3 and say, you messed up. Actually, we batted -- you know, got
4 over 99 percent right. We had -- in Massachusetts, one
5 township was in the wrong place.

6 So then we got that back, and then we ran the
7 actual funding pretty much as if we were actually going to
8 send out the funding letters. And that we did very
9 systematically. We'd rather be a little slow than make a
10 mistake.

11 MR. EAKELEY: Yes. Agreed.

12 MR. MEYER: And, you know, we finished that up, and
13 then that was maybe finished only a couple weeks ago. So a
14 year delay was limited in there. We were very systematic and
15 we did pull out errors at different points. And I think
16 we've cleaned it because when I sent out the e-mail, I -- you
17 know, I didn't get back a blizzard of errors.

18 MR. EAKELEY: So the field was advised at the
19 beginning of this week?

20 MR. MEYER: The field was advised Wednesday.

21 MR. McCALPIN: Actually, we had all this at the ABA
22 meeting two, three weeks ago.

23 MR. EAKELEY: Not the funding numbers because we
24 weren't -- they weren't finalized.

25 MR. McCALPIN: They had them.

26 MR. MEYER: Well, somebody else may have
27 extrapolated and decided what they'd be, and maybe they did
28 it right. We didn't send out the funding numbers until last
29 Wednesday.

30 CHAIR WATLINGTON: They do well enough to do it for
31 you.

32 MR. EAKELEY: Sure that's the same numbers, Bill?

33 MR. McCALPIN: Certainly for Missouri, the same
34 numbers here as there.

35 MR. EAKELEY: Yes. Well, it sounds like you acted
36 with expedition, but also after a thorough, careful analysis
37 with an opportunity for feedback.

38 CHAIR WATLINGTON: And apparently he was right if
39 someone else did it and came up with the same numbers.

40 MR. McCALPIN: I think NLADA and the field have
41 been working on this independently.

42 MR. EAKELEY: Sure.

43 CHAIR WATLINGTON: Absolutely. It affects them
44 more, too.

45 Are there any other questions?

46 MR. ASKEW: We have no flexibility in terms of how
47 we implement this. Is that right?

48 MR. MEYER: That is my belief. For the legal
49 interpretation, I'd defer to Vic Fortuno. But that is my

1 belief.

2 MR. ERLNBORN: It's statutory, and we don't have
3 any opportunity to adjust.

4 MR. McCALPIN: We have heard that -- I guess -- I
5 don't know whether it was at the conference committee level
6 or the Senate committee level, there was an attempt to
7 increase funding by \$19 million to make up for this.

8 MR. ERLNBORN: The figure was determined by how
9 high would you have to raise all programs' funding to be able
10 to keep the programs that were hurt the most from being hurt,
11 to bring them up to full funding based on the past.

12 MR. McCALPIN: What is the status of that?

13 MR. ERLNBORN: Well, there was a big battle in the
14 subcommittee of the Appropriations Committee in the Senate,
15 and finally there was an agreement to withdraw the amendment
16 with Senator Hollings, who was very upset about the amendment
17 having been offered, said that he would try to find funding
18 for that 19 million.

19 That would just then be the subcommittee, possibly
20 the full Appropriations Committee in the Senate. It bears no
21 relationship to what we might expect in the House.

22 MR. McCALPIN: And there's nothing pending now, is
23 there, in the way of legislation?

24 MR. ERLNBORN: It's still in the Senate
25 Appropriations Committee, and it's not been marked up in the
26 House Appropriations Committee yet. So it's pretty iffy as
27 to what might happen. I would be extremely pleased, and even
28 more extremely surprised, if we got 19 million.

29 MR. McCALPIN: Yes. It seems to me I've heard that
30 if it's going to happen, it's more likely to happen in a --

31 MR. ERLNBORN: Conference committee is where it
32 will happen.

33 MR. McCALPIN: After the first of the year, in
34 additional appropriations or something of that sort?

35 MR. ERLNBORN: That could be. We don't know, of
36 course, what's going to happen. But they're so backed up it
37 seems unlikely that they're going to be able to get
38 everything done before the end of this session.

39 And, of course, then you have a new Congress coming
40 in in January. It could be a continuing resolution. You
41 know, when they can't decide what they're going to do, they
42 often use a continuing resolution.

43 But I would doubt, since this is the last few
44 months of those who are the losers, such as Bob Barr, that I
45 think they're going to try very hard to get the
46 appropriations completed before the end of the year.

47 MR. McCALPIN: Thank you.

48 MR. ASKEW: Could I just make a comment? Some of
49 these changes are pretty dramatic for individual programs and

1 for states, and some of those are the same states that are
2 facing budget crises where their programs are being
3 eliminated from the state budget or they're losing funding in
4 the state budget. And at the same time, their IOLTA money is
5 dropping because of the cut in interest rate.

6 So I think some of our programs are going to be
7 facing some pretty desperate situations over the next three
8 or four months, and we just need to be attuned to that.

9 MR. ERLNBORN: And IOLTA, the funding is hurting
10 additionally.

11 MR. ASKEW: Right.

12 MR. McCALPIN: It's 50 percent loss in Missouri.

13 MR. ERLNBORN: It's a double whammy.

14 MR. McCALPIN: Triple.

15 CHAIR WATLINGTON: Is there any other? John, we
16 thank you for that information.

17 And on the agenda now, I think we have Cynthia.

18 MS. SCHNEIDER: I just have two maps to project.

19 MS. MERCADO: Some of us are a little surprised
20 ourselves that Cindy is using a laptop.

21 MS. SCHNEIDER: But notice, I don't know how to
22 turn it on.

23 MR. EAKELEY: Not really. Glenn's using it.

24 (Laughter.)

25 MS. SCHNEIDER: I did have the young intern that
26 OPP had this summer to help me with the maps, so I can't take
27 credit for any of this.

28 MR. ASKEW: It's a big map.

29 MS. SCHNEIDER: It is a big map. It's a big state.

30

31 Good morning, Madame Chair, members of the
32 committee. My name is Cynthia Schneider. I'm with the
33 Office of Program Performance. And in early June, I had the
34 opportunity to accompany Randi Youells and Mauricio Vivero
35 and Jim Bamberger, who serves a consultant on state planning
36 matters for Alaska, on a trip to Alaska to visit our grantee,
37 the Alaska Legal Services Corporation.

38 And this morning I'm going to briefly describe to
39 you the delivery of legal services in rural Alaska. And I
40 thought the best place to begin is to get some sense of how
41 large Alaska is. And this map is to scale, and you can see
42 that the state of Alaska takes up a big chunk of the Lower
43 48.

44 Alaska is about 571,000 square miles. And if you
45 just compare this to the service area of another grantee that
46 I know well, which is Texas Rural Legal Aid, which is just
47 the southern part of Texas, Texas Rural Legal Aid consists of
48 98,000 square miles.

49 Now, Alaska, though, has a poverty population of

1 about 67,000 people, whereas TRLA has a poverty population of
2 approximately 1,154,000. So Alaska is five times as large as
3 the service area for rural Texas, but it has a poverty
4 population 17 times smaller.

5 So that's the challenge. How do you serve a
6 poverty population that is spread out among a vast, vast
7 area? One-half of the poverty population in Alaska lives in
8 the three major urban areas, which is Fairbanks in the
9 middle, Anchorage, which is the capital, and then Juneau over
10 to the east. The other half of the poverty population of
11 rural Alaska is spread out among small communities and 240
12 remote villages.

13 Access to rural Alaska is limited to small
14 aircraft, boat during the open-water season. In the winter,
15 you travel to these areas by snow machine and dogsled. The
16 economy of rural Alaska is basically subsistence-based, and
17 Randi, Mauricio, Jim, and I, we were fortunate enough to
18 travel up to rural Alaska. We went above the Arctic Circle
19 to Kotzebue, which is over to the west.

20 And we experienced firsthand, from our discussions,
21 our meetings with Native Alaskans in Kotzebue, and then we
22 traveled to a small community, a village, Kiana, which as we
23 we flew there, which is just to the east of Kotzebue -- but
24 subsistence living is that you live off the land and off the
25 water.

26 We learned from rural Alaskans that this past
27 winter was a very poor whaling season because -- I think it
28 was due to global warming -- the ice wasn't thick enough for
29 them to be able to kill the -- what they do is they kill the
30 whales, drag them onto the ice, and then they slaughter it.
31 So a poor whaling season.

32 They were just finishing up the seal hunt season,
33 and getting ready -- this summer, when we were up there in
34 June, the Native Alaskans were very anxious to go to their
35 summer homes, which are on rivers, where they will hunt
36 caribou and fish. And they get their food, then, for the
37 rest of the year.

38 The cash that rural Alaskans do have is received
39 from occasional wages, some public entitlements. As Alaskan
40 resident, they all receive payments from the Alaskan
41 Permanent Dividend Fund, and in 2001, each resident of
42 Alaska, regardless of age, receiving \$1600 in payment from
43 this fund. And it's basically oil money. But oil revenues
44 are decreasing in Alaska. And Native Alaskans receive
45 dividends from regional -- their regional native
46 corporations. And again, this is oil money.

47 But jobs are scarce. The opportunity for economic
48 development in rural Alaska is very limited. Due to high
49 transportation costs, the costs of goods and services are

1 very high. We went into a grocery store in Kotzebue, and I
2 think I may even have taken a photo of the price of cereal.
3 A box of Lucky Charms was selling for \$7.59, where in the
4 Lower 48 you can buy this cereal for like \$1.79 on sale. So
5 the price of food is extremely high.

6 MR. EAKELEY: Are you displaying your taste in
7 cereals here?

8 MS. SCHNEIDER: Possibly. Much of rural Alaska
9 lacks basic amenities. There's no running water. There's no
10 sewage disposal systems. Lack of safe and sanitary housing.

11 Rural Alaska is defined by affiliations with one of
12 the 12 for-profit native corporations. There are no tribal
13 lands in Alaska. This is -- this all came about under a
14 piece of federal legislation called the Alaska Native Claims
15 Settlement Act that was passed in 1971.

16 The Native Alaskan clients face the same legal
17 issues as our clients everywhere. They have family issues,
18 housing, access to public benefits, and health issues. But
19 they also have very, very unique issues due to their
20 subsistence living and to issues involving native self-rule.

21 Their subsistence rights are very important. Under
22 federal law, they have rights -- preference over lands and
23 waters. Recently, the parallel state law in Alaska giving
24 native Alaskans these rights to hunt and fish -- the parallel
25 state law was struck down as unconstitutional by the Alaska
26 Supreme Court.

27 And what's pending right now is an amendment to the
28 Alaska Constitution bringing these two laws back together.
29 But until that happens, it is a nightmare trying to sort out
30 subsistence rights in Alaska, and it's resulted in a lot of
31 litigation.

32 And some of this litigation lasts a long time. The
33 legal services folks told us about one case that they
34 litigated that was decided by the U.S. Court of Appeals for
35 the Ninth Circuit that recognized traditional trout
36 subsistence fisheries on several waterways in Alaska, and
37 this decision overturned an adverse lower court decision.
38 But it was in the federal courts. It began in 1993, and it
39 was resolved in 2000.

40 There's also these issues of native self-rule. The
41 Alaska Legal Services Corporation continues to defend Alaskan
42 villages' right to have jurisdiction over internal domestic
43 relations matters involving Native Alaskans. They want these
44 cases litigated in the village courts, which are much like
45 tribal courts in the Lower 48 for Native Americans. And they
46 have gone to court to defend Native Alaskans' right to use
47 these courts.

48 There's other unique legal issues arising out of
49 right to land, ownership of land. In fact, Alaska Legal

1 Services gets a grant from the federal government -- this is
2 a separate grant from ours -- to defend property rights,
3 where they're trying to sort out ownership of property, you
4 know, in the absence of clear title. And they
5 basically -- they have to do a lot of research into, you
6 know, historical issues, claims involving land.

7 So in Alaska, involving rural Alaska, the law is
8 very complex, involving federal laws, state laws, and then
9 the jurisprudence that's developed over the years
10 interpreting these laws.

11 So the question is, how does Alaska Legal Services
12 deliver services to a spread-out poverty population in rural
13 Alaska? And they do it by, of course, placing their offices
14 in what they hope to be ideal locations.

15 In 1995-96, with all the federal cuts, they had to
16 close a number of their rural offices located in Dillingham.
17 On the map, it's to the south. That office was closed. The
18 office in Nome was closed. There was -- not on the map is
19 Kodiak. You'll see Kodiak Island down there. They used to
20 have an office down there in the south, in the Gulf of
21 Alaska. And the office in Kotzebue was closed in 1996.

22 Fortunately, within the last couple years, they
23 reopened all those offices except the office in Kodiak. So
24 they now have an office in Dillingham, Nome, and Kotzebue.
25 These offices were reopened with grants from the Native
26 Alaskan corporations serving that area, so not with our money
27 because they don't have it.

28 And the office in Dillingham, they fear, because
29 the Native Alaskan corporations are running into some
30 financial difficulties, they may have to close that office in
31 Dillingham unless they can find some replacement funding.

32 So they have, you know, placed their offices, and
33 they have one up there on top in Barrow, strategically
34 placing their offices. Attorneys from those offices do go
35 out to the villages in their regions. They serve rural
36 Alaskans. They make frequent use and good use of the
37 telephone. Rural Alaskans have telephones, definitely more
38 so than computers.

39 They are not linked to the Internet in many parts
40 of rural Alaska, although when we were in Kotzebue -- which
41 is a village; it's not considered a city, but it's several
42 thousand people -- we visited a health center there, and they
43 had -- the health center was linked to the Internet where
44 they could actually take a picture of a body part and
45 broadcast it a doctor that's, let's say, based in Fairbanks
46 or Anchorage, and there could be a diagnosis made over -- by
47 using that technology. It was fascinating to see.

48 So our folks, though, use the telephone, fax
49 machines. There's also, in Alaska, very liberal court

1 appearance rules. The Alaska Legal Services attorney from
2 Kotzebue told us that he has done divorces without ever
3 seeing his client in person, without ever appearing in person
4 in court. It's all been done over the telephone. This is
5 not the ideal way to represent clients, but they make do.

6 They're also willing, the staff of Alaska Legal
7 Services, to do whatever it takes to visit villages. They do
8 fly out in the small planes to visit villages.

9 Each office of Alaska Legal Services Corporation,
10 especially in the rural areas, has a Native Alaskan who's
11 employed by the office who's able to serve as a translator
12 for village elders. Many of the elderly Native Alaskans do
13 not speak English, and so there is someone there to
14 translate.

15 So I think what we saw -- you hear that Alaska is
16 the last frontier, and having been there now, you know, I can
17 second that. It is the last frontier. And it definitely
18 attracts persons with a pioneer spirit. There's a real
19 can-do attitude that Alaskans show.

20 And I think this is very true about Alaska Legal
21 Services Corporation. The staff we met are not only fiercely
22 dedicated to the cause of equal access to justice, but they
23 also have the spirit of adventure. They are willing to do
24 whatever it takes to see their clients and to see that their
25 clients are served.

26 And if this means mushing, you know, a dog team
27 over frozen tundra to go visit a client, they'll do that
28 because that's where the need is.

29 MR. McCALPIN: Madame Chair?

30 MR. ERLNBORN: Did you try that, by the way?

31 MS. SCHNEIDER: No. We were there in June. It was
32 summer. The snow, fortunately, had melted. Although I would
33 have tried it.

34 CHAIR WATLINGTON: Bill, and then LaVeeda.

35 MR. McCALPIN: Madame Chair, many of the things
36 that I've heard from Cynthia I have heard as I have sat at
37 the Canadian meetings over the years. And I will say more
38 about that tomorrow.

39 But let me point out to you that if you look at
40 that map up there, the eastern border of Alaska abuts the
41 Yukon Territory. East of that is the Northwest Territories,
42 and running all the way to the Atlantic Ocean is Nunavut,
43 which was created about two years or so ago with the division
44 of the Northwest Territories.

45 That area is perhaps as big as the whole United
46 States. The largest city in the area, I believe, is Yellow
47 Knife, the capitol of the Northwest Territories, which
48 probably doesn't have a population in excess of 25,000. So
49 you're talking about really rural delivery.

1 And there are programs in each one of those
2 territories which deliver legal services, and I think that
3 there's a lot of commonality and much can be learned between
4 Alaska and those far northern Canadian territories. They
5 have many of the same problems, and they've been addressing
6 them for years. And I think we ought to learn how to share
7 information.

8 MS. BATTLE: Across nation lines is, I guess, the
9 point that you've making.

10 MR. McCALPIN: Right.

11 MS. BATTLE: Absolutely. It's interesting, when
12 you look at the census in 2000, that there was actually an
13 increase in the poverty population in Alaska, a slight
14 increase.

15 MS. SCHNEIDER: A slight increase. And again, for
16 Alaska, those numbers are projected because Alaska we fund at
17 125 percent of poverty. And I believe we don't have those
18 final numbers, the 125 percent numbers, yet. So that is a
19 projected number.

20 MS. BATTLE: That's a projected number? Okay.

21 MS. SCHNEIDER: But there is a slight increase,
22 which is good because at one time, Alaska Legal Services
23 Corporation received a lot of funding from their state
24 government when the State of Alaska was flush with oil money.
25 That revenue has now drastically decreased, and they are
26 facing a big budget deficit for next year due to the loss of
27 state funding.

28 MS. BATTLE: I was going to ask you a little bit
29 about state funding, and you already answered that question.
30 Okay.

31 CHAIR WATLINGTON: Any more questions?

32 MR. EAKELEY: Just a follow-up on Bill's. Do you
33 know whether Alaska Legal Services is in contact, regular or
34 irregular, with the Canadian legal services in the region?

35 MS. SCHNEIDER: I don't know. They didn't mention
36 it to us when we were there.

37 MR. EAKELEY: It might be worth asking, and
38 providing them with some phone numbers and names.

39 MR. McCALPIN: I have them.

40 MS. BATTLE: This is the man who has them.

41 MR. EAKELEY: And I bet a similar suggestion is
42 going to be made next week at the Canadian convocation on
43 legal services.

44 MR. McCALPIN: It will be.

45 MR. EAKELEY: With the American delegate sitting to
46 our right here.

47 MR. ERLNBORN: Our ambassador.

48 CHAIR WATLINGTON: Ambassador to Canada.

49 Are there any other questions? If not, thank you

1 very much.

2 Going down on our agenda, the next would be update
3 by Joyce --

4 MR. EAKELEY: Raby.

5 CHAIR WATLINGTON: -- Raby on technology initiative
6 grants. And we didn't cut the machine off this time.

7 MR. EAKELEY: This is going to be a technology
8 presentation.

9 MS. RABY: Yes. They make fun of me if I don't use
10 some sort of technology in the presentation.

11 Good morning. My name is Joyce Raby. I'm a
12 program analyst with the Office of Program Performance under
13 the Technology Initiative Grant program. And it's my
14 pleasure this morning to bring you up to date on the current
15 grant cycle.

16 We went through a competition. The applications
17 were due to us April 26th, and we've been in the process of
18 going through those and determining funding. So I wanted to
19 say thank you this morning to the board on your continued
20 support of the TIG program. I'm hoping that some of the
21 examples of things we're going to fund, projects we're going
22 to fund in the current cycle, will let you know the positive
23 impact this program is having on our clients and on our
24 programs.

25 Just some rough numbers, and all of these materials
26 have been included in your board book starting on page 125 if
27 you want to follow along. But our total funding that we got
28 to give away this year was \$4.4 million. We had 100
29 applications. The total requested amount was 12.7.

30 I wanted to mention that the 12.7 is actually
31 leveraged to result in projects that actually cost \$22.9
32 million. So if we'd had \$12 million, if we'd given it away,
33 we actually would have funded projects that were worth over
34 \$22 million.

35 We're seeing a lot more partnerships, a lot more
36 partnerships coming from a variety of partners that our
37 programs are working with, and those partners come with money
38 in hand. So they're very real collaborations.

39 We're right now -- the total amount that we've
40 currently awarded is 4.279 million. We are still working out
41 some variable numbers on negotiated grants. We occasionally
42 negotiate grants.

43 I wanted to show you just roughly the numbers by
44 category. There are a number of different categories that we
45 fund within the program. We have seven grants in innovation
46 at over \$700,000; five in integration, over \$500,000;
47 statewide grants, six, a little over a million dollars.

48 We have almost \$800,000 in national grants this
49 year. We have 12 new statewide websites. That's a program

1 we started last year, that bringing the total of folks who
2 have applied for and been awarded statewide website grants up
3 to 40.

4 And in 2000, we awarded a couple of very small
5 grants before we had developed the templates to do websites,
6 and three of those have now converted over to the template.
7 Once they got a chance to see what they were developing
8 independent and on their own and on their own dollar, they
9 really could sort of maximize those funds and get increased
10 functionality and some features that they weren't able to
11 develop on their own by joining the sort of template
12 movement. So we're really seeing that take off.

13 MR. EAKELEY: Stop there for a moment.

14 MS. RABY: Sure.

15 MR. EAKELEY: How much does it cost -- if I don't
16 get a technology grant but I want to join the template
17 movement, how much would it cost my state to implement?

18 MS. RABY: The maximum amount that we award for a
19 statewide website is \$50,000. \$10,000 of that is to purchase
20 the template, and you have your choice of two templates. The
21 rest of that we earmark for content development or for staff
22 to assist in the development of content. So that 40,000 is
23 kind of divvied up differently among different states.

24 But if you had your own money and wanted to
25 purchase a template, you could start for as little as
26 \$10,000. And that would provide you not only with sort of
27 the infrastructure to start plugging content into, but also
28 could possibly start cover hosting, maintenance -- I mean,
29 you don't have to do anything.

30 The site goes up. You input content. You get
31 taught how to publish information to the web. But
32 maintaining the website, developing the software, search
33 engines, all that kind of stuff, is all done by somebody
34 else.

35 MR. EAKELEY: And you said 40 states had either
36 installed or applied for --

37 MS. RABY: Forty states have actually, through our
38 program, gotten money from LSC.

39 MR. EAKELEY: Okay. So that means there are 40
40 statewide websites now?

41 MS. RABY: There's 40 statewide websites, including
42 the 12 from this year. There are also three states, and
43 I -- there are Texas, Mississippi, and I think the other one
44 is Hawaii, who had developed -- who had in 2000 gotten very
45 small grants to do -- yes, there were three converts -- to do
46 websites before we had -- because in 2000, we developed the
47 templates and so they weren't available yet.

48 So we did very small amounts, I think, anywhere
49 from \$15,000 to \$20,000, really small grants. And what

1 they've found is that what they could buy on the open market
2 in terms of functionalities and features on websites, they
3 got a much better deal by coming into LSC and working with
4 the templates.

5 Because we offer so much more because we were able
6 to leverage everybody. And so all of those little bits and
7 pieces then added up into a website that really provided much
8 more than they go buy themselves.

9 MR. EAKELEY: Sorry for the interruption.

10 MS. RABY: No, no. That's fine. I'm glad to
11 answer.

12 MR. EAKELEY: But good stuff. Good stuff.

13 MS. RABY: Yes. Yes. I couldn't have planned that
14 better.

15 There were 19 renewal grants. We realize that
16 there were -- we want to sort of soften the transition into
17 folks maintaining content in the websites on their own. And
18 so we offered a \$25,000 grant to anyone who was current on
19 their \$50,000 grant that was awarded last year who wanted
20 another year of funding, so that when that 50,000 ran out,
21 they'd have another \$25,000 to sort of continue that process
22 in the hope that we're transitioning them to maintaining that
23 all on their own. And we funded 19 of those this year.

24 Okay. I wanted to give you just some example of
25 pro se projects we're funding in the current cycle. We're
26 really excited. We have a lot of -- a big, broad variety of
27 things we're doing this year.

28 In Georgia, we're looking at a partnership with
29 AARP. Here in the District, AARP has what they call show
30 offices or self-help offices, and they're located in
31 community centers, in churches. And there's a person who is
32 trained on how to navigate people to sort of do the part of
33 navigating the Internet in order to find materials about
34 legal education or legal resources that might be available to
35 help people solve their problems.

36 And what we're going to do in Georgia, there's
37 actually two offices that we're funding. One is going to be
38 in a high-traffic urban area. We're going to just get a
39 navigator, some volunteers in the community, put in a PC,
40 connect it. They'll be able to use Georgia's statewide
41 website as well as other sort of legal resources available on
42 the Internet.

43 And then there'll be another one that's actually a
44 mobile show that they're going to set up, and they're going
45 to take it to job fairs, community centers, senior centers,
46 all sorts of places around the state, and sort of see if
47 there's a way to have a laptop that connects to the Internet,
48 and a volunteer to help people, so that the barrier isn't, I
49 don't understand how to navigate the Internet. If we can

1 kind of get past that and get some service to people who
2 maybe that's an issue for them.

3 And Maryland has a -- I know in a previous
4 presentation this morning, we talked a little bit about
5 Maryland's website. And they have a really phenomenal
6 website, and we're going to be funding an expansion to that.

7 And that will be what they're calling personal case
8 managers, and it will be a -- if I'm a pro se person and I
9 come in and I want to work through a legal problem on my own,
10 the system develops for me a single web page off of their
11 website.

12 And I can -- and just like on a desktop, I can copy
13 documents or links to other places or information that I've
14 started to gather about how to solve my legal problem. It
15 sort of gives me a way to organize and track that information
16 so that I can always come back to that.

17 The other piece that's really interesting is that
18 once I've gathered all those materials, I've developed
19 everything I need to file my case in court, I can also,
20 through the use of unbundled legal services, have an attorney
21 via the Internet review all of those materials without ever
22 having them leave their office.

23 They are going to receive some training, volunteer
24 for this, say, these are particular practice areas I'd like
25 to assist with. They'll be able to review the materials, do
26 a very specific sort of service. And then I get a chance,
27 hopefully, at providing -- being able to go through the court
28 system much more effectively because I'll have had a chance
29 for somebody to look at it and make sure that I've done
30 everything correctly.

31 Virginia is doing a really interesting project this
32 year. They are working with the -- and let me get this
33 right -- the Asian-Pacific American Legal Resource Center.
34 And those folks are actually going to do intake and
35 eligibility screening over a web-based intake system from
36 their offices in whatever Asian language the low-income
37 community needs. And then if someone is eligible, they will
38 refer those cases over to the LSC-funded program
39 electronically.

40 So it's a way to reach a committee that right now
41 the program in Virginia doesn't have translators to cover
42 every possible Asian dialect they may run into. So the
43 Asian-Pacific American Legal Resource Center has volunteered
44 to do that piece for us, and then that's a way to sort of
45 reach a community that right now we're not reaching as well
46 as we'd like to.

47 I'm so glad Cindy set us up really well for the
48 Alaska presentation here. Working with that, we funded a
49 project this year in Alaska to establish six remote

1 workstations in courthouses. They have a great partnership
2 with the court.

3 The court has agreed to maintain the systems, to
4 provide space for the systems, to help staff the systems,
5 make sure there's paper in the printer, and all those other
6 sorts of administrative pieces, if the Alaska Legal Services
7 folks will help them workstations in, and then also develop
8 some PowerPoint materials as a client education piece, to do
9 some additional pro se materials specific to those
10 communities.

11 They've agreed, once they've started to develop
12 these materials, to provide that information and experience
13 to the rest of the community. So we're really hoping that is
14 a way to reach some of those remote locations.

15 We're funding a project in Oklahoma this year which
16 is real exciting. All of you are aware of the I-CAN!
17 project. I know at the last board meeting, everyone got to
18 see a demonstration of that. We're hoping to come up with a
19 way to be able to replicate that cost-effectively in a number
20 of different areas around the country. And so this is our
21 first attempt to expand I-CAN!

22 They'll be purchasing a kiosk. They're going to
23 place that kiosk in Tulsa, Oklahoma. They're going to modify
24 the domestic violence module out of I-CAN! to be specific to
25 the community in Oklahoma, in Tulsa.

26 All those materials are actually located on the
27 web. The web-based functionality will remain in Orange
28 County, California. So they will continue to run and
29 maintain the server that will actually be providing the
30 materials to the folks in Tulsa, Oklahoma.

31 So it's a really cost-effective way to see if we
32 can continue to put kiosks in communities around the country
33 and hopefully service them and maintain them all through a
34 single location so that we're not having to set up all of
35 that functionality everywhere, in every state or in every
36 community or in every courthouse.

37 Another project that actually has become a really
38 big consortium here is document assembly. We've been
39 working, and I know Glenn has done a lot of work, with the
40 folks at Hotdocs to get a donation of not only the online web
41 server piece but also the authoring software. Those are two
42 separate pieces you need to be able to not only create
43 templates, but then also make them available on the Internet.

44 In Ohio, we're doing two separate pieces. Ohio is
45 going to be developing some stuff for assisted pro se, an
46 interface using that authoring software, and New Jersey will
47 be developing a stand-alone pro se interface piece.

48 So we're hoping that by dividing some of this up,
49 we'll get the experience in a couple of different states, get

1 folks trained in how to create the document assembly, and
2 then be able to not only release software and make the
3 software available, but also be able to release either some
4 templates or an inventory of materials for people to get
5 started with.

6 There's a couple of -- well, there's several
7 here -- projects that we funded that in some ways are
8 affected by state planning. Consolidating case management.
9 Shared infrastructure systems. We funded one in southern New
10 Mexico, Wisconsin, Mississippi. We're also funding some
11 technical staff in Louisiana and North Dakota.

12 And in some ways, this portion here is a response
13 to a meeting that we held in June of this year, a summit
14 meeting in St. Louis, Missouri, where we invited some
15 grantees, a select group of grantees and folks in the
16 community, to come talk to us about the TIG program and to
17 get some feedback about what they felt about what we were
18 doing in the field, the impact that the TIG program was
19 having on programs around the country.

20 And one of the things that they asked us to do is
21 while they were certainly supportive of our efforts to kind
22 of pioneer new methods of delivery, they wanted to insure
23 that those states that maybe didn't have as many technical
24 resources or didn't have the technical staff to help them
25 implement technical projects didn't get left behind.

26 And we're funding, for a single year, a technology
27 person to go into the state, work with all of the LSC-funded
28 programs in the state to create sort of a statewide vision of
29 where is it we want to go? What kind of technologies do we
30 need? Where are we now? And how do we sort of move forward
31 into the future?

32 National projects: These are always really
33 exciting projects. We have two training projects this year.

34 One is some skills training for attorneys. We're working
35 with -- and let me make sure I get this right -- the Legal
36 Services Training Consortium of New England. They've been
37 around for a couple of years, and have developed a fairly
38 sizeable inventory of curricula for skills training for
39 attorneys.

40 And they're going to use a variety of long-distance
41 learning techniques -- CD-ROMs, videoconferencing, video
42 streaming over the web, and experiment with taking the
43 curricula that they have already developed and making it
44 available to everyone in the country, every program in the
45 country.

46 So if I am an attorney, I'm a new attorney, that's
47 been hired by a legal services program in Idaho, maybe
48 through the use of a CD or maybe I can attend over the web a
49 training session on skills training being presented by

1 someone in the New England area. So we're really excited to
2 get the opportunity to sort of increase that availability.

3 The second piece in terms of training is we're
4 funding a project that will help us increase the technical
5 expertise. Sort of training for geeks is probably the
6 easiest way to explain it.

7 We're hoping that because technology training is so
8 expensive, that we can create some curricula to make
9 available for technical staff we do have in the field so that
10 they continue to learn and grow as technology evolves to make
11 sure that we're staying current in terms of the projects that
12 they are now supporting and supporting in the future.

13 Yes?

14 MR. EAKELEY: On the first of the two training
15 projects, I might just suggest that if they've not already
16 done so, that they might consult with Steve Lalaiko, at the
17 Practicing Law Institute.

18 The PLI has done a great deal -- has invested a lot
19 of time, effort, and resources in interactive legal skills
20 training curricula, and has a very active, at my urging, pro
21 bono program for legal services and government attorneys.

22 Glenn? I'm sorry?

23 MR. RAWDON: They're our partners.

24 MR. EAKELEY: Oh, great. They're part of the
25 consortium?

26 MR. RAWDON: Yes.

27 MR. EAKELEY: Excellent. Excellent.

28 MS. RABY: My partner in crime just --

29 MR. EAKELEY: Sorry for another interruption.

30 MS. RABY: No. That's great.

31 The next one here in the list is XML. And XML is
32 kind of a fancy way of talking about how we're going to deal
33 with electronic filing, or how we hope to be able to deal
34 with electronic filing.

35 If you think about -- and just to kind of introduce
36 an analogy here to help you think about what XML is, if you
37 think about credit cards and the fact that at some point,
38 someone had to say, every time I use a credit card I have
39 certain pieces of information about that transaction that are
40 transmitted from any vendor, whether it's a restaurant or a
41 retail environment, to whatever bank has issued me the credit
42 card, and how that information is presented. So somebody
43 agreed on some standards about the information, about the way
44 that information was going to be presented.

45 Well, what we're doing here is the same thing, just
46 in terms of electronic filing. We're attempting to be a part
47 of the development of the standard for electronic filing, not
48 only so that the needs of the legal services community get
49 address in the process of the standard being developed, but

1 also that we are at the table in terms of insuring that
2 electronic filing becomes the way that most courts want to
3 operate.

4 It does not become a barrier to then our clients,
5 who don't have access to that. So it is an opportunity for
6 us to sort of be -- as the standard is being developed, for
7 us to be table and part of that dialogue.

8 MS. BATTLE: Who is central to developing that
9 standard?

10 MS. RABY: Well, that's a really good question.
11 There is already being developed a -- sort of a legal XML.
12 There is a subset of the legal services XML that is working
13 with those folks. And we -- actually, LSC -- I believe Steve
14 Gray. There's a number of different folks around the country
15 who have been developing, and I -- Hugh Cockins with NLADA.
16 I'm trying to think of other people.

17 And Glenn, if you want to jump in with other folks
18 that have participated, have already been working to
19 establish the legal services XML subset of the legal XML.

20 MR. RAWDON: Gwen Daniels --

21 MS. BATTLE: Come to the mike.

22 MR. RAWDON: Gwen Daniels at the old clearinghouse,
23 the Poverty Law Center in Chicago, is going to actually be
24 doing most of the authoring. And we've been working people
25 with -- as Joyce said, from legal XML, and also with John
26 Graecen, who is working with the court filing section of the
27 legal XML group to be sure that everything that we do in this
28 project is compatible with what the court filing group has
29 done so that we'll be posed to do e-filing as the states get
30 ready and adopt that standard.

31 MR. EAKELEY: Is there a consortium at the state
32 level or at the state court administration level, or is it
33 federally driven?

34 MR. RAWDON: No. It's at the state level. They
35 have a group within legal XML that has been working on this
36 for some time. In fact, they're the first group out of legal
37 XML to come up with a standard.

38 And it's now been tested in more than three places,
39 so it is their standard, and we're working from that, and
40 also working with the vendors that do the case management
41 software. They've recently joined the group that's doing
42 this as well so that when this is all done, this will be
43 integrated into every case management system of the major
44 vendors -- you know, Kemp's, Legal Files, Practice Manager.
45 All those are participating in this group so that all this
46 will work together to exchange information.

47 In fact, we're doing a pilot project with Northwest
48 Justice Project. They're also getting a grant because they
49 wanted to exchange information. When they do an intake and

1 it's not appropriate for them and they wanted to refer it to
2 someone, they now fax it over there and it has to be re-keyed
3 in, re-typed in.

4 They're going to be a pilot project for this
5 national grant. And when they finish with something like
6 that, they'll be able to hit a couple of buttons, send the
7 appropriate information to a website. Their partner will be
8 able to log onto the website, hit a couple more buttons, and
9 download it into their case management system, and it will
10 save hundreds and hundreds of hours of time which can be
11 devoted to clients.

12 MR. EAKELEY: I keep interrupting you. We keep
13 interrupting.

14 MS. RABY: No. That's okay. That's great. Thank
15 you.

16 The next one on the list is the earned income
17 credit. The folks at I-CAN! are sort of at it again.
18 They've been working with the IRS to put together a module to
19 create a tax filing module that would live on their web
20 server that currently houses I-CAN!

21 They're going to be working to make that available
22 to every legal services program, in part to ensure that poor
23 people apply for and get the earned income credit, which the
24 IRS has determined is not applied for or asked for as often
25 as it should be as people are eligible for it, and also to
26 ensure that folks have an opportunity to file their taxes in
27 a way that doesn't make use of some of the more disreputable
28 methods of having your taxes created.

29 So once it is created in Orange County, it will be
30 made available to any legal services program based on -- over
31 the Internet, so that this very small project will then have
32 an impact nationally. Any legal services program that wants
33 to participate will be able to make this as a service
34 available.

35 MS. FAIRBANKS-WILLIAMS: This would be a lot
36 cheaper than paying H&R Block 75 to 175. Right?

37 MS. RABY: If even that. I mean, what we found is
38 that with the rapid refund, they're also charging a really
39 high interest rate for that wait period in there. And that's
40 not the only organization, but there's a lot of organizations
41 as well.

42 And this would just be an opportunity for folks to
43 be able to not only hopefully be able to do it at no cost,
44 but then also get an earned income credit that means more
45 money in their pocket.

46 I wanted to briefly sort of -- that's kind of the
47 highlights. Those are sort of the best out of 2002. And I
48 wanted to just kind of bring you up to date, take an
49 opportunity to talk about 2000 and 2001, those grant cycles

1 and where they are.

2 In 2000, just to kind of give you a context, 31
3 grants were awarded. We have currently paid out \$2.9 million
4 of the \$4.1 million we awarded in 2000. We've had two grants
5 actually complete, the I-CAN! project in California, and then
6 Mississippi got one of the very small websites their first
7 year, and they've also completed.

8 We have nine out of those grants that are currently
9 in the evaluation stage, so they're getting very close to
10 being wrapped up and completed, as you can see here.

11 2001 we awarded 55 grants. We've paid out also 2.9
12 out of 6.7 million that was awarded. We show some really
13 outstanding progress here. Utah, we funded an expansion to
14 their court-based website that allows pro se litigants to
15 create documents that they need to filing, and that
16 information is, at their request, moved to a website.

17 And we're also seeing once again sort of the
18 Maryland model of the unbundled legal services, where an
19 attorney then who volunteers signs up with the website and
20 says, I'll take so many cases in a particular practice area
21 in any given time period, then can review those documents and
22 send by e-mail back to the litigant saying, here are the
23 things that were good about what you did. Here are the
24 things you need to do. You might want to check on this. All
25 of those materials get reviewed, and it's an opportunity to
26 insure that folks are working through the court system
27 appropriately.

28 Montana has up and running currently a pilot where
29 they're representing folks in court remotely via
30 videoconferencing. They got permission from a court in
31 Missoula for the attorney to represent clients over a
32 videoconferencing connection. They've actually represented
33 18 clients. They're currently putting together their
34 evaluation stuff, and are really just going like gangbusters.
35 It's a very exciting project, where a remote city is
36 actually being able to use the churches without having to go
37 there.

38 And Tennessee has made just great progress on their
39 statewide website. I always kind of like to give folks
40 credit where credit is due.

41 Just to kind of wrap it up, where we are currently
42 in the process on the 2002 grants: Grant award packets will
43 go out the first week of September. That's where we've
44 planned. So as we finish up sort of all of the awards, any
45 negotiations with grantees, creating payment schedules, all
46 of that information.

47 The TIG conference will be October 16th through
48 18th at the Chicago Kent Law School. That has been a great
49 venue for us. They provide us the space at no cost, so it

1 obviously works for us very well.

2 We do have the support of -- the vice president for
3 programs will be there to talk to the grantees about how TIG
4 funds sort of -- to continue to address the message about how
5 all of the programs in LSC are all moving towards the same
6 strategic directions.

7 The initial checks will go out. All of the grants
8 will start on November 1st. The initial payments will go out
9 the beginning of November. And all of the grants right
10 now -- there are a number of press events that are currently
11 being planned around the country. And so some of the grants
12 that we presented here today, I didn't give you a lot of
13 the specifics on program names or numbers because that's all
14 up to the public relations people to give us the high sign on
15 that one.

16 Any other questions?

17 MS. BATTLE: Are we looking at the level of
18 proficiency of our client population to being able to utilize
19 technology in some of these grants, is one of the questions
20 that I have.

21 MS. RABY: Yes. There's a couple of different
22 projects that we're working on. One is sort of end user
23 studies. You know, once we've created some of these websites
24 and made them available, are people actually able to navigate
25 through them? The Minnesota folks are working to
26 develop -- in this year's grants cycle, we funded a project
27 of them to do some additional studies on where they are on
28 their -- doing focus groups, pulling together information to
29 ensure that their -- they created the probono.net template
30 that was one of the website templates that we're currently
31 using.

32 And they're following up on that grant, doing an
33 end user study on whether or not that interface has really
34 been beneficial to people, whether they can really navigate
35 their way through the lawhelp.org website.

36 And we're also seeing some user studies in an
37 Indiana grant that we funded last year. They're looking
38 at -- they're doing a number of meeting events around the
39 state in Indiana, talking with a lot of the community groups
40 in community centers to talk about what the level of
41 proficiency is and how comfortable people are moving through,
42 and are we really making a difference in terms of linking up
43 information to a pro se litigant, and does that result in
44 them actually being able to address their legal issue.

45 And so I think there's an interesting thing that's
46 happening in Maine. Maine was funded in 2000 to do a
47 website, and has a really phenomenal, one of sort of the
48 state-of-the-art websites using one of the -- a website they
49 had developed before we got into templates.

1 And they actually look at search engine requests.
2 So they are sitting looking at all of the different requests
3 for information. So if you see a request for, you know, some
4 assistance with domestic violence and maybe some assistance
5 with housing and maybe some public benefits, what they're
6 doing is taking that information and saying, okay, if that's
7 all coming from the same person, you know, how do we sort of
8 bring all those resources to bear on that same person at one
9 time, and what do we need to do in terms of what -- the kinds
10 of information that people look for and the kinds of clusters
11 of information people are looking for to make it easier for
12 people to get not just the stuff that they need in terms of
13 their legal need, but any other need that might also be, you
14 know, exacerbating that problem or happening at the same
15 time.

16 So I think there's a number of things we have to
17 do. We're hoping that -- these, in a lot of ways, are
18 experiments to see, can we make a difference in peoples'
19 lives by providing some of this information?

20 And I think user studies and focus groups are
21 really important to get the client level of the community
22 actually into the process of helping us design stuff so that
23 they know ahead of time, you know, that we -- as we're going
24 through it, that we're making stuff that people can actually
25 use, and that it does make a difference.

26 MS. BATTLE: Thank you.

27 MS. MERCADO: I just had a follow-up to that. I
28 wasn't sure at what level -- I know a lot of times a lot of
29 these documents are drafted like at sixth grade level or, you
30 know, first year of college level or high school level.

31 And so depending on what your median level of
32 education is in a particular community, you know, are they
33 actually then able to understand what it is that they should
34 or shouldn't do in some of this process.

35 MS. RABY: Yes. I think what we're trying -- what
36 we're seeing is that there's a couple of
37 different -- depending upon who your audience is, if your
38 audience is an attorney who is assisting a client going
39 through a process, even if it's brief service, there's a
40 whole different kind of interface that you can put together
41 because you can make some assumptions about their educational
42 level and their proficiency.

43 If you're doing something that is designed for the
44 community at large, whether that be, you know, a senior
45 center or it's just available through a community center or
46 it's just out on the web, what we're seeing are some basic
47 things that we're starting to learn, like one question per
48 screen -- you can't put a whole lot of information on a
49 single screen and expect people to know what they're supposed

1 to go through; that some buttons need to always show up on
2 every single screen, the next button, the back button, that
3 there always has to be a home button. There needs to be a
4 way out.

5 What words can we use that make sense to people?
6 And part of that experiment comes not just from us doing user
7 studies with the client community, but also gathering the
8 evidence for advocates that are actually helping people use
9 the Internet.

10 So in some ways, the show office is a really good
11 example, or places where -- say, for example, women's
12 shelters, where someone is there sort of answer questions, or
13 courthouse facilitators for PC's that are located in
14 courthouses and communities, and there's actually somebody
15 there who might be able to answer some brief questions.

16 I think we have to harvest some of that information
17 as well because they began to observe what pieces make sense
18 and what pieces don't make sense. They did a study based on
19 the very preliminary -- Richard Zorza's preliminary -- first,
20 I guess, is whatever they want to say, project for victims of
21 domestic violence that was subsequently implemented in
22 Georgia, also in New York.

23 And they were -- they monitored how long everyone
24 stayed on a particular screen as a determination of how
25 complex a particular screen was. And what they discovered
26 was that for some screens, it was, because they were complex
27 and didn't understand where to go; and for some screens it
28 was they were in the process of telling their story, and so
29 those were screens where they wanted people to spend a lot of
30 time.

31 And so there was all sorts of issues around
32 machines timing out because they were on the Internet. And
33 so how long do you insure that people have access to that
34 screen before you check to see if there's a problem? And it
35 really does depend on what the question on the screen is.

36 So it's a really -- it's a fascinating -- for some
37 of us, it's a fascinating thing to kind of figure out, you
38 know, how people walk through those processes.

39 MS. MERCADO: Well, I mean, you want to make sure
40 that you're making a product that people are actually going
41 to be able to use.

42 MS. RABY: Absolutely. Absolutely. But those are
43 a couple of the ways we're trying to address that.

44 MS. BATTLE: I was just going to say, I guess it
45 was two conferences ago for the equal justice pro bono
46 conference that is jointly done by NLADA and ABA, I did a
47 panel on the whole notion that following the election, we
48 really are looking in this country at maybe voting in a
49 different way and using technology more broadly so that it

1 does access -- it does provide people with a better way to
2 access how to participate in the voting process than we've
3 had in the past.

4 And Richard Zorza was one of the presenters, and
5 what I learned from that is that the kind of work that we're
6 doing in the legal services community is truly cutting edge,
7 and that in the broader legal community, they're learning
8 from a lot of the work that we have done first.

9 And I think it is important. That's why I asked
10 the question about end user understanding and ability to use
11 it, that as this product and as this development happens,
12 it's really important for legal services to be at the table
13 as it's being developed so that our clients, when courts are
14 looking to put together a system so that lawyers and clients
15 and people can access the system, that the level of
16 understanding that our clients have is part of the overlay as
17 to how it's developed.

18 And I just applaud the work that's being done in
19 getting together, along with the other people who are
20 developing the systems for the entire justice community, that
21 that -- that we're at the table. I think that's extremely
22 important for how it will be developed and how our people
23 will be able to access it.

24 MS. RABY: And if I could just follow up, I think
25 the TIG program is one way we get to the table. I think
26 having the projects, having money, having ideas, that's one
27 way we get to the table. Because we're able to walk into a
28 community and say, these are the things that we need to do
29 for our clients, and here's what we're doing. Do you want to
30 join us?

31 You know, we can be in a position of asking to
32 assist people or asking people to join us in a process that
33 we are really directing, we're really moving forward. And I
34 think the TIG program has made a huge difference in not only
35 being at the table, but where we sit at the table once we're
36 there.

37 MR. EAKELEY: First I want to commend you on a
38 wonderfully knowledgeable, articulate, and therefore
39 informative presentation. It was just very impressive.

40 MS. RABY: Thank you.

41 MR. EAKELEY: And exciting. Secondly, I wanted to
42 just reinforce what I said before when Glenn and Chris were
43 presenting on the matters initiative. We always have to be
44 concerned about enhancing access and improving outcomes and
45 attempting to establish benchmarks or measurements as we do
46 so so that there is an accountability built into each of
47 these initiatives.

48 And thirdly, I just wanted to observe my sense of
49 what an evolutionary process this has been, from the

1 beginning tussles we had with a former inspector general and
2 Mr. Zorza.

3 And it's my sense -- and I'd be interested in your
4 views on this -- my sense of it is that as we have proceeded
5 each year with a new round of grants and interacted with
6 applicants and grantees and others in the field, we have
7 developed an increasing capacity and sophistication, as the
8 field has as well. Is that accurate?

9 MS. RABY: Absolutely. This round is the most
10 competitive round to day because the applications get better
11 every year.

12 MR. EAKELEY: And there are templates there also
13 along the way.

14 MS. RABY: Yes.

15 MR. EAKELEY: So the foundation keeps rising that
16 you're building upon.

17 MS. RABY: Absolutely. I think that it's very
18 important to realize that all of this tends to feed off of
19 itself. I mean, what we see is the folks at the Illinois
20 Technology Center able to use our -- you know, the projects
21 that we're working on, we're able to sort of make use of what
22 they're working on.

23 Other folks around the country that are trying out
24 new ideas or attempting to, the courts in Utah, the folks in
25 Maryland, I mean, you see it sort of all around the country.

26 And I do think that we are -- it's sort of the "all boats
27 will rise."

28 I mean, as we bring everybody along and as our
29 capacity, our understanding, our knowledge about what
30 technology will do, what it can do, what it does best, what
31 it doesn't do best -- I mean, all of that just becomes then
32 used by everybody else. It's all being shared.

33 And we are working really hard to ensure that each
34 one of the evaluations that we're going through on all the
35 projects -- because there is an evaluation component for each
36 and every grant that we issue. And as I'm -- you know, if
37 you saw, nine in 2000 are getting ready to go through that
38 process. And some of those will be very telling to us about
39 what works and what doesn't work.

40 But then turning around, and either through the LRI
41 initiative or through conferences or any other way we can
42 make that information -- the LSTech.org website that we
43 funded last year -- to try to then turn around and take what
44 we've learned and what works really well and make that
45 information, but also then begin to replicate those
46 successful projects, like the I-CAN! thing we're doing this
47 year in terms of Tulsa, Oklahoma.

48 Well, how do you take what we learned in California
49 and make it work in Tulsa, Oklahoma? How do you take the

1 document assembly stuff we're figuring out in New Jersey and
2 Ohio and Indiana and then make that information available to
3 everyone?

4 So I think there are a number of ways. It's very
5 exciting. It's very challenging. But I do think we are
6 making a difference everywhere in terms of the groundswell of
7 expertise and experience.

8 MR. ASKEW: It's my impression that Glenn's
9 enthusiasm and Joyce's enthusiasm is shared by our grantees.
10 We all got a litigator from David Newmayer, the director in
11 Lynchburg, Virginia, requesting that we put additional money
12 into the technology grants, and that we provide more
13 technical assistance funding for programs.

14 I'm not cynical enough to believe that Glenn had
15 anything to do that with that letter. I think it was a
16 genuine -- and David called me, so I know it's a genuine
17 outpouring of support from programs that understand that
18 we're under financial pressure and they're under financial
19 pressure, but see the value of this, which I think in a way
20 is a real mind-shift for legal services programs.

21 Because in the past, when they faced funding cuts,
22 they'd cut technology and they'd cut training first in order
23 to preserve staff. And I think a lot of them have moved a
24 long way in the last few years, probably along with us, to an
25 understanding of how important this all is.

26 MR. EAKELEY: Well, we might want to reiterate that
27 point at our finance committee meeting this afternoon when we
28 discuss next year's budget mark.

29 CHAIR WATLINGTON: Is there any other -- as a
30 client advocate, it's very difficult at first to be
31 supportive or to buy into technology, money spent for that,
32 when I felt it should go other ways.

33 But the one point that I think a lot of you guys
34 are missing that's very important to us clients, because we
35 don't have that knowledge. We can learn, you know. We're
36 capable of learning more things than we think we can learn.
37 But we can learn to become, you know, computers -- if not
38 expert, at least to get the benefits from it.

39 But the one thing that has been the selling point
40 for me: The more things that are being able to be done on
41 that computer leaves time for that attorney to be more client
42 service in the community. And that need is increasing,
43 client services. And that's what bought me.

44 MS. MERCADO: Madame Chair? Okay.

45 One of the things that I noticed as I was writing
46 my notes when you were speaking was that in a lot of these
47 different grants that you're awarding and a lot of the work
48 that we're doing in providing more access to justice to
49 client communities is sort of the tying of the constant, how

1 do we record all this work that we're doing? How do we
2 record all these clients that we are -- services that are not
3 necessarily coming into our office and, you know, filling out
4 an intake sheet, but that we are doing all this work?

5 For example, the project where the attorneys review
6 the pro se documents to see whether or not they're in
7 compliance with whatever the court -- someone is spending pro
8 bono hours or actual legal services time to review that. And
9 so, you know, are those some of the matters that we're
10 looking?

11 And then you're looking in a general overall -- I
12 mean, I don't know what kind of an evaluative system you have
13 for these different projects, providing the technical
14 assistance in the different programs to be able to sort of
15 capture what percentage of people we're affecting in
16 providing more access to justice, not only both in
17 partnership with the private sector in the pro bono hours but
18 also what our staff and our attorneys do.

19 On the one hand, yes, technology allows you to do a
20 lot more things. But at the same time, somebody else has to
21 be capturing that information and, you know, developing new
22 documents, developing new community resource materials. All
23 that requires time and energy.

24 Again, looking at the matters category that Chris
25 and John were looking at, in capturing all those -- I hope
26 that that's part of what our advisory council are looking at
27 to evaluate, and also for purposes of funding or budgeting
28 for upcoming years.

29 MS. RABY: If I could address that just briefly, I
30 do think that it's happening in the matters. And we also
31 funded a grant last year that is developing the MIE grant
32 that Glenn mentioned, where we're developing evaluation
33 instruments to not only determine whether the implementation
34 was successful -- I mean, sometimes in technology you can
35 implement the project and that doesn't necessarily mean that
36 you -- you know, successfully. The computer is there. It's
37 up. It has the materials. But are you making a difference
38 in your community?

39 And so that is part of then our evaluation that
40 we're hoping to, at the TIG conference in October, present
41 some of those instruments and begin to get our grantees to
42 use those instruments so we have a way to begin to track some
43 of that information.

44 CHAIR WATLINGTON: Well, we've really enjoyed it.
45 And I think we could go on and on, but I think we'd like to
46 get back to our agenda here and to hear Reginald here, the
47 next --

48 MR. EAKELEY: Or is it Bob Gross and state
49 planning?

1 MR. McCALPIN: After hearing a presentation like
2 this, I think I'll just go back into my cave.

3 (Laughter.)

4 MR. EAKELEY: Actually, we'll have some pro se
5 materials for you there, Bill.

6 CHAIR WATLINGTON: Bob Gross is next. Okay. State
7 planning. I'm sorry, Bob. I was trying to rush things a
8 little bit.

9 MR. GROSS: That's all right.

10 MR. EAKELEY: You almost succeeded.

11 MR. GROSS: Good morning. I just wanted to touch
12 briefly on three items. Two are in your book, and the first
13 one follows up on the questions you've been asking about
14 evaluations. Can you hear me?

15 In your book at pages 130 through 187 is the draft
16 of the state planning evaluation instrument. And I'm sure
17 you've all parsed it thoroughly by now. It's the product of
18 five months of work. It says it's the sixth draft, and it
19 is, which shows that there's been a lot of thought and
20 attention paid to it.

21 Our consultant used a word that I think you'll see
22 in there. It was granularity. When you begin to measure
23 something, you measure it carefully. He also told us about
24 the importance of what you measure shows what you value, and
25 we hope that we captured that in this instrument.

26 You'll see, when you look at it, the list of
27 participates on the design team. We'll put it out for
28 comment. Conceivably the e-mail will go out today or
29 tomorrow, but perhaps Monday. It will be on our website. We
30 want a broad audience. We will invite comment from the usual
31 partners, clearly our grantees and others.

32 We will present it again at NLADA in Milwaukee in
33 November. We'll have two tests of it, one the week before
34 the NLADA conference, one the week after. And hopefully,
35 we'll be ready to go by the first of the year.

36 When you look at it, you'll see that it breaks down
37 into essentially three components. One takes a look at the
38 state plan, the process of its development, who was at the
39 planning table, what did you do, what did you consider, what
40 data, current data, in developing your plan. How
41 comprehensive is your plan, and looking at a full range of
42 clients, a full range of services.

43 The second portion, which I think will prove to be
44 very, very valuable, is about implementation, a step that I
45 think most of our states are at. And this is rather simple,
46 but I think will produce very good results.

47 Essentially, under this design, we'll look at what
48 the state plan said it would do, and then we will ask how
49 well that's been accomplished. And it's not as simple as

1 pass/fail or yes/no, you did it, you didn't do it.

2 But there are a lot of other criteria that will be
3 considered in terms of opportunities that might have occurred
4 while you were doing something, what roadblocks might have
5 occurred, what might have changed in your
6 environment -- funding decreases or, hopefully, funding
7 increases -- that affected the implementation of your plan.
8 But it's a sort of rubber-meets-the-road kind of thing that I
9 think will turn out to be very useful.

10 The third area makes great progress in getting to
11 outcome measurements. It doesn't do the whole thing. As you
12 know, the request for information that's in your booklet that
13 was mentioned earlier will try and get a much better handle
14 on the outcomes for clients.

15 As we reported last time, as you can see from this
16 instrument, it was quite a lot of work to get where we are.
17 We didn't think we could do the whole thing at once, and
18 rather than delay waiting for the whole thing, we moved ahead
19 with where we are.

20 And the results that we'll measure, though, we
21 think will be useful. They're essentially in eight areas.
22 The results we'll look at and what we will evaluate is: What
23 kind of state level capacities have been created that will
24 enhance and leverage resources for clients and for the
25 delivery of legal services? In client representation, for
26 instance, are there state-level capacities for coordinating
27 advocacy, for supporting legal work?

28 We'll look at infrastructure: Are there capacities
29 for state-level technology planning, state-level training?
30 And then we'll look at growth of resources for the system:
31 Are there state-level capacities for unifying efforts within
32 the state to raise resources?

33 Those are -- and you'll see that there's a list
34 of -- in those three categories, about 20 state-level
35 capacities that this group and its design team thought was
36 important to put out there and to evaluate how well our
37 states are doing in those areas. That's still pretty far
38 away from what goes on on the ground for clients, but we know
39 we'll get there.

40 The next level of inquiry will be resources: How
41 has state planning in a state affected resources? And it's a
42 simple -- actually, none of this turns out to be quite so
43 simple to measure; when you look at resources and dollars,
44 you have to determine which dollars and in whose hands. But
45 the concept is simple: State planning, how has it affected
46 resources available for civil legal services?

47 The next category in that line is number of
48 attorneys providing legal services for our clients: Up?
49 Down? The same? What's occurred?

1 Another area that's simple is: What about the
2 services, both in terms of cases and matters? What has
3 occurred? Has there been a growth? Is it the same? Has it
4 gone down? And what about the breadth of those services?
5 The CSR system, while it is not perfect, it does give us some
6 idea of the range of services that are being provided by
7 type. And so we'll look at changes over time.

8 Another important value in state planning is the
9 equitable distribution of those services. And so the
10 evaluation instrument will measure, by geography, at the
11 first cut how our services in each state are being delivered
12 to get a sense of the equity in their distribution.

13 We'll also look at how equitable the distribution
14 is amongst different groups within our client communities.
15 The CSR data certainly provides one view of that in terms of
16 the measures that it provides of different client categories
17 that we look at.

18 But we're going to also ask the states to go beyond
19 that as a test, anyway, and to pick, for example, two
20 categories of client groups that might not be captured in the
21 CSRs, but which the state has particular interest because of
22 their presence in their community to track how they're doing
23 for that group.

24 It might be like what you heard in northern
25 Virginia, that perhaps the state would decide that there's a
26 certain population group that we don't capture in the CSRs as
27 such, but is a group that we want to see how well we're doing
28 in terms of our delivery.

29 We think this is going to be much more than just a
30 bureaucratic exercise from Washington. And I think we feel
31 confident that by the input of the design team and the
32 cross-section of it, I think it's going to encourage a lot of
33 activity.

34 We pondered the question of when you begin to
35 evaluate state planning and you start with the very beginning
36 of -- we'll start by contacting a state and say we're going
37 to do this evaluation. Let's look at your state plan. Some
38 states will have a hard time really putting their hands on a
39 current state plan that they feel they want to put out to
40 view for evaluation.

41 By getting this instrument out quite a while before
42 we actually begin the process, I think it will encourage
43 states with a set of guidelines in here by knowing what we
44 are looking at to take another look at where they're at in
45 this area.

46 I know that in my work recently with one state in
47 its planning, one of the things that they were working on was
48 their planning body, which had been fairly narrow. And I
49 think they found it very helpful to see an early draft of

1 what we were looking for. It gave them some definition and
2 some guidance, and likewise, in the comprehensiveness of the
3 plan.

4 This instrument will tell folks what we're looking
5 at in very concrete terms. It goes beyond our program
6 letters, which set out thematic ideas and concepts. And
7 we've filled that in over the years with a lot of hard work
8 and examples that we've provided. But when you look at the
9 63-page instrument that gets increasingly specific, I think
10 it gives folks -- it will give folks some guidance.

11 The design group said, you know, this is a test
12 that we want people to pass. It's not a compliance document.
13 It can be used -- the data will be used perhaps
14 comparatively: How does your state compare to the next
15 state? And that is of some utility.

16 But what the greatest utility will be is: How are
17 you doing compared to where you were last year, and where do
18 you want to go from here? And I think this instrument will
19 provide both the incentive for that and the means.

20 So we have several months of comment before the
21 tests. You have it. It's in small print. We can make it
22 larger. That's one of our goals. I think that will probably
23 be one of the first comments we get back. But that's the
24 evaluation instrument.

25 MS. MERCADO: That's a lot of work.

26 MR. McCALPIN: Bob, whom do you contemplate will do
27 the evaluation, and when do you expect the evaluation process
28 to begin?

29 MR. GROSS: Well, the process -- if I get your
30 question right -- after the terrorists we will probably have
31 a seventh draft and hopefully a final draft. And we would
32 begin evaluations next January/February of the following
33 year.

34 MR. McCALPIN: Of 2003?

35 MR. GROSS: Yes. Slowly at first because we will
36 want states to have seen and have digested the document. The
37 way -- and we'll learn from the tests what is the best
38 approach. Our thinking at this point is that, you know, in
39 each of these states, there is some state planning contact
40 person. It might be the chair of a commission. It might
41 be -- some kind of designated planning body.

42 And so we will have LSC staff, perhaps a
43 consultant -- one idea is to also include someone from
44 another state so that it becomes a learning experience for
45 them --

46 MR. McCALPIN: Will there be a team or an
47 individual?

48 MR. GROSS: There will be a team. And our current
49 thinking is it will be a two- to three-member team -- again,

1 we'll learn from the tests -- of an LSC staff person. Likely
2 the person who's been working with the particular state over
3 time. We might utilize a consultant from the community.

4 And one thought that's surfaced, again, is to bring
5 in someone from another state. Might be a program recipient.
6 Might be someone that's involved in state planning, on a
7 state planning body from another state. We think that will
8 lead to a lot of cross-fertilization.

9 MR. McCALPIN: How often do you contemplate there
10 will be an evaluation?

11 MR. GROSS: Subject to budgets and to what we learn
12 on the tests, perhaps a third of the states a year. That
13 seems ambitious, but possible.

14 MR. EAKELEY: Could you comment on the anomaly of
15 the Corporation requiring state planning of all of its
16 grantees, and now developing a really marvelous instrument to
17 evaluate the quality of that planning effort and the lack of
18 a similar planning effort at the board level of the Legal
19 Services Corporation?

20 I warned him I was going to ask the question. That
21 was one of the things -- as I read the instrument, that was
22 one of the things that struck me, that we talked about this
23 over a year ago and decided that we should defer to the next
24 board and not upgrade our own strategic planning efforts.

25 But I'm thinking now that, A, we're almost three
26 years into Strategic Directions, which was a beginning, not
27 an end. We have a new budget starting October 1, and no
28 direction from the board as to where those resources should
29 go within the constraints the Congress imposes in the census
30 and the like.

31 I think the new board would like to see at least
32 what the president's performance plan is that's consistent
33 with the strategic plan and in conformity with the budget so
34 that they can then alter it or adjust it as they go forward.
35 And if we applied the instrument to the Corporation right
36 now, I fear we'd be badly deficient.

37 MR. GROSS: I think I understand now why people
38 sometimes say, "No comment."

39 MR. EAKELEY: Well, no. I mean, what's your
40 perspective on the board's -- I mean, passing the GPRA and
41 the Results Act?

42 MR. GROSS: Well, my perspective, I guess, is this:
43 The Strategic Directions is a very valuable document that we
44 actually use and refer to often within the program side. And
45 I think this evaluation instrument is a result of that. You
46 know, that direction sets out some goals, sets out some
47 principles and activities for us to follow. And this
48 instrument measures some of the results of that activity.

49 So I think there's a platform in place for some of

1 that. Where the board wishes to take that, where future
2 boards and management wish to take that, I think is in your
3 hands. But I do think that there are some things in place.

4 MR. EAKELEY: I don't -- well, there's several fora
5 in which to bring this up. But we're going to run out
6 of -- at some point we're going to run out of time. But it
7 seems to me that when we're on the cusp of making budgetary
8 allocation decisions for the next year, setting sort of the
9 direction or not setting the direction for the management of
10 the corporation, in the midst of these heightened initiatives
11 in planning and evaluation, it behooves us to do a little bit
12 like we're asking others to do, and dust off the Strategic
13 Directions, and actually engage in some planning so that we
14 at least leave something for the next board that
15 isn't -- doesn't represent a three-year gap in strategic
16 thinking.

17 That's my strong inclination. We've
18 got -- October 1 is our fiscal year. January 1 is our grant
19 year. We didn't ask for a -- we did get a performance plan
20 from the president last year, but I think it's important for
21 the board to articulate a sense of strategic direction, and
22 then see whether the budget that's laid out conforms to that,
23 and whether there are steps to implement those priorities,
24 and then an evaluation after the fact and a revision of the
25 plan, which is all embodied in the Results Act that we're not
26 bound by but have declared our intention to follow.

27 Am I speaking out of turn here?

28 MS. BATTLE: No. I think the time has come and is
29 imminent for us to set that example.

30 MR. EAKELEY: And I would love to engage -- I would
31 love to informally engage prospective new members of the
32 board as consultant volunteers in that collaborative effort
33 to focus on strategic directions, without presuming on them
34 or imposing. But I think this is an ideal opportunity to do
35 what we ask our grantees to do, namely, reach out to other
36 stakeholders and participants and do a little bit better.

37 CHAIR WATLINGTON: As a client advocate, I agree
38 completely. You know, this is something that you have no
39 choice. I mean, if you want to serve that community, it's
40 not stopping waiting. I think times that the problems are
41 still going on. So I think it's something that we have to
42 do.

43 MS. MERCADO: What do you envision as a time frame
44 for that, given the time frame that you've already laid out
45 for where we are in this process?

46 MR. EAKELEY: I would love to see -- we're going to
47 approve a consolidated operating budget for the next fiscal
48 year at our next meeting, whenever that is, if we have a next
49 meeting.

1 I think that it would be -- if it were possible to
2 staff and launch an effort now that would have the next board
3 meeting as an interim step, and maybe the annual meeting,
4 which may or may not be the point of handover or may be the
5 first meeting of the new board -- but at least have something
6 that has a fair amount of focus to it by the end of the year,
7 I think that would be very important.

8 That would be my sense. But we can talk some more.
9 Just maybe things to think about, talk about, while we're
10 here this weekend.

11 MR. MCCALPIN: I think you have to -- if you're
12 going to do it, you have to get started this weekend.

13 MR. EAKELEY: I agree. Yes. I agree.

14 CHAIR WATLINGTON: And this is program provision,
15 delivery of legal services. And this is what you need to be
16 thinking about, where you're going to deliver it. You know,
17 as a board making the policies that may get to the problem.

18 MR. EAKELEY: No good deed goes --

19 CHAIR WATLINGTON: And what Bob says is, "No
20 comment"?

21 MR. GROSS: Well, I don't think what is
22 required --

23 MS. BATTLE: At just another level, Madame Chair,
24 this is quite a detailed evaluation tool that requires
25 looking at a myriad of areas of performance and work. And I
26 heard in response to the question that was raised by Mr.
27 McCalpin that you plan to do this every three years so that
28 you're covering the waterfront.

29 And I guess, particularly with the model that you
30 were talking about in terms of involving people possibly from
31 other states in meetings, one concern that I would begin to
32 have, I think that it's important to get a plan and then to
33 have it implemented and to have a vision and to see it work.

34

35 But I just wonder, once you get a plan in place
36 about the resources, limited resources, in a state and how
37 many meetings people are going to be willing to come to on a
38 continuous basis to talk about the redrafting or redoing of a
39 plan.

40 You know, you see, even with this board, we're
41 talking that we did one three years ago and, oops, we need to
42 do another one now. But we've got, as a driver, the fact
43 that we've got funding and other responsibilities that
44 require us to kind of set the tone for how that ought to be
45 done. So that's an obligation that we have.

46 And so it just seems to me that on the front end,
47 when states have done zero and they're getting started, that
48 it is indeed important to bring together and to create those
49 coalitions. But I just wonder at which level do we intend to

1 hold them to that same standard on a going-forward basis, and
2 whether we've given any thought to how that's going to impact
3 the resources, the people, that will be involved in this
4 process for the long term.

5 Once you put a plan in place and once it's working,
6 are we going to evaluate it to say, this has been a success,
7 keep doing it; or are we going to evaluate it to say, come
8 back together and let's see if you can redo it and think of
9 some more things?

10 MR. GROSS: Well, I hope it will be of benefit to
11 see where the successes are so that states can build on them
12 and can share those with others. Where there's more work to
13 be done, I think that will probably become evidence as well.

14 I think your questions are good, and that the test
15 will show -- because some of the states -- I mean, all the
16 states that we'll test, or any state, are different places in
17 their planning. And we will see sort of what's the -- what
18 do they need to do to present the plan to us and to look at
19 their implementation?

20 The design team was very aware and wanted to avoid
21 an undue burden. We'll see, through tests and through
22 comments, how well we did.

23 The state planning team sort of ran through some of
24 this as it might apply to some of the states. We did some
25 testing. And it was interesting: While the document is very
26 long, some parts of it are not very time-consuming at all. I
27 mean, they're very quick.

28 But the real work will be therefore probably not on
29 completing the evaluation, but for a state to say, okay, now
30 what do we do?

31 MS. BATTLE: Right. And I guess what I'm saying
32 is, when you get to the what do we do, the what do we do may
33 take more than a year or two to implement. And are we still
34 planning, or are we in implementation on that? And do we
35 still need to get back together on all of the different
36 pieces of the evaluation?

37 MR. GROSS: Well, hopefully --

38 MS. BATTLE: And I'm not sure that that's something
39 that, over time, we're going to see and look at. Counting
40 the number of attorneys is not going to take any time. I
41 mean, you'll be able to count that like that because you'll
42 have things in place to do that.

43 But there are some real substantive pieces to this
44 that are going to require the dedication of resources and
45 time within a state. And I just want to make sure that as
46 we're looking at this, we get things up and going, and then
47 we focus our energies on where we can really make a
48 difference for the long haul.

49 MR. GROSS: Sure.

1 CHAIR WATLINGTON: Is there any more questions
2 or --

3 MR. GROSS: I realize it's been a long meeting.
4 There were two other topics that I'll just mention what they
5 are, and see the pleasure of the group.

6 State planning, the technical assistance that we've
7 made available, there's really a chart at page 189 that you
8 can look at at your leisure. In three years, we've made
9 about \$733,000 worth of technical assistance available to 37
10 states.

11 There have been some other grants and contracts
12 that have benefitted folks from all states, some in
13 technology, some in the Making Mergers Work training that we
14 did. It's been roughly about \$200,000 per year that we've
15 assisted.

16 The numbers or the amounts per contract or per
17 state are not large, but I think it's made a difference
18 because it's money that people would not -- that, when you
19 ask them to do these other things, this helps them accomplish
20 them without tapping into their budget.

21 About one-third of the funds have been for
22 planning. About one-third have been merger assistance.
23 There's some overlap. About 10 percent has been for resource
24 development. Those funds have primarily gone to the lower
25 per-capita states, and some that are involved in mergers.

26 The other topic that I would just update you on, on
27 some of the configuration decisions that have been made.
28 Recently, both Florida and New York submitted plans.

29 In Florida's case, their configuration plan built
30 upon the comprehensive state plan they had submitted.

31 And New York is an example of a state that sort of
32 went back to the drawing board, created a new planning body
33 and a new state plan and a configuration recommendation.

34 We have accepted the plans and the configuration
35 recommendations of those state planning bodies. In both
36 cases, it's coincidental but not policy: Each state
37 recommended a resulting configuration of seven service areas,
38 from twelve in Florida to seven, and from fourteen in New
39 York also to seven. Those decisions were communicated to the
40 states August 14th and 16th.

41 There was a final decision made in the state of
42 Michigan. As you will recall, we had accepted the state
43 planning team, and I believe you were aware that the vice
44 president has accepted most of the recommendations of the
45 designated state planning body.

46 In the state of Michigan, there were two counties
47 in dispute in that whole plan. And the designated state
48 planning body sought review all the way up. And those were
49 the counties comprising the suburban counties outside Wayne

1 County and Detroit, metropolitan Detroit area. President
2 Erlenborn made a final decision supporting the decision that
3 the LSC staff had made, combining those two counties with
4 metro Detroit.

5 That's just to update you. To tell you more,
6 that you recall that there had been a configuration decision
7 made at the staff level of LSC. The designated state
8 planning body had sought review.

9 The vice president listened to that review, and the
10 designated state planning body determined that they would
11 undertake a review of configuration in that state, so that we
12 then retracted our configuration decision to allow that
13 designated state planning body to do its work and to submit a
14 revised plan.

15 The state of New Jersey, which you know we had
16 initially accepted most of the recommendation of their state
17 planning body with the exception of its recommendation
18 regarding one county, we decided that that county should not
19 be a stand-alone, but should be part of a three-county
20 service area.

21 The designated state planning body did not seek
22 review. However, that individual program representing that
23 service area did seek review, again, all the way up. And the
24 president affirmed the decision of LSC.

25 And so in a sense, one could say that there was
26 concurrence with the designated state planning body when all
27 was said and done, perhaps by their silence in seeking review
28 of our decision.

29 I look at that in total since the task force report
30 and the development of our standards and process. And there
31 have been nine decisions since then on configuration.

32 In seven instances, there were recommendations from
33 a designated state planning body. In two, Iowa and North
34 Dakota, there had not been designated state planning bodies
35 as such, and they were well on their way when we made our
36 configuration decisions. SO it's hard to say whether we
37 agreed or didn't agree because there simply wasn't on,
38 really.

39 But if you look at -- Missouri is one at which we
40 have come to agreement with at this point. Of those seven,
41 five recommendations have been accepted. Again, Missouri is
42 pending on the final outcome, but in terms of the process.

43 New Jersey, as I mentioned, you can categorize
44 whichever way you would like, which leaves Michigan as the
45 only state in which we have really not agreed with the state
46 planning body in those nine decisions, and reached a
47 different result.

48 Throughout all of those, it's interesting to note
49 that there have been three counties in dispute, the two in

1 Michigan and one county in New Jersey. That's the dispute
2 over the configuration in these nine instances. There is
3 some litigation as a result of some of this in New Jersey,
4 and actually in New York, Bronx Legal Services had filed suit
5 over an earlier restructuring of Legal Services of New York
6 City.

7 But in terms of the state planning bodies, there is
8 the only one area of disagreement, and hopefully they will
9 move forward in that state.

10 CHAIR WATLINGTON: And as the -- what is it,
11 Michigan, you said, is it clear that they won't be coming
12 back to the board, do you think, or is it -- you're not sure?

13 MS. BATTLE: The final decision is the president's
14 decision.

15 MR. GROSS: There's been a final decision.

16 MR. ERLNBORN: Yes. I would say that the decision
17 that I made was based, I think, on good reasons. But also,
18 the fact that the state planning body, a representative made
19 the affirmative statement that there were many good
20 configurations that could be adopted.

21 And he seemed to be saying that this isn't
22 necessarily -- the one that they recommended is not
23 necessarily the only good one. And I think we came up with a
24 better one. And the indications are that they probably -- at
25 least the state planning body is not intending to go into
26 litigation. Their representative told me that that was their
27 decision, before I made the decision.

28 CHAIR WATLINGTON: Is there anything else? Thank
29 you very much, Bob.

30 MR. GROSS: Thank you.

31 CHAIR WATLINGTON: So now we get to Reggie. Sorry
32 about that rushing thing. In the changing, I hadn't looked
33 at the agenda properly.

34 MR. HALEY: That's quite all right. It is a
35 privilege to be before the committee.

36 But because of the lateness of the hour, we were
37 wondering if the committee would be interested in going
38 straight to grant assurances and delaying the presentation on
39 competition until the next committee meeting.

40 MR. EAKELEY: That might make -- want to give us
41 just a two-minute preview or teaser?

42 CHAIR WATLINGTON: Two minutes on that competition?

43 MR. HALEY: Sure. An appetizer being served.

44 MS. MERCADO: An upcoming preview.

45 MR. HALEY: Well, first of all, let me say that the
46 Legal Services Corporation uses its competition and renewal
47 process to make grant decisions affecting \$300 million each
48 year.

49 And this process takes into consideration an

1 applicant's capacity to provide high-quality legal services,
2 to comply with LSC regulations and guidelines, to provide
3 cost-effective legal services, and their capacity to
4 coordinate and collaborate with other entities within the
5 delivery network.

6 Let me also say that the competition process is
7 running smoothly and on time this year.

8 Just for a brief update, LSC has received
9 applications from service areas in 32 out of the 33 states
10 that were in competition, many of which have been evaluated.
11 Michigan is the final state, as Bob just talked about. The
12 Michigan notice of intent to compete is required September
13 13th. The grant application for Michigan's service areas are
14 required October 11th.

15 Barring multiple applicant competition or
16 unforeseen circumstances, we believe that staff will be able
17 to evaluate those applications and provide information to the
18 president in time to make funding decisions on time within
19 the month of December.

20 I would be remiss if I did not emphasize to you
21 that while competition has helped LSC make informed grant
22 decisions, it has also evolved into a system that offers
23 several other benefits, one of which is that it improves
24 LSC's knowledge base of best practices and model projects.
25 It also facilitates integration of the diverse delivery
26 systems. And finally, it helps LSC maintain current
27 information about the legal services delivery system.

28 Just for an overview of applications in process
29 right now, you know that LSC runs the competitive grants
30 process on basically two tracks. The first track is for
31 states with service areas in competition that have no state
32 planning concerns. The grant applications for those service
33 areas were due in June.

34 The second track is for service areas in states
35 that are still going through state planning issues. Both
36 Michigan and New Jersey were on the second track.

37 For states on the first track, the number of states
38 that were in competition was a total of 31, the number of
39 grant applications received was 53, and the number of service
40 areas within those states was 83. And there were no multiple
41 applicant competitions for states on the first track.

42 As far as the second track is concerned, that
43 basically refers to New Jersey and to Michigan. With regard
44 to New Jersey, the number of grant applications received were
45 seven. However, one was rejected because it was not
46 responsive to the requirements of the request for proposal.
47 The number of service areas that were published for
48 competition in New Jersey is seven, and we believe -- and the
49 number of multiple applicant service areas is zero.

1 With regard to Michigan, we haven't received the
2 grant applications yet, of course. We just published the
3 service areas, and they were in the Federal Register on
4 Thursday of this week.

5 The number of service areas is seven, and the
6 number of multiple applicant service areas, of course, we
7 don't know that yet, either, until after the grant
8 applications are received. And again, that will be in
9 October.

10 Finally, staff will provide final funding
11 recommendations for all states to the president right around
12 mid-November. And following that, we will make the final
13 grant award decisions -- or, excuse me, the president will
14 make the final grant award decisions.

15 That is about it for competition. I would love to
16 respond to any questions that you have.

17 MR. EAKELEY: I thought you were going to say, I
18 would love to respond to any questions you might have, but
19 I'm out of time.

20 CHAIR WATLINGTON: So we'll go on Doug's suggestion
21 and go to Bill, then. Thank you very much, Reggie, for -- we
22 still want to hear that much on that. And we'll go to Bill
23 on grant assurance.

24 MR. McCALPIN: Thank you, Madame Chair. I am
25 acutely conscious of the hour.

26 MR. EAKELEY: This was deliberate.

27 MR. McCALPIN: Well, then, maybe I'll get even by
28 extending my remarks.

29 (Laughter.)

30 I think this is an area which merits board
31 attention, and I shall be as brief as I possibly can.

32 In early May, the vice president for programs sent
33 out to all the members of the board the then-proposed grant
34 assurances for the year 2003. Time has sort of caught up
35 with us, and those have had to become a part of the
36 publications. And we are really talking, I think now, about
37 2004. It's too late really to make any substantive changes
38 for 2003.

39 We briefly considered these at this committee level
40 at the May 31 meeting, and as the minutes reflect, it was
41 agreed that staff would consider the comments that were made
42 at that time, and that I would be involved with them
43 afterwards.

44 And on the middle of last month, I had a very
45 productive and amiable telephone conversation with Mike Genz
46 and Reg Haley. We traded a lot of ideas. I made a number of
47 suggestions, most of which you will find reflected in the
48 document which begins at page 190 in the board book.

49 And I would say that my reaction is that the staff

1 was very open-minded with respect to it. There was a lot of
2 acceptance of the comments that were made. A few changes,
3 but in all, I think we made great progress in that
4 consideration.

5 I had a conversation with the vice president
6 earlier this week in which I said it seemed to me that there
7 were still two areas which required further consideration.
8 At that time, she told me that there had been a response from
9 the inspector general's office as well, and that was -- I
10 picked that up when I registered at the hotel yesterday.

11 The two areas are grant assurance No. 10, and what
12 I consider to be a combination of grant assurances 15, 24,
13 and 25. Let me go to No. 10 first.

14 Essentially, the major suggestions by the inspector
15 general's office had to do with that one as well. My own
16 reaction is that I think that the suggestion of the inspector
17 general's office with respect to the sentence, "These
18 exceptions do not apply where they are required by the
19 wording of 9," they would substitute "access is" for "they
20 are," and I think that is a clarifying suggestion and ought
21 to be favorably considered by the staff.

22 Let me say first of all that, you know, I haven't
23 attempted to do any drafting. I think that the purpose of
24 this exercise is to reflect on what's here, comment, and send
25 the comments back to the staff for consideration as they go
26 forward in doing some drafting.

27 CHAIR WATLINGTON: Bill, I don't want to interrupt
28 you, but wasn't this first at the ops and regs committee?
29 How did it get to this committee?

30 MR. McCALPIN: They got here because I insisted
31 they be put on this agenda so I would have an opportunity to
32 speak --

33 CHAIR WATLINGTON: Okay. I keep asking that
34 question.

35 MR. McCALPIN: -- and I wouldn't be trespassing on
36 the time of another committee.

37 CHAIR WATLINGTON: I keep asking that question.
38 Okay.

39 MR. EAKELEY: But he did say he wasn't going to
40 convert this into a drafting suggestion.

41 MR. McCALPIN: Absolutely not.

42 MR. EAKELEY: So you know we're still in the
43 provisions committee and not in ops and regs.

44 CHAIR WATLINGTON: All right.

45 MR. McCALPIN: Well, and I'm not sure that even ops
46 and regs drafts grant assurances.

47 MR. EAKELEY: I'm joking.

48 MR. McCALPIN: I think that's a staff function,
49 subject to input from the board. And that's, I think, what

1 we're doing here now.

2 MS. MERCADO: Bill, do I understand you to mean
3 then that if it is subject to input from the board, that we
4 still have some time to go back and look at them, and if we
5 have draft proposals to submit to staff, we can still do?

6 MR. McCALPIN: I think, as I said, this is for the
7 2004 grant assurances. So there's plenty of time to consider
8 and react to what we have to say.

9 Let me go quickly.

10 CHAIR WATLINGTON: Well, then, could we do this
11 later? Because really --

12 MR. McCALPIN: Well, I understand that. But a fair
13 amount of work has been done on this.

14 MR. EAKELEY: I think we should -- I mean, we can
15 start --

16 CHAIR WATLINGTON: Please continue, then.

17 MR. EAKELEY: -- we can have lunch a little bit
18 later. And we've got time at the end of the afternoon to
19 deal with the other two committee meetings. So let's -- I
20 think we should do this.

21 CHAIR WATLINGTON: Okay.

22 MR. EAKELEY: And take as much time as you need.
23 Don't --

24 MR. McCALPIN: Well, I'll do it as quickly as I
25 can.

26 So the IG -- I think the first IG suggestion is
27 well taken and should be adopted.

28 Their second, when I discussed this with staff the
29 middle of last month, and it said that, "Agrees to provide
30 LSC with requested materials in a form that meets LSC needs
31 while preserving client secrets and confidences," I said, do
32 we claim access to the personnel records of the grantees? It
33 was a question on my part. And in response, the words, "and
34 the personnel records of the applicant staff members," were
35 inserted.

36 The IG suggested that there's not an appropriate
37 modification because they feel the need -- let me
38 see -- "There are circumstances under which we would need
39 access to items which fall within the broad definition of
40 personnel records, especially basic information such as dates
41 of employment, salary info, time and attendance records, and
42 so on." And I think a case can be made for that.

43 On the other hand, I believe that to go back to the
44 original language that calls for protecting the reasonable
45 personal property privacy interests of the staff members
46 leaves a wide-open hole for dissention and dispute between
47 the program and the claimant to the records of what is a
48 reasonable privacy interest.

49 So I suggest that there really ought to be some

1 more sharpening of what personnel records should be made
2 available to inspectors from the Corporation, and what should
3 be not. And I have some ideas, but I think it's too late to
4 go into that.

5 Finally, down at the bottom -- and I raised this
6 with the vice president the other day -- as originally set,
7 it said that, "In the event LSC determines that records are
8 unreasonably withheld, the applicant will be responsible for
9 all reasonable and necessary expenses related to LSC's
10 efforts.

11 And that made the applicant responsible for those
12 expenses, even if LSC were unsuccessful. So I suggested that
13 there ought to be some provision in there saying that if LSC
14 was unsuccessful, the applicant wouldn't have to bear the
15 expense.

16 The language here is, "If LSC is successful in
17 litigating the release of the records." I said to the vice
18 president the other day that it seems to me that there are
19 ways that this may come up other than what we would normally
20 consider as litigation; if there is mediation or alternate
21 dispute resolution of some sort, that that ought to be
22 reflected in the extent to which a grantee program should
23 have to bear the LSC expense in connection with the
24 production of documents.

25 And it seems to me that that's something that needs
26 some further consideration.

27 MS. BATTLE: I just think that since Congress has
28 said that programs can't receive attorneys' fees, if they're
29 successful in litigation, for us to say, but if we come and
30 try to get records from you, you've got to pay for our costs,
31 is kind of -- it's a hammer. It's a punitive measure in the
32 process that's --

33 MR. McCALPIN: Well, I just preferred to think it
34 wasn't thought through at the time.

35 MS. BATTLE: Yes. I don't really like that.

36 MR. McCALPIN: And that there ought to be something
37 about it.

38 Let me move on to the more -- well, let me just
39 make one strike.

40 MS. BATTLE: It is a comment.

41 MR. McCALPIN: With respect to paragraph 11, that,
42 "The grant assurances in no way limits the authority of the
43 OIG under the Inspector General Act of 1978," I think that's
44 perfectly appropriate so long as it's understood that Section
45 6(a)(1) of 8(g) limits the inspector general's access to
46 those documents which are available to the LSC. And as long
47 as we understand that that is the scope of the Inspector
48 General Act, there is no difficulty with that.

49 Let me now go -- 15 relates to, "In the event that

1 the applicant merges with another LSC grantee or ceases to be
2 a recipient," the IG would prefer to take the word "direct"
3 out of there.

4 And they say, "We recommend that the term 'direct'
5 be deleted. We do not believe it is advisable to limit LSC's
6 oversight for funds and interest in purchased property. If
7 some of the subparagraphs do not apply to subrecipients, they
8 should be separated out." And I think that's a matter to be
9 considered between the inspector general's office and the
10 staff of the Corporation.

11 Now let me go to 15 in a broader sense. Fifteen is
12 a very extensive provision relating to what happens when
13 there is, in effect, reconfiguration and merger or an
14 indication that we will no longer fund a particular program.

15 And it's in many subdivisions and so on.

16 Twenty-four and 25 talk about files in the event of
17 a merger or discontinuation of a grant. Now, 24
18 essentially -- most particularly talks about the financial
19 records of the grantee, but it does say all records
20 pertaining to the grant. Twenty-five talks about client
21 files for the first time.

22 I submit that in this whole complex, there is kind
23 of an implication that in the event of merger or
24 discontinuance, the client and the files automatically
25 transfer to the successor.

26 And I suggest to you that that is not in accord
27 with the law, that -- I have not had much opportunity to look
28 at this, but I comment to the attention of staff Model Rules
29 1.16, which is an original rule dealing with withdrawal from
30 representation, and to a certain extent the handling of files
31 in the event of a withdrawal; and Rule 1.17, which was added
32 to the Model Rules about ten years ago amendment, which talks
33 about the sale of a law practice and thought, of course, has
34 some implication of what happens to the files.

35 In all of these cases, of course, the emphasis is
36 on the private practice of law. There is nothing in these
37 about a legal services entity or an entity such as this, and
38 the discontinuation of representation at that level.

39 I would also suggest to you a look at the
40 restatement of the law governing lawyers, Section 46,
41 Documents Relating to a Representation, and also Section 33,
42 Duty to Safeguard Does Not End with the Representation of the
43 Client.

44 It seems to be fairly clear that under everything
45 I've read is that client files belong to the client, not the
46 lawyer, and that if there is to be any disposition of a
47 client file, it requires the acquiescence of the client, so
48 that they do not automatically transfer with a merger or a
49 discontinuance of representation and the passage of

1 representation somewhere else.

2 There is certainly introductions that there must be
3 a notice to the client before either a transfer or a
4 destruction of files. My attention was drawn to this, of
5 course, because 24 and 25 talk about the retention of files
6 after a discontinuation for five and six years. It seems to
7 me entirely probably that if funding is discontinued, that
8 particular grantee is not likely to be in existence five or
9 six years into the future.

10 And so something needed to be done, and that's what
11 sparked my initial inquiry into this. There's a good deal of
12 law about the scope of the file, the so-called end product
13 theory versus the work product theory, what it is that a
14 client is entitled to have or not have. There is also an
15 ABA/BNA Lawyers Manual on Professional Conduct which has some
16 references to this.

17 It seems to me that this is an area which needs
18 significant consideration in terms of what happens to client
19 files when there is a discontinuation of representation by
20 the Corporation. And I encourage the Corporation and all its
21 elements to look into this for the future.

22 MS. MERCADO: Great questions.

23 CHAIR WATLINGTON: Great. Yes. I didn't realize
24 the significance of it.

25 MS. BATTLE: We want you back on ops and regs.

26 CHAIR WATLINGTON: Does any else --

27 MR. McCALPIN: Well, I did it in about 12 minutes.

28 CHAIR WATLINGTON: Very good for you, Bill.

29 MS. MERCADO: No, but -- may I? Just one quick
30 point.

31 CHAIR WATLINGTON: Yes.

32 MS. MERCADO: I do, though, have a question about
33 how we deal with the inconsistency of saying that LSC as a
34 corporation is entitled to attorney's fees, but an LSC
35 grantee is not entitled to attorney's fees. That's what
36 we're asking them to pay for here.

37 I mean, does the LSC go to all legal services
38 programs, or only which includes the Corporation as the head
39 of it?

40 MS. BATTLE: I think that's a -- I've got a problem
41 with that, and that's the very -- I think you may have
42 articulated it better than I did. But I do have a problem
43 with us having a provision that requires that attorney's fees
44 be paid to us, knowing that Congress has prohibited our
45 grantees from getting it.

46 MR. McCALPIN: Well, I'm not sure that the
47 provision that talks about all the expenses is necessarily
48 limited to attorney's fees. There may be expenses other than
49 attorney's fees.

1 MS. BATTLE: But attorney's fees particularly,
2 since they're excluded by Congress. I think we should not be
3 asking for them.

4 MR. EAKELEY: But if a grantee has unreasonably
5 withheld documents that are --

6 MS. MERCADO: If a landlord has unreasonably -- we
7 can go that whole line.

8 MR. EAKELEY: But you're taking funds away from
9 other grantees, in essence, by requiring the Corporation to
10 expend funds to obtain them.

11 MS. BATTLE: That may be the case. The
12 problem -- I'm just talking about that inconsistency that can
13 be elevated to be an issue for us.

14 MR. EAKELEY: We didn't ask for the ban on fee
15 shifting.

16 MS. BATTLE: I know we didn't. But I'm just simply
17 saying, I think all of the grantees out there can make very
18 strong arguments why it makes no sense for them not to be
19 able to get attorney's fees as well. So even though I think
20 we have a legitimate reason to ask for them, I just see that
21 as a conflict for us to be requesting them under
22 circumstances where our grantees cannot.

23 CHAIR WATLINGTON: I'd like to go over -- you have
24 a question?

25 MR. ERLNBORN: Just a quick observation. You
26 might be interested, in case you have not heard, that some
27 legislation was passed by the Congress that now is
28 applicable. And it has to do with the seizure of boats,
29 cars, and so forth, houses, in a drug situation.

30 And the Senate -- it came out of the House, and in
31 the Senate they added an amendment that, number one, says,
32 the Legal Services Corporation shall represent anyone -- I
33 think it was based on income, but eligible -- we shall. Not
34 a grantee, but the LSC Corporation will furnish counsel for
35 the party.

36 And secondly, that the LSC shall be granted
37 attorney's fees. And both of these things are absolutely
38 contrary to the existing law.

39 MS. BATTLE: Well, you know, and I think maybe
40 going back at some point and saying, there are some real
41 conflicts that we do see on this that you may want to take a
42 new look at, is one way of addressing it. But, you know, I
43 just have some concerns.

44 MS. MERCADO: It's inconsistent with a lot of
45 regulations.

46 CHAIR WATLINGTON: There's a lot of things need to
47 be addressed and looked at. We're considering --

48 MR. McCALPIN: I would just hope that the board has
49 more opportunity to look at grant assurances that we have had

1 in the last seven or eight years.

2 CHAIR WATLINGTON: And I think Randi did get all
3 those back to us, so a lot of reading there.

4 MS. MERCADO: We got a huge pack. Yes, we did.

5 CHAIR WATLINGTON: A package of all of them back
6 for a while that you can really go over them and compare.

7 MS. MERCADO: Thank you.

8 MS. BATTLE: Maybe there needs to be a
9 recommendation to the board before grant assurances --

10 CHAIR WATLINGTON: A subcommittee?

11 MS. BATTLE: Yes, that there be some subcommittee
12 or that this be assigned --

13 CHAIR WATLINGTON: They really go through that
14 whole package, yes.

15 MS. BATTLE: So that before -- and part of the
16 problem, I think, that Bill is pointing out is that we didn't
17 have enough time to even address it for this year coming up.

18 CHAIR WATLINGTON: Because we didn't have
19 time -- we didn't even read -- you needed to read it and
20 compare.

21 MS. BATTLE: Yes.

22 MR. EAKELEY: Well, I thought we articulated sort
23 of a policy and procedure at our last meeting of this
24 committee with our expectations for how grant assurances
25 should come to the board in the future.

26 MS. MERCADO: Yes, we did.

27 MR. EAKELEY: So I think that's in place. We just
28 haven't --

29 MR. McCALPIN: Maybe we have a turf battle between
30 provisions and operations.

31 MS. MERCADO: No way.

32 (Laughter.)

33 MR. EAKELEY: This is a McCalpin committee measure.

34 CHAIR WATLINGTON: Okay. Number 11, consider and
35 act on any other business for the committee?

36 (No response.)

37 CHAIR WATLINGTON: There being none --

38 M O T I O N

39 MS. MERCADO: Madame, I move we adjourn.

40 MR. ASKEW: Second.

41 CHAIR WATLINGTON: The meeting has been voted on
42 and -- signify by saying aye.

43 (A chorus of ayes.)

44 CHAIR WATLINGTON: The meeting is adjourned.

45 (Whereupon, at 12:42 p.m., the meeting was
46 concluded.)

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