

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

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

OPEN SESSION

Friday, April 15, 2011

9:00 a.m.

The Westin Hotel - Richmond
6631 West Broad Street
Richmond, Virginia 23238

COMMITTEE MEMBERS PRESENT:

Laurie I. Mikva, Chairman
Sharon L. Browne
Father Pius Pietrzyk, O.P.
Julie A. Reiskin
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

Robert J. Grey, Jr.
Harry J.F. Korrell, III
Charles N.W. Keckler
Martha L. Minow
Gloria Valencia-Weber

STAFF AND PUBLIC PRESENT:

James J. Sandman, President
Kathleen Connors, Executive Assistant to the President
Victor M. Fortuno, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary
Katherine Ward, Executive Assistant, Office of
Legal Affairs
Mattie Cohan, Senior Assistant General Counsel, Office
of Legal Affairs (by telephone)
David L. Richardson, Treasurer and Comptroller
John Constance, Director, Office of Government
Relations and Public Affairs
Stephen Barr, Communications Director, Government
Relations and Public Affairs Office
Jeffrey E. Schanz, Inspector General
Laurie Tarantowicz, Assistant Inspector General and
Legal Counsel, Office of the Inspector General
Ronald "Dutch" Merryman, Assistant Inspector General
for Audit, Office of the Inspector General
David Maddox, Assistant Inspector General for
Management and Evaluation, Office of the
Inspector General
Joel Gallay, Special Counsel to the Inspector General,
Office of the Inspector General
Janet LaBella, Director, Office of Program Performance
Cynthia G. Schneider, Office of Program Performance
Michael A. Genz, Program Counsel III, Office of Program
Performance
Bristow Hardin, Program Analyst III, Office of Program
Performance
Pamela Brown, Texas RioGrande Legal Aid, Weslaco, Texas
Larry T. Harley, Executive Director, Southwest Virginia
Legal Aid Society, Marion, Virginia
Tülin D. Açikalin, Bay Area Legal Aid, San Mateo,
California
Kendall Seal, Legal Services of Southern Missouri,
Springfield, Missouri

STAFF AND PUBLIC PRESENT (Continued):

David B. Neumeyer, Executive Director, Virginia Legal
Aid Society, Lynchburg, Virginia
David Beidler, General Counsel, Legal Aid Society of
Roanoke Valley, Roanoke, Virginia
Raymond A. Hartz, Executive Director, Legal Aid Society
of Eastern Virginia, Norfolk, Virginia
James A. Ferguson, Executive Director, Legal Services
of Northern Virginia, Falls Church, Virginia
Mark Braley, Executive Director, Legal Services
Corporation of Virginia, Richmond, Virginia
John E. Whitfield, Executive Director, Blue Ridge Legal
Services, Harrisonburg, Virginia
Stephen Dickinson, Executive Director, Central Virginia
Legal Aid Society, Richmond, Virginia
Maha Jweied, U.S. Department of Justice

Don Saunders, National Legal Aid and Defenders
Association (NLADA)
Linda Perle, Center for Law & Social Policy (CLASP)
Kristen Green, Richmond Times-Dispatch

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1 PROCEEDINGS

2 (9:00 a.m.)

3 CHAIRMAN MIKVA: I would call to order the
4 Committee for the Promotion and Provision for the
5 Delivery of Legal Services, duly noticed.

6 I would ask the members of the committee to
7 induce themselves, starting with Julie.

8 MS. REISKIN: Hi. My name is Julie
9 Reiskin -- oh, sorry. I don't listen well. My name is
10 Julie Reiskin. I'm a board member. I'm one of the
11 client-eligible representatives to the Legal Services
12 board, and I'm thrilled that you're here. Thank you.

13 MS. BROWNE: I'm Sharon Browne, and I'm a
14 board member, and I'm from California. And it's a
15 pleasure to meet you all.

16 CHAIRMAN MIKVA: And Harry Korrell, I believe,
17 will be coming, and Victor Maddox got called away. So
18 that is the committee. Is there anybody on the phone?

19 (No response.)

20 MR. LEVI: And I'm ex officio.

21 CHAIRMAN MIKVA: Thank you. And John Levi.
22 The first item is approval of the agenda.

1 Could I --

2 M O T I O N

3 MS. BROWNE: I'll move approval.

4 MS. REISKIN: Second.

5 CHAIRMAN MIKVA: All in favor?

6 (A chorus of ayes.)

7 CHAIRMAN MIKVA: And then approval of the
8 minutes from the committee's meeting of January 28th.

9 M O T I O N

10 MS. BROWNE: I'll move the approval of the
11 minutes.

12 MS. REISKIN: Second.

13 CHAIRMAN MIKVA: All in favor?

14 (A chorus of ayes.)

15 CHAIRMAN MIKVA: And then I'm really -- I
16 think we're all looking forward to the presentation on
17 domestic violence, which, as we know, is sort of meat
18 and potatoes of what legal services programs provide.

19 And Cindy Schneider, the deputy director of
20 OPP, will induce a very outstanding panel. She has
21 advised them that they have seven minutes only, and I
22 don't know what a "or else" is, but we would ask people

1 to hold all their questions to the end and we will try
2 and keep on schedule here. Thank you.

3 MS. SCHNEIDER: Thank you, Laurie. Well,
4 again, I'm Cynthia Schneider with the Office of Program
5 Performance of the Legal Services Corporation. And
6 before I formally induce our illustrious panel, I'd
7 like to present members of the committee and other
8 board members who are present this morning with some
9 basic facts about domestic violence in this country and
10 our grantees' work in this area.

11 First is just the definition of domestic
12 violence. And the definition I'm going to give, I
13 think, is the one that's commonly accepted by everyone
14 who practices in this area.

15 And that is, it is the willful intimidation,
16 physical assault, battery, sexual assault, and/or other
17 abusive behavior perpetrated by an intimate partner
18 against another. And unfortunately, it continues to be
19 an epidemic affecting all individuals in every
20 community regardless of age, economic status, race,
21 religion, nationality, or educational background.

22 Eighty-five percent of domestic violence

1 victims are women. One in every four women will
2 experience domestic violence during her lifetime.
3 Historically, females are oftentimes abused by someone
4 they know. Most cases involving domestic violence are
5 never reported to the police. Approximately 20 percent
6 of the 1.5 million people who experience intimate
7 partner domestic violence will obtain a protective
8 order, but again, that's only 20 percent.

9 In 2010, 72 of our 136 LSC grantees received
10 grants through the federal law, the Violence Against
11 Women Act, and these grants provided \$13.6 million of
12 revenue to our grantees. And many of our grantees also
13 receive state and local funding to represent victims of
14 domestic violence.

15 I think a large majority of our grantees, when
16 they set their priorities, because the demand for
17 family law services is so great, they need to narrow
18 the area and which type of cases they will accept. And
19 many of our grantees will only represent someone in a
20 family law matter if domestic violence has been present
21 within a certain period of time or has been experienced
22 by the client within a certain period of time. So our

1 grantees do a tremendous amount of work in this area.

2 The other thing I'd like to mention, point out
3 to the committee, that since 2006, Congress has allowed
4 LSC grantees to represent noncitizens with LSC
5 funds -- and these are noncitizens who otherwise would
6 not be eligible for LSC-funded legal services because
7 of their immigration status -- but these noncitizens
8 are entitled to representation with LSC monies if they
9 have been a victim of abuse that's covered under the
10 2006 Violence Against Women Act's amendments, or whose
11 child has been similarly victimized.

12 So this is one of the narrow exceptions to our
13 alien eligibility requirements, and it's important to
14 keep in mind because you may hear this morning about
15 some of our grantees' work in this area with
16 immigrants. The legal assistance that these
17 noncitizens receive from our grantees is limited to any
18 assistance related to the prevention or obtaining
19 relief from the abuse. So the assistance has to
20 somehow be connected to the abuse.

21 So that's just a quick overview of the area.
22 And our first panelist -- and I'm going to induce the

1 panelists in order that they're going to speak -- the
2 first one is Maha Jweied -- I'm sorry -- from the
3 United States Department of Justice. And she will talk
4 about a project that DOJ is doing in this area.

5 MS. JWEIED: Thank you. Thank you, Cindy.

6 I appreciate the opportunity to speak today to
7 the board on our project. And as you know, of course,
8 our office is charged not only with improving and
9 enhancing criminal and civil legal aid, but to consider
10 the most vulnerable among us, including domestic
11 violence victims.

12 So we were really pleased to work with the
13 Office of the Vice President on this project. We call
14 it a pipeline project, and it's effectively to create a
15 pool of lawyers with expertise in comprehensive legal
16 services for domestic violence victims.

17 As the name suggests, we envision a project
18 that creates a bridge between law schools, legal
19 services providers, and law firms, where ultimately, at
20 the end of going through these three parts, a new
21 attorney would be very well-versed in being able to
22 provide expertise in a law firm and a pro bono nature

1 for domestic violence victims.

2 So because the ultimate goal is to have an
3 attorney at a law firm with this expertise, we
4 recognize that really it's the law firm who has to be
5 the kind of main player in terms of choosing who would
6 go through this project. And so ultimately, it's
7 looking for how a firm typically chooses an associate.

8 So at the end of perhaps their 2L summer, there would
9 be a competitive process that the firm works with a law
10 school clinic to determine who would be the right
11 candidate to go through the project.

12 The partners include either a domestic clinic
13 or a family law clinic in a community; a legal services
14 provider in the community, ideally that works with the
15 law school clinic, and a firm in the same community,
16 with the idea that all of them are engaged there within
17 the same community and they feel that they can give to
18 the individuals who they can serve most easily and
19 readily.

20 So the student would then, after being
21 selected, with the help, of course, of all three
22 partners, they would go to their domestic violence

1 clinic, if it's a one- or two-semester program, and
2 then upon graduation would move on to a legal services
3 provider, being paid for by the law firm for anywhere
4 between six months and two years.

5 And during that time, of course, the firm
6 would get pro bono credit, so it's quite desirable in
7 many ways. Malpractice would be covered by the legal
8 services provider through their riders, of course, and
9 there would be no need to have a conflicts check; and
10 again, with the outcome that a young attorney would be
11 able to enter the ranks of the firm with practical
12 experience and with more developed skills than coming
13 straight from law school.

14 In October there was an event at the White
15 House where a series of projects were announced from
16 different agencies, in collaboration with different
17 agencies, and this was one of them. And at that time,
18 they were able to announce two projects of this nature,
19 one in New Orleans and one in Baltimore.

20 In New Orleans, we have the Tulane Law
21 School's domestic violence clinic, with the Southeast
22 Louisiana Legal Services and the law firm of Adams &

1 Reese; and in Baltimore, we have the Baltimore Law
2 School's family law clinic, the House of Ruth of
3 Maryland, and Venable.

4 The difficulty with this project is that as
5 part of the government, our office as well as the
6 Office of the Vice President are precluded from
7 actually engaging the firms and trying to solicit them
8 to do this project. So we really rely on
9 intermediaries who can really go and advocate on behalf
10 of the project on its own.

11 And so in New Orleans, we were really
12 fortunate to have the fantastic clinical professor
13 there, Tania Tetlow, who was able to really go out and
14 talk to law firms and engage law firms who would be
15 interested. In Baltimore, we worked with Access to
16 Justice State Commission, who again was able to really
17 help up in terms of finding Venable.

18 Because of this difficulty, we are still
19 precluded from trying to engage law firms to
20 participate in new projects that could be created. So
21 we were fortunate to have the ABA's Commission on
22 Domestic Violence's chief counsel, Vivian Huelgo, offer

1 to help us in this effort. So she's now going and
2 directly talking to law firms and all sorts of partners
3 that might be engaged to create similar projects.

4 Right after the White House event, of course,
5 there was a lot of interest, and it was very awkward
6 for us when we were speaking to law firms and
7 explaining the project but then had to get off the call
8 once they were wanting to ask us questions. But once
9 the firms are engaged, we are allowed, of course, to
10 talk to them. But because of this reality, we really
11 were pleased with the offer from the ABA to really help
12 us in terms of trying to make these connections.

13 So I've spoken with Vivian, and to date,
14 there's a lot of interest. But really, of course, this
15 project was envisioned as a way of trying to take
16 advantage of the deferred associate reality that was
17 going on in law firms. And of course, that reality has
18 subsided as law firms are just hiring less and knowing
19 what they're able to do in terms of law school classes
20 and associate classes.

21 So we have no strong feeling that this model
22 has to be this particular, exact setup. Of course, we

1 like the idea of it being a pipeline in that you can
2 engage the law schools, you can engage legal services
3 providers, you can engage law firms, to really have a
4 community approach to this issue.

5 But what we're hearing is, of course, the
6 deferred -- sorry, the loaned associate model that some
7 law firms engage in, where after the student or after
8 the attorney is at the firm for a year or two, then
9 they can loan them out for about six months or more to
10 a legal services provider, still get the same sorts of
11 benefits of pro bono credit going to the firm, same
12 ability to put up walls so that they don't have to have
13 conflicts checks with respect to new clients. That's
14 the sort of model that we can see this project maybe
15 being turned into.

16 A few other things that we've heard from
17 Vivian is that, again, the law firms are really keen on
18 being really involved with the process from the get-go
19 so that they can be a part of the recruitment of the
20 attorney so that they know who they'll end up with at
21 the end of the process.

22 And so I should say that it's envisioned that

1 this summer is when the first students will be picked
2 from the New Orleans and from the Baltimore projects,
3 and then they would go on to their law school clinics
4 the next year. So that's a concern that we're hearing
5 from the firms, but of course we recognized and
6 accepted that from the very start.

7 Then also in terms -- this is an idea that we
8 haven't really explored, but that some law firms are
9 identifying perhaps funding through Equal Justice Works
10 or some other intermediary that they could work with to
11 ease bureaucracy in terms of funding the projects, and
12 also have some fluidity in the future.

13 But in any case, she reports that this project
14 has really created a situation where a lot of law firms
15 and legal services providers are really intrigued, and
16 then coming to the ABA to get some technical assistance
17 in terms of trying to support their own pro bono
18 initiatives and trying to enhance the sorts of projects
19 that they're engaged in.

20 So I think I'm under my seven minutes, and I'm
21 happy to yield. Thank you very much.

22 MS. SCHNEIDER: Thank you, Maha.

1 Our next speaker is Pamela Brown, who's the
2 director of the Bi-National Project on Domestic
3 Violence for Texas RioGrande Legal Aid.

4 MS. BROWN: Thank you, Cindy. And I, too,
5 thank you for the opportunity to speak to you today
6 about my project. I run the Bi-National Project on
7 Family Violence. My office at TRLA is at Weslaco,
8 Texas. It used to be the W. East Lamb Company, so
9 that'll show you a little bit about what the origins of
10 that area is. And it's about eight miles north of the
11 Mexican -- north of the Rio Grande, about 50 miles west
12 of the Gulf of Mexico.

13 That said, my project isn't really driven by
14 the fact that we are a border program. Our program
15 runs from Brownsville to El Paso, the whole course of
16 the Texas-Mexico border. And while it does address the
17 needs of family violence victims and the cross-border
18 issues that arise in their lives, I've found in doing
19 this work that it is not situs-related in a way because
20 I've given assistance to legal aid programs throughout
21 the country on these issues.

22 I am grateful to follow the Department of

1 Justice representative because I started doing this
2 work with the domestic violence community with a
3 Department of Justice grant, a Violence Against Women
4 Act grant in 1999, that we got to work with many
5 shelters in our area representing their clients. We
6 work very closely with our shelters, where they do
7 intakes for us, and we represent our mutual clients in
8 contested custody issues primarily because those are
9 the issues that you cannot normally get pro bono
10 counsel to take those cases. And so that has become a
11 priority for us.

12 In doing that work, we became aware very
13 quickly that you could have some success for a family
14 violence survivor, and see her be empowered and
15 actually obtain child support and actually move the
16 children and herself out from that household and become
17 a productive member of society, only for her to return
18 and say, "He took my children to Mexico." And that's
19 what we're seeing more and more.

20 We saw more and more of that, and at first our
21 reaction was, well, I see my license on the wall. It
22 limits to the State of Texas right now, and I don't

1 have a Tamaulipas license. That's the state
2 immediately south of us in Mexico. But then we started
3 to explore what the remedies were, and being naive
4 really helps in this business.

5 I saw that there was actually an international
6 treaty for recovery of children who may be abducted,
7 the Hague Convention on the Civil Aspects of
8 International Child Abduction, and so we convened a
9 party of experts about that because we knew nothing
10 about it. I was working very closely with a human
11 rights organization in Mexico. We realized we had
12 shared clients, people going back and forth on the
13 border, the same victims going back and forth and
14 trying to recover their children through self-help.
15 And the Mexican consulate was also seeing a lot of
16 these problems, so they came to us and asked us how we
17 could assist our mutual populations that we assisted.

18 And so we started relying upon this remedy.
19 We brought people together to see, including the State
20 Department. People from the Hague came. We didn't
21 realize that they were that interested in what a small
22 regional conference would be, but it turns out it ended

1 up being a bigger deal in that no one had attempted to
2 train judges in Mexico as to how this could work
3 because this remedy is something that is administrative
4 in initiation, but then goes ultimately to a court in
5 Mexico to recover children back to the United States.

6 Mexico and the United States are the
7 destinations of most international child abductions in
8 the world, not surprisingly. We've got somewhat
9 permeable borders, not as much as before, and the fact
10 that we don't have as permeable borders as before means
11 that there are actually more cross-border custody
12 disputes that are occurring. And none of these
13 remedies have ever really been examined in terms of low
14 income populations and how they can access the remedies
15 and how they affect them.

16 And so we've had the opportunity over, now,
17 ten years of working in this arena and being fairly
18 successful in recovering children for family violence
19 victims. For many of our clients, they've never gone
20 to the police, never sought a protective order, never
21 done anything with regard to the violence that was
22 perpetrated against them; but then when their children

1 are taken, that's when they seek help.

2 And they will tell you that there is no blow
3 more profound than to have their children removed from
4 them, or the threat of it. So we handle cases where
5 there are threats used as a manipulative or a power and
6 control mechanism to exert control over a partner,
7 where they're saying, I will take the children if you
8 don't do X, Y, or Z, and where the actual abduction has
9 occurred.

10 Cindy didn't mention yet another exception to
11 the LSC regs is a Hague exception, where you can
12 represent low income eligible clients in foreign
13 countries, foreign nationals who are seeking the return
14 of their children. And I have to admit, I started this
15 project not knowing about that exception because I was
16 representing people here who are eligible otherwise,
17 seeking the recovery of their children. And I would
18 imagine that this came in in the '80s; I don't know the
19 exact origin.

20 But in the international treaty once signed by
21 George Schultz, then Secretary of State, there is a
22 requirement that all member states have legal

1 assistance provided to the low income left-behind
2 parents wherever they may be. And we interlineated
3 that the U.S. would try to do that, and the way they
4 were going to try to do it is through legal services
5 programs, among other means, and pro bono.

6 And so that has not been utilized to the
7 extent that I think the State Department would have
8 envisioned it would be, and I can understand why
9 because, obviously, in our small community of need,
10 that's not necessarily a great, great priority for us,
11 to help a left-behind parent in, say, Scotland or
12 Hungary or another place to recover their children back
13 there.

14 But it does mean, in the long-term, the more
15 that we comply with the convention or international
16 treaties and return children -- it's a jurisdictional
17 convention; it's not custody. It doesn't look to the
18 underlying merits. It's merely where the children
19 should be returned, where custody might be more
20 properly be determined in another court of law in the
21 original country, the country of origin. The more that
22 we comply with that treaty, the more it works for

1 returning our children that might be abducted abroad.

2 So it's been a long journey and an exciting
3 journey, starting with naiveté, people telling us it
4 wouldn't work. And we have recovered more than 50
5 children to Texas, and now I will be, along with my
6 Mexican colleague, who is -- I cannot do this work
7 without co-counsel in Mexico, who is now on staff at
8 Texas RioGrande Legal Aid. He has to do the actual
9 representation in the courts in Mexico.

10 He has the most experience handling these
11 cases in Mexico, as it turns out, and will be
12 representing low income victims at the Hague during a
13 special commission meeting with members and delegates
14 of the U.S.-Mexico Bar Association to hopefully insert
15 the views of how this very lofty ideal protects real
16 people, particularly low income women who are victims
17 of family violence.

18 Thanks, and I'd be happy to answer questions
19 when you have time to do that.

20 MS. SCHNEIDER: Thank you, Pam.

21 MR. LEVI: Just one second.

22 MS. SCHNEIDER: Yes?

1 MR. LEVI: (Inaudible -- off microphone.)

2 MS. SCHNEIDER: Very good. Thank you, Mr.
3 Chairman.

4 Our next speaker is Larry Harley, who's the
5 executive director of Southwest Virginia Legal Aid
6 Society. And so we go from the Texas-Mexico border to
7 rural Virginia, and you'll hear about a different
8 project from what's going on in southern Texas.

9 MR. HARLEY: Good morning. Let me thank you
10 for your service.

11 A waitress comes home from work, walks in the
12 door, is knocked to the floor and beaten up by her
13 boyfriend. She escapes, flees to the magistrate's
14 office, charges the boyfriend with assault and battery.
15 He is arrested and taken into custody. He posts bail,
16 is released. He immediately goes back to the
17 girlfriend's trailer, beats her up again, bruising her
18 from head to toe.

19 On the day of his trial, his defense attorney
20 privately confides to me that he should receive no jail
21 time because, after all, that waitress is just a whore.
22 The battle is not just against the abusers.

1 Our staff attorney goes to court at a remote
2 courthouse and calls back to the office, feeling good
3 that she's just helped her client obtain a protective
4 order, custody of her children, and a court order
5 directing the sheriff's department to accompany her to
6 her home so that she can get her clothing. The lawyer
7 tells us she'll be back to the office in about an hour
8 and a half.

9 Before the lawyer gets back to the office, we
10 get the phone call that the abuser has gotten to the
11 home before our client did, and he has opened fire on
12 his wife and his teenage daughter and the deputies,
13 killing the client and the daughter.

14 Next year is the 40th anniversary of the
15 founding of my Legal Aid, and we have lost not a single
16 client to a nasty landlord or an unscrupulous lender or
17 a heartless public benefits eligibility worker. But we
18 have lost clients and their children to abusers.

19 These cases are about power. They're about
20 control. They're about isolating these women. And we
21 should not be deluded: They're also about male
22 privilege. Not many males know what it's like to go

1 home and be afraid.

2 These cases are also about courts that, by and
3 large, don't really understand the dynamic, and so
4 there's a lot of impatience for these cases in these
5 courts.

6 Now, there's a lot we know about representing
7 victims of domestic violence now that we didn't know 20
8 years ago. A study done by the University of Arkansas
9 found that the most important factor in helping a woman
10 break the cycle of violence is having access to an
11 attorney.

12 Our Legal Aid, since 1997, has been funded
13 with money that came from VAWA. We have a Department
14 of Justice grant now, and we have lawyers in each of
15 our offices whose sole responsibility is representing
16 victims of domestic violence.

17 Our approach has been to partner very closely
18 with others in the community. So we have very close
19 relationships with all eight domestic violence programs
20 within our service area; with the prosecutors; and
21 importantly, with law enforcement.

22 We use the presence of domestic violence in a

1 family as the trigger for us to provide comprehensive
2 services. So we're not just going to court to get
3 protective orders. We're doing custody, support,
4 landlord and tenant work, bankruptcy, unemployment
5 cases, traditional consumer law -- whatever it takes to
6 provide any service the victim of domestic violence
7 needs.

8 And after doing this now for 14 years, we're
9 seeing results. The requests for protective orders in
10 Virginia has dropped 30 percent in the last ten years.

11 In our service area, where we have a comprehensive
12 response to domestic violence, the requests for
13 protective orders has dropped 51 percent in ten years.

14 So what we're doing with LSC money, Department
15 of Justice money, is working comprehensively, lawyers
16 and social workers and law enforcement, to change the
17 world one client at a time. Thank you.

18 MS. SCHNEIDER: Thank you, Larry.

19 Our next speaker is Tülin Açıkalın from Bay
20 Area Legal Aid in San Mateo, California, which is
21 outside of San Francisco. Tülin?

22 MS. AÇIKALIN: Thanks for the opportunity to

1 come and speak with you about the way that Bay Area
2 Legal Aid in San Mateo County provides holistic legal
3 services for our domestic violence clients. I think
4 the most effective way for me to describe it to you is
5 through a client story.

6 I'll tell you about Mary Gonzales. She's an
7 undocumented immigrant from Mexico, monolingual Spanish
8 speaker. She's married, has three kids. For ten
9 years, she was a victim of violence in her home,
10 regulatory beaten, humiliated, and raped by her
11 husband.

12 A couple of years ago, she went to work with a
13 big handprint on her face that her husband had left.
14 She went to her boss to talk about something, and her
15 boss saw the handprint, and her boss said, "Your
16 husband did that. You know, here in this country, you
17 don't have to live like that. It's not permitted.
18 It's against the law, and there are things that you can
19 do about. You should go to the police and get help."

20 Mary listened to her boss, held her head in
21 shame but took what she said to heart, and the next day
22 went to law enforcement, made a report, and law

1 enforcement referred her to Bay Area Legal Aid's
2 domestic violence restraining order clinic.

3 At our restraining order clinic, Mary was
4 assisted by volunteers with a pro per application for
5 domestic violence restraining order. She got it that
6 very same day, in her language. She got child custody
7 and a kick-out order.

8 She was then placed with a pro bono attorney,
9 who represented her on her domestic violence
10 restraining order hearing, under the supervision of our
11 staff, and the pro bono attorney got her a three-year
12 restraining order.

13 Then Mary had a divorce, and she was
14 undocumented. So our staff attorneys took the case,
15 represented her in her divorce, and did everything in
16 the divorce from the beginning to end, including
17 securing her community property interest in a
18 retirement plan, which ended up being about \$10,000.

19 We also applied for a U visa and got it, and
20 she was able to now have legal status and a work
21 authorization. In about three years, she'll be able to
22 apply for legal permanent resident status.

1 Recently I got a call from Mary to tell me
2 that she was interviewing for a job where she would be
3 earning \$17 an hour at a dry cleaner. She's taking
4 English classes, and she's actually working with us to
5 help do some outreach to the insular Latino immigrant
6 community that she comes from to talk to them about
7 domestic violence issues and what they can do to help
8 themselves. And this is all because of the legal
9 services that were available to her in the county.

10 This is a perfect example of what we do at Bay
11 Area Legal Aid. Our restraining order clinic is the
12 only one in the county, and it's a partnership with the
13 court. And I really look at it sort of the wide end of
14 the funnel. It's where all of the domestic violence
15 victims get referred to when there's a call to law
16 enforcement or when they call the domestic violence
17 agency for crisis management.

18 They get referred to our restraining order
19 clinic, where volunteers help file about 900
20 restraining orders a year. We have about a 90 percent
21 approval rate for the restraining orders that we
22 submit.

1 We obviously can't represent all 900 of those
2 domestic violence victims, so what we do is we try to
3 match people who come in for restraining orders with
4 the services that they need. We triage. We
5 collaborate and really leverage the resources and
6 diversify the kinds of services that we provide.

7 For the most needy, like Mary, least able to
8 self-advocate, the meekest clients with the most
9 complicated issues, we take in-house and our attorneys
10 represent on those cases because those clients really
11 benefit from the expertise that our attorneys have
12 dealing with issues of domestic violence and providing
13 culturally and linguistically appropriate services.

14 For clients with maybe a little bit less
15 complicated cases and who are more able to
16 self-advocate, we have a collaboration with another
17 legal services in the county and our domestic violence
18 shelter where we place cases pro bono. We train
19 private attorneys, and we place about 80 restraining
20 order cases a year with private attorneys for
21 representation.

22 And then for the rest of the folks who we

1 can't place in-house or place with a pro bono attorney,
2 we provide tools for them to represent
3 themselves -- checklists, scripts to take to court,
4 instructions on what to do next and what the process
5 is. And we do all of this with five staff members.

6 I'd love to tell you more about the
7 collaboration with the sheriff's office, where the
8 sheriff goes out and confiscates the guns from
9 respondents; and about our collaborations with
10 Stanford, Google, and Intel; but alas, I only have
11 seven minutes.

12 MS. SCHNEIDER: Thank you, Tülin.

13 Our final speaker is Kendall Seal, who's an
14 attorney in the domestic violence unit at Legal
15 Services of Southern Missouri in Springfield. Kendall?

16 MR. SEAL: Hello. Thank you for the
17 opportunity to speak with you this morning.

18 The two topics that I wanted to discuss with
19 the board and share regard cyber-stalking and human
20 trafficking. I'd like to begin with a discussion on
21 cyber-stalking.

22 Most people may not realize that the

1 statistics regarding stalking are slightly different
2 than domestic violence. Men as well as women are
3 stalked. However, there's a predisposition -- it's a
4 gendered phenomenon in terms of overall numbers.

5 Mainly, the victims are female, 18 to 34.
6 They're never married. They're divorced or separated.
7 Their household income is under \$25,000. Primarily,
8 it's under \$15,000. The offenders are usually known by
9 the victim. They engage in revenge, control, and
10 they're usually emotionally unstable.

11 When we think about stalking, most of the laws
12 in this country, or at least that I've seen, right now
13 are still at the level where they think of traditional
14 stalking in terms of gifts, notes, phone calls.
15 However, technology has accelerated this dynamic. It's
16 accelerated it with regard to GPS. Since 2005, every
17 cell phone has GPS technology in it. Family tracking
18 systems, Sprint, AT&T -- these are all used by stalkers
19 to know and keep track of where individuals are
20 located.

21 Texts. Instant messages. Social networking
22 like Facebook and Twitter. Seemingly innocuous

1 commentary on these outlets reveals a great deal of
2 information about individuals.

3 A story. My paralegal comes in and says,
4 "You're never going to believe this." I went, "Oh, I
5 bet I could." But an individual comes to the office.
6 They have a pet. The stalker has embedded in the
7 animal a GPS tracking device. We go to a vet. We get
8 it removed. This is just one example of the extent and
9 extreme lengths that some individuals will go to to
10 monitor others.

11 What do we do about this problem in our
12 office? How do we tackle these issues? Human
13 trafficking. It wasn't even heard of in my office.
14 It's not even heard of in my region by most law
15 enforcement, prosecutors. It's rarely prosecuted at
16 the state level.

17 What we implement in our office are the
18 American Bar Association standards for attorneys
19 working with domestic violence, sexual assault, and
20 stalking victims. It's a whole methodology around our
21 intake process, how we interview individuals, what
22 we're looking for, how we address their legal needs.

1 It starts, I think, with having a
2 client-driven practice and looking at things like
3 intake. Sending out standard letters, respond in seven
4 days -- that won't cut it. It takes person-to-person
5 contact where their life is in danger, their physical
6 safety.

7 We see this initial outreach as potentially
8 lifesaving because our initial contact with that
9 applicant, they get a safety plan from my unit. We go
10 over how to triage, where to go to, who to contact,
11 those sorts of issues.

12 Asking questions: Is this a safe number? Is
13 this a safe address? Fundamental little things that we
14 can do that mean a whole lot in terms of overall safety
15 and system response.

16 Our interview process is rather lengthy. We
17 try to be holistic in our approach to victims.
18 Providing logs of behavior -- when it comes to
19 cyber-stalking in particular, it's very difficult.
20 Most rural prosecutors in my neck of the woods, they
21 don't prosecute these cases unless there's a lot of
22 information. There's a lot of police reports. It's so

1 voluminous that they are forced to confront it. So we
2 provide them with logs.

3 Reports and evidentiary concerns: Getting a
4 subpoena to Facebook really isn't practical for my
5 unit. So how do we get the information then? What do
6 we do? Maybe it's taking pictures of the text messages
7 that are sent, is one example of some ways that we try
8 to expedite that process.

9 The other issue, I think, with regard to human
10 trafficking and technology, little did I know when I
11 started this job in this district that at the federal
12 leave, the Department of Justice, U.S. Attorney Beth
13 Phillips, they've prosecuted more human trafficking
14 cases in the Western District of Missouri than anywhere
15 in the country at the federal level. It's shocking.

16 And at the local level, there's not
17 conversation between law enforcement, prosecutors, or
18 even victim's rights attorneys. Most people are
19 unaware of the phenomenon. And it's through these
20 standards and it's through this process that we're
21 paying attention to details and we're really focusing
22 on the client. It's not about just processing the case

1 through, but it's identifying those legal needs and
2 asking some of those very difficult questions.

3 This has happened also through partnerships
4 and resources. For example, when it comes to stalking,
5 we've partnered with a local garage that will do a
6 once-over. We've gone over evidentiary concerns.
7 We've coordinated with the local prosecutor's office.
8 They'll do a one-over of a vehicle if there's concern
9 about a GPS tracking device.

10 Some people may have OnStar in their car, for
11 example. Well, if your name is on the title to the
12 car, chances are you can access OnStar and locate where
13 your car is located. So if you're a stalker, you can
14 track your target.

15 Simple things. Okay? Issues like giving them
16 a free cell phone. There are service providers that
17 will share free cell phones with victims, providing
18 them with a safe channel of communication.

19 Relocation is a big deal. More recently,
20 issues with pets, as strange as it may sound -- animal
21 abuse is usually going on in tandem with domestic
22 violence. It's a way to communicate the level of

1 threat. Vets offering to shelter animals for up to 90
2 days while the victim is in shelter.

3 We've worked with the Federal Trade Commission
4 on identity theft issues, the Department of Justice
5 Coalition for victims of human trafficking, prosecuting
6 attorneys, therapists -- it's all about system impact.

7 And not only that, it's about identifying where the
8 law needs to be headed and talking about what our
9 clients' experiences are.

10 And we've done that through a series of
11 conversations -- the Attorney General of Missouri's
12 Task Force on Domestic Violence, trying to streamline
13 definitions with regard to domestic violence across
14 Missouri state law.

15 Maybe it's about victim witness
16 representation. Most people don't know what that
17 means. What it is is we come alongside the victim and
18 provide them with information about their rights,
19 informing them about when their cases are going to be
20 handled. There are systems we can get them linked into
21 that they may be unaware of. So it's really kind of
22 holding their hand a little bit through that process.

1 We're also involved with a work group on
2 children affected by human trafficking. Missouri law
3 is nowhere near where the federal law is with regard to
4 this phenomenon.

5 All of this in an effort to provide the
6 holistic services to domestic violence, sexual assault,
7 stalking, and human trafficking victims.

8 MS. SCHNEIDER: Thank you, Kendall.

9 So as you've seen from our panelists, all of
10 their projects are done in collaboration with others.
11 I mean, a legal services program can't do this work
12 alone. There has to be collaborations.

13 So we're open to questions.

14 MS. BROWNE: This is for Tülin, and I would
15 use your last name, Tülin, but I think I would
16 embarrass myself with that.

17 But I found your presentation really
18 interesting with the collaboration with other groups.
19 You use a lot of pro bono attorneys, it sounds like.
20 But you also mentioned you have collaboration with
21 Google and Intel, corporations, huge, giant
22 corporations. How does that work?

1 MS. AÇIKALIN: The collaborations with Google
2 and Intel and even Stanford is around our restraining
3 order clinic. What we are doing with them is training
4 them on how to help victims write a declaration and
5 fill out their paperwork to apply for a restraining
6 order. And they come in, and they commit to staff our
7 restraining order clinic.

8 We have six clinic sessions per week where we
9 apply for the restraining orders, and then five
10 sessions per week where we return the orders that have
11 been granted and sort of explain the next steps. And
12 so that's where Google and Intel send their -- not just
13 their legal department, but anybody from their office
14 can come and commit to working there.

15 MS. BROWNE: So you're using in-house counsel
16 from, say, Google and Intel to supplement your staff?

17 MS. AÇIKALIN: Absolutely.

18 MS. BROWNE: How successful is it to use
19 in-house counsel? I mean, this is the first time I've
20 heard in-house counsel actually being used as pro bono.
21 How did that happen?

22 MS. AÇIKALIN: How did that happen? I think

1 that for Intel, we work for Orrick, a law firm on the
2 peninsula, on the pro bono representation. So we have
3 a panel of pro bono attorneys, and that's a
4 collaboration with Legal Aid Society of San Mateo
5 County, the non-LSC-funded legal aid, and our domestic
6 violence shelter.

7 The three of us came together and targeted big
8 firms to train their associates to represent on
9 restraining orders because they're a 20-minute calendar
10 so it can start out as a non-evidentiary case and
11 resolve without actually having a trial, although some
12 of them do to go trial.

13 So we started out with that, training them and
14 placing cases that way. And then, through that work,
15 Intel is a client of Orrick's, and so they started
16 talking and wanted to do a project together. And
17 instead of representing, they wanted to do something a
18 little bit smaller, and so we started them at the
19 restraining order clinic.

20 And we've really had a lot of success in
21 plugging volunteers of all kinds into restraining order
22 assistance. It's fairly easy for us to train people up

1 fairly quickly. We have high school students who come
2 as a part of their public service for three weeks at a
3 time, and we get them working at the clinic. We have a
4 paralegal program where they come and the paralegals
5 get credit for working in our clinic for a semester.

6 We also have some folks who are interpreters
7 who are wanting to perfect their interpreting skills,
8 and so they'll come and they'll work with volunteers in
9 an interpreter capacity.

10 CHAIRMAN MIKVA: Julie?

11 MS. REISKIN: Thank you. Your presentations
12 were all very powerful and -- I don't want to say
13 they're good; they're horrible. But the work you're
14 doing is incredible, so thank you.

15 My question is for Mr. Harley. I thought what
16 you said is that as a result of doing comprehensive
17 services, your request for protective orders has
18 dropped. and I didn't understand if I misunderstood
19 you, or if I didn't, why that would be. I would think
20 that they would increase.

21 MR. HARLEY: We saw a dramatic rise in the
22 number of requests for protective order statewide in

1 the late 1990s and around 2000. But there's a much
2 better community-wide response to domestic violence now
3 in Virginia than there was ten years ago.

4 So statewide in Virginia -- so this isn't just
5 Legal Aid statistics; it's the state's
6 statistics -- the requests for protective orders has
7 dropped just over 30 percent statewide. But where we
8 have a very comprehensive response to domestic
9 violence, the drop has been even greater.

10 And so even though domestic violence is awful,
11 and even though the most recent murder of one of our
12 clients happened in October, we are making progress.
13 There's reason to feel good about the comprehensive
14 response.

15 MS. REISKIN: So you're saying the
16 comprehensive response is actually reducing the
17 induced, or that's your belief?

18 MR. HARLEY: That's what we think is going on.

19 MS. REISKIN: That's what you think is
20 happening. That's fantastic.

21 MR. HARLEY: I agree that most people don't
22 seek protective orders. But using that as one of the

1 markers, it looks like we're making some headway. A
2 lot more to do.

3 MS. REISKIN: That's fantastic. Thank you.

4 PROFESSOR VALENCIA-WEBER: I want to thank you
5 for your presentation. Both my clinic work and my
6 publications have dealt with domestic violence. I'd
7 like to ask the people coming from the state grantees
8 one question, and then one for, really, any of you in
9 terms of discussing how those protective orders cross
10 jurisdictional borders.

11 First is to the state grantees. Have you seen
12 any new models of state legislation that allow someone
13 other than the victim as the necessary part for
14 prosecution? Because the pattern in this kind of
15 relationship is pressures of all kinds, inducements for
16 the victim to withdraw the complaint, and then the
17 prosecution ends.

18 And the more progressive states allow anyone,
19 not just the victim but anyone who has direct witness,
20 direct knowledge, to be the complainant. And that has
21 furthered the increase in prosecutions, even when the
22 victim has been sweet-talked over that weekend with

1 flowers and candy and whatever to withdraw the
2 complaint.

3 And the second thing I wanted to ask you is
4 what you have seen about the readiness of state
5 jurisdictions to accept protective orders from tribal
6 courts because under VAWA as well as, now, the new Law
7 and Order Act, those orders should be received by the
8 state jurisdictions, domesticated, and enforced as if
9 the state court system had issued it.

10 And I'd like to know if any of you have any
11 experience with that, even if you do not have tribal
12 courts adjacent to the places you practice. But you
13 could have a tribal court protective order for a victim
14 and child arrive in your state from a tribal court.

15 MS. SCHNEIDER: Anybody want to tackle the
16 first question? Kendall?

17 MR. SEAL: Pardon me. The first question was
18 with regard to like forfeiture by wrongdoing, kind of
19 getting the evidence --

20 PROFESSOR VALENCIA-WEBER: Well, continuing
21 the prosecution even though the victim has said, I
22 don't want to prosecute, or I'm going to reconcile, or

1 whatever.

2 MR. SEAL: In many of the rural counties that
3 I serve, those prosecutions end up not happening.

4 PROFESSOR VALENCIA-WEBER: They don't happen?

5 MR. SEAL: That's correct.

6 PROFESSOR VALENCIA-WEBER: And your state has
7 not changed its laws?

8 MR. SEAL: In the more urban pockets -- I
9 think Springfield, Missouri, for example; Kansas City,
10 Columbia, St. Louis -- from what I've gathered, the
11 practice of approaching it through a forfeiture by
12 wrongdoing approach, having the hearing and such, is
13 more common. A lot of the out state attorneys elected,
14 they don't necessarily approach the cases in that
15 manner.

16 With regard to the second issue on recognition
17 of tribal orders, it can be kind of complex from a nuts
18 and bolts system, situation -- the way our state law
19 says you don't have to register the order; law
20 enforcement may not know the law, may not appreciate
21 the order. Those are just some fundamental, I think,
22 connections that are occurring in terms of entry of

1 data into systems nationwide.

2 MS. SCHNEIDER: Does anyone else -- Pam?

3 MS. BROWN: What you're talking about, and
4 what I see and Kendall alluded to, is we end up having
5 a big role in educating our collaborators and educating
6 law enforcement, educating prosecutors. With regard to
7 victimless prosecutions, it's up to prosecutorial
8 discretion in our state. It's not being addressed
9 legislatively, and the jurisdictions differ, obviously.

10 We have a rural -- well, not so rural, but a
11 local DA who does go forward, but frustrates -- has
12 gotten very low conviction rates on that. And so a lot
13 of the -- it ends up bringing the discussion up more
14 and more, is this a good allocation of their resources,
15 to pursue prosecutions of family violence violations
16 when the victim testifies against the prosecution?

17 So those are ongoing kind of philosophical
18 discussions. The progressive ones move forward, but
19 they are also -- where they're successful, I think,
20 they have the resources and the education as to how to
21 proceed with those cases in a manner where they'll
22 achieve success.

1 With regard to cross-border full faith and
2 credit, protective orders, again, we haven't seen the
3 tribal in my service area, tribal protective orders.
4 But it is ongoing education whenever a protective order
5 from even another county comes over to our jurisdiction
6 and we have to have it enforced.

7 All of this is -- I've been doing this over 12
8 years, and you get new law enforcement, new elected
9 officials, new -- so in some ways, while we've made the
10 progress that Larry alluded to, it's an ongoing
11 education effort.

12 PROFESSOR VALENCIA-WEBER: Maha, have you
13 incorporated this into your outreach program?

14 MS. JWEIED: As of yet, no, we have not. And
15 we really are interested in understanding kind of what
16 are the best sorts of practices that we can learn from
17 individuals actually working on these very difficult
18 issues, and try to figure out how we can best leverage
19 who we are and where we are to provide some kind of
20 support.

21 PROFESSOR VALENCIA-WEBER: From the western
22 states that I know of and have worked in, the best

1 model is the ministerial model, where the tribal court
2 order arrives in the state jurisdiction court, and what
3 you want best -- and this presumes that you've had
4 training of your state court judges, state supreme
5 court. We have a tribal/state judicial commission that
6 specifically educates the tribal/state judges and the
7 tribal and state judges.

8 So what you want is the ministerial route,
9 which says when it arrives at the state court, the
10 judge says, "Oh, it's one of those," gives it to the
11 clerk, and they go through an automatic domestication
12 process, not, what is this, and is that judge law
13 trained, and where did these people set up this court,
14 and all of this stuff. It should be just a standard,
15 built-in process.

16 MR. LEVI: Martha.

17 CHAIRMAN MIKVA: Okay. Martha

18 DEAN MINOW: I send my thanks as well to you
19 all for being here, and also for your remarkable work.

20 And I'd like to follow up on this, the mention of
21 sharing information. I hope that DOJ can help, but I
22 also wonder: Are there ways in which, through

1 technology, for example, if you do the Hague research,
2 that can be shared, or the cyber-stalking research,
3 that can be shared, or on the model of leveraging pro
4 bono and volunteer efforts, are there other mechanisms
5 for sharing?

6 And in addition, on this last point that both
7 Larry and Pamela talked about, the educating of the
8 other people in the community, which is so central in
9 this work, are there ways in which you have best
10 practices there about what works and what doesn't work?

11 And finally, Tülin, you mentioned volunteers
12 apart from pro bono. Who are those volunteers?

13 MS. AÇIKALIN: The volunteers apart from pro
14 bono lawyers, you mean? They're community
15 members -- as I said, high school students, paralegal
16 students, law students, college students, and really
17 anyone from the community.

18 MS. JWEIED: If I may just say one thing. In
19 terms of sharing -- and actually, I didn't know what
20 Pam was going to speak about today, and I'm so pleased
21 that it was actually on this topic. And of all the
22 papers I have in front of me, it's an e-mail -- in

1 addition to what I presented on -- an e-mail from the
2 attorneys from the Department of State who work on the
3 Hague abduction issues.

4 And they actually have a request for the LSC,
5 and I didn't know if I'd be able to be the messenger
6 today. But really, it's that they would like some help
7 getting word out to LSC grantees that they can
8 represent foreign nationals in these matters, and that
9 these are fee-generating cases; that
10 potentially -- there are not many cases, but that
11 potentially, if they're successful, you can actually
12 create money for the grantees, for these legal aid
13 service providers.

14 So they would love an opportunity to meet with
15 whomever within the LSC, and potentially even get a
16 letter out to all the grantees to let them know that
17 they're allowed to do this work and that, in fact, it
18 could -- in addition to doing this important work, they
19 could actually potentially get some fees from it.

20 MS. BROWN: I'd just like to be part of those
21 conversations. I know the two people who contacted
22 you.

1 MS. JWEIED: Yes. Fantastic. Very impressive
2 colleagues at the Department of State, Beth Cooper and
3 Patricia Hoff.

4 MS. SCHNEIDER: I would like to say something
5 about the notion of sharing, and maybe remind the
6 board, I've been in legal services for -- I hate to
7 admit it -- probably close to 40 years, and I used to
8 work for two former LSC-funded national support
9 centers.

10 At one time, LSC was able to fund national
11 support centers that actually served as clearinghouses
12 on substantive law issues. And at one time there was a
13 national center on women and family law. There was
14 welfare, food -- I worked for one dealing with food
15 issues. But anyways, it was these -- and they served
16 as a clearinghouse where they could bring all this
17 information together and then share it with LSC
18 grantees throughout the country.

19 Now those centers, some of them still exist,
20 but they're no longer, of course, LSC-funded. But
21 still, in some ways the internet has replaced the
22 clearinghouse. But you have to as you know, all our

1 experience with the internet, you have to dig for the
2 information. I think it's all out there, but it's a
3 matter of finding it quickly.

4 DEAN MINOW: Just a small thought. Maybe
5 there's a way -- we're not going to bring back the
6 backup centers, I doubt, but there's a way to designate
7 particular offices that have developed expertise to be
8 the backup center resource, to be the contributor to an
9 LSC-maintained website that links. Maybe there's a way
10 to build on the expertise that people have.

11 MR. LEVI: Well, I want to follow up on that
12 because we as a board have been convening these kinds
13 of discussion panels among our grantees and interested
14 parties through this past year to start to reestablish
15 the convening power or convening authority of the LSC.

16 My own take on this is that yes, we once had
17 regional support centers. But we still have a national
18 headquarters. And this age of better communication, it
19 strikes me that LSC needs to step up against and
20 provide for the grantees.

21 I'll bet you guys -- let me ask: Have you met
22 each other before today?

1 MS. BROWN: No, although Tülin and I are on
2 the ABA Domestic Violence Commission listserv, and
3 that's been the sort of substitute for family violence
4 issues. But I spend about 20 percent of my time doing
5 technical assistance through just random people finding
6 my name on these cases.

7 And I do outreach throughout Texas,
8 but -- it's a big state, but it's not the nation, and
9 these cases are everywhere. And I've often -- I'm
10 there and available for anyone who wants to do this to
11 assist them, and including private attorneys I've
12 provided pleadings for on these cases.

13 But we talked exactly that, how we have -- and
14 actually, last night, when I was talking to Ms. Mikva
15 about it, that sometimes it's reinventing the wheel
16 unnecessarily. And it would be a good way to really
17 save resources, to share more information.

18 MR. LEVI: So we're in the midst of a
19 strategic planning process. And I hope that when our
20 strategic planner potentially knocks on one or all of
21 your doors, you might be willing to share some thoughts
22 with them because I believe that some -- what I'm

1 sensing is that our cases fall in buckets. And if we
2 could do more to help bring together best practices, I
3 think we could help the field tremendously. That's my
4 sense.

5 I want to ask two other -- or make one other
6 point about this. The Department of Justice had this
7 conference at the White House in October, but didn't
8 invite Legal Services. And I think you need to say
9 something --

10 MS. JWEIED: If I may?

11 MR. LEVI: Yes?

12 MS. JWEIED: It was actually a White House
13 event, and we know --

14 MR. LEVI: I understand. I let them know --

15 (Laughter.)

16 MS. JWEIED: Only one person was invited from
17 my office. I didn't get to go.

18 MR. LEVI: I let them know my feelings on the
19 subject.

20 (Laughter.)

21 MR. LEVI: Now, one other question for you.

22 We hear anecdotally that recessions cause spikes in

1 domestic violence. Is that true, from your
2 perspective?

3 MR. SEAL: My unit has seen an increase, yes,
4 in southern Missouri.

5 MS. AÇIKALIN: Our domestic violence agency,
6 at every community meeting that they have to go to to
7 report on community needs assessment, every time, they
8 talk about an increase in demand, increase in number of
9 calls to their emergency hotlines. So yes.

10 MS. BROWN: We've seen the same. And it's
11 just -- shelter capacity is usually the first place
12 where you see it, and that's where our shelters are
13 expressing the same. And then, from my work, the
14 recession, coupled with increased enforcement of
15 immigration, has caused families to be divided and
16 children to be used as pawns in that.

17 MS. AÇIKALIN: One of the other impacts of the
18 recession is a reduction in other services for us to
19 refer to. For example, the court -- reduction in staff
20 at the court means that our -- we used to have pretty
21 much a guarantee of a one-day turnaround on our
22 restraining order applications. That's not really a

1 guarantee any more because they just have less clerks
2 processing. The self-help centers are being decimated.

3 So we can refer less people to the self-help centers.

4 The counseling needs of our domestic violence
5 victims that are often essential in the custody and
6 visitation cases, the courts are ordering parents to go
7 to counseling, the children to go to counseling, as a
8 condition to moving to the next step on visitation or
9 whatever. And the counseling services aren't
10 available.

11 Supervised visitation centers are reducing
12 their staff and availability. So children who might
13 have contact with a parent through a supervised setting
14 are having no contact with the parent; or, on the other
15 side, the court, knowing that there is no supervised
16 visitation as a real option, ordering unsupervised
17 visits. So that's another impact.

18 CHAIRMAN MIKVA: Mr. Korrell?

19 MR. KORRELL: Thank you. Mr. Harley's story
20 is obviously a disturbing one. I was supervising an
21 associate on a stalking case, getting a protective
22 order, and one of the first things that happened is the

1 stalker starts contacting the associate at my office.

2 Right?

3 And I've got to wonder to what extent you
4 believe that fear among potential volunteer lawyers is
5 keeping them from stepping up to do pro bono work in
6 this particular area. You know, lots of areas to do
7 pro bono work where you don't have to worry that INS is
8 going to come cause you a problem because you helped
9 somebody with an immigration matter.

10 But I do think that, at least in my limited
11 experience with it, that it is an issue that's going to
12 keep young volunteer lawyers from stepping up to do
13 this kind of work. And I wonder if you've had that
14 experience, and if you have any thoughts on how we can
15 address that.

16 MR. HARLEY: We don't make much use of pro
17 bono attorneys in our domestic violence work. In a
18 rural area, there aren't large numbers of protective
19 orders going before the court on any given day, and the
20 model of an attorney for the day sort of doesn't work
21 in a rural area. We use just a staff attorney model
22 because we need immediate response.

1 But let me say that in 1998, we had two
2 clients murdered within two months of each other. And
3 the murderer in each instance had been in our office
4 negotiating with our attorneys. And so we changed our
5 office security measures after those murders. So it
6 affected us.

7 MR. SEAL: I echo -- I think that fear is
8 real, specifically in the human trafficking section of
9 cases that we deal with. For example, a couple cases
10 ago, it was a murder for hire to kill the victim and
11 the federal prosecutor assigned on that case. I mean,
12 the lethality -- and I think that's why these ABA
13 standards are so good -- there's a lethality assessment
14 component to that process to help find some way to
15 gauge what you're walking into with these cases.

16 MR. LEVI: (Inaudible -- off microphone.)

17 MR. KORRELL: And the reason I ask it, I'm
18 thinking about our pro bono task force and thinking
19 about how we encourage lawyers to step up and do more
20 work. And I'd wonder, maybe this is an area where we
21 are going to have a much harder time getting people to
22 step up.

1 It's already hard to get people to step up to
2 do domestic work even when there's not this issue of
3 violence. And I wonder if -- maybe we don't want to be
4 beating our heads against a wall to do pro bono, do pro
5 bono, do pro bono, if there are reasons that we can't
6 overcome. Or if there are ways to overcome it, it
7 would be helpful for us to know that because -- I mean,
8 I have a hard time encouraging associates at my office
9 to go step up and do this kind of work.

10 If I know that they're going to start getting
11 phone calls -- and this was a relatively mild case, and
12 then the phone call came into the office and the guy
13 was a bit of a kook. But it doesn't take much to
14 imagine that he figures out where she lives and he
15 starts calling her at home and starts following her
16 around, and then what have I done to this person by
17 encouraging her to take on this case?

18 MS. AÇIKALIN: Can I just follow up? So we
19 have seen pro bono attorneys express just that concern,
20 and we still get pro bono attorneys. We haven't had an
21 incident -- I mean, knock on wood -- where our
22 attorneys, our staff, or the pro bono attorneys are the

1 subject of the harassment or abuse because it really
2 is -- and I think educating people on what domestic
3 violence is, that it's power and control, and it's
4 about the intimate family.

5 And the abuser may try to use intimidating
6 tactics with you as the attorney. But as soon as you
7 step up and say, "No, that doesn't work with me,"
8 that's an effective strategy dealing with abusers, and
9 so educating the pro bono attorneys to be the strong
10 and forceful one to protect the client.

11 And then also, it's not the intimate family.
12 And so the abuser isn't interested in the attorney or
13 the advocate or the office, really. And that's what
14 we've seen.

15 And especially with the restraining order
16 clinic -- we're open to the public and people are
17 coming in all the time. And there have been cases
18 where the abuser will wait outside the clinic to wait
19 for her to come out to threaten her or tell her she's
20 going to pay or whatever.

21 And as soon as -- I mean, my office is full of
22 women mostly -- I'm the oldest one -- mostly in the 20s

1 and 30s. And we can manage the abusers, and that's
2 something we tell our pro bono attorneys to put them at
3 ease. And that's been effective.

4 MS. BROWN: If I may, I'd like to echo what
5 Kendall said on that because you never know which
6 abuser is going to be the one who's going to go that
7 extra step. And we have had incidents of stalking,
8 cyber-stalking of our attorneys, and in many instances,
9 because we can't spend all the resources educating our
10 pro bono attorneys, they don't get those cases at all.

11 We do not -- we definitely leave those for
12 staff attorneys and our expertise, and we'll give
13 them -- we have so many other cases to share. And so
14 we really have a way of screening for that.

15 CHAIRMAN MIKVA: I had a question -- this is
16 Laurie Mikva -- about VAWA funding. Has it gone away?
17 I guess I'm wondering what the most recent round of
18 budget cuts did to VAWA funding and whether VAWA is
19 still looking for time-limited programs to support.

20 MS. JWEIED: I'll just take that and say that
21 I think it's still not known exactly. I mean,
22 everything just came out on Friday, and so this

1 week -- I know the big numbers, and in fact there are
2 some memos being circulated, trying to break it down
3 even further.

4 But I think within a week or so, it'll be more
5 apparent. But you're right. I mean, Department of
6 Justice programs and the funding through the Office of
7 Violence Against Women took hits. So it's unclear,
8 really, what will happen with it next. And in terms of
9 VAWA reauthorization, that's also unclear what's really
10 going to happen next with that.

11 But there's a lot of talk and work on it.
12 It's just now, I think we need a few days to really
13 figure it out. And then I'm pretty sure OVW will send
14 out information on what will happen next.

15 CHAIRMAN MIKVA: Do you know who the
16 constituents are that are fighting for VAWA? I mean,
17 is legal aid in there in some way?

18 MS. JWEIED: I'll let them -- I believe so. I
19 mean, I can't imagine -- there is. There's actually a
20 coalition, and I'm sure many people here are a part of
21 it. But there are some coalitions that are providing
22 feedback to government in terms of what should be in

1 the VAWA reauthorization.

2 MS. SCHNEIDER: Well, I know National Legal
3 Aid and Defenders Association has certainly done a lot
4 of work with Congress in this area because our grantees
5 have, throughout the years, certainly, relied on VAWA
6 funding. And one of the challenges for them is just
7 the VAWA grant cycle.

8 These are term-limited grants. And after
9 you've received a grant for a certain period of time,
10 then you're not eligible to apply again for a certain
11 period of time. But many of our grantees, because of
12 their collaborations, have worked it out, so then when
13 they're not eligible to be the primary grantee, they
14 become a sub-grantee of someone else in their area.

15 But the funding itself has posed a problem for
16 our grantees because of this term limited. But again,
17 I know NLADA has done a lot of work in this area.

18 MR. LEVI: Robert, Jim, Sharon, and Charles,
19 in that order.

20 MR. GREY: Thank you, Mr. Chairman.

21 This is, as Harry mentioned, you have the case
22 that you really can't figure out what's going to

1 happen, and it's disturbing when something happens that
2 puts even the lawyer that's volunteering in a
3 precarious position.

4 But I got to tell you, I think that there is
5 this strong sense of stepping up to the plate by
6 lawyers on domestic violence issues that you don't see
7 on a lot of other issues. And it's this idea that
8 there's something fundamental about protecting somebody
9 from violence, and this sort of law school carryover
10 of, this is the right thing to do and you need to be
11 there to participate.

12 Just for an example, we had -- and Martha and
13 Harry, this may be instructive as part of the pro bono
14 review -- we had an opportunity to engage, the firm
15 did, Exxon Mobil in a partnership to do a wills clinic.

16 And we said, are there other things that you would be
17 interested in? And they went back and did a survey of
18 their lawyers, in-house lawyers, and the number one
19 activity was to help get protective orders for victims
20 of domestic violence.

21 I think that this is -- because of the
22 publicity and the awareness that has been given to this

1 in the last few years, it is something that lawyers
2 think they have to do and should be doing. So we ought
3 to pick up on that as we go forward.

4 The second thing is, one of the things that
5 I'm doing -- and you may want to take advantage of
6 looking at this -- but I work with the Rule of Law
7 Initiative with the ABA. And that gets a great deal of
8 funding from USAID, and one of the key focuses of that
9 is human trafficking and abduction.

10 And it might be that coordination between your
11 office and the Rule of Law Initiative might yield some
12 benefit because it just seems to me there's an
13 opportunity there not only to do a best practices
14 teaching, but because, as John said, we have sort of
15 narrowed the communication gap with technology, that
16 you could be talking to somebody in Azerbaijan and
17 lending assistance, and by the same token getting
18 information that might help you in tracking somebody
19 through what I think is now a fairly sophisticated
20 network. And through USAID, the ABA is in 40 countries.
21 So you've got a pretty mature network of lawyers
22 throughout the world.

1 MS. BROWN: If I may comment, we do have a
2 trafficking team also. We also 1/2 a State Department
3 grant to train and give assistance and
4 capacity-building of civil society in northern Mexico.
5 That's been compromised by the lack of rule of law in
6 Mexico.

7 MR. GREY: By the --

8 MS. BROWN: The lack of rule of law in Mexico
9 right now, particularly in the region that we're
10 talking about.

11 MR. GREY: Yes. Well, that's --

12 MS. BROWN: And we've had to have a security
13 firm come in and make an assessment as to the safety,
14 another type of safety, to our staff over there. But
15 it's again something that there are all these things.
16 Each grantee goes for different grants and works with
17 different entities and agencies. And we need to be
18 sharing that more. And the entities at the Washington
19 level, if they could share what they're doing with LSC
20 grantees would be helpful as well.

21 MR. GREY: We might be conduits. Thank you.

22 MR. SANDMAN: Thank you all for your very

1 compelling presentations. The statistics that Cindy
2 cited in her opening were stunning, and I think it's
3 critically important that we have accurate statistics
4 on the number of cases that our programs are handling
5 that involve domestic violence. And I'm concerned that
6 our processes might not be yielding complete
7 information about that.

8 When a client presents, someone makes a
9 decision about how their case is going to be
10 categorized. And they might come in describing their
11 case as a custody matter, but you find out that there's
12 domestic violence at issue, and the case might be
13 categorized as a custody case and not as a domestic
14 violence matter.

15 What is your confidence level that we're
16 collecting complete information in the processes that
17 we mandate to identify the full extent of what
18 component of our caseload involves domestic violence?
19 This is so important for so many reasons. It's a
20 matter of resource allocation, education, and advocacy
21 for funding.

22 MR. SEAL: Candidly, moderate to low.

1 Candidly. And I think that's the volume. It's the way
2 the applications are received. If they're web
3 applications and you give someone a little block and
4 they get to type in a few things, they may not feel
5 comfortable sharing the components of their life in
6 this little, bitty block. Also, the drop-down boxes,
7 if you give them option of custody, what's more
8 important, kids or saying that you're a victim of
9 violence? Probably kids. Little things like that.

10 And my unit has a policy. We try our best to
11 meet with people, to make that phone conference, video
12 conference, in person, to get more of that story
13 because otherwise you miss them.

14 MR. SANDMAN: What do you recommend? What can
15 we do to improve that?

16 MR. SEAL: Improving client intake processes,
17 the questions asked. The web application is a big one.
18 We get a huge chunk of our applications via web app,
19 and it's convenient from a shelter based out in a rural
20 community to go online and fill that web app. But the
21 followup process is where it's lacking. They don't get
22 that interaction with someone.

1 MS. AÇIKALIN: From my perspective, I think
2 that we have a centralized intake unit so that most of
3 the people who come in through our program come in
4 through our legal advice line, and all of our legal
5 advice line staff are trained to screen for domestic
6 violence issues in every case, regardless of the area
7 that somebody is calling in because, as you know, the
8 housing client might have -- the reason that they have
9 a housing issue is because of domestic violence, or the
10 public benefits case might also has domestic violence.
11 It just hasn't risen to the surface.

12 So I think that for our program, I have a
13 pretty good level of confidence that we're capturing
14 the numbers on the domestic violence clients that we
15 serve.

16 MS. BROWN: Our intake is the same as that.
17 Everyone, whether it's through the advice line or
18 in-person intakes, they will be asked about family
19 violence in their life and hopefully gone through more
20 than just, are you a victim of family violence, the
21 conclusory statement -- actual description of what the
22 violence is, what might be happening in their house,

1 which many of our clients don't perceive as family
2 violence or domestic violence. That's part of the
3 process, to the extent we can with limited resources.

4 MR. SANDMAN: But what gets reported to LSC?

5 MS. AÇIKALIN: There's a box that you check.
6 And we have prime databases on that that we use. And
7 there's a box that you check that says, "Domestic
8 violence." And I'm not exactly sure how that gets
9 reported.

10 MR. SANDMAN: Can you check more than one box?

11 MS. AÇIKALIN: I'm sorry?

12 MR. SANDMAN: Can you check more than one box
13 for a client when the client comes in?

14 MS. AÇIKALIN: Well, you know, the domestic
15 violence check box is something different than, for
16 example, the problem code or the special problem code.
17 I mean, for the problem code, there isn't a problem
18 code for -- in family law there's a domestic violence
19 problem code. There's also custody. But that's a
20 separate analysis than the checking of the box that
21 this is a client who is a victim of domestic violence.

22 MS. BROWNE: I was getting a mixed message

1 from the different panelists on the wise use of pro
2 bono attorneys. Some of you seem to indicate that pro
3 bono attorneys were being limited and not being used
4 for some of the domestic violence requirements, the
5 legal requirements.

6 When you're choosing to use a pro bono
7 attorney, what are some of the criteria that you're
8 using to screen a case so that you know which ones are
9 appropriate for pro bono and which ones should stay
10 in-house?

11 MS. BROWN: Well, our screening for pro bono
12 attorneys has been driven mostly by what we have seen
13 successfully done in the pro bono communities -- I
14 mean, in the communities where we -- we have pro bono
15 throughout our service area. And we will frequently
16 have cases that become contested bounce back to us
17 in-house mid-case.

18 And so we have created basically priorities
19 of -- all our cases are priority family violence, all
20 of them, in terms of family law. So it will just be
21 whether it's a highly contested case -- those are the
22 priority in-house.

1 And then as more years have gone on since the
2 violence, and there was family violence present but the
3 woman's safe and it's not an issue of safety any more,
4 maybe most of the issues are uncontested, those are the
5 ones that will go to pro bono.

6 They don't -- there will be a few, literally
7 on two hands throughout our vast service area, the
8 attorneys who are willing to step on contested custody
9 for family violence cases. That's it. And we have one
10 of the -- we're the third largest legal aid in the
11 country, I think.

12 PROFESSOR KECKLER: This question is back to
13 you, mainly, Pam, but others can jump in, and maybe
14 Cynthia.

15 From your presentation as well as from the
16 State Department communication that we received, I got
17 the impression that there's basically a service gap
18 regarding these child abductions. I mean, these are by
19 and large American citizens kidnapped in foreign
20 countries. And if there's not representation, that's
21 clearly not going to get resolved. I mean, there's no
22 question that an individual is going to be at a great

1 children had to be returned there, Scotland, Hungarian,
2 for the State Department, with the caveat my grant is
3 for family violence victims. There's statistics at the
4 international level saying that more abducting parents
5 are women, and so it may be someone fleeing domestic
6 violence. I've also defended women who are fleeing
7 violent situations in their home country.

8 So that's where I have discussions with the
9 State Department already. They get frustrated with me
10 because I don't take every case in my service area that
11 they want to refer because if it happens -- if I don't
12 know that there might be -- the respondent might be
13 somebody who would be conflicted out of my practice if
14 they are actually fleeing family violence.

15 And so I have to analyze each case, without
16 knowing much of the facts, whether I can actually take
17 it in that service area. And so we have some
18 frustrations with the State -- they have with me, I'd
19 say, not me with them. But I've had to educate them a
20 little bit about what my limits are as well.

21 So there's interesting discussions to be had
22 on that. And I don't think -- that's also with regard

1 to women being the abducting -- the increasing number
2 of abducting parents. I think that statistic might be
3 a little skewed as well because that really reflects
4 how many people are accessing the Hague remedy. Most
5 people with resources are going to be the one accessing
6 the Hague remedy, and most of the parents with
7 resources are men.

8 That's my analysis of it. There's never been
9 an adequate study of it, and I wish there would be to
10 determine -- because everyone's at the international
11 level just saying blanket, oh, women are the abducting
12 parents now, without analyzing the underlying reasons
13 for that.

14 MS. AÇIKALIN: Can I -- I'd just like to
15 follow up on that. From my experience, I've also
16 represented on Hague Convention cases. But my
17 experience is representing the victim of domestic
18 violence who's fled Mexico with the children, unable to
19 get the domestic violence issues dealt with there and
20 come here.

21 And I've had different results because the
22 domestic violence exceptions under the Hague Convention

1 for fleeing with your child to protect yourself and
2 your child are very, very limited and really very
3 fact-based.

4 The issue around Hague Convention cases also
5 is that they're extremely resource-intensive. One case
6 was a two-day trial on six weeks' notice, and then the
7 other one was a six-day trial on three months' notice,
8 with experts on the -- a child psychologist and
9 domestic violence. And so they're difficult,
10 time-intensive, complicated cases with a very small,
11 narrow exception that doesn't really even apply for
12 domestic violence.

13 MS. JWEIED: The one thing I'll say is that
14 the request from the Department of State is really
15 concerning foreign nationals. So you're right. If
16 there is an American citizen with an American child
17 abroad, the way that they get representation, if they
18 don't have the means to afford representation, is
19 through some laws of comity, however the other state
20 perceives their obligations under the Hague abduction
21 convention.

22 So the request really is concerning -- and

1 apparently the way that the Department of State has
2 read this convention is not that they're obligated to
3 provide counsel, is that they do it out of a sense of
4 community with the world community, so that they have a
5 pro bono directory and we mainly use pro bono services
6 to represent these individuals who need help here in
7 the U.S., but that there are still places where it's a
8 small town; there really isn't the opportunity to
9 really take advantage of pro bono services, and there
10 might be an LSC grantee that's existing there.

11 So, really, the issue here is going to be
12 concerning foreign nationals. And in fact, this
13 concern was raised about the reluctance concerning,
14 potentially, domestic violence victims and if this is
15 going to have some kind of conflict with the services
16 that they provide.

17 But I'm happy to leave the -- I will certainly
18 be the conduit, maybe, with Cindy to have this
19 conversation start. And at the very least, they told
20 me it's only about 500 cases a year and they have the
21 majority of those cases covered by pro bono counsel;
22 but that the extent to which they could have these

1 potentials within the LSC grantees, that would be
2 great.

3 PROFESSOR KECKLER: Thank you.

4 CHAIRMAN MIKVA: Father Pius, and then Julie
5 will get the last question.

6 FATHER PIUS: Thank you very much for your
7 presentations. My apologies for being a little bit
8 late. But it was wonderful to hear from all of you.
9 And my own very limited experience in dealing with
10 domestic violence is just the complexity of the issues
11 that are involved, not just the complex relationships,
12 sometimes, between the man and the woman, but
13 especially where I am in a small rural -- or a
14 relatively small rural area is it becomes complex
15 familial relationships.

16 This is not just a man and a woman involved,
17 but it sometimes becomes whole families involved. And
18 then to extract a woman in a violent situation, making
19 sure that she's got food stamps which she's never had
20 to get before, housing that she's never had to deal
21 with before -- I mean, it's not just one issue. It's a
22 whole mess of legal issues that are involved sometimes.

1 So the approach that I'm hearing from all of
2 you with a holistic approach to this is really the
3 only -- you can't deal with this any other way. So I'm
4 very glad to hear that this is the approach in most
5 places.

6 And I know that there have been lots of
7 resources -- never enough, but resources, certainly,
8 from the federal level, both from LSC and I think there
9 are VAWA grant monies that goes -- the one question I
10 have, a little piece of it: Is there a lot of support
11 from your local states as well? Are there state grants
12 to deal with violence? Has there been an effort to get
13 state funding, or even from private foundations? Or do
14 you mostly rely on more the federal grants?

15 MS. BROWN: My grant is entirely state. I
16 have some LSC funding for those left-behind parents. I
17 have a crime victims' compensation grant from the State
18 of Texas.

19 MS. AÇIKALIN: For us it's mostly DOJ and LSC.
20 Some local money; we've been able to put the
21 restraining order clinic and services for domestic
22 violence victims under the community development block

1 grant fund rubric. We call it a safety net service
2 because, really, getting child support orders and child
3 custody orders and a move-out order, getting those
4 kinds of orders really can, say, prevent homelessness,
5 and because there's such a connection between
6 homelessness and domestic violence.

7 So many homeless women and children are
8 homeless because of a recent incident of domestic
9 violence. So we've been able to get some local funding
10 that way.

11 FATHER PIUS: I must admit, having a Texas
12 grantee and a California grantee in front of me, I
13 never thought the Texas grantee would say she got the
14 most state funding.

15 (Laughter.)

16 MS. REISKIN: I'm wondering -- my day job is I
17 direct a nonprofit that focuses on civil rights issues
18 for people with disabilities in Colorado. And one
19 thing that I see a lot is people who are being abused
20 by their caregivers, both paid and unpaid. Sometimes
21 this caregiver -- it's always an intimate relationship.

22 Sometimes they are really an intimate

1 relationship, you know, like in the traditional way,
2 and sometimes they're not. But they can almost never
3 say they are because of the -- you guys know all the
4 reasons why. So it's not my boyfriend or girlfriend,
5 it's my caregiver.

6 And they're almost always rejected when they
7 go for help because they say it's not an intimate
8 relationship. And the abuse and then the intimidation
9 also gets into all of these other areas. Certainly,
10 child custody is a huge one; but also, one of the
11 things that we're seeing now is if someone reports it
12 to the police or something, then the caregivers are
13 calling and accusing them of Medicaid fraud, and
14 they're losing -- and then they get convictions of
15 stuff, and then they lose their house. It's just a
16 mess.

17 How can these people get help? What ideas do
18 you have? Because they're not -- everyone says, well,
19 that's not a -- it doesn't fit the definition. But I
20 don't understand -- I mean, the definition you guys
21 read about an intimate relationship -- and again,
22 whether it's sexual or not shouldn't matter. So I'd be

1 interested in your take on that.

2 MR. HARLEY: Virginia has just changed its law
3 to permit protective orders in cases that do not
4 involve intimate relationships. And our Legal Aid has
5 reached out to the area agencies on aging and to the
6 programs that advocate for disabled people, encouraging
7 direct referrals to us from those agencies where they
8 suspect abuse.

9 And they have all the complications of the
10 intimate family violence, and then you add to that the
11 fear of losing the support of the abuser, and they're
12 terribly complex.

13 MS. REISKIN: Right. Because for a lot of
14 folks it's, well, I can either be abused and have
15 freedom in my home, or I can be abused in an
16 institution and then I have double the abuse.

17 MR. HARLEY: Right.

18 MS. REISKIN: So those are the two choices.
19 But with legal representation, then you could at least
20 have some help dealing with the Medicaid and with all
21 of those -- getting the in-home services and all of
22 that. Thank you.

1 MS. AÇIKALIN: Yes. And in California, the
2 restraining orders include people who are living
3 together and relatives, two degrees of consanguinity.
4 So if it is a sort of relative relationship, that falls
5 within the rubric of the restraining order.

6 MS. REISKIN: Do they have to live together?
7 What about a caregiver who goes home at night?

8 MS. AÇIKALIN: For the domestic violence
9 restraining order, yes, they have to leave together.
10 There's the civil harassment order, but we have limited
11 resources and we right now in our office aren't working
12 on civil harassment orders.

13 That said, giving access to people with
14 disabilities is an important part of our overall agency
15 mission. So to the extent that a case came in that we
16 were aware of, certainly that's something that we would
17 consider representing on because it's really access to
18 justice, and the power and control relationship is
19 something that's important to deal with.

20 MR. SEAL: I also think that's a really good
21 point. When you look at the aging population and the
22 dynamic of abuse and the volume of cases, those sorts

1 of demographics looking forward, I know we just added
2 another abuse attorney position in our office and I
3 think that's really important to see these things
4 through that abuse lens as well.

5 CHAIRMAN MIKVA: I'm sorry to cut the dialogue
6 off, but I think we need to move on. Thank you --

7 MR. LEVI: Wait a minute. One second.

8 CHAIRMAN MIKVA: I'm sorry?

9 MR. SANDMAN: If I could just say one thing.
10 Cindy Schneider, our panel moderator this morning and
11 the deputy director of LSC's Office of Program
12 Performance, is going to be retiring this summer. She
13 let slip a little earlier that she's spent almost 40
14 years in legal services, a number of those years with
15 LSC, a number of years out in the field.

16 To me, the heroes of our profession are the
17 people who devote the entirety of their professional
18 lives to legal services. Cindy is one of those people.

19 Would you all please join me in thinking her for
20 her --

21 (Applause)

22 MS. SCHNEIDER: Thank you, Jim, everyone.

1 CHAIRMAN MIKVA: I think you are all heroes
2 for that same reason, and we thank you very much for
3 sharing some time with us today.

4 MS. BROWN: If anyone wants a TRLA "Help, he
5 took my child to Mexico!" video, I'm happy to -- I can
6 certainly send more through Cindy if you need it.

7 CHAIRMAN MIKVA: Thank you.

8 (Applause)

9 CHAIRMAN MIKVA: Five minutes.

10 (A brief recess was taken.)

11 CHAIRMAN MIKVA: Okay. I think we are going
12 to resume.

13 And the next is a presentation by the Virginia
14 programs, and I believe, Mr. Neumeyer, you're going to
15 induce the panel? Mr. Neumeyer from the Virginia Legal
16 Aid Society. Thank you.

17 MR. NEUMEYER: Thank you very much, Madam
18 Chairwoman. It's great to be here. I'm David
19 Neumeyer, executive director of Virginia Legal Aid
20 Society based in Lynchburg, and I'm also the president
21 of the Association of Virginia Legal Aid Programs,
22 which is our statewide association of project

1 directors.

2 And I'm going to ask my fellow panelists to
3 introduce themselves. Let's start at the end and come
4 this way. David?

5 MR. BEIDLER: Good morning. David Beidler.
6 I'm general counsel for the Legal Aid Society of
7 Roanoke Valley, Roanoke, Virginia.

8 MR. HARTZ: Hi. My name is Ray Hartz. I'm
9 the director of the Legal Aid Society of Eastern
10 Virginia, which is the Hampton Roads area.

11 MR. FERGUSON: Good morning. My name is Jim
12 Ferguson, and I'm the executive director of Legal
13 Services of Northern Virginia.

14 MR. BRALEY: Hi. I'm Mark Braley. I'm
15 executive director of Legal Services Corporation of
16 Virginia.

17 MR. WHITFIELD: I'm John Whitfield. I'm the
18 executive director of Blue Ridge Legal Services in the
19 Shenandoah Valley of Virginia.

20 MR. DICKINSON: I'm Steve Dickinson. I'm the
21 executive director of Central Virginia Legal Aid
22 Society, covering Richmond, Charlottesville, and

1 Petersburg.

2 MR. HARLEY: And I'm Larry Harley, executive
3 director of Southwest Virginia Legal Aid.

4 MR. LEVI: And why don't we for a second go
5 around the table so you meet the entire board.

6 MS. REISKIN: I'm Julie Reiskin. I'm a board
7 member. I'm from Colorado, and I'm a client-eligible
8 board member.

9 PROFESSOR KECKLER: I'm Charles Keckler. I'm
10 from up in Arlington.

11 MR. KORRELL: I'm Harry Korrell from Seattle.

12 MS. BROWNE: Sharon Browne from Sacramento.

13 MR. SANDMAN: I'm Jim Sandman, president of
14 LSC.

15 MR. LEVI: John Levi, chair. I'm from
16 Chicago, Illinois.

17 DEAN MINOW: Martha Minow, vice chair. I'm
18 from Cambridge, Massachusetts.

19 FATHER PIUS: Father Pius Pietrzyk. I'm in
20 Zanesville, Ohio.

21 MR. GREY: Robert Grey from Richmond.

22 CHAIRMAN MIKVA: Laurie Mikva from Illinois.

1 PROFESSOR VALENCIA-WEBER: Gloria
2 Valencia-Weber, New Mexico.

3 MR. NEUMEYER: Thank you. All right. I will
4 be a principal presenter, along with Mark Braley and
5 John Whitfield, but we're all available for questions
6 and hope you will ask us lots of questions. If the
7 previous panel is any example, you will. Thank you.

8 What we are going to give you this morning is
9 an overview of Virginia's statewide legal aid system.
10 We have ten legal aid programs in Virginia that range
11 in size from 8 employees to 80. We cover every
12 physical setting of the state, from the mountains to
13 the rolling Piedmont to Tidewater Virginia, and in a
14 variety of urban, suburban, and rural settings are
15 where our offices are located.

16 We operate as a statewide team. We have
17 experienced and new advocates who support each other
18 through a variety of means throughout the year. We
19 have listservs focused on different substantive law
20 areas, so they allow our lawyers to communicate
21 statewide to strategize, to share information on an
22 almost instant basis on any kind of matter.

1 We have bimonthly in-person task force
2 meetings organized by substantive law area. We have
3 state planning meetings, regular, substantive, and
4 skills trainings that are provided by Virginia Poverty
5 Law Center; special training opportunities that are
6 organized often by Legal Services Corporation of
7 Virginia, such as a creative advocacy conference three
8 years ago; and an annual three-day statewide training
9 conference that offers plenary speakers, workshops, and
10 some very unusual entertainment.

11 (Laughter.)

12 MR. NEUMEYER: We have six LSC-funded programs
13 in the state: Blue Ridge Legal Services, led by John,
14 Central Virginia Legal Aid Society, Legal Aid Society
15 of Eastern Virginia, Northern Virginia, Southwest
16 Virginia, and my program, which was one of the last to
17 be formed in the state in the '70s, and we just took
18 the generic name that was left, Virginia Legal Aid
19 Society. But we cover the south-central part of the
20 state.

21 We also have several non-LSC programs. Legal
22 Aid Justice Center is based in Charlottesville; their

1 executive director, Alex Gulotta, could not be here
2 this morning. Legal Aid Society of Roanoke Valley;
3 David Beidler you've heard from.

4 Rappahanock Legal Services, based in
5 Fredericksburg, led by Bill Botts, who is -- this is
6 his last day of legal aid staff work after a career of
7 about 40 years as a staff attorney in several states,
8 rising to become executive director and General
9 Counsel. He is going to retire with about 200 cases
10 open and become a pro bono lawyer working on those 200
11 cases. And his replacement is Anne Kloeckner, and she
12 just started work last week.

13 And then we also have Virginia Poverty Law
14 Center, our state support center, based here in
15 Richmond. Jay Speer, the executive director, could not
16 be here this morning. And then finally, our statewide
17 coordinator of delivery and funding, Legal Services
18 Corporation of Virginia.

19 And this system last year served over 92,000
20 Virginians, serving and meeting a variety of critical
21 needs. We brought in \$56 million in cash economic
22 benefits from a variety of recoveries, and of course

1 those helped our clients avoid a variety of problems,
2 and those problems would have more severe economic
3 impact of their own. So it's a net cash return of
4 \$2.13 for every dollar invested in the system.

5 Our work leads to family stability and safety.

6 We prevent homelessness, help our clients have housing
7 problems fixed. This is a family represented by my
8 program last year, with a landlord who would not make
9 important repairs which were causing health problems to
10 them. And we got them fixed.

11 We have a diversified funding base. The
12 largest source of legal aid funding in Virginia in the
13 Legal Services Corporation of Virginia, which
14 distributed over \$11 million last year, and funds our
15 regional programs and the state support center, and
16 then in turn serve Virginia with 38 offices across the
17 state.

18 LSCV's funding comes from the Virginia General
19 Assembly through general revenue appropriations, and a
20 special filing fee of \$9 on most civil legal cases go
21 to support legal aid. We also have an IOLTA program,
22 which all of IOLTA in Virginia goes to support legal

1 aid. We have had some excellent years in the past,
2 multiple millions of dollars in revenue. That's down
3 to very little at the moment, you might guess. And
4 these funds help leverage other funds from LSC, local
5 governments, foundation grants, bar associations,
6 United Ways, foundations individuals.

7 We think that our work, by helping low income
8 families, helps everyone in Virginia, allowing
9 communities to be healthier and reducing the likelihood
10 that children of our clients will become victims of
11 perpetrators of problems in the future.

12 Keeping families in their homes saves tax
13 dollars, and as I mentioned, we bring money into local
14 economies and help improve the health of our local
15 economies. And we also help other institutions do
16 their jobs better. We help legislators routinely
17 resolve problems for their individual constituents, and
18 many of those lawmakers are very grateful to us. They
19 don't always reflect that in their votes in the House,
20 which we regret.

21 (Laughter.)

22 MR. NEUMEYER: And we, of course, help courts

1 resolve problems of the unrepresented, who get to their
2 doors and are often referred to us for assistance. And
3 we help guide them, represent them when we can.

4 We're cost-effective. We also provide a
5 variety of services that are not direct representation,
6 but we do a great deal of legal advice, pro se
7 assistance, and community education programs that help
8 our client population understand their rights and are
9 better able to deal with problems in their own lives
10 without having to call us. We do that through
11 telephone legal hotlines as well as those other means.

12 We work with a variety of partners around the
13 state: private law firms that you've heard about,
14 courts, and more than 100 agencies that work with us in
15 supporting these clients. Last year, private lawyers
16 completed over 4,000 cases, contributing over 17,000
17 hours of representation. This is a pro bono task force
18 meeting in Lynchburg that helps recruit and place cases
19 for us.

20 We think we have terrific success in
21 recruiting and retaining excellent lawyers for our
22 programs through a variety of means which have been

1 championed and led by Mark Braley at LSCV. We have a
2 statewide LRAP program that his office administers; it
3 provides up to \$5,000 in assistance per attorney. The
4 wonderful thing about that is that it's provided as a
5 loan and then forgiven. Because it's provided by a
6 third party, it's not taxed as income when the loan is
7 forgiven. So that's a great benefit.

8 Mark has also pushed and we've also agreed to
9 set a statewide minimum starting salary for new
10 attorneys in all of our programs of \$48,000. That was
11 intended to make us competitive with other public
12 service employers such as commonwealth attorneys and
13 public defenders, and it's been terrific in attracting
14 a larger flow of applicants when we do have openings.

15 We get many more barred applicants with
16 experience who seek to work for us now, and it has
17 stemmed the flow of turnover as well. We believe our
18 workforce stays with us longer, which helps us be more
19 productive, and someone yesterday suggested to me that
20 we actually try to document that with some statistics
21 about our turnover. So we'll do that and get that you.

22 We urge LSC to look at setting national

1 standards for recruitment and retention of attorneys by
2 enhancing your LRAP program. We spend, statewide,
3 about half of what you spend nationally on LRAP, so we
4 would like to see you increase that, and also
5 developing a model for salaries and retirement that are
6 competitive with other public sector positions.

7 We have a variety of special programs to serve
8 populations and problems in Virginia that we think are
9 unique in the state and sometimes in the nation. My
10 program has a financial freedom illiteracy that reaches
11 low income adults and older youth with training on
12 budgeting, on how to use a bank, how to use accounts,
13 how to avoid predatory lending, that we do through a
14 series of classes and one-on-one mentoring. We have a
15 full-time coordinator for that in our Danville office,
16 and we serve about 300 people a year with that. And
17 there she is with some of her class participants.

18 Four of our programs have medical-legal
19 partnerships. I know you've heard information about
20 these in the past. They are a terrific way of
21 educating health professionals about the impact of law
22 for their patients, and we do a lot of direct

1 representation out of those as well. And that's one of
2 our attorneys and a doctor that she partners with.

3 Domestic violence: We have an excellent
4 partnership between Legal Services of Northern Virginia
5 and the juvenile domestic relations court and the
6 Fairfax Bar Association to represent clients in
7 protective order hearings, which are scheduled with
8 very short notice and hard to get on attorneys'
9 calendars. So they have a "lawyer of the day" program
10 that is scheduled well in addition so lawyers know that
11 they are going to spend that day helping with
12 protective order hearings, and it's been very
13 successful.

14 Foreclosures: LSNV also has a foreclosure
15 legal assistance project, which does a variety of
16 education and outreach counseling and advice and
17 representation.

18 Legal Services of Eastern Virginia has a
19 wonderful program to reach homeless clients by going
20 out to where they are. Most of us sit in our offices
21 and wait for clients to come to us; their lawyers go
22 out to where the homeless exist, to the streets and

1 parks and shelters, and as a result their number of
2 cases for the homeless is truly significant, 321 cases
3 last year helping almost 500 people, and you can see
4 what a great monetary recovery for them, often in
5 disability benefits.

6 Protecting the disabled, of course, is
7 something that we do a great deal of. Legal Aid
8 Society of Roanoke Valley, which is one of the
9 non-LSC-funded programs, has a long history of
10 advocating for the rights of the disabled. And within
11 the last 20 years, they successfully sued Bedford
12 County to make its courthouse accessible. It was not
13 accessible whatsoever to disabled people due to long
14 flights of stairs previously. And the result is a
15 wonderful new courthouse. David Beidler is the
16 attorney who did that case, and I like to call that the
17 David Beidler Judicial Complex.

18 (Laughter.)

19 MR. NEUMEYER: Bedford County hasn't adopted
20 that term yet formally, but -- I don't understand.

21 MR. BRALEY: They call him something else.

22 (Laughter.)

1 MR. NEUMEYER: I think they were pleased with
2 the result even though they had to be forced into it.

3 We're doing a lot of protection of the
4 elderly. Daronda Combs, an attorney with Larry
5 Harley's program in southwest Virginia, is pictured on
6 the next slide. She worked with this client in
7 protecting the client's father against a discharge from
8 a nursing home and losing his Medicaid, so able to keep
9 both the Medicaid, the healthcare, and the nursing home
10 care.

11 The Just Children program is run by Legal Aid
12 Justice Center based in Charlottesville, one of our
13 non-LSC-funded programs. They do that from three
14 offices, and work on improving government institutions
15 that serve low income kids -- public education,
16 juvenile justice, and foster care systems -- and they
17 use a variety of means of advocacy to address systemic
18 problems, and also serve as state support for all of us
19 on education issues.

20 LAJC also operates an institutionalized
21 persons project that seeks to increase accountability
22 for low income people in Virginia's prisons, jails, and

1 mental health institutions.

2 And a third program that they operate, which
3 you may have read from time to time in the paper, is
4 the immigrant advocacy program. They do it from two
5 offices, and help migrant farm workers, day laborers,
6 and other low wage immigrant workers recover unpaid
7 wages, which are unpaid in shocking amounts, avoid
8 other kinds of abuse and exploitation, and obtain
9 recognition for what they contribute to the Virginia
10 economy.

11 Three years ago we organized a variety of
12 creative advocacy task forces to address statewide
13 problems, and we have had some great successes with
14 those. Abolishing abusive school fees is a principal
15 one. Virginia's 130-something individual jurisdictions
16 all had their own systems for charging and waiving or
17 not waiving school fees for low income kids. These are
18 obviously problems in obtaining school materials and
19 participating in school activities.

20 Working with the State Board of Education, our
21 task force obtained new regulations governing school
22 fees, and they prohibit schools from charging fees for

1 activities, programs, and materials that are required
2 for instruction. This seems like a no-brainer, but it
3 was a new concept to many of our jurisdictions. And
4 they require that all fees be approved by the school
5 board, and that school boards provide opportunities to
6 have fees waived. And the regulations had been in
7 place for 30 years previously, the old ones that were
8 not very useful.

9 We have a task force on hospital indigent
10 care.. Many of us remember the Hill-Burton Act, which
11 required provision of charitable care. Hill-Burton is
12 no longer in effect. A variety of hospitals have
13 policies about indigent care, but very few of them did
14 anything to make people aware of them. Particularly,
15 their collections department did not make that effort.

16 So our task force did a study and then
17 obtained legislation to require public information
18 posting of indigent care policies, and they're
19 currently monitoring implementation. Found some lack
20 of compliance, and are going to be meeting soon with
21 our bill's patron and the Virginia Hospital Association
22 and the Commissioner of Health.

1 Notices of adverse action have often been
2 printed in language that's unintelligible to people
3 with a less than college education, and our task force
4 on that worked with the state Department of Social
5 Services to produce readable notices of adverse action.
6 They've already been implemented in the food stamp
7 program, and they'll be going into effect for TANF and
8 Medicaid as well.

9 Nursing home discharges: Our task force there
10 has recruited more attorneys into doing the work,
11 provided education to legal aid and private attorneys
12 on how to do discharge cases, and done increased
13 community education about patient rights for discharges
14 and readmittance after hospital stays.

15 We also have a variety of success with
16 partnerships in the pro bono area. And here to talk
17 about rural pro bono is John Whitfield.

18 MR. WHITFIELD: If you were at the reception
19 last night, you will recall that the
20 Harrisonburg-Rockingham Bar Association was honored for
21 their work. So I want to tell you a little bit about
22 that.

1 First of all, I want to point out that Blue
2 Ridge is one of your smallest grantees in terms of
3 funding. But, on the other hand, in terms of
4 geography, we're larger than five states. And so we're
5 a typical rural program, serving the Shenandoah Valley
6 in western Virginia. If you can see the slide over
7 there, you can see the map and see what our service
8 area is.

9 So back in 1982, legal aid across the country
10 was in stormy seas, as you see the graphic on the
11 slide. But we don't do maritime law. And federal
12 funding for legal services was slashed, and our staff
13 was cut in half as a result.

14 It was asserted by some of those who were
15 cutting federal funding at the time that pro bono
16 attorneys, private attorneys, could make up the slack.

17 Déjà vu. Our local bar, the Harrisonburg-Rockingham
18 Bar, rose to the challenge. They heard this and said,
19 well, okay. It's our duty to make sure that low income
20 folks have access to justice.

21 They appointed a committee to study this and
22 come up with a plan. The committee came back and said,

1 here's this plan. It was hotly debated by the bar, a
2 serious plan, and it was adopted by the bar in late
3 1982.

4 Now, the resolution that the bar passed back
5 almost 30 years ago had some important components:
6 first of all, a presumption of universal participation.

7 If you practice law in Harrisonburg-Rockingham County,
8 you're expected to do pro bono. It's presumed. And by
9 and large, that presumption has been honored.

10 Every member of the bar -- at the time, there
11 might have been 60, 70 members; it's grown to like 170
12 now -- every member of the bar was assigned to one of
13 four teams -- now we have five -- and the team leaders
14 were appointed by the bar. And then those team leaders
15 would come to our office every other week, we would
16 pitch cases to them that we thought were appropriate
17 pro bono referrals, and then if they agreed, they would
18 then propose it to be handled by members of their team.

19 And each member of the bar was expected by
20 this resolution to do a minimum of 20 hours annually of
21 pro bono work in addition to whatever good work they
22 might do in other forms of community service. Twenty

1 hours for pro bono through Blue Ridge.

2 So that was 1982. Now, I'm sure y'all have
3 all seen lots of resolutions passed, lots of good
4 intentions announced, lots of flourish, and then look
5 back at it a year or two later and, eh, it's sort of
6 died out. It was nice while it lasted. What's
7 happened with this over the last 30 years?

8 Nearly 30 years later -- next year will be the
9 30th anniversary -- the Harrisonburg-Rockingham Bar
10 members continue to honor that 1982 resolution, and
11 that pro bono referral program is operating essentially
12 as it was designed 30 years ago.

13 As a matter of fact, two of the original four
14 team leaders still serve as team leaders 29 years
15 later. They've been coming to our office every other
16 week. They were young attorney leaders of the bar
17 then; now they're senior members of the bar.

18 And as new attorneys join our bar association
19 there, we have a mentor program, mentorship program,
20 and we have a mentorship orientation where they are
21 oriented to what members of the bar are expected to do.

22 And one component of that is, by the way, there's a

1 presumption of universal participation in this pro bono
2 program.

3 So in a typical year, approximately 120 cases
4 are referred to this bar, which now has a membership of
5 about 170. Compare those numbers: 120 cases, 170.
6 That's pretty high. So what's the accomplishments over
7 this last 29 years?

8 Well, a few years ago I did some statistics
9 over a 20-year period, from '87 to 2006, found that the
10 membership had closed almost 2100 pro bono cases during
11 those 20 years, with over 16,000 hours of donated
12 service. At a conservative valuation of \$150 an hour,
13 this would amount to approximately \$2.5 million in
14 donated services from a small rural bar in Virginia.

15 Just last year the bar closed 145 pro bono
16 cases, with about 1250 hours of donated service.
17 \$187,000, conservatively valued at \$150 an hour. And
18 this last statistic is one I'm really proud of. At
19 least 85 percent of the bar's firms or solo
20 practitioners were involved in pro bono during the last
21 year and a half through our program. And I'm
22 particularly proud of this graphic, if you can see it.

1 The Harrisonburg Bar has been recognized as
2 one of the most successful, longest-running pro bono
3 programs in the country. The number of awards that
4 we've received -- and I say "we" because I'm a member
5 of the bar.

6 So in 1988, when it was just five years old,
7 the State Bar gave an award of merit. In 1993, you may
8 not know it, LSC recognized the bar as the rural pro
9 bono attorneys of the year. In 1995, the ABA gave it
10 the Harrison Tweed Award, which is the highest award
11 that they give for bars doing pro bono. And then the
12 highest honor of all, the State Bar recognized our
13 program with the Lewis Powell award in 1998, in
14 addition to the award that you gave them last night.

15 So, I mean, that's great. And it's nice to
16 brag about them and be proud of what the bar has done.

17 But I want to put it in perspective, and go back to
18 1982, with the stormy seas and federal funding cuts,
19 and pro bono was the solution. So how did it work out?

20 We are really proud of the work that our bar
21 does, and they do -- I challenge people to come up with
22 a bar that does as well or better. But even with the

1 superlative pro bono resources that we have through
2 this pro bono program, our local office there is forced
3 to turn away twice as many clients as we can accept.
4 And then in the last three months, because of IOLTA
5 funding cuts, we've had to lose three attorneys in that
6 office, in our staff program.

7 So now it's frustratingly difficult to be able
8 to even screen the cases and get them to the bar to
9 feed the pro bono program because our staff is consumed
10 with the legal emergencies coming in, and we don't have
11 the resources to handle it.

12 So what's the moral of this story, with the
13 success story of the Harrisonburg Bar? First of all,
14 it shows that a strong program is possible without
15 large firms, without big cities, if the bar is
16 cohesive -- this bar is -- the leadership is
17 committed -- it is -- and the message of a shared
18 responsibility across the bar with legal aid is
19 communicated consistently over time.

20 On the other hand, in my experience, even with
21 the successful program, pro bono is not the panacea for
22 our justice gap. You have to have adequately staffed

1 legal aid offices as a prerequisite for the pro bono
2 program's success. And even the strongest pro bono
3 programs, like this one, have not closed that justice
4 gap.

5 To quantify it, the combined pro bono
6 contributions of the Harrisonburg-Rockingham Bar over a
7 typical year is roughly equivalent to the output of one
8 legal aid attorney for six months, or half of a legal
9 aid attorney. So it's a wonderful supplement, but not
10 a substitute for legal aid attorneys.

11 One last observation: It was kind of
12 bittersweet last night to recognize the great work of
13 the Harrisonburg-Rockingham Bar -- it's just
14 outstanding -- but knowing that the same day, with the
15 funding cut that was enacted yesterday, \$32,000 for
16 Blue Ridge this year, that's the equivalent of half of
17 a staff attorney. And so all the work that this bar
18 has done in the last year (snaps fingers) negated by
19 that vote yesterday, and we still have the justice gap
20 that we started out with.

21 MR. NEUMEYER: Thank you, John.

22 As you heard last night also, we have

1 significant pro bono resources and activities in the
2 urban areas. You heard last night about the eight law
3 firms in the Richmond area who collaborate on the firms
4 and service project. And they all received awards from
5 you last night; we thank you for doing that.

6 The Central Virginia Legal Aid Society also
7 has a wonderful project with the Richmond-area lawyers
8 to operate a pro bono hotline. And last year they
9 closed almost 900 cases with private lawyers returning
10 phone calls and giving advice by phone to applicants to
11 the program.

12 We are going to provide you more information
13 about our diverse funding. We received a specific
14 request for that, and Mark Braley is going to present
15 that in a second. And we're proud of the fact that by
16 working together with you, our funders, other
17 professionals, and our attorneys, that we make a
18 dramatic difference in the quality of life for low
19 income individuals and families in Virginia, and we
20 appreciate your partnership in that.

21 And that's the end of the PowerPoint, and I'm
22 now going to pull up two spreadsheets that Mark brought

1 with him. Do you know which one you'd like first,
2 Mark?

3 MR. BRALEY: Probably the overall one. Did
4 you all get copies of these charts, the funding charts?
5 Great.

6 MR. NEUMEYER: Let me mention also that the
7 materials that you have before you, there are copies on
8 the table in back for anybody in the audience who would
9 like to see them.

10 MR. BRALEY: Thanks. I've been director of
11 LSCV -- this is my 20th year. And not long after
12 starting, we began meeting as a statewide team to,
13 amongst many other substantive things, explore ways
14 that we could improve our funding from two
15 perspectives.

16 And we formed basically what we call the
17 statewide funding planning committee, and all knocked
18 heads together regularly about our sources, how we
19 could add to the number of sources, and then improve
20 the monies flowing from them.

21 And we looked at it as a twofold approach, and
22 that was strengthening what we saw is the foundation

1 for legal aid funding in Virginia, which we consider to
2 be federal, state, and IOLTA funding; and then
3 improving the diversity of our total funding so that
4 when we suffered cuts to any one particular source, the
5 financial viability of our system would not be
6 significantly threatened.

7 It's been a long 20 years, a bit of a roller
8 coaster. But I think that the chart that you see up
9 there now gives a good idea of our success, first of
10 all, in strengthening the foundation. Legal Services
11 Corporation funding has improved to some degree over
12 those 20 years. I guess in real dollars it's pretty
13 equivalent.

14 LSCV state has improved dramatically over that
15 period of time from basically a few hundred thousand
16 dollars to currently almost \$10 million. Our IOLTA
17 funding has had its ups and downs; we reached a high in
18 2007 of about \$4.6 million. This charts shows us at
19 1.6, a significant drop. In fact, this year we're
20 below a million. We'll probably only take in about
21 \$700,000.

22 So that's the down side. The up side of that

1 is when you look at the next chart, or even just at
2 this chart, you'll see that significant work on
3 improving our diversity of funding is allowing us to
4 maintain viable, in terms of the services we can
5 provide even in the face of these huge IOLTA cuts.

6 MR. NEUMEYER: Would you like to go into that?

7 MR. BRALEY: Yes. That would be fun.

8 So this year -- IOLTA used to be over 50
9 percent of the grants LSCV administered to our
10 programs, as recently as maybe eight years ago. This
11 year, IOLTA funding constituted only 3 percent of the
12 grants that we made to our programs.

13 In terms of working to strengthen the crack in
14 that part of the foundation of our funding, we
15 undertook, this past legislative session which just
16 ended about a month ago, to try and grant a mandatory
17 or take the first step towards a mandatory IOLTA
18 program. We're now one of only seven states that does
19 not have a mandatory IOLTA program.

20 We have a complicated history on the issue.
21 We had a mandatory IOLTA program for 18 months back in
22 the early '90s; it was repealed. We almost lost the

1 entire IOLTA program. We were able to save a voluntary
2 component, but at that time, back in the '90s, a
3 statute was put in place by our legislature that
4 prohibited our Supreme Court from adopting a mandatory
5 IOLTA program.

6 So our effort this year was aimed at repealing
7 that statute so we could then go back to the court and
8 once again ask them to implement a mandatory program.
9 We failed in that effort after a long session of really
10 hard-fought battle against our bankers association,
11 which is a pretty powerful presence in our general
12 assembly, and lost on a tie vote the last week of
13 session.

14 We were encouraged by that, believe it or not.

15 We were surprised we got that close against the
16 bankers' lobby. And so we will be going back this year
17 and working on that piece of it.

18 But taking a look at this chart, you will see
19 program by program exactly where our money comes from.

20 Currently, if you look down at the total, we're almost
21 a \$30 million delivery system. When you think about
22 diversity and you think about \$30 million and think

1 about the fact that LSC's contribution to that is about
2 6.2 and LSCV's is about 11, that's \$12 million in
3 funding from a diversity of sources other than that
4 foundation that we build our delivery system on.

5 And I must say that the accolades for that
6 hard work in developing that diversity belongs to the
7 folks sitting to my left and right. They have worked
8 tirelessly over the past two decades scouting out
9 grants, foundations, private fundraising, working our
10 city and local county governments for funding.

11 Probably 15 years ago, I noticed that two of
12 our programs were particularly strong in our local
13 government funding. I said, you know, there's no
14 reason why we shouldn't all be really going at that
15 trough. So we added a clause to our contract with the
16 programs that required them to seek funding from every
17 county or city government within their service areas,
18 no matter how hopeless it looked.

19 And what our experience has shown is if you
20 just keep going back and keep going back, third,
21 fourth, fifth time around, you'll get a \$300 or \$500
22 grant from the local government, and then it goes up to

1 \$1,000, and then it's \$2,000. So we've seen very
2 incremental but steady progress.

3 And if you look at our total for local
4 government funding, you'll see it's 9 percent of our
5 funding, which is substantial, probably right up there
6 in the country in terms of its proportion to our total
7 funding.

8 We've done or these guys to my left and right
9 have done a tremendous job in the private fundraising
10 area, especially over the last decade, and that is
11 reflected under donations.

12 Combined, in terms of giving from the legal
13 community -- we've also worked hard there -- if you add
14 up the amount of money we bring in from bar
15 associations, which we consider lawyer giving,
16 donations, and law schools, we're at about \$1.2
17 million, equivalent to what most states would probably
18 bring in in a statewide approach to an annual campaign.

19 Those are really the things of note. I'd be
20 happy to answer any questions for you. But we continue
21 to meet regularly and knock heads on ways to improve
22 our funding, as you can imagine.

1 One other thing I just want to mention.
2 Virginia is the only Southern state in the top ten in
3 the country in terms of state funding and state
4 commitment to funding legal services.

5 MS. REISKIN: Thank you. You guys have done a
6 terrific job. You gave a lot of initials at the
7 beginning of different agencies, both LSC and non-LSC,
8 and it looks like one of them was your protection and
9 advocacy agency. Was that accurate? No?

10 MR. BRALEY: No. That's a separate entity in
11 Virginia.

12 MS. REISKIN: I was going to say I had never
13 heard of that and a legal services working together,
14 and I was going to ask you how you did that. So --

15 (Laughter.)

16 MR. NEUMEYER: We certainly cooperate, but we
17 don't have a formal --

18 MR. BRALEY: We refer cases, but that's about
19 it.

20 MS. REISKIN: I get it. And congratulations
21 on your case.

22 DEAN MINOW: Thank you all for your work, and

1 the collaboration is very, very impressive. To have a
2 statewide program that is so well-connected is
3 impressive.

4 I have a question for John Whitfield about the
5 economic impact. How did you figure out the economic
6 impact and the basically \$2 per \$1 contributed?

7 MR. WHITFIELD: That's David's.

8 DEAN MINOW: That's really David's? But I
9 guess it's also a related question about -- the
10 specific one about keeping people in their homes and
11 how that saves tax dollars. How do you figure that
12 out? I mean, that's the kind of thing that we've been
13 trying to articulate to the Congress. So how do you
14 figure that out?

15 MR. NEUMEYER: The actual -- the dollar figure
16 impact came from Mark's annual report. He does one
17 every year for our general assembly that illustrates
18 the impact as well as case examples.

19 MR. BRALEY: Yes. And we use federal
20 statistics from the Department of Commerce, for
21 instance, to determine the financial impact of our
22 work. We look at the -- do you all have a copy of our

1 annual report?

2 DEAN MINOW: We do.

3 MR. LEVI: Yes.

4 MR. BRALEY: If you look on page 4, the
5 economic impact, we determine the amount of federal
6 dollars that we bring into the state, and we do
7 that -- first of all, we collect -- no, no. That's
8 David's annual report.

9 FATHER PIUS: I don't think we have that one.

10 MR. BRALEY: I left them over here on the
11 table, but I have -- would you like to see this? I
12 have copies here, if you want to hand those out.

13 At any rate, we collect -- as part of their
14 reporting to Legal Services Corporation of Virginia, we
15 collect dollar/benefit outcomes. And for every case
16 they close that has an economic impact, they have to
17 report on that. And we --

18 DEAN MINOW: I understand where there's an
19 actual recovery of dollars. But some of this seems to
20 be imputed or estimated. So I guess that's what I'm
21 wondering.

22 MR. BRALEY: Well, what we do is we use the

1 traditional multiplier of 1.64, which is
2 published -- which is used by other federal agencies.
3 We multiply that by the federal funds we bring into the
4 state, and we can determine from that -- there's even
5 federal estimates of the number of jobs created by the
6 dollars brought in. Page 3 begins the discussion of
7 the economic impact.

8 So depending on who you're looking at in terms
9 of a funding source, I can say for every dollar you
10 invested in us, this is what we've brought back. And
11 we developed that argument for our state assembly years
12 ago. I brought in a Republican lobbyist, quite
13 frankly, to help me develop a message for our
14 Republican legislators that would help sell our work.
15 And the advice I was getting is, talk to them about the
16 return on investment, and so we've been doing a lot of
17 that over the past decade and a half.

18 MR. SANDMAN: I have two questions, one
19 following up on Dean Minow's.

20 If you're trying to measure the economic
21 impact of something other than recovery of federal
22 dollars, the economic impact, say, of a foreclosure

1 averted or an eviction averted, you have to have
2 reliable data about the outcomes of the cases that
3 you're handling. We don't have that at LSC. Do you
4 track that? If so, how? Are you required to report
5 that to your state entity?

6 And my second, related question: How does the
7 information you're required to report to your state
8 funders compare to what you're required to report to
9 LSC? Which is better?

10 MR. NEUMEYER: As a state, we agreed about 12
11 years ago to begin collecting and reporting outcome
12 measurements, what impact did our cases have on the
13 lives of our clients as opposed to did we close a case
14 with negotiation or litigation or what was the process.

15 So we have a variety of measures for
16 substantive impact. Did we help a family avoid
17 homelessness? Gain access to healthcare by obtaining
18 Medicaid? That sort of thing. And also dollar impact,
19 dollars recovered on a lump sum or a monthly basis;
20 losses avoided, monies saved on a lump sum or a monthly
21 basis.

22 And some of them are cases it's easy to

1 identify those amounts, and other cases we have to use
2 estimates. But each one of our advocates, every time
3 they close a case, they fill out an outcome measurement
4 form. So that is all aggregated statewide by Mark and
5 produced in his report.

6 We think it's an excellent system, and I make
7 a lot of use of that data in my local fundraising.
8 Applying to foundations, United Ways, they all want to
9 see outcome measures. We do logic models for them, and
10 I can plug those outcomes and those dollars into those
11 applications, and it works very well for us.

12 So we're loath to recommend that LSC adopt any
13 new requirement, naturally, for anything. But
14 nonetheless, we like the system.

15 MR. SANDMAN: What I'm interested in is not
16 imposing additional requirements, but having better
17 requirements, and to the extent that we can piggyback
18 on what others are already doing, doing that.

19 What do you find more useful to you in running
20 your own programs, the data that you collect for the
21 state or the data that you report to us?

22 MR. WHITFIELD: For me, going to United Ways,

1 for instance, the outcome data is much more powerful
2 than the CSR data.

3 MR. BRALEY: If I could, Jim, we had a really
4 sort of in-depth year-long discussion about this back
5 in the '90s before we adopted this outcome approach,
6 and I brought in a consultant. And the system we came
7 up with was their system. I coordinated putting it
8 together, but I said to them, what will help you the
9 most? I know what will help me the most in talking to
10 our legislature. What will help you the most? And we
11 knocked heads for another year and came up with our
12 approach.

13 It's been emulated in other states since then,
14 using the same consultants we did. It's been improved
15 upon, I'm sure, in other states. We from time to time
16 add and subtract to it on an annual basis. But it's
17 pretty much the same system we set up about 15 years
18 ago.

19 MR. SANDMAN: Just one more question, if I
20 might. I'm interested not only in what is useful to
21 you as a matter of advocacy for funding. But what's
22 useful to you in running your programs, in making

1 resource allocation decisions, in deciding how
2 efficient and effective you are with the limited
3 resources you have?

4 MR. WHITFIELD: I prepare an outcomes report
5 for each one of my advocates and share that with them,
6 and share it with everyone sort of anonymously, so that
7 they can see what they've accomplished over the last
8 year. I think that's powerful work. And then they can
9 see, oh, well, someone else is doing really great.
10 They're getting results that I'm not getting.

11 We haven't used it as a personnel tool, but
12 more as a feedback tool. And I think that's important,
13 too.

14 MR. LEVI: In terms of the raising of funds
15 other than state or federal -- foundations, private
16 attorneys -- how do you go about that? Do you have
17 development operations, or are we looking at the
18 development operation?

19 MR. BRALEY: Well, you're essentially looking
20 at the major part kind of the development operation.
21 But I would say half of our programs have a development
22 coordinator who works closely with the director on

1 that.

2 MR. NEUMEYER: I have two people greatly
3 involved in development. One is a relationship
4 builder; she can sell sand to Arabs and ice to the
5 Eskimos. She's terrific at that. And then I have a
6 grant-writer, who is fabulous with the written word.
7 And of course, I work closely with both of them. My
8 grant-writer, by the way, formally worked for Martha's
9 father, so we have a personal connection with her.

10 MR. LEVI: And do you have annual benefits or
11 campaigns that you manage for capital expenditures? Is
12 this an annual thing so that the private bar, for
13 example, knows that in the month of November, they're
14 going to hear from you with an envelope? Or we're
15 going to have -- the young lawyers are going to throw a
16 bowling party or something? What kinds of things are
17 the entities using?

18 MR. FERGUSON: We have, each year, three
19 different components to the fundraising campaign. In
20 the spring we do a phone-a-thon, reaching out to
21 individual members of the private bar. In the fall, we
22 have a gala celebration targeted primarily at getting

1 more big firm sponsors. And then we also do an
2 end-of-year mailing campaign.

3 But I think it's gotten to the point, like
4 with the fall event, that that is something that the
5 bar has come to expect: The gala is coming up.

6 MR. BRALEY: From a statewide perspective,
7 because of the history and strength of the local
8 fundraising efforts, it's been difficult and there's
9 been a bit of attention on how far we should go from a
10 statewide perspective in the private fundraising piece.

11 And we basically just discuss it regulatory and decide
12 how far we can go.

13 Right now the State Bar does an insert in
14 their bar dues form soliciting additional funds for
15 legal aid, and basically recognizing to members that
16 you've probably already given on the local level;
17 because of the IOLTA crisis, for instance, in addition
18 to that we're asking you to make another contribution
19 as part of this.

20 But that's about as far as we've gone. We've
21 sought a bar dues checkoff on the form a couple times
22 and have not been successful at that.

1 CHAIRMAN MIKVA: I have a question. Could you
2 give me a little bit of the history how you ended up
3 with a statewide coordinating body? I don't think
4 every state -- I know every state hasn't done that. It
5 obviously works so well.

6 MR. BRALEY: I've got to tell you, the folks
7 who came up with it, the Virginia State Bar executive
8 director back in the early '70s, sat down with the
9 existing Virginia legal aid program directors then, and
10 I think there were maybe six or so, and they decided,
11 you know, it's time we took a more coordinative
12 approach here.

13 They also very smartly looked at the Virginia
14 constitution and saw that state funding to nonprofits
15 had to be done through a state agency. So the State
16 Bar became the recipient agency for us to get our state
17 funds as we began seeking them out.

18 LSCV set as its mission back in 1975 to add to
19 the number of legal aid programs in Virginia because at
20 that time the whole state wasn't covered by legal aid
21 assistance. Once that was accomplished, they became
22 more of a coordinative agency in terms of providing

1 support to programs.

2 Over the years, we've grown to provide
3 administrative support. We manage the health group for
4 the programs, a coordinative part in the retirement
5 plan, and so forth and so on. And we just keep growing
6 into our role based on what's needed by the system.

7 MR. NEUMEYER: I'd like to mention all that
8 support comes from a tiny staff. Mark is one of three
9 people who works in his office. He has a secretary, he
10 has an IOLTA specialist who works with the banks, and
11 there's him, and then he's got a part-time office
12 manager who works elsewhere, does it long-distance. So
13 we are greatly appreciating how he keeps his overhead
14 low to put money out to the field.

15 FATHER PIUS: Other than, obviously, the funds
16 that LSC gives you, which is probably the biggest part
17 of the benefit we give to your programs, to what extent
18 do you look to LSC for assistance in providing the work
19 that you do to the poor in terms of program
20 coordination or best practices ideas or even financial
21 oversight?

22 Is that something you do often? If so, in

1 what areas? What have you found useful? What have you
2 found not useful? Where could LSC improve in terms of
3 its relationship with you and how you provide the
4 services that you provide?

5 MR. WHITFIELD: From my perspective, over the
6 years I've thought that LSC could do a lot more than it
7 has been doing. Well, what they're doing now with the
8 LRI is a good start. But one thing that would be
9 helpful: When we are dealing with compliance issues,
10 LSC compliance issues, it would be good if LSC could
11 provide us with model forms and documents that say,
12 this works. This is good. Use this. A very simple
13 thing.

14 MR. NEUMEYER: Yes. Just in response to that
15 question, there are two forms of LSC support that I use
16 currently. One is the LRI website, Legal Resource
17 something. It's a wonderful web resource of best
18 practices. It doesn't cover everything in the world,
19 but there's a lot of good stuff there.

20 And the other is the annual TIG conference,
21 the whole TIG process. And then the sharing of
22 information through the TIG conferences has been very

1 valuable for us. So we certainly hope that those will
2 both continue.

3 I've been in this long enough to know that LSC
4 used to be very involved in program support in the
5 1970s, and a lot of that, of course, went away in the
6 1980s. So we've adapted our own means.

7 MR. BRALEY: From a statewide perspective,
8 I've worked closely with OPP and Janet and Mike Genz,
9 our program counsel, on issues that we've identified
10 jointly that need to be addressed. And I've found them
11 incredibly helpful and supportive and wise.

12 DEAN MINOW: I have three questions. What's
13 LRI, is the first question.

14 MR. WHITFIELD: Legal Resources --

15 DEAN MINOW: Legal Resources something.

16 MR. NEUMEYER: Institute. Institute.

17 DEAN MINOW: Thank you. A second question is,
18 the creative advocacy examples were extremely
19 interesting to me. I wonder, do they work statewide?
20 Are they organized in response to particular clients?
21 How do they proceed?

22 And I have a third question, but maybe I

1 should wait till I hear the answers to that.

2 MR. BRALEY: Well --

3 MR. NEUMEYER: Creative --

4 (Laughter.)

5 MR. NEUMEYER: One, two, three, rock/paper/
6 scissors.

7 MR. BRALEY: I actually got the idea from a
8 couple other states.

9 DEAN MINOW: Oh, use your mike, yes.

10 MR. BRALEY: Sorry. I actually got the idea
11 from a couple of other states, what I saw was happening
12 in a couple of other states. And I saw an opportunity
13 to create more of a statewide approach to our clients'
14 problems, not just in information-sharing but in
15 developing solutions.

16 And so with the help of our state support
17 center, the Poverty Law Center, we set up a couple-day
18 conference. We invited every legal aid advocate in
19 Virginia. We paid for their attendance. We brought in
20 outside specialists in creative litigation from around
21 the country, including folks from NLADA, and we put on
22 basically what was more like a tent revival.

1 We brought in a lot of clients, and basically
2 the question to everybody in the room, lawyers and
3 clients, was: What pisses you off right now in
4 Virginia about the legal system?

5 (Laughter.)

6 MR. NEUMEYER: And we provided a microphone,
7 and everybody came up and testified. And we had folks
8 in the back saying, "Say it, sister! Say it!" And it
9 was a really moving experience for me, and it for
10 everybody else in attendance.

11 And out of that revival, we actually got down
12 and focused and developed eight teams addressing what
13 we identified during the revival as the eight most
14 pressing issues affecting our clients. And we said,
15 okay, we're taking a teamwide approach to all of these
16 eight issues. Every team had a member from each
17 program in Virginia, so there was all this
18 cross-collaboration, and it's gone on over three years.

19 Some of the issues we're addressing take a lot
20 longer than others. They require different approaches.

21 And the whole point of saying this is creative
22 advocacy is, first of all, what's the most economical

1 and most resourceful way we can approach this?

2 Well, litigation is expensive. Let's try an
3 administrative forum approach to solving this problem.

4 If that doesn't work, let's try a legislative advocacy
5 approach to this problem. If that doesn't work, maybe
6 we have to do litigation.

7 And then the creativity comes out of just the
8 constant exchange of ideas of people on the teams,
9 focused on getting to the goals they've set.

10 DEAN MINOW: You didn't find restrictions from
11 LSC funding confining what you were able to pursue
12 there?

13 MR. BRALEY: Not that I am aware of.

14 MR. NEUMEYER: That's why it's valuable to
15 have non-LSC programs as part of our partnership,
16 because they can do things that we can't.

17 DEAN MINOW: They can do things you can't do.
18 Thank you.

19 My third question actually continues the theme
20 of statewide coordination. With regard to fiscal
21 management, accounting practices, is there similarly a
22 statewide level of fraud detection? Or is that handled

1 at each local office?

2 MR. NEUMEYER: Local.

3 DEAN MINOW: That's local.

4 MS. REISKIN: Thank you. I also really loved
5 what you were doing, and I love that you involved
6 clients in the selection of the issues because they
7 will know more than anyone what are the real issues on
8 the ground.

9 Did you involve clients in the collaboration
10 for the solutions?

11 MR. BRALEY: Yes. Yes, they sat on our teams
12 with us and helped us develop road maps for each team.

13 MR. SANDMAN: My impression is that your level
14 of statewide coordination is at the high end of the
15 spectrum nationally, largely because of what happens
16 within your state organization.

17 Do you have a sense of how you compare to
18 other statewide programs in the degree of your
19 collaboration among each other, and what difference the
20 state entity has made to you in your ability to
21 cooperate as well as you do?

22 MR. HARTZ: Well, I've practiced as a legal

1 aid attorney in three states, in Arizona and Florida as
2 well. In no other state is the connection between
3 programs where, as a staff attorney -- it seems to me
4 staff attorneys in my program know staff attorneys in
5 northern Virginia and southwest Virginia, and
6 it's -- in Arizona and Florida, we really didn't. We
7 barely knew the people in our own program sometimes.

8 And here it's a completely different
9 atmosphere, and it's completely -- and I think it's
10 because of LSCV, of pulling everything together, but
11 then also the directors' meetings and the statewide
12 conference that we have as well.

13 MR. WHITFIELD: In addition, one entity that's
14 not personally represented here is the Virginia Poverty
15 Law Center, and that's been a nucleus for a lot of our
16 legal work. They were originally funded with
17 LSCV -- or created by LSCV back in the early '80s.
18 They may have been LSC-funded.

19 But when LSC stopped funded state and national
20 support centers, we agreed as a state that that
21 resource was so important that we would take our state
22 funding off the top and support a state backup center,

1 Virginia Poverty Law Center.

2 And so they coordinate our task forces. They
3 hold our statewide training conference. And they
4 provide the nucleus of legal expertise and leadership
5 on legal work in Virginia.

6 MR. GREY: I've had a chance to go to the
7 statewide conference twice, and it is something like
8 you've never seen before in terms of camaraderie and of
9 networking. But more importantly, the greatest thing
10 that comes out of that is recognition of those who have
11 been on the front line and given that 110 percent that
12 is most appreciated by every other colleague in the
13 room. And that's something you don't see, even among
14 non-lawyer, non-legal associations, I think, on a
15 statewide basis.

16 The other question, to follow up on Martha's
17 question and Jim's, and that is finding -- what we want
18 to try to find is a gold standard of giving LSC
19 coordinating bodies and entities the opportunity to
20 achieve the highest and best use of resources, is this
21 relationship with the bar associations.

22 I mean, we've got some fairly significant bar

1 associations, both at the local level, but we've got
2 two statewide bar associations that is unusual for this
3 state as well that have equal membership standing. But
4 they don't play at the same level with pro bono and
5 legal services.

6 Can you talk a little bit about that, your
7 relationship with the State Bar and the Virginia Bar
8 association? And then how do you access and use the
9 resources there to your advantage? Because Virginia
10 State Bar can't do lobbying; it's a mandatory bar. But
11 the Virginia Bar Association can, and then they become
12 part of that.

13 So talk a little bit about the Bar
14 Association's integration into your activities and how
15 you use the local bars maybe in a creative way as will.

16 MR. BRALEY: Well, as far as the voluntary
17 statewide bars, the Virginia Trial Lawyers have been a
18 significant source of support for us in our funding and
19 lobbying efforts at the General Assembly. The head of
20 the Virginia Trial Lawyers was my predecessor 20 years
21 ago in my position, and has remained on my board, the
22 board of Legal Services Corporation of Virginia, all

1 those years, and has committed significant resources of
2 the Trial Lawyers to assisting legal aid, especially at
3 the General Assembly.

4 The Virginia Bar Association, which is our
5 voluntary statewide bar, has also been just a huge
6 supporter of legal aid's effort, mainly through their
7 efforts to improve pro bono and establishing pro bono
8 hotlines around the state with volunteer attorneys.

9 But most recently, in this attempt to repeal
10 the prohibition on mandatory IOLTA, the Virginia Bar
11 Association stepped up and really took the lead,
12 assigned a full-time lobbyist to our effort, and were
13 just tremendous, and plan to continue that commitment
14 into the future. So on that level, it's been amazing.

15 And the directors can tell you about work
16 they've done with local bars. But we've had tremendous
17 support from them as well.

18 MR. NEUMEYER: I think the Virginia State Bar,
19 which is our mandatory bar, and the VBA have both been
20 very involved in support of our pro bono efforts around
21 the state and making those happen more effectively.

22 MR. SANDMAN: I didn't hear you talk about the

1 law schools, and I can think of five law schools in
2 Virginia. There may be more. Do you work with the law
3 schools, and if so, how are they integrated into the
4 legal services network?

5 MR. BRALEY: Well, certainly we do, but it's
6 mostly the programs that are in the vicinity of the law
7 schools tend to have the closest relationships. For
8 example, Alex, who isn't here, could tell you about the
9 tremendous relationship he has with the University of
10 Virginia law school that provides a significant amount
11 of money to his program and a direct link with their
12 clinical program.

13 So they almost have a revolving door of folks
14 working together on cases of significance. In fact,
15 the recently retired head of their Just Children
16 program is now the head of clinical programs at UVA,
17 and that's even strengthened that relationship.

18 And I would say the same exists -- David can
19 tell you about the relationship with Washington & Lee
20 University.

21 MR. BEIDLER: Yes. Over the years, we've had
22 a great relationship with Washington & Lee. It's about

1 an hour's drive from our centralized office. In the
2 past, we were directly involved in the running of some
3 of their clinical programs. There was sharing of
4 funds.

5 Some of that now has been taken over by an LSC
6 program -- I'm not LSC -- but where we utilize students
7 the most are for externships. We get them directly
8 involved in our cases. And we're seeing more of that
9 because law schools are involving their studies more.
10 Washington & Lee has just made huge changes in that
11 direction.

12 And so it's mutually beneficial. It helps the
13 students. It helps us. It gives us additional minds
14 and hands to do research, and quite frankly, come up
15 with fresh ideas on how to attack problems.

16 MR. NEUMEYER: Ray, could you talk about your
17 relationship with William & Mary?

18 MR. HARTZ: Yes. We have two law schools,
19 both Regent University and William & Mary. William &
20 Mary has been -- and we've worked closely with both,
21 and we both have clinics.

22 William & Mary has been an incredible help for

1 us. I mean, our Williamsburg office is supplied by
2 William & Mary. Their clinic is located in our office.

3 We also -- our managing attorney teaches the domestic
4 violence clinic at William & Mary. And just the flow
5 of law students from both schools are just an
6 incredible help to our lawyers.

7 And the William & Mary clinic in our office,
8 especially, there's always students in there who are
9 taking the clinic and also just internships, rather, I
10 guess, than externships. And it's just an amazing
11 increase to our capacity to do our work that we've got
12 these hands that are very eager and very smart who are
13 going to develop the cases for the lawyers.

14 MS. BROWNE: Just to follow up with that, what
15 about rural Virginia? Do you have an advantages to the
16 law school clinics, or are you completely isolated?

17 MR. WHITFIELD: Well, at Blue Ridge, we
18 actually have W&L in Lexington. But the problem there
19 is, that office has three people in it. So they don't
20 have -- we have been frustrated in being able to
21 develop a really strong clinic problem with W&L because
22 we don't have the staff to do a good job. And so it's

1 just not actually been successful.

2 And the other offices are too far away to make
3 meaningful use. We've tried to pull the W&L students
4 up to our office in Harrisonburg, where we have more
5 staff to coordinate. But the distance has become such
6 a problem that it just wasn't worthwhile. It was more
7 trouble than it was worth.

8 MS. BROWNE: And so just to follow up, so in
9 your situation you're using attorneys, the pro bono
10 attorneys, to supplement your staff?

11 MR. WHITFIELD: Yes.

12 MS. BROWNE: Are you finding that successful?

13 MR. WHITFIELD: Well, like the
14 Harrisonburg-Rockingham Bar, as sort of the premier
15 example of what we're doing with the bar, has been
16 wonderfully successful, and it equals to about one-half
17 of one staff attorney.

18 MS. BROWNE: But are you able to use the pro
19 bono attorneys to the same level as, say, a clinic?
20 It's just I heard that you had to screen your cases
21 more carefully to determine which cases would be
22 appropriate for your pro bono attorneys.

1 MR. WHITFIELD: Correct.

2 MS. BROWNE: And with only three attorneys in
3 your office, it seems to me that the level of service
4 necessarily is impacted.

5 MR. WHITFIELD: In our Lexington office, which
6 is where W&L Law School is located, it's a very small
7 private bar there as well. It's a very rural area, so
8 that we don't have the pro bono resources there,
9 either, to tap. So as much as we would like to figure
10 out a way to make use of that, we just don't have the
11 staff resources there or the pro bono resources there
12 to make use of it.

13 MS. BROWNE: The statewide program that you
14 have, are they able to provide resources to you? Or
15 are you, again, an isolated service provider? Do you
16 know what I'm referring to? Is you've got the
17 statewide program. But are you --

18 MR. WHITFIELD: Well, now, as far as the legal
19 work and the support that our staff have, like in our
20 Lexington office, for instance, with two attorneys and
21 one support staff person, they're an hour's drive away
22 from the next legal aid office. But they are a moment

1 away on our listservs from tapping into assistance from
2 the other 120 legal aid lawyers in Virginia.

3 So as far as getting the legal feedback and
4 support, we're tightly networked using technology. But
5 it's not something we can use to mobilize law
6 students -- at least, we haven't figured out a way and
7 haven't given that up. But --

8 MR. LEVI: Does W&L have its own clinic that
9 doesn't interface directly with you?

10 MR. WHITFIELD: They have a number of clinics
11 doing different things.

12 MR. LEVI: They must.

13 MR. GREY: Yes. They've got Alderson.
14 They've got the black lung clinic. They've got -- and
15 what was being mentioned was the third year practice,
16 which is going to really transform the opportunity for
17 law students to participate more in clinical activity.

18 MR. BEIDLER: Back when I was speaking
19 earlier, when we had more direct involvement with W&L,
20 it was our program based out of Roanoke that also ran
21 the Lexington office. And one key was that on our
22 staff back then, and still today, is an adjunct

1 professor at W&L, Henry Woodward, who's just so
2 respected that his participation has been integral to
3 our success.

4 MR. LEVI: Do you ever convene all the law
5 deans of the schools here or ask them to come to -- or
6 the clinical directors -- and sit down with you and
7 actually talk through what's on your plate and what's
8 on their plate and how they might be able to help? Has
9 that been thought about?

10 MR. BRALEY: It's been thought about. We have
11 not, though. I actually met with the dean of the
12 University of Richmond Law School, and we explored
13 doing something like that, and he ended up moving on
14 before we got far enough down the road. So it hasn't
15 been pursued. Dean Smolla.

16 MR. GREY: W&L. And then he went --

17 MR. BRALEY: And then he's the president of --

18 DEAN MINOW: Now he's the president.

19 CHAIRMAN MIKVA: Gloria Valencia-Weber.

20 PROFESSOR VALENCIA-WEBER: I'd like to follow
21 up on the law school clinic connections. This may be
22 the time to opportunely do what Chairman Levi has

1 suggested.

2 About three weeks ago there was a big
3 conference at Stanford involving all the law schools
4 that have clinics, with the idea of expanding the
5 access to justice. It's part of the whole access to
6 justice movement. And it might be the time to explore
7 many of the options that are being discussed among the
8 law school clinics.

9 The other thing I'm curious about: In the way
10 you use the law students, are they assisting your
11 attorneys rather than being the direct legal
12 representative for the client? For instance, in some
13 states, the supreme court of the state has changed the
14 practice rules so that the law student, meeting certain
15 course work requirements and the ethics course, if
16 supervised by a clinical faculty member, then is
17 admitted to the court to be the attorney for the
18 client.

19 MR. BEIDLER: We certainly have something
20 similar in Virginia. We have the third year practice
21 rule, which allows a qualified student in her third
22 year of practice in a Virginia law school, or perhaps

1 elsewhere, too, to become eligible and certified by the
2 bar to do practice, courtroom practice, under the
3 supervision of a managing or tutoring attorney.

4 Mostly, though, at least with our program, we
5 use summer law clerks, first and second year summer law
6 clerks, whose experiences are, of course, less than a
7 third year student. And we have a fairly formal summer
8 law clerkship program.

9 Each law clerk is mentored by an attorney
10 responsible for that law clerk's work. Most of the
11 work is like what one would probably find in a
12 traditional law firm -- it's research and perhaps
13 discovery compilation or whatever the hands-on needs
14 are for that attorney.

15 But they accompany attorneys to court. We try
16 to give them as much hands-on experience as possible.
17 And it seems to work because the law schools keep
18 sending -- we get far more applicants of law students
19 than we have space to provide for them. And that may
20 be the reality of having so many law schools in
21 Virginia, but we also get them from outside Virginia.
22 I've had them from New York. I've had them from

1 California. They come, and I wish we had more space
2 for them.

3 PROFESSOR VALENCIA-WEBER: For your
4 more -- oh, I'm sorry.

5 MR. HARTZ: I was just -- to answer the
6 question about how we use them, for the clinics,
7 they're doing the cases. They're third year practice.
8 They're handling the cases, the domestic violence case
9 or in the legal aid clinic, it's a lot of
10 administrative work of food stamps or whatever.

11 But then in addition to the clinic, I know for
12 us we rely on the help of the interns, kids who are
13 just coming out -- law students who are coming out and
14 helping us with things. And we also try to make a real
15 effort to get the kids to see all aspects of it, and
16 especially taking them out into -- I try to get every
17 kid at some point to help with intake at homeless
18 shelters or domestic violence shelters.

19 Because I figure if they're going to get out
20 of law school and if they're coming to us, I'm at least
21 going to have them see what it's like for people who
22 are sleeping outside or in danger, and just get a

1 different exposure to something.

2 So we do both, depending on how the student
3 is.

4 CHAIRMAN MIKVA: I'm going to have to cut this
5 off. I think the last question -- Mr. Grey has asked
6 for the last word here.

7 MR. GREY: I want to ask a John Levi question.

8 MR. LEVI: A leading question?

9 (Laughter.)

10 MR. GREY: I want to ask it. Forget about all
11 the things that we've talked about, trying to
12 pigeonhole the question I'm going to ask. Really free
13 think it. If you could get LSC to do three things to
14 help you, what would they be?

15 MR. NEUMEYER: Number one is always money.

16 MR. GREY: That's Congress. LSC. We're just
17 a pass-through.

18 (Laughter.)

19 MR. GREY: No, seriously. We're a
20 pass-through on that, but I just -- and we're working
21 on it.

22 MR. NEUMEYER: Something that you're doing

1 right now that I find very helpful is the Office of
2 Program Performance brings in non-LSC attorneys to do
3 program quality evaluations around the country.

4 To the extent that those are detailed and
5 comprehensive and can really get deeply into a
6 program's operations and compare those with other
7 programs around the country of similar size and
8 geography, I think that's a program that could be grown
9 to our help.

10 I'm getting ready to do a series of
11 evaluations, bringing in those kinds of people for my
12 strategic planning process. And I'm planning on
13 spending about \$40,000, which is not money I really
14 have, but that's for the areas I want to
15 study -- impact advocacy, our law line, advice hotline,
16 our technology, and our fundraising -- that's the
17 feedback I have. I have to spend about \$10,000 on each
18 of those subjects to get the kind of evaluation I want.

19 LSC's ability to help programs with that kind
20 of evaluation or recommendation I think is very
21 helpful.

22 MR. WHITFIELD: A couple other ideas, perhaps,

1 is that y'all have done some work in obtaining national
2 discounts for services that we all need across the
3 state -- across the country. So any time there's an
4 opportunity for that, it makes a lot of sense that
5 y'all could -- y'all have a lot of bargaining power and
6 a lot of leverage there. So that could be potentially
7 very useful.

8 To the extent LSC is requiring its grantees to
9 do certain things or to be careful of certain things,
10 whether it's regulatory compliance or internal
11 controls, for instance, or board governance, it would
12 be great if LSC would provide us training on the things
13 that they want us to do well so that we'll have a good
14 idea how to do that.

15 MR. BRALEY: The issue of recruitment and
16 retention, which Dave had mentioned in our
17 presentation, I think LSC could do a lot more in that.

18 And I can't tell you the difference in our community
19 since we implemented the few steps that we have since
20 2008 -- number one, the salary -- well, first of all,
21 let me tell you this.

22 I made the crux of our 2008 legislative

1 session to the General Assembly, legal aid lawyers are
2 suffering. For the first time, the crux of our request
3 was not what our clients need, it was what the folks
4 who serve our clients need to continue to be able to
5 serve our clients.

6 I went in with stories of our lawyers who were
7 going to court stapling up hems on their dresses and
8 tacking a heel into their shoe, who are still living
9 with their parents, who are working weekend jobs as
10 bartenders and waiters to make ends meet, who are
11 foregoing the simple things we all take for granted
12 like going to the movies and out to dinner with friends
13 on a weekend.

14 And I went with the real stories from -- real
15 testimony from our lawyers. And I've got to tell you,
16 it moved our legislators more than anything I've ever
17 told them about the plight of our clients, which was
18 sad in one way and great in another way.

19 And that led to the single biggest increase
20 we've ever had, and I committed with that to use those
21 funds for minimum salaries, the LRAP program, and our
22 retirement plan. And routinely, advocates from around

1 the state who barely know me come up to me and just
2 think me repeatedly for that LRAP check they get twice
3 a year, what a difference it makes in their lives, just
4 that small amount of money.

5 So if that's something you could look at from
6 a national perspective and understand just how
7 difficult it is for our attorneys to be proudly working
8 in their profession and supporting families and looking
9 forward to putting their own kids through college and
10 that kind of thing, the personnel side of what we do.

11 CHAIRMAN MIKVA: Thank you so much. I think I
12 speak for everyone when I say we're just very impressed
13 with your program, with the services you're providing,
14 and appreciate your coming and talking to us about
15 them.

16 MR. NEUMEYER: We appreciate the opportunity.
17 Thank you.

18 (Applause)

19 MR. LEVI: How much longer --

20 CHAIRMAN MIKVA: We're not -- the next thing
21 is consider and act on the committee charter. That
22 actually came up in response to a request from Victor

1 Maddox, who isn't here today. So on that basis, I
2 would ask that we defer it until he can be with us.
3 It's something specifically he wanted to talk about.

4 I did want briefly, Ms. Browne, to -- she had
5 an idea for something this committee should be
6 addressing. If she could briefly talk to us about it.

7 And then Ms. Reiskin had some update on her issue.

8 MR. LEVI: Well --

9 CHAIRMAN MIKVA: So it will be two minutes.

10 MR. LEVI: If this really is because we have
11 another panel and lunch at 12:30. Is that correct? So
12 we have literally five minutes.

13 MS. REISKIN: I'll wait.

14 MS. BROWNE: All right. Very, very briefly, I
15 was talking to the Legal Services of Northern
16 California and talking about the problems that they
17 face because they cover such a huge geographic area,
18 and very rural. And their problems are so different
19 from the urban legal services that I thought a program
20 that highlighted the rural issues would be worthwhile
21 for the board to listen to.

22 CHAIRMAN MIKVA: I think that's a great idea.

1 And if anybody has more suggestions, ideas on that
2 nature --

3 MS. REISKIN: I'd be happy to help with that
4 as a representative of a rural state, or a state that
5 has rural offices.

6 CHAIRMAN MIKVA: Public comment?

7 (No response.)

8 CHAIRMAN MIKVA: Any other business?

9 (No response.)

10 CHAIRMAN MIKVA: I would entertain a motion to
11 adjourn.

12 M O T I O N

13 MS. REISKIN: So moved.

14 MS. BROWNE: I'll second.

15 CHAIRMAN MIKVA: All in favor?

16 (A chorus of ayes.)

17 CHAIRMAN MIKVA: Thank you very much.

18 (Whereupon, at 12:26 p.m., the committee was
19 adjourned.)

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