LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

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

OPEN SESSION

Monday, April 15, 2013

10:15 a.m.

Legal Services Corporation
McCalpin Conference Center
3333 K Street, N.W.
Washington, D.C. 20007

COMMITTEE MEMBERS PRESENT:

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

OTHER BOARD MEMBERS PRESENT:

Robert J. Grey Jr.
Charles N.W. Keckler
Laurie Mikva
Martha L. Minow

STAFF AND PUBLIC PRESENT:

James J. Sandman, President
Patricia Stinneford, Executive Assistant to the President
Rebecca Fertig, Special Assistant to the President
Lynn Jennings, Vice President for Grants Management
Katherine Ward, Executive Assistant, Office of Legal Affairs
Rricha Mathur, Law clerk, Office of Legal Affairs
David L. Richardson, Comptroller and Treasurer, Office of Financial and Administrative Services
David Maddox, Assistant Inspector General for Management and Evaluation, Office of the Inspector General
John Seeba, Director of Audit Operations/ Administrative Officer, Office of the Inspector General
Daniel Sheahan, Program Evaluation Analyst, Office of the Inspector General
Magali Khalkho, Resource Management Specialist, Office of the Inspector General
Carol Bergman, Director, Office of Government Relations and Public Affairs
Marcos Navarro, Office of Government Relations and Public Affairs
Lora M. Rath, Deputy Director, Office of Compliance and Enforcement
David de la Tour, Program Counsel, Office of Compliance and Enforcement
Traci Higgins, Director, Office of Human Resources
Janet LaBella, Director, Office of Program Performance
Evora Thomas, Office of Program Performance
Peter Campbell, Chief Information Officer, Office of Information Management

STAFF AND PUBLIC PRESENT (Cont'd):

LaVon Smith, Office of Information Management
Bristow Hardin, Program Analyst, Office of Information Technology
Robert E. Henley, Jr., Non-Director Member, Finance Committee
Allan J. Tanenbaum, Non-Director Member, Finance Committee (General Counsel, Equicorp Partners)
Herbert S. Garten, Non-Director Member, Institutional Advancement Committee
Frank B. Strickland, Non-Director Member, Institutional Advancement Committee
Wendy Rhein, incoming Development Officer
Hannah Lieberman, Executive Director, Neighborhood Legal Services Program of Washington, D.C.
Nakia Waggoner, Neighborhood Legal Services Program of Washington, D.C.
Heather L. Hodges, Neighborhood Legal Services Program of Washington, D.C.
Mary Deutsch Schneider, Executive Director, Legal Services of Northwest Minnesota
Jeanne Philips-Roth, Associate Director for Client Services, Legal Services of Eastern Missouri
Raun J. Rasmussen, Executive Director, Legal Services NYC
Jonathan Asher, Executive Director, Colorado Legal Services

Chuck Greenfield, National Legal Aid and Defender Association (NLADA)
Don Saunders, National Legal Aid and Defenders Association (NLADA)
Terry Brooks, American Bar Association
Dominique Martin, Law99.com

C O N T E N T S

P R O C E E D I N G S

(10:15 a.m.)

CO-CHAIR FATHER PIUS: For the record, this is Father Pius Pietrzyk, co-chair of the Promotion and Provision for the Delivery of Legal Services Committee. And we're calling this meeting to order pursuant to a properly noticed announcement.

Gloria and I are co-chairs. We're going to play a little bit of tag team, going back and forth. I will take the opening.

First on the list is the approval of the agenda, with one change. We are switching items 4 and 5, which is mostly because that's the way it is on the schedule. The schedule and the agenda were slightly different, so we're just going to reverse 4 and 5. But otherwise, we're going to do the same.

Do I have a motion to approve the agenda?

M O T I O N

MS. REISKIN: So moved.

CO-CHAIR VALENCIA-WEBER: Second.

MS. BROWNE: This is Sharon. I approve it, move to approve it.

CO-CHAIR FATHER PIUS: Oh, good. Sharon, we're glad you're on.

CO-CHAIR VALENCIA-WEBER: Glad you're on.

CO-CHAIR FATHER PIUS: All in favor?

(A chorus of ayes.)

CO-CHAIR FATHER PIUS: And second is the approval of the minutes for the January 25th meeting. Does anybody have any changes?

(No response.)

CO-CHAIR FATHER PIUS: Do I have a motion?

M O T I O N

CO-CHAIR VALENCIA-WEBER: I move to approve.

CO-CHAIR FATHER PIUS: Second?

MS. REISKIN: Second.

MS. BROWNE: Second.

CO-CHAIR FATHER PIUS: All in favor?

(A chorus of ayes.)

CO-CHAIR FATHER PIUS: The motion carries.

The first real business item is the discussion of the Committee's evaluations, which I hope you all received by email. I just want to go over them very briefly.

There are aspects -- you can look over the summary. I think, for the most part, people are most happy with the presentations. That is, we have people who present the views of the grantees, the work that they do, and a way for us to learn about that expertise.

Sometimes we need to get them a little bit more focused; sometimes they're very good and very focused, sometimes they're not. And we need to do, I think, a little bit better job at making sure that they are focused so that we actually learn information and not just have a chat.

I think in terms of ideas for improvement, there are some ideas for improvement and, I think, people have had some difficulties with the Committee, and I think for a couple reasons -- at least, this is my view of it.

First of all, it's Promotion and Provisions Committee. I am a bit uncomfortable on my part. I have never been a legal services lawyer. I am not comfortable telling people what's good and what's bad about being a legal services lawyer because I have no idea.

So the idea that somehow this Committee is going to be coming up with new ideas for the promotion of legal services seems to me a bit far-fetched, that we need to make sure that the Corporation is doing that, and make sure that they have oversight and that we have information about how they do that and the best way in which they evaluate the promotion and provision of legal services. So I think that needs to be a tight focus.

The second aspect, I think, that's been a problem is that we've been so active with the task forces, many of which overlap with the duties of this Committee, that this Committee hasn't been focused, and I think for a good reason.

I think we've had to allow these other task forces to do their work. Pro bono, I think, overlaps a great deal with what we do, and that's what a lot of the discussion was in terms of the suggestions, was doing more pro bono work.

But I think we need to let the Pro Bono Task Force do its work, and I think -- for the beginning, for us, all of us were new, and so the focus has been very much on getting us informed about grantees, meeting grantees, and what they do.

I think that's been very good. I think, though, now we can move into -- especially now that we have a strategic plan, I think, going forward, we need to think more about what we do in terms of implementing the strategic plan, working with the other task force.

But the strategic plan should be the pivot on which we think about what we're going to do going forward, and the information that we get, and the decisions we make.

Vic's not here. One thing -- I was going to talk about this in new business -- one thing I do want to go over as well is just to go over our own bylaws. There's a couple of things in there -- there's at least one item in there -- that's odd that I have to ask Vic about that might use some changing. So I think that might be an agenda item in the future.

Any other people have comments or suggestions about our own evaluations?

DEAN MINOW: I think that's a very good --

MS. BROWNE: This is Sharon. I do have a comment. I think our presentations that we've had are just terrific. They're very, very informative, and I think the staff really deserves a lot of praise for being able to set up some really quality people to come in and talk to us.

My concern is that I really think we should take another careful look at what our charter is and whether or not we are actually fulfilling our core responsibilities under our charter. Many of those require some recommendations to our Board, and so far the presentations really have been, as I said, informative, but we don't carry them forward to making any recommendations to the Board or to the staff as to followup.

Either I think we want to focus on presentations and information, or we want to focus on doing some followup to these really great presentations. And let me give you an example on succession planning at the last meeting.

It was terrific. We had some presenters who told us what they were doing. We also had Janet mention that there is information on LSC's website. But are we following through to making sure all our grantees are aware that this information is available to them?

That's just a comment. Basically, I'd like to see us really review our charter and making sure that we are complying with our core responsibilities.

CO-CHAIR FATHER PIUS: I agree, Sharon. I think part of the difficulty is we've tried to have so much of the presentation that we've not had as much of a balance between discussion and presentation.

I think that means either John gives us more time or we balance the time a little bit better, so make the presentations a bit more focused and a bit briefer so that allows us to have more time for discussion. And I think that will help a lot, and I think that's probably what we'll start doing going forward.

MS. BROWNE: I think another way we could do it is having the staff give us some feedback at the next meeting as to what they have done to make sure that all the grantees know that these presentations or the information is available on LSC's website. I think that's another method that could be utilized as far as to --

CO-CHAIR FATHER PIUS: I think that's a great idea.

MS. BROWNE: Just kind of a followup for us.

CO-CHAIR FATHER PIUS: Yes. A very brief summary of the discussions from the previous meeting, or maybe several, and to see if there's been any movement on it. I think that's a very good idea, and we'll keep that on the agenda for the future.

MR. LEVI: And one thing that occurred to me yesterday as we learned that we have this webinar capacity, which is better than I thought existed, if that's really the case, these presentations have been so terrific, why not actually let our grantees know that they're happening and make them all webinar-able so that they can log in and see them live?

Is that something that would be of value, at least? Maybe not all of them, but certainly some of them.

CO-CHAIR FATHER PIUS: Even if it's not

immediately -- the information costs are so low these days that it makes sense just to do it even if you're thinking the returns are very small because the investment is very small in these because technologies are cheap. So yes, that's, I think, some of the discussions we'll have going forward.

MR. MADDOX: Father Pius?

CO-CHAIR FATHER PIUS: Martha has had her hand up for a while first.

DEAN MINOW: Thanks for indulging me even though I'm not on the Committee, I think.

MR. MADDOX: You're in our hearts.

DEAN MINOW: Thank you. I think that the presentations have been superb. And let's also acknowledge that they've occurred at a time that a new Board was getting familiar with operations. And I have no criticism of them whatsoever.

I do think going forward that two things are worth considering. One is in trying to fulfill our first element of our strategic plan, of public education. I think if we both pick the topics and then identify themes that then have a carry-on message for the Board in our own roles are public educators, that would be very helpful.

Secondly, as you say, if we leave a little more time for discussion in consultation with staff about one or more themes, as John just said to me, the succession planning is a very good topic for the 40th. There might be some that we can highlight to feed into other kinds of programming. Thank you.

MR. MADDOX: Thank you. I just want to echo Sharon's comments and Martha's comments, and perhaps expand on Martha's comment.

I personally think that not just a little more time for discussion and interaction with the panel members but substantially more would be beneficial to me.

As Martha said, we came in as a new Board, and some of us had relatively little understanding of the whole field. I personally had perhaps as little understanding of the whole field as anybody on the Board, and so I learned a lot from these presentations.

But I learn much more if I'm able to have a dialogue with the people who are proposing. And, as you say, the costs of information are so low, I would much prefer to get the materials, the written materials, in advance and not have panel members reading their presentations to me. I'd much rather have an executive summary from the panel members.

When I used to sit behind a Senator, my eyes just glazed over when a witness started reading from the table because I'd already read it. And I don't want to have to do that. I think the time is much better spent if we can have a dialogue.

And I think the questions from the Committee and from the Board will lead to much greater insights. And so that's my overarching concern about where we've been, and I'd like to see much more opportunity for discussion.

So if we can work with the staff to help facilitate that, it would be fantastic.

CO-CHAIR FATHER PIUS: Gloria first. But one thing is, part of what we've done is we've always had two. We've always had the local entity or local groups, the local grantees, present to provide an introduction to themselves, and then another substantive issue as well.

As much as we want to do that, we have to think whether that's a bit too much every time. Certainly we usually don't do it here in D.C., although we are doing it this time because we haven't had the D.C. grantee in a while.

But it's something I'm thinking about, or whether the grantee, especially if they're local, can be very brief and allow time for discussion because we know what they do these days. But what makes this one different, how they distinguish themselves a little bit, should be probably the focus, more tightly focused.

But yes, these are all great ideas. Thank you.

CO-CHAIR FATHER PIUS: Gloria?

CO-CHAIR VALENCIA-WEBER: Yes. I appreciate the suggestions, and agree with everything I've heard so far.

What I would point out is that we do need to review our charter. The charter -- and I know that we went through this on the Audit Committee -- has some over-broad verbs in that we don't quite know then, as a result, what specifically the Committee is supposed to do in a very functional, defined way. And that is one of our problems.

So how could we make recommendations, or whatever it is we're not doing? And as a new person on the Committee, that immediately leads to me that we must review and really have a more precise statement of the charter.

On the panel presentations, the webinar approach is really, I think, important so that we really can promote the benefit of our other grantees' learning from what seems to work, what seems to not work, among the grantee people that we have on the panels.

One of the things that might be worth looking into -- it may be cumbersome, but I know other organizations that use webinars for affiliate training have arranged a means to provide CLE credit for those attorneys, which further becomes a benefit to our attorneys, who have to somehow do that anyway.

So it may vary by where we are and what we're doing. But that has produced for other organizations a higher level of people using the webinars. So that's all I have to say.

CO-CHAIR FATHER PIUS: No, thank you. The charter for me is very important. There's this item here in the charter about considering implementing Section 1007(g) of the LSC Act, which I think no longer applies. So it's one of these things that's kind of a leftover from the beginning that needs it, but I need to talk to Vic about that first. But yes, it could use some updating.

Julie?

MS. REISKIN: Yes. I definitely agree with looking at the charter because it's very encompassing.

But I'm wondering if we could do what the Ops & Regs and some other Committees do and maybe have some phone meetings in between for that kind of stuff because I feel like -- I know Vic and I several times have said we wanted to follow up on stuff or talk about stuff, and it seems to never happen.

And if it's something that it's not okay to talk about or that there's not an interest, then that should just be said. But otherwise, I know there's this list that has grown. And again, I'm happy to do it at another time. But I'd like to get closure on some of those issues that have come up now a few times.

MR. LEVI: Well, I think that's a really good point. And further to Vic's point and to your point, if, for example, there was a desire to have more discussion with even panelists than we had in our live session in person, a telephonic -- now that people know each other, a telephonic followup meeting a few weeks later is another way to utilize your time and continue the conversation, which really captures the momentum rather than this three-month gap that occurs from physical meeting to physical meeting.

The other thing I just want to say is -- and somebody else mentioned it here; I'm sorry that I don't remember which one of you, but it was a good comment -- that we're no longer a new Board. We were feeling our way. I think you may have -- and so I don't think anybody needs to feel that -- taking a look at your charter, in light of the fact that you're now seasoned board members, is a good thing.

CO-CHAIR FATHER PIUS: I agree. These are all very good points, and something I think we'll be talking about. And I do think we'll be scheduling some telephonic conversations between meetings. I think we're going to have to.

Any other comments?

(No response.)

CO-CHAIR FATHER PIUS: Discussion on the evaluations?

(No response.)

CO-CHAIR FATHER PIUS: Okay. Good. Then I will hand it over to Gloria for the next phase.

CO-CHAIR VALENCIA-WEBER: We're going to go to our presentation, and we have two today. The first one is going to be on using the assessments of legal needs of the low-income population to set the priorities for the work of the grantee.

We will have a panel that has been put together by Janet LaBella, our Director of Program Performance. And I'm going to let her introduce the panelists to you. Janet?

MS. LABELLA: Thank you, Gloria. And

actually, before we get into this panel, if I could respond briefly to the comments regarding the prior panels.

We have been posting those sessions on LRI. And if you go on LRI now, you will see the succession planning one featured in the spotlight section. What we've done is, using technology such as Camtasia, we've blended the PowerPoints with the audios, and with the succession planning one, actually, with the video.

So we have been attempting to push those out to the programs. And we usually spotlight those in the LRI newsletter called eNews that goes out to all of the grantees. So we have been making an effort to do that. I think we're very excited about looking at new opportunities, as well, so that all of the grantees can benefit from these presentations.

So thank you for that. I am very pleased today to introduce our panelists here that will be talking about needs assessments.

To my right is Mary Schneider, who has been the Executive Director of Legal Services of Northwest Minnesota for 22 years. Prior to that, she managed legal services in the eastern half of North Dakota.

To her right is Jeanne Philips-Roth, who is the Associate Director for Client Services at Legal Services of Eastern Missouri. She's had that position since September 2009. Prior to that, she was the Director of Special Projects at LSEM.

To her right is Hannah Lieberman, who joined Neighborhood Legal Services Program of Washington, D.C. in March 2012. Prior to that, Hannah was the Deputy Executive Director and Director of Advocacy at the Maryland Legal Aid Bureau, and served as a private consultant to legal services programs primarily.

And to her right is Raun Rasmussen, who is the Executive Director of the Legal Services Program in New York City. Raun has been the Executive Director there since June 2011, although he's been with LSNYC for more than 25 years in a variety of positions.

So I am very pleased to introduce this panel. As Gloria said, the topic for today is how to use needs assessments for guidance in setting priorities for the programs.

LSC, in its performance criteria, in

performance area 1, provides guidance to the grantees concerning how to go about conducting a needs assessment and how to use that for setting priorities, setting goals and strategies, and using it to implement those goals and strategies.

LSC also has, in 45 CFR Part 1620, a regulation that requires LSC grantee governing bodies to adopt procedures for establishing priorities that include, in effect, an appraisal of the needs of eligible clients.

So the panel will examine the methodologies, the purposes, procedures, and strategies regarding needs assessments, particularly with respect to ones that have been conducted in Eastern Missouri, Minnesota, and New York City.

So apart from LSC regs and performance criteria, I'm going to ask Hannah to let us know why do a legal needs assessment and how you get started.

MS. LIEBERMAN: That's a great question, Janet, because we certainly have way more than we can manage on our plates. So why add this to our work?

Well, a good legal needs assessment provides a really, really important empirical basis for that very difficult priority-setting and making hard choices among all of the competing demands for our very scarce resources.

It does so because it enables us to get firsthand information about the most serious problems facing members of the low-income community from low-income members themselves, from other stakeholders in the judicial system, and from folks who provide services to our clients.

It gives us an opportunity to hear about problems that may not come to our door, that we may not hear about from our own clients but do, in fact, have law-related solutions where we can make a significant difference. And it gives us information about who we are reaching effectively in the low-income community and those groups who we may not be reaching as effectively.

Needs assessments also enable us to examine how we're doing, how we're perceived, whether we're accessible, whether we're visible to the folks to whom we want to be visible, and that information, in turn, can help us focus our outreach, our community engagement, and our community education.

The information we get is invaluable for media advocacy, for communicating to the public what the needs are in the low-income community, what it means when those needs are unmet, and how legal services programs can make a difference.

I found that legal needs assessment can be powerful supports for effective resource development. They add credibility and legitimacy to our claims that we desperately need additional resources. Finally, legal needs assessments are required by LSC for many of the reasons that I just outlined.

Mary?

MS. SCHNEIDER: In Minnesota, we had done traditional needs assessments for many years, and that would be surveys that are sent out to clients, a wide range of service providers, and others in the justice system. We did a demographic analysis. And in Minnesota, we do GIS mapping so we know which types of cases are done where and by whom.

CO-CHAIR FATHER PIUS: What does GIS mean?

MS. SCHNEIDER: It's a mapping system where we identify each case that's done by Legal Services and by the private attorneys that work with us. And it's available for viewing on the Minnesota Supreme Court website.

But in addition to that, we would have small group meetings. And we thought we were doing a pretty good job by adding the technical component in our last one, where we did high tech brainstorming and got opinions on the computer, with people discussing back and forth over the computers what we should be doing.

So we thought we were doing a good job until we discussed as a holistic justice community, as we do often -- always, really, in Minnesota -- that we're probably not getting an assessment of the most disadvantaged and isolated clients, the ones that are not walking in our door.

And so the impetus, really, came from the Minnesota State Bar Association. They have a legal assistance to the disadvantaged committee. And they decided they wanted a different kind of study.

In that study, which they created along with the Minnesota Supreme Court's legal services advisory committee group, they wanted to identify the most disadvantaged people, determine what their needs were; also, look at access barriers that they might have of various kinds that keep them from getting our services, and then develop some strategies whereby we could address those needs.

So what we found out, our organization at the same time the study was going on, was time to be doing our needs assessment. So we went ahead and did ours and looked at the outcomes and priorities.

But what we saw when we looked at the statewide Minnesota Client Access Barriers Study, or what I call MINCABS, when we looked at that study, which had really focused on the needs of seriously disadvantaged clients in a new way where they listened to what clients were saying their problems were -- not necessarily their legal problems, but their problems overall -- and so where our traditional survey had gotten the responses that were also in the MINCABS study that we needed to look at, at healthcare, at housing, at family law, domestic violence, there was an overlay which was really, really important to us because it came from the client perspective in interviews when they weren't just speaking on cases. They were saying what their legal problems really were.

What we found was that those were different from what we seeing in some ways. They were bigger, they're more difficult to deal with, and they involved access to employment in various ways that included transportation, child care, discrimination, and some things that traditionally our program, as representing individual clients, had not really embraced and addressed.

So that study made a big difference in how we look at things, and it's made an impact in how we address the needs of our clients with limited resources.

MR. RASMUSSEN: I want to just talk a little bit about how we determined the scope and the project plan for developing needs assessment in New York City.

Our goals were -- because I guess it's project planning 101; you have to decide what you want to do before you do it -- our goals were complex. We had internal goals: mission advancement; helping our staff identify and address problems that were emerging, problems that they weren't aware of, problems that were critical to the community; and also to provide opportunities for professional development and staff development and program development for our staff.

But we also had external goals. We wanted to become an expert voice on behalf of low-income people in New York City. We wanted to connect with more stakeholders in the community, and use the process as an opportunity to do that. So our goals guided the development of our plan.

One of the things that we also realized in developing our plan was that in addition to looking at the traditionally identified problems that are faced by low-income people throughout the city, there were problems that were faced by discrete populations, discrete problems that discrete populations had.

So we realized that we couldn't just look at how the welfare system was affecting low-income New Yorkers, but we also had to look at how people with disabilities had different problems than others, how veterans had problems that were different from others. So we decided at the beginning, in the planning stages of the plan, to look at both problems that were facing low-income people and also some discrete populations.

New York City is probably one of the most studied areas in the world. And so if we wanted to have any kind of pretension or presumption at having any kind of expertise, we knew that anything that we published had to at least acknowledge and purport to understand what others were thinking and writing and believed about the needs of low-income people throughout the city.

So that meant that we had to do a vast amount of literature review. And by literature, I mean it not in just the academic sense, but I mean also reading newspaper articles, reading community articles, reading studies that had been done by our sister advocacy organizations, many of which were really informative in terms of coming to some of the conclusions that we came to.

Finally, I'll just say that because of the scope of our undertaking, and because New York was so vast, and because New York City -- with more than 3 million people under 200 percent of the federal poverty level, and with incredible complexity in its diversity and location of the populations, we needed to put together a fairly vast team.

So we had a professor of urban planning with a group of students that worked for an entire semester on helping us to analyze some of the literature. We were fortunate to get a couple of small grants, where we were able to hire someone to help do some of the project planning work with us, and also to conduct extensive interviews of stakeholders throughout the city.

We had a law firm that, on a pro bono basis, was able to do an analysis of court data for us. And we had surveys of our entire staff; we had many staff members who were involved. So it was a large, lengthy, time-consuming undertaking. But given the goals that we had set out at the front end, we knew that that was what was necessary to accomplish what we wanted to accomplish.

MS. PHILIPS-ROTH: Thank you for having us here. I just wanted to echo, of course, what we've heard. Legal Services of Eastern Missouri, with our main office in St. Louis and serving 21 rural, suburban, and urban counties, had many of the same goals.

But the aspect I want to highlight is that we determined in these very difficult economic times -- this was 2010 -- that we could not afford a consultant to do the work for us, nor did we get any special grants to assist us. But that was fine because our director almost always to do things with a team collaborative approach, and that's what we did.

So we used our board, most particularly our client board member committee; all of our staff attorneys from the 12 different units, offices, programs that we have; the support staff in each of those units; our students from law schools, social work schools, undergraduate students; and our community organization social service partners to -- they helped us mostly organize the focus groups.

And all of them participated in the traditional survey method, which was utilized both online and in paper. And later we'll get into more aspects of the focus groups and things like that.

MS. LABELLA: Thank you, Jeanne.

One of the important aspects of a needs assessment, as you've heard, is a demographic analysis. I'm going to ask Raun to start us off here because, as you can imagine, the demographics of poverty in New York City are nothing short but overwhelming.

MR. LEVI: I'm just going to ask, can people in the back of the room hear? You can? Okay.

MR. RASMUSSEN: I'm going to just run by a couple of these numbers really quickly because they really are shocking, and we continue to use them.

I mentioned a minute ago more than 3 million New Yorkers are under 200 percent of the federal poverty level. Forty-five percent of New Yorkers over 65 are under 200 percent of the federal poverty level. Forty-five percent.

Fifty percent of New York City children live in families that are under 200 percent of the federal poverty level. The immigrant population grew by 38 percent in the five years prior to our study. And 33 percent of low-income New Yorkers are limited English proficient. That's also an astounding number.

More than 3 million New Yorkers reported having hunger-related problems in the two years that we were involved in conducting the study. And I was talking with someone who we're going to honor at our benefit coming up who doesn't have a lot of familiarity with the work that we do, and just that number of 3 million New Yorkers under 200 percent of the federal poverty level was so shocking to him, he kept coming back to it through the course of our conversation.

So these data points may not tell those of us who are doing this work every day that much more than what we already know from our work on the ground. But when it's put into a data point, the 33 percent who are limited English proficient, that ended up informing a significant advocacy effort on our part.

So is starts with your ability to describe the story. But it can in some circumstances inform changes in your work, for sure.

The other thing to say is that data doesn't -- one, it's not available for all the populations that I described earlier. So we knew that we had to go beyond the demographic data to really dig into what was going on on the ground by talking to people who were already running advocacy projects, who were already providing services for the populations that we were looking at, to hear from them directly what the stories were about the work that they were doing and the challenges that they were facing.

The last thing I'll say about data is that it's not just demographic data. It's what I mentioned earlier. We had someone look at court filings. One of the astounding things that came up in court filings was that there were 300,000 consumer debt cases filed in civil court in the year that we were looking at the data.

That was a 50 percent increase from the previous two years. And that was a direct result of a blowup in the consumer credit card debt that's been going on around the country, an increase in predatory lending practices, and an increase in the activity of the consumer debt collection industry, which was buying vast amounts of debt for pennies on the dollar.

The housing stock, which we follow on a regular basis, we saw the rent-regulated housing had lost over 100,000 units in the previous five years. That housing is gone from affordability for low-income people.

And the last data point that I'll just mention as an example is that we asked our IOLTA funder, statewide IOLTA funder, to give us some data about the civil legal services that were being provided by all the New York City-based providers -- there are about eight of them -- so that we could see which areas were being concentrated on.

The thing that was most stunning was how little work was being done in the areas of education, employment, and immigration. Less than 2 percent of the work that was being done by the providers in New York City was being focused in those areas.

So all of this stew comes together to inform the results that we came up with, or the report.

MS. PHILIPS-ROTH: We, of course, looked at similar demographic data that was available to us. But just trying to highlight other aspects of the process, we also wanted to get at social and economic trends that were impacting our client population -- so, for example, issues to do with employment, average wage, unemployment issues; in the housing arena, looking at foreclosure. We looked at filings and things like that, foreclosure, and average amounts of rent for renters; how specific groups like seniors were faring.

So in part, to get at some of these trends that we were seeing impacting our clients, we went to our own attorneys in each of the different offices and substantive areas where people practice. And from them we learned, for example, about the impact of the state healthcare cuts in Medicaid impacting elder, impacting disabled, impacting children on our -- Missouri has a managed Medicaid for kids.

We also learned about how greater enforcement in the schools of the Missouri Safe School Act was resulting in much greater numbers of kids being kicked out of school. We have a Children's Legal Alliance that does educational advocacy.

So what we also put in the report was how the attorneys were trying to meet the needs and the trends that they were seeing, and we put that in instead of just the problem and the numbers, but what could be done. And what we wanted to do was to help a reader connect the dots between there's this problem, but why is it legal and what could legal do? Of course, you need funds to do it, but expressing where legal advocates could help.

So all of that information contributed to the usefulness of the document in really all the ways that Hannah mentioned in the beginning. That helped make it an educational tool, and good outreach tool, and a good tool for then resource development in getting grants to do the work, where someone can read it and pinpoint why money to legal aid can help the problem.

MS. LABELLA: As we mentioned in the beginning, a key objective of the needs studies is to focus on the perspectives of the low-income community. This is frequently done both through focus groups and personal interviews with the low-income community. The Minnesota study is a great example of that, and I'll ask Hannah to describe how they pursued that.

MS. LIEBERMAN: Sure. Thank you. I've

actually been involved in three of what I call community listening efforts. I did lead the Minnesota study that Mary talked about, and we did a similar study at the Legal Aid Bureau in Maryland when I was there. And we just finished a very modest version at Neighborhood Legal Services Program in D.C.

What we wanted to find out in all of them was what everybody's been talking about here today: What are the most difficult problems members of our client community experience? For whom are they particularly severe? And how then do we take that information and use it to make some very strategic decisions about what we do in response?

The most significant tools we used in those efforts were highly structured interviews and focus groups with community members and what we called providers, members of community-based organizations who works with low-income folks and other stakeholders in the community.

The interviews had both a conversational component as well as some closed-ended questions so that we got both qualitative and quantitative information as a result.

And in Minnesota, we made a conscious decision to make sure that the study would stand up to methodological rigor, and because we're not sociologists or statisticians, we got the help of a survey research center to help us develop a set of tools both for the focus groups and for the interviews that everybody used that enabled us to get consistent data and to be able to compile the information in a rigorous way that would stand up to scrutiny.

But we also made a decision that we didn't want to turn the information-gathering process over to even perhaps more experienced professionals. And there were a number of reasons for that, some of which, of course, were cost saving, as Jeanne has mentioned. But there were some programmatic reasons to do that as well.

In all of these efforts, there was the belief that it was important to get staff out from behind their desks and into the community in a really formal way. Most program staff do get into the community, but sometimes it can be ad hoc. You tend to remain involved with the folks you know, with the groups you know. This is an opportunity, really, to get staff out and exploring parts of the community that we may not have previously explored.

As a result, in all of these efforts we found that having all of our staff members engage in some aspect of either the interviews or the focus groups increased the program visibility; informed us about new communities we had not served, even in areas we thought were very well-served; it led to new partnerships with community groups, and innovative thinking by staff about the problems people were experiencing and potential solutions we could bring to those problems.

Where we did focus groups, we used professionals to train our staff. That actually turned out to be a really valuable skill-building opportunity for staff members, who then were able to take that capacity to work with groups and go out and communicate with greater effectiveness in the communities that we served.

And while I'll admit that there was a bit of complaining initially about adding on to staff's already considerable burdens, the results were great. They really got staff energized. Staff took ownership of the process, were receptive to using the results in subsequent strategic planning, and really engaged them in thinking creatively about what's happening with clients in a very different way than they'd been in the past.

MS. PHILIPS-ROTH: Once again I want to echo very much mostly everything Hannah has said about our use of focus groups, why we used them, and how they were conducted.

We used our staff in a slightly different way for the focus groups that we did. Our advocates, I'm sure like many throughout the country, are very well-connected in their communities. We work closely with about 150 different community organizations. They serve on 36 different task forces.

So we went first to our staff to say, for the hard-to-reach people who don't walk in our door populations, we looked at them to be the ones to communicate with their social service community partners to set up different focus groups.

That allowed us then to get at folks who were living with HIV; people living with mental illness; immigrant communities; elderly; homeless, in homeless shelters.

What we did then was use our social work students as the actual facilitators, although they were accompanied by attorneys the vast majority of the time. And what we had hoped was that with the use of social work students, that it would be perhaps a little bit more conversational in the focus group exchange.

We don't always think so, but some people can think that attorneys can be a little intimidating, even if they've been trained and are as sweet as they can be. So we hoped that would elicit free conversation, help people feel that there were no stupid questions, that they would feel free to talk in a regular way about their problems.

And we similarly utilized a set format where first there were open-ended questions of, what do you know about legal services? Have you heard of us? What do you think we do? Followed by a presentation about it, and then the same questions that were asked by each group.

MS. LABELLA: Thanks, Jeanne.

I'm now going to ask each of the panelists to tell the Board a couple things about what they learned and what difference did it make in the way that the programs actually went about providing legal services. So Raun, do you want to start us off with that?

MR. RASMUSSEN: Sure. I'll just mention three examples.

I mentioned earlier that one of the serious factoids that came up in our demographic research was that 33 percent of the low-income population was limited English proficient. This finding actually coincided with work that we were already done taking seriously internally, our need to be more effective and professional about providing language services.

But partly as a result of the needs assessment, we developed a language access advocacy project. The summer after the study came out, we organized a group of law students, interns, and did a survey of all the welfare and Medicaid centers and food stamp centers throughout New York City to find out how they were doing in complying with the language access requirements of local laws. And they were abysmal.

Shortly after that, we filed a lawsuit against HRA, which unfortunately is still pending, as these things often tend to be. But we're challenging the Human Resources Administration's failure to comply with their language access requirements in dealing with people who are applying for or trying to continue to receive public benefits.

The language access policy has recently filed a lawsuit against the New York City Police Department challenging its discriminatory refusal to provide language services to victims of domestic violence -- just some horrific situations where victims of domestic violence, in trying to file complaints, have ended up being arrested because of their insistence on trying to actually tell their story. So that's one example.

Another small example is that one of the things we identified is, as I mentioned, the lack of employment-related services, and also the transformative potential of employment-related services.

So one of the things that we did was ramp up our unemployment insurance work -- we actually hadn't done much of it at all -- and now have a fairly robust program of unemployment insurance advocacy where we're helping applicants we do appeals for get an average of $19,000 per individual for our successful cases. We're successful about 85 percent of the appeals, and by themselves they'd be successful only about 25 percent.

And the last example I'll give, which is sort of a classic example of both planning and organized thinking and just rank opportunism, in our veterans inquiry, I personally interviewed two different people who were running veterans projects in the city.

And one of the things that came across loud and clear was that they didn't really know how to reach the clients, that the veterans were not coming to their offices, that they were proud and didn't think they needed legal services or weren't aware of legal services.

I happened to be at a meeting with the head of the Robin Hood Foundation after they had announced, and so I got an interest in veterans services. And I happened to be a meeting with the head of the Robin Hood Foundation, and I said, "Oh, so I hear you just got this money for veterans." And he said, "Yes. What do you think we should do with it?"

And I said, "Well, I've got a plan." And he said, "Well, give me the plan tomorrow and we'll see what we can do." And we now have probably the largest veterans justice program in the country. We served 2,000 veteran service members and their families last year, and we're very excited about continuing to expand that work.

I won't say that it's a direct result of the needs assessment, but there's a direct line to the work that we did in the needs assessment. So some of these things flow directly from the information; some are part of the world that we live in, which is that we have to respond to opportunities.

MS. PHILIPS-ROTH: I think you'll often hear examples of the new things that people learned from their needs assessment process. But I did want to say that another important thing that we learned, and I think people can learn, is you can reaffirm that what you're doing makes some sense, and that you're not going to do a 180.

So we found that in our needs assessments, with the surveys, with the talking to both the client groups and the social service delivery other partners, that we were happy to continue and there was still a need to continue with family law for domestic violence, housing issues, consumer -- including increased need for consumer.

So we found changes within things, but not that we should go in a new direction -- immigration, continue public benefits and healthcare, our special education work for children, the elderly.

But we also did add a new priority, something we had never had before, which was a community and economic development priority area. The purpose there was to be able to meet the needs of low-income entrepreneurs who need to start a business or perhaps continue a business.

Many people have -- they could be ex-offenders. They have many barriers to being hired.

And their levels of education -- you know, St. Louis doesn't have the core plans that we used to have. And so for a lot of people, one answer can be starting your own business -- a child day care, a hairdresser, lawn mowing, all kinds of things like that.

The other point was that there were nonprofits who served our low-income clients, and they didn't have any extra money. Their grants didn't allow for legal services to look at their corporate governance and other corporate kinds of issues. So we added that.

Then I think the other value added that I want to point out that comes from these processes is the strengthening of relationships specifically within the new CED priority so that the plan was in 2010.

By the fall of 2011, we were able to actually fund and launch our community economic development project with one attorney and a half a paralegal. And we got funding then from people who had never looked at us before or who had told us no.

We got free banks, who had never helped us. They didn't seem to worry about what we were doing on the foreclosure side. And also, two county economic development councils gave us funding, and three foundations who had said, "Legal services, no, we don't really do that," turned around and helped us because they saw this as a way to help low-income people that they could get behind.

It also strengthened the PAI component for us because the staffing model is to push out most of the community economic cases to volunteer lawyers. Now, mostly, of course, we had litigators because we were giving them landlord/tenant cases, and going to court for an OP. And your corporate people, even though we offered our free CLE training, they weren't too anxious to run into court to do that.

But now to give them some transactional work that they could do, they like that. So we thought that that would also be leveraged. Not only is it win/win/win -- the clients get the service; more PAI attorneys involved; I always believe that when you do help our clients, you own it, as you say; and then we expect -- we hope -- that they will also be donors. Then finally, our numbers of hours of PAI work, which we use to leverage for other grants and to talk to other funders, will be raised.

Then the last way that it strengthened relationships was just in reaching out to all of those community partners and client populations and asking them their opinion. How can we meet your needs? What are your barriers to access to us? That helped strengthen relationships because we were saying to them, we're just not in our ivory tower. Tell us how we can best help you.

CO-CHAIR FATHER PIUS: Jeanne, I love it. I love the idea of making sure that people who are poor don't stay poor, and helping them to get out of poverty by their own entrepreneurial spirit.

I'm surprised I haven't heard more people do economic and community development work, legal work, that can certainly involve other lawyers. And you find oftentimes regulatory schemes that are specifically designed to keep out competition, like you saw in the funeral business in Louisiana and some of the cases out of there.

So this is fascinating to me. I love to hear about it, and it sounds like some very creative work.

So thank you for sharing that with us. I'd like to talk to you maybe some more about it, too.

I didn't mean to interrupt.

MS. PHILIPS-ROTH: No. That's great.

MS. LABELLA: We're supposed to discuss.

MS. PHILIPS-ROTH: Right.

CO-CHAIR VALENCIA-WEBER: Could I interrupt also and follow up on Father Pius? Also, I think the community and economic development work is something that LSC should pay more attention to.

And I was wondering if, as you do the work, do you have a methodology in data collection going on so that you can in turn make, with some basis, the argument that you are creating a certain level of economic return to the community? How many jobs? How many people are in fact maybe making new jobs? All of the things that have more metric appeal to the community about the value of what you do.

MS. PHILIPS-ROTH: Yes. You sound like you wrote our "How will we report our outcomes?" section of our various grants. We are gathering that data. We use CaMS as our case management system, which is quite flexible and you can add other main benefits, other outcomes.

We added a special module on that. For example, we have many outcomes and success rate and different things like that, but we hadn't had how many jobs were created.

So where there were metrics that we had not collected, we are collecting now, and report that back to funders. We have had some people renew. One tripled; it was only 5,000 to begin with, but they went up to 15, and the funder themselves pulled together a collaborative of other funders to then do some community education work, first to raise awareness. And they are very happy with the reporting that we're gathering on it.

MR. LEVI: Where are we here? Are you ready for us? Because we're all chomping at the bit up here.

CO-CHAIR VALENCIA-WEBER: Janet?

MS. LABELLA: Well, if Hannah and Mary could just follow up with just a few things that they learned, the big takeaways from their studies and what they did differently as well. And then we can open it up for total questions.

MS. LIEBERMAN: So what the Minnesota study underscored is that the most pressing and destabilizing problems facing the low-income populations we identified have legal underpinnings that are both appropriate and manageable for a legal services program to tackle.

We never found ourselves saying, wow, we've identified this big program facing the low-income community, but there's just no role for legal services. Quite to the contrary.

But what we also found was that many community members and even social service providers didn't necessarily recognize that role or that opportunity. And therefore, folks didn't seek help for them and didn't look to legal services as a potential partner. So we identified a whole variety of legal education opportunities.

We also found that once --

DEAN MINOW: Can you explain an example?

MS. LIEBERMAN: Yes. Well, once area that I like to talk about is transportation. That's an area that doesn't seem like -- it's not a traditional legal services area, and at first blush, it doesn't even seem amenable to legal services work. People say, oh, it's a policy issue. It's structural. It's political. It's too big.

But what we did for every area of need we identified, we identified a continuum of potential responses, ranging from those that could be tackled at the individual level, where problems really affected our clients' abilities to just get basic necessities, through strengthening families, through strengthening communities, and finally, because the study was done for LSC and non-LSC programs, where there were public policy opportunities.

So let me give you some examples particularly appropriate to this group about some of those transportation-related issues and strategic opportunities that we identified that legal services programs like mine and Mary's and others could readily address.

Disabled persons have legal rights to reasonable access to transportation. Without access to transportation, those persons can't get to the store, can't get to jobs, can't get to schools, can't get to their doctors, and can't get to court. So they miss court appearances because they're not getting transportation to which they're legally entitled.

Poor kids are entitled to transportation to get to their doctors under Medicaid. Without that transportation piece, they're denied basic Medicaid rights to early prevention, detection, and treatment. That's a huge deprivation that programs can respond to.

Homeless kids are entitled to transportation to school under the McKinney-Vento Act. And it's not just kids who are homeless; it's kids who are at risk of homelessness. And in a lot of our community listening studies we did everywhere, we just heard story after story about couch-surfing families, couch-surfing teenagers.

Those kids have a legal right to transportation to school, and if we can protect and preserve that right, we maintain the continuity of education at critical times in kids' lives.

Our clients often struggle with a suspended driver's license. That too prevents them from getting to work or even getting some jobs. Sometimes those suspensions are due to legal problems; lack of due process, improper legal criteria and improper car repossessions, other violations of consumer protection laws in car sales, repairs, loans, take transportation options away from our clients and prevent them from meeting basic needs, stabilizing their lives, and becoming self-sufficient.

So what the Minnesota study revealed to me and I think others is just how critical transportation is, how many ways that there are legal issues that affect access to transportation, and how we can make such a difference in our clients' lives if we start paying strategic attention to those needs.

MS. SCHNEIDER: You can imagine tackling these huge new ways of serving our clients at the exact time when we were getting 16 percent budget cuts statewide, and our program in the last couple of years has lost about 25 percent of its program.

So we looked at the Minnesota CABS survey, and at first it seemed insurmountable. But we had gone into this with a coalition of the state Supreme Court, the bar association, the Minnesota Bar Foundation, the Otto Bremer banking system foundation, and all of the legal services programs. And we decided as a staff that we needed to work together and sort through this and continue in a collaborative mode.

So as you can imagine, we had to roll this into our strategic planning and meet many times with staff board members and others just to get past the point of people saying, what new misery are you going to add besides taking away our attorney positions and budget cuts and staff going part-time? And then how are we going to do this?

So we all agreed that we had to do it. We are looking at the most serious needs -- not the most frequent needs any more, but the most serious needs of our most desperate clients. And we have to impact them in new ways.

So we decided we couldn't do it alone, and we looked for new funders. We went right back to the banking organization that had funded the original survey and said, great survey. Help. And they did give us some funding to do planning and to change the way we did things.

We found out that women are adversely impacted by transportation, child care, and access to employment. So we went to the Women's Foundation, which had never funded us, and said, help.

Then we pulled together a summit of 50 people in our 22 counties in Northwest Minnesota, and those were people that worked in both government and private entities, that did transportation and child care work, that did work on job creation in their communities, and representatives of state and local government and the three congressional representative staff people for our region were there also.

We said, help. How are we going to do this, and can we do it together? Can we do the legal piece while you do some of the broader work that will actually impact these big problems?

And we started a leadership list, and we continued to work, starting out first with addressing things like appeals of driver's license suspensions, and some of the work on access to job opportunities, and access to employment under the laws that we were already comfortable with.

Then we're growing that to actually have an impact broadly in our 22 counties, we hope. We think we can do it, and we're going to try. And we hope that we are creating some greater awareness within the community by having to go outside our staff and look to other organizations, who then can look to the media and can attach us and themselves to other funding opportunities and so forth.

So it's been a marvelous experience and a big shock at the same time. And we greatly hope that you will also be one of our partners as we look to gaining funding for the most disadvantaged people and breaking down the barriers to access for them.

CO-CHAIR FATHER PIUS: Thank you. Thank you very much. This has been actually fantastic. But I think people want to ask some questions before we run out of time. So wonderful. Lots of energy, lots of creativity. So we thank you for those.

If there's anybody on the Committee or the Board --

CO-CHAIR VALENCIA-WEBER: Excuse me. John?

MR. LEVI: Well, I don't have to -- 200 percent. We hear that a fair amount. I assume that funding between 125 and 200 is another source. The field seems to have picked 200, and I'd like to, as a target -- and tell me about that. We hear it not just from you; I hear it all the time.

Janet, do we know how many Americans live at 200 percent and below, as opposed to the number we hear at 125 and below?

MS. LABELLA: I'm sure we do, John. I don't have that figure with me, but --

MR. LEVI: I think it would be helpful to us. Just tell us about that.

MR. RASMUSSEN: Yes. I'll just comment on it really briefly because one of the challenges of the 125 percent of the federal poverty level is that nobody collects data that way.

So when we were trying to gather data from a vast range of sources, there's the federal poverty level, which 100 percent of. And then a lot of folks who are doing academic work are looking at the 200 percent of the federal poverty level, and that's considered to be low income. Very low is under 100 percent.

So it was more a convenience from our standpoint -- now, others can speak to it -- in terms of our ability to sort, aggregate, and present data.

MS. SCHNEIDER: We actually have cut back; because of cutbacks in funding, we've cut back to a survey now at 125 percent of poverty from 200 percent of poverty. So we look at things a little bit differently.

For funding, we look to your 60 million people at 125 percent of poverty, for instance, and that gives us $5 per poor person in our area from Legal Services Corporation to serve them.

MR. LEVI: Well, the reason I asked it is because if in fact one of the recommendations -- ultimately, you know, we've got a 40th year coming up. One of the recommendations, if we feel that 125 is not the right number, well, we ought to be hearing about it. It's something that your Committee could be talking about.

And is there some idea that maybe between 125 and 200, we should be doing a low bono fee to get our service, $25 or $50 or $100, depending on where you are on that spectrum? Something like that.

But I just throw that out there, and I know it's not the main point of it. But I kept hearing the 200, and so that's why --

MR. RASMUSSEN: Well, I'll just add a couple other really quick things.

As we have expanded our work into the employment area and have focused on so-called transformational possibilities, we've continued to -- the heart of our work is on behalf of the poorest of the poor.

But as we do foreclosure prevention work, as we do earned income tax credit work -- that's for people with very low incomes but usually higher than 125 percent of the federal poverty level; it's funded by the IRS; we have low income tax clinics -- and some of our other work, we necessarily are representing folks who can stay in the workforce. They're in and out of the workforce because of all the challenges that we know they have. But it's critical for us to be able to serve that population.

So again, the heart of it is the poorest of the poor. But as we do some of this so-called transformational work and help people stay in their homes with the foreclosure prevention work, it's essential to be able to serve some with higher incomes.

MS. SCHNEIDER: 200 percent of poverty is very poor still. I'd hate to make a distinction. When we turn away a domestic violence victim who is above 125 percent, we know that they're not going to be able to access services elsewhere. They're very poor at 200 percent, for many reasons.

MR. RASMUSSEN: It's $39,000 for a family of three. So in New York City --

MS. SCHNEIDER: Way lower.

CO-CHAIR VALENCIA-WEBER: Julie?

MS. REISKIN: Yes. This was excellent, and I want to echo what Father Pius said about helping people get out or stay out of poverty. It's huge.

I'm really glad to hear this topic. This topic was a big discussion at a presentation I did for clients at NLADA, for client board members. And most client board members that were at that discussion didn't know that there was a regulation that required this.

So I'm interested in -- I know you talked about it, Jeanne -- but how other people use and engage client board members. I'm also interested in how often you think -- if you have a set way -- of how often you think these assessments need to be done because you guys were all talking about pretty thorough, involved assessments, which is good. But obviously, you don't do that every year.

Then just something you might not be able to answer now, but to keep in your head of, is there something you can think of that would be really simple and easy to do where other nonprofits could keep data for you to turn in in terms of how often -- like I run a disability rights organization.

So I'm thinking, is there something that organizations like mine could do of how many times we're hearing from people that can't access legal services because of the lack of availability, or the needs?

Or is there some other way that your nonprofit partners could help on an ongoing way? And again, I'm not expecting you to give an answer right now. But that's just something that's been bouncing around in my head for a while because I think most nonprofits that are in the poor communities would be happy to help if it was something that was simple enough that we could do without creating a huge workload.

MS. SCHNEIDER: In Minnesota, one of the programs incorporates their needs assessment questions with the community action programs' needs assessment. So they figure that the CAP programs have a wider reach of the clients they're trying to reach, and so that's one way they could do it.

MS. LIEBERMAN: These are very time-intensive, and so your concern about the frequency is well placed. I think to do a big effort like this, you would only do it every several years, at least. But there are ways, and you've pointed out some other interesting, creative examples, of keeping your fingers on the pulse of what's going on in client communities.

I think by doing a major undertaking like this, it gives you smaller opportunities to continue that engagement. And I also think that client board members are an invaluable asset in all of these processes, from focus groups to interviews to being very involved in what will hopefully be subsequent strategic planning that emerges from this foundation.

MS. MIKVA: Thank you. This is probably for Janet, what is, does LSC collect these plans? And has there been any thought about trying to pull together data from across the plans in terms of trends or good ways to do the studies?

MS. LABELLA: We don't collect all of the plans. However, before we do any program quality visit, we get the most recent plan.

The RFP has questions in it that relate to, when was the last comprehensive needs assessment performed? What were the findings? What were the methodologies that were used?

We also post some plans on LRI. So good plans are put up there fairly regularly, and all of the plans that were discussed today are up on LRI. As you noted from the panel discussion, they're very different in a lot of respects, which is a good thing because it shows the diversity and the variety of tools and methodologies that can be used that will still generate really good plans.

MS. BROWNE: This is Sharon. Can I just follow up with you, Janet, on that?

MS. LABELLA: Sure.

MS. BROWNE: Because I was looking at your LRI site, and I'll admit I've been rather remiss in following up on it. But I noticed that these plans are on the LRI.

But what I want to know is that if LSC is requiring a needs assessment, do we have criteria that we are using or that we're requiring that the grantees must meet in doing these plans?

And second, does LSC have a template or some sort of a methodology planning tool to help grantees do these? Because each of these plans that we've heard about are very involved and very different.

MS. LABELLA: Right. The regulation that I mentioned, 1620, does have some basic guidance in there about how to perform a comprehensive needs assessment. It refers to it as "periodic." So it's not a set time period, but certainly the intention is that it be done on some regular basis. There's also an annual priority-setting that is approved by the Board. And again, there is some guidance in 1620 that relates to that.

In addition, LSC's performance criteria in performance area 1 provides more general guidance about how to go about conducting a needs assessment. What are the methodologies that should be used? What is the scope? Making sure that you reach hard-to-reach populations within the community.

Also, looking at needs that are addressed that we heard Jeanne talk about, as well as those that are unaddressed, so that you're not just focusing on the unmet needs, but looking to all of the needs in the client community.

And performance area 1 also then takes it the next step, which is looking at the program setting goals and objectives, developing strategies, and allocating resources in order to meet those needs.

So within particularly the performance criteria but also, of course, the specific guidance in the regulation, LSC does provide some direction to the field in how to go about doing these needs assessments, but also leaves it somewhat flexible so that as it varies -- I mean, here, New York City is so very, very different than Northeast Minnesota, I don't think you would want to have a template that would apply to both, a very urban and rural environment.

MS. BROWNE: Okay. I just found the performance criteria document on the LRI, and it's 2007. Is there any need for us to take another look at that and make sure it's updated?

MS. LABELLA: We could always do that. It's a fairly living document in a lot of ways because it was not formulated to be particularly rigid. It was revised in 2007, and it took into mind the ABA standards at that time, which were also under revision at the same time.

So I'd defer to Jim on this. But if at some point LSC wants to review the performance criteria, I think it's always good to take a look to see if changes are necessary.

In the 2007 revisions, we looked particularly at technology because that had not been as pronounced in the earlier version of the performance criteria. And we also noted that performance area 4, which deals with overall management and administration of the programs, board governance, and leadership, had not been given its due.

So there was a lot more of revisions and updating that was put into performance area 4 at that time. But I'm sure we could take another look, if it falls within the strategic plan and Jim's objectives.

CO-CHAIR VALENCIA-WEBER: We have Vic, Robert, and Martha. And we need to work to finish here.

MR. MADDOX: Thank you, Gloria. I want to thank the panel as well. It was very informative.

I do have a question that may be slightly off topic, but it goes back to Mr. Rasmussen's comment earlier about one of the lawsuits that you all filed against the New York Police Department.

One of our jobs here is to make sure that our grantees are following our regulations and the LSC Act.

And so I pulled up that lawsuit that was filed on March 21st, and it's called Padilla Torres v. NYPD. It's 222 paragraphs, 39 pages, 12 separate causes of action, and 14 separate prayers for relief. So it looks like a lot of resources have been poured into this lawsuit.

It has five separate individual plaintiffs. All of them are, according to the complaint, from Mexico, Guatemala, or Ecuador, and speak Spanish. Then there's a separate plaintiff, and that's the Violence Intervention Project, I believe it's called, VIP, which according to the complaint has 1400 members and is a nonprofit organization itself, and delivers services, onsite counseling, et cetera, serves 1400 women annually, 12,000 hotline calls, et cetera.

So my question to you, Mr. Rasmussen, is given that there are so many people -- 33 percent was mentioned -- of the 200 percent or below figure who don't speak English, what does your group do to assure yourselves that your clients are, first of all, eligible? I know this is indelicate.

MR. RASMUSSEN: It's not indelicate at all. We're extremely careful.

MR. MADDOX: Okay. My question is, what is it that makes the VIP group an eligible client for legal services, for LSC-funded legal services?

MR. RASMUSSEN: Well, let me just first say that we are extremely careful because we know we have to be. And we understand that the regulations limit what we can do and on behalf of whom.

MR. MADDOX: Right.

MR. RASMUSSEN: So that comes first and foremost in all the work that we do.

With respect to that particular group, they are eligible for our services -- first of all, this lawsuit is not being -- we're not using LSC funding for this particular lawsuit.

And with respect to that group, they're eligible because they have a mission that's consistent with our mission. They predominately serve low-income individuals. They could not afford a lawyer to prosecute this kind of litigation. Their resources are being hurt by -- I mean, I'm getting into some of the standing issues, actually, but --

MR. MADDOX: Well, if it's not an LSC-funded lawsuit, then -- I mean, my concern goes to whether they're eligible as an LSC-funded client. And it sounds to me like you're saying that this is not LSC-funded.

MR. RASMUSSEN: That's correct.

MR. MADDOX: That raises two other questions for me. One, how do you make that determination, and how is it reflected in your accounting or in your records? And second of all, given that we're not allowed to fund or to have our grantees participate in class actions, I'm wondering how is this lawsuit not a class action?

MR. RASMUSSEN: Well, it's not a class action. It's not filed as a class action. We are asking for relief that goes beyond the individuals, but not as a class action. And it's one of the limitations of a case like this that one of the things that the defendants will first try to do is moot our individual clients.

But there's a long line of decisional authority that says that you can ask for broader relief on behalf of individuals when what's required to comply with the law is a systemic -- is a change in practice. And that's what would be required to do here, is that the NYPD, with the City of New York's backing, would be required to change its practices in order to comply with the laws.

Now, as I said, they will try to moot out our clients. They may succeed in mooting out our clients. That'll be up to the judge. But we gave up all of our class actions in 1996, but we believe that we have an obligation with the incredibly limited resources that we have to try to maximize the impact of those resources whenever we can.

And so we do that by representing as many individuals as we can, and also from time to time representing individuals and asking for relief both for them and also for a larger group of people, if possible.

MR. MADDOX: Right. Right.

MR. RASMUSSEN: But not as a class action.

MR. MADDOX: I know it doesn't say class action, but it's functionally no different from a class action. So that's a different discussion; maybe we'll have it at another time.

CO-CHAIR VALENCIA-WEBER: Yes.

MR. MADDOX: Let me just ask you, because time is short, to tell me how you make sure that there are no LSC funds involved in this lawsuit.

MR. RASMUSSEN: That's another thing that we're excruciatingly careful with. We essentially do it through who staffs these kinds of cases and how they're paid. And their timekeeping is done very carefully. So we're very careful about that.

MR. MADDOX: Thank you.

CO-CHAIR VALENCIA-WEBER: Okay. If we could let that discussion continue at another time, and move to Robert.

MR. GREY: Thank you. That's an interesting question.

As we look at the information that you have gathered, which I think is revealing and relevant, particularly to the pro bono initiative that we are involved with now, I would really like to encourage us -- and I say that broadly, you, LSC, and our pro bono implementation group -- to find ways to make use of the information that you're doing as we look at pro bono opportunities going forward to educate ourselves, but to also provide the field with more information about opportunities to be more helpful to the communities that we serve.

So John, I think one of the things we have got -- this is left hand/right hand, Jim. And how we get that information in a usable form to the respective committees I think is very important.

It would be shame to lose any of this information as these committees are just really starting to tackle these substantive issues, and for them to have the benefit of what is a lot of work and a lot of painstaking thought and analysis to make a much more informed, I think, decision on our part. So that's number one.

The second is, it seems to me that the world in which we work is ever-changing and will be impacted even moreso by the economic trends of our society. To that extent, how much time in this analysis that you do do we spend on pro se study, analysis, and collaboration with the courts and with our institutions whom they come in contact with that we provide service and advice about?

As you talk about this and as you provide analysis, it would be really helpful to us to understand the pro se aspect of what you do in terms of the work and advice that you provide.

That gets again back to this idea of how we use the client committees and how they might help us really advance this notion of a more educated pro se population to better focus our resources in a constructive way.

And then finally, it occurs to me that as you talk about private attorney involvement, it might help us all and our respective relationships throughout the country to understand also the level at which we use private attorney hours and legal services hours in particular categories of work that we do, so that there may be some optimal use of those resources.

While there is not a one-size-fits-all in these situations, there is an idea about having done a lot of work in a particular area, how you might optimize PAI services. And to the extent you can advise on particular subject matters and particular aspects of your work, that might be helpful as well.

And as we discuss the development of medical/legal partnerships, we may be really looking at models like that, particularly when it comes to economic development, when it comes to particular issues around housing, that these partnerships might be another way of developing an approach that could be helpful. Thank you.

DEAN MINOW: Well, I'm glad I'm following Robert because my comment follows directly on it.

(Interruption, music from telephone.)

DEAN MINOW: Okay. I will talk in relationship to the music.

(Laughter.)

DEAN MINOW: In addition to the pro bono efforts, the wonderful work that you've described in your needs assessment, I think, Jim, is germane to the Public Welfare research as we are exploring baselines for need.

And while it can't be aggregated because it is appropriately different for different communities, it's nonetheless snapshots that I think would be really grant. And I think if we could get access to not just your reports but the other reports and direct that to the Public Welfare researchers, I think that would be very appropriate.

Similarly, I think that the general statement of needs assessment is very germane to our efforts to do public education, the same way that you use yours for public education in your own communities. And the partnerships with other local funders, either in the needs assessment itself or in the use of the needs assessment, that's a particular detail that I think we'd also like to understand and share with other communities.

Our name as the Legal Services Corporation actually has a subtitle, which is we're America's partner, and America's partner for equal justice. And I think that to underscore to communities how much we are partners at the local level and that none of these issues are going to be solved by any single actor I think is incredibly important.

Then I just want to add my own personal

thanks. You are each doing just amazing work in very challenging times. And this decision to give your all to the needs assessment, when I know that there are so many other demanding day-to-day needs, it's absolutely crucial. So thank you.

(Interruption by telephone operator)

CO-CHAIR VALENCIA-WEBER: Well, without the assistance of the operator, we're going to --

MR. LEVI: Can I just say one thing?

CO-CHAIR VALENCIA-WEBER: Oh, okay.

MR. LEVI: I'm sorry. Janet and -- well, first of all, thank you to all of you for the wonderful presentation. It occurs to me that -- and Martha just stepped out -- but Martha will frequently send me something that she needs I think to read. Jim will, too. In fact, the Chief Justice of Missouri sent me the Access to Justice -- I think even potentially your -- report.

MS. PHILIPS-ROTH: I would not be surprised.

MR. LEVI: And I think that we should no longer be relying on the Board's happenstance as to whether it happens to look at a site. I think what I'd like to staff to consider is how to periodically update us, tell us to read or look at something that was posted that you think is particularly interesting and would be helpful to us.

I'd like to see the staff be proactive in terms of educating the Board and calling certain things like this to the attention of the Board on a regular basis because I think, as Sharon points out -- she just looked at it -- that would just be helpful to us.

It doesn't have to be that you make a value judgment that this -- but you will have to, sort of. I mean, after all, we don't have all the time in the world. But if there's something that you think we ought to be reading, tell us.

MS. LABELLA: Certainly. Thank you.

CO-CHAIR VALENCIA-WEBER: I want to again thank the panel for a highly enriching discussion in terms of presenting us new information, and of course provoking us to new inquiry and hopeful that we can improve the whole performance of the whole LSC undertaking.

At this time, we're going to change and say goodbye to this panel. But we're going to retain Hannah Lieberman, and we are retaining her in a different role, though we have learned a lot about your program in D.C., because when we do visits out in the field, we generally hear from the local program.

You are our local program, and the main thing is that you'll have to still be succinct for us to continue on our agenda. But I think you understand that. Thanks.

MS. LIEBERMAN: Absolutely. Thank you.

(Applause)

CO-CHAIR FATHER PIUS: And we'll take a two-minute break, two-minute, to stretch your legs and get coffee.

(A brief recess was taken.)

CO-CHAIR VALENCIA-WEBER: Can we have everybody that's going to attend be assembled?

Now, we have heard from Hannah Lieberman on the prior panel, and she is, with her staff that she will introduce, going to give us a brief report about our local grantee in terms of what they're experiencing here in D.C., which probably fits in some ways and not in others what we hear at times from our state grantees.

So Hannah?

MS. LIEBERMAN: Thank you again. I am still Hannah Lieberman, wearing a different hat. I am here proudly as the Executive Director of Neighborhood Legal Services Program for the District of Columbia, and I have been in that position for a tad over a year.

I'd like to thank the Board and the LSC staff for this opportunity. I am very proud to showcase the important work we do for your neighbors right here in our city.

So to my left is Nakia Waggoner. She is the managing attorney of our headquarters office, and she'll be talking to you about our service delivery model and some of our recent work.

And to her left is Heather Hodges, who's our pro bono counsel and who also spearheads our community engagement work, which, as you'll hear, is a very important piece of our service delivery model.

I thought I'd start with a very quick bit of an overview. NLSP is a small but intrepid law firm.

We have 18-1/2 full-time equivalent staff members, 11 of whom are attorneys. And actually, only nine of those attorneys are employees. Two attorneys are rotating attorneys from the law firm of Covington & Burling, and we get a new, as we affectionately call them, "Covington" every six months.

Covington also supports a Westwood fellow, and provides us with a full-time paralegal. So, as you can see, Covington & Burling provides just critical supplementation of the services we can provide for clients and also, frankly, reflects our success in leveraging private and pro bono resources. And you'll hear more about that from Heather in a minute.

We serve an eligible population of over 121,000 folks, and that's at 125 percent of poverty, not the 200 percent of poverty level that you heard about earlier this morning. Our resources are so limited that we rarely go above the 125 percent level despite the enormous need for folks who are still very poor and above that.

So to put the choices we've made about our work and our delivery system into context, I thought it would be helpful to get a really brief overview of the District's demographics. And that map should look very familiar to you all.

There's our city. It's divided, as you know, into eight wards. We are right, as we speak, down in Ward 2 near that blue ribbon going off to the left, which is the Potomac River. And the other bluish ribbon going off, branching to the right, is the Anacostia River, and that separates Wards 7 and 8 from the rest of the city. And that's a very important marker for us, and I'll explain that in a minute.

Our offices are marked by the star and the green dots. Our headquarters office is in Northeast D.C., in Ward 5. And we have two small branch offices in Wards 7 and 8. You might very naturally ask, why in a city this small would you have three different offices? And the answer lies in the demographics.

Just to give you a snapshot, this chart picked a few basic indicators that illustrate community well-being and illustrate the rather stark difference between the western part of the city and the eastern part of the city, where our offices are located.

The west is captured by the Ward 3, which is represented in blue on the chart. And you can see the poverty rates, the child poverty, unemployment -- very, very low in Ward 3 and the west of the city. Virtually a non-measurable number of public benefits recipients.

But then the story changes profoundly in Wards 5, 7, and 8, as you can see. The rates of poverty, and particularly children in poverty, absolutely skyrocket, so that in Wards 7 and 8, over 40 percent of the kids in the city live below 100 percent of the federal poverty guidelines.

Similarly, unemployment goes from virtually negligible, about 5 percent, to almost 20 in the wards where our offices are located. And the percentage of folks who rely on TANF, food stamps, SNAP, also is just enormously higher.

And that really underscores how the Anacostia River in particular serves as a really profound barrier and divide in the city. It's physical, it's psychological, and it's economic. And it really reinforces the isolation of the communities west of the river from those east of the river.

Transportation from east of the river across the Anacostia is expensive. It's difficult. It takes our clients hours, sometimes, to get from their homes, which seem very close, but in many ways are worlds away.

So NLSP made a very conscious choice to locate its offices where our clients live, to meet our clients where they are to promote our visibility and our accessibility.

We mapped for you our clients by location for cases that we opened in 2012. They do indeed reflect the clustering around areas of greatest poverty, although, as you see, we do serve clients all over the city.

We looked at the distribution by major case types, and found very similar distribution. So that really confirms for us the wisdom of really making sure that we are very, very local in our presence.

What makes it even more important for us is despite the intense concentration of need that the demographics reflect, very few other legal services providers are located in the areas of the city we serve.

We are the only full-service legal services provider in Ward 7, for example. The others -- and they do amazing work, and we collaborate with them on a regular basis -- are mainly located in or near the downtown area. So our commitment to neighborhood-based services, meeting the clients where they are, is, I think, a truly distinctive quality that we bring to the delivery system.

MR. LEVI: And downtown is where?

MS. LIEBERMAN: Downtown is in 2, yes.

PRESIDENT SANDMAN: Here.

MS. LIEBERMAN: Yes. Thank you, Jim.

So our presence in the community has other benefits that we really intentionally cultivate. We function very much as a catalyst for bringing other resources to east of the river, and to heighten the awareness of the needs of the folks who live out there.

We have been very deliberate in convening meetings of legal services providers in our east-of-the river offices. We bring summer interns and pro bono lawyers to those offices. We provide legal education sessions that you'll hear about in those communities.

Our presence enables us to build partnerships, to build partnerships with formal and informal community organizations in those neighborhoods, organizations that often provide very critical complementary services to the legal services that we provide. And being in the neighborhood really fosters our strategic goal of serving as a community hub to bring clients and others together to solve problems collaboratively.

So with that overview, I'm going to turn it over to Nakia, who's going to talk to you a little bit about how we structure our services to ensure their effectiveness. Nakia?

MS. WAGGONER: Good afternoon, everyone. In July of 2011, NLSP began to do a re-overhaul of our service delivery model. This was done to increase the quality of services to our clients, and also to decrease the stress on our advocates.

The first prong of that change in the service delivery model is, as you can see, the creation of our brief services unit. Our brief services unit was created and does daily triage clients who have an immediate need of services. In addition, we also provide advice and counsel and work up the case to be sent forward to the extended service attorney.

So as you can see, the initial client comes in. They go through our intake and our eligibility screening. They are then sent to the brief services attorney for legal intake. That attorney and I, as I oversee the brief services unit, we meet at least twice a week to review incoming cases. Her and I together decide if we then provide advice and counsel on those cases or if they are sent forward to extended services.

As you can see, we also use volunteers at every step of the process except for the intake process. When we first created the brief services unit, it was envisioned to be staffed by two full-time staff attorneys.

Unfortunately, due to funding restrictions, we were not able to do that, though I'm happy to report, with the help of Hannah and all of the team at NLSP, the D.C. Bar Foundation just approved funding for a full-time staff attorney. So we will soon have a secondary attorney in that position.

But we have been using volunteers, and Heather's been really great and I want to give accolades to her. We've had a wide variety of volunteers.

We had a Presidential Management Fellow that was on loan to us from HUD for six months. We've also had a senior attorney who had recently retired from Social Security come and serve with us for about nine months. And then for a little while, we also had a temporary attorney.

As I said, the volunteers also serve at the final level, which is representation. So if we cannot place the case in-house with one of our attorneys or one of our Covington attorneys, we then send the case forward to Heather Hodges, who places the case with PAI.

The second prong of overhauling the case delivery model was to narrow our case acceptance guidelines. And part of that was listening to the community and taking into account what the community needed, and making sure that we focus on the areas most in need in our community.

The third part of that prong of changing the service delivery model was going to soft specialization. So when I first started at NLSP six years ago as a fellow and then a staff attorney, all of the attorneys were expected to be generalists, and we all were attorneys of the day.

So we all rotated through the attorney of the day. We didn't have case caps, which means on any given day we could get 20 cases, and then maybe later that week have a trial. That created a lot of stress for the staff attorneys.

Changing the service delivery model, it increases the quality of services and it allows the attorneys to pick specific practice areas where they can focus on and get greater depth and knowledge, which also goes to our ability and our desire to create deeper and more meaningful professional development for our staff.

So our primary areas of focus are housing, family law, and public benefits. Within housing, we do a variety of issues. We do landlord/tenant work. We have the Housing Conditions Court, which is a court that was recently created in the District of Columbia to address the needs of housing conditions among tenants, where tenants are allowed to bring cases. And we also do a lot of agency work with DCHA and the Office of Fair Hearings around rent control, rent levels, and substandard housing conditions.

In the area of family law, we continue to have a commitment to representing non-custodial parents, domestic violence work, and we do a lot of third party custody work.

In the area of public benefits, we do mostly Social Security disability. We do some TANF and some denial of Medicaid.

MS. LIEBERMAN: Thank you, Nakia.

Heather, why don't you talk about our community engagement because it's such an important part of our philosophy and our system.

MS. HODGES: Certainly. Good morning, everyone.

Our approach at NLSP to community-based partnerships is grounded in a principled and fundamental commitment to keeping the barriers to access to justice and counsel low for low-income residents in the District. We work hard to find partners who can help us efficiently identify and reach underserved residents.

We also rely greatly on our partners to help us build the cultural competencies needed to effectively serve certain groups, and also to make sure we're providing the services that are most needed in the community.

We are constantly looking for well-regarded community partners who can provide reliable points of entry to potential clients. Some examples of partners from 2012 include D.C. Public Library, workforce development programs. We also partner with an early childhood education center for children and families who are living in shelters or in transitional housing.

We begin all of our partnerships initially by meeting with our colleagues to have them help us identify how to best address the legal needs of their clients. We don't assume that we know what those issues are and that we know how to effectively address them.

The goal is to help us develop long-term, sustainable partnerships with clearly defined deliverables. So our partnerships aren't completely ad hoc. We go into them partnering in a very strategic way to make sure that, at the end of the day, we can assure ourselves and them and the client in the residence that we reach that we are meeting their needs.

It is also important for us that the focus of our partners' work complements our own. A good example is the early childhood education center I just mentioned, which is called Bright Beginnings.

Bright Beginnings, like I mentioned, works with families who are homeless or in transitional housing, which can be a difficult population for us to consistently reach. So we met with them both to get a better understanding of what the legal needs of these families were, but also to figure out a reliable way to interface with them and provide them with greater access to legal information and our services.

So, for example, as part of our partnership with Bright Beginnings, we do regular legal literacy programs on family law topics for the parents, and these talks were timed to take place during the hour when the parents were coming to collect their children because one of the things the family support workers advised us is that these parents spend a lot of time running around the city trying to access services, look for work, and secure housing.

So we didn't want to add another destination, another appointment to their day. So we very creatively timed these programs to coincide with when the parents needed to be there.

Another example of a strategic partnership that we have is with the D.C. Public Library. We actually have an MOU with the D.C. Public Library to host monthly legal information workshops at the Deanwood Library, which is located in Ward 7. As Hannah mentioned earlier, we're the only full-service civil legal aid law firm in Ward 7, and it's just a ward that's dramatically underserved by a lot of resources.

So Deanwood is a strategic partner for us because it's a community magnet. The library is actually embedded in a recreation center that has a football field, a swimming pool, a senior program, an early childhood education program, right there on site. So it's a great place to interact and interface with a wide cross-section of the Ward 7 community.

We also learned that data collected by the library shows that residents east of the river, the Anacostia River, are far less likely to use libraries to access circulating materials than they are to use the computers that are available in the libraries.

They use them for job searches, for talking with parents at school, for interacting with government agencies. So we knew that the library's already a place where people are coming to find information, and it was an incredible partner for us because people place a lot of trust in the library as a source of reliable information.

Some other important aspects of the partnership for us as a nonprofit is that meeting rooms are free at the library. They are family-friendly spaces. Deanwood has a parking lot. It's also just across the street from a Metro. It's ADA compliant. And it's now that we've moved our office to Polk Street Northeast literally about a four-block walk from our Polk Street office. So it works on a lot of different levels for us.

Our programs draw a cross-section of community members, including residents who don't live in Ward 7, because the talks are promoted on the library's main website. And we work hard to provide engaging yet practical information on a rang each of issues, sometimes bringing outside speakers, other attorneys.

So, for example, in November we had a group of attorneys come over from the Federal Trade Commission to give a very timely presentation on how to avoid being a victim of identity fraud/identity theft, and also holiday scams that the Commission had been hearing about.

So we use this as an opportunity to talk about consumer law issues, but also to give residents concrete information on how to report scams, as well as information on how NLSP can help them if they find that they've been the victim of one of these scams.

I'm going back in a few weeks to do a new program that I started called, "Understanding the financial and healthcare power of attorney and how to get help preparing one." And this program was spread by my discovery, having done a lot of these legal literacy workshops, that a lot of low-income Americans have never seen basic legal documents.

So I thought it was important to actually show them one, walk them through it, explain how our pro bono lawyers who do much of this work partner with them. And that demystifies the whole process of preparing these documents, as well as gives them a more concrete understanding of the specific type of help that we can provide them.

This is probably a good point to turn to our approach about how we use pro bono and government attorneys. We at NLSP offer a broad range of pro bono opportunities in order to facilitate meeting our pro bono lawyers and government lawyers and other volunteers, because we also use volunteer paralegals; where they are with respect to their skills, their interests, their availability, their prior pro bono experiences, the types of clients they want to help, and their own professional development and goals.

We recognize that private attorneys and volunteers are differently situated, and that in order to engage them in any sustainable way, we need to be flexible in defining and developing pro bono opportunities.

A good example is one that was flagged in the LSC Pro Bono Task Force report, which is our partnership with the Department of Justice and Catholic Law School to train government attorneys on how to draft simple wills.

One of the challenges government attorneys have is that they can't always get away during the day to work on pro bono cases. There's some real complex issues with respect to government to public benefits cases. So we were trying to carve out a category of cases that would be less problematic for them.

It's been a very successful project. We're doing another training, actually, next week at the Federal Bureau of Prisons, and I'm told we have over 40 attorneys registered for that training program. So we're really excited about how that's turned out.

We also work with potential partners, pro bono partners, institutions, to develop creative opportunities to increase our ability to provide more and new services to our clients. A good example is in 2012, we developed a family law externship partnership with Howard Law School.

Howard didn't have a general family law clinic. We needed more students who were interested in learning about the practice of family law programs. So we developed the Howard family law externship program.

They send us one to two students each semester, and those students are paired very closely with our attorneys who have a heavier docket of family law cases. So it solves an issue for the law school. It solves an issue for us. And we are expanding it this year to the summer to Catholic Law School because they also have shown interest.

Another way we demonstrate our flexibility, and Nakia alluded to this earlier, is we've worked really hard to try and figure out how to bring volunteers into the firm, not just to work on specific cases but to provide us with a more sustained number of hours of pro bono service.

So we use private attorneys in the brief services unit. We use postgraduate fellows; that's another growing category of individuals who have the time to come in and work in our offices. We use them in our field offices east of the river, and we also just started using volunteer paralegals.

So Nakia mentioned Brendan Kearns, who was a Presidential Management Fellow at HUD, who was doing a lot of policy work as part of the PMF program. The fellows are encouraged to do a rotation out of the agency; most of them just go to another agency.

But Brendan had done some work at a pro se center in Los Angeles, and asked to come in and work for us. I think he was the first PMF fellow to ever ask to go to a legal services provider, and it took a lot of paperwork going back and forth between us and HUD.

But we got him there for six months, and it was incredibly helpful for us in figuring out what would and would not work when we brought in a volunteer full-time.

And as Nakia mentioned, we've broadened that now to include -- we had list fall a postgraduate fellow from Fordham, who was there for six months; I think Kelly was here for six months. Barbara Beech, who is a retired attorney from Social Security, was in for nine months. And we're now working with AU's Washington College of Law to get one of their postgrad fellows in in the fall.

Also, the Covingtons fall into that category of attorneys who are there for six months full time. And the advantages that we see to having volunteers in-house is that we can cost-efficiently and cost-effectively provide training and supervision to them. The volunteers are exposed to a wider range of cases and clients when they're in the firm.

And for nearly-graduated law students who are challenged to find entry-level jobs, it really does provide them with a resume line that reflects meaningful work experience in a civil legal aid law firm that's also accompanied by a law school-funded stipend. So we've been very creative in trying to figure out how to get most of those postgrad fellows into the firm. And I'll stop there. I'm sorry, I think I went over my time.

MS. LIEBERMAN: No, that's great. I'm going to turn the microphone back to Nakia to give you just a brief taste of some of our achievements recently.

MS. WAGGONER: Over the course of the last year, our advocates have been doing really great work. And I think it highlights not just their individual commitments to legal service and working with low income, but also to showing the change that they've made in the community.

The first of those cases is a housing case that we actually worked on with the assistance of Blake Biles from Arnold & Porter, who served as kind of an of counsel role to us. And in that particular case, NLSP represented a tenants association in a situation where there were tenants who were experiencing substandard housing conditions.

As Heather alluded to earlier, we have a great partnership with a lot of the law schools in the community. And they were able to send over students to us, and we were actually able to go out to over a hundred units in this apartment complex and write down and assess and note all of the substandard housing conditions, which ranged from rodent infestation to no heat and hot water. We even had one situation where the ceiling had fallen in on one of the tenant's daughters.

So with the assistance of Arnold & Porter, we were able to get a meeting with the president of the development company that owned this particular property. And we were able to negotiate with them and have them address the concerns in a timely manner, and make sure that there was continuing dialogue between not only the tenant association but the property manager and the actual owners to make sure that there was lasting communication going forward, and that this problem wouldn't reoccur.

In our family law practice, which is really robust, we just recently had a great appellate victory, where a client who when he went to court was pro se, went to court seeking joint custody of his two children.

The judge that particular day was not particularly patient with pro se clients at all. Sui sponte converted the initial hearing into a trial date. Didn't allow the father to call any witnesses. Didn't allow for any continuance. And he came to us afterwards.

We were successful in appealing the case. We got the order vacated, and the order was remanded back to the trial court. And since then, a lot of our advocates have noted that the judges have been a lot more patient with pro se litigants and a lot more deliberate in their interactions and in their findings.

Last of all, which is one that's close to my heart because it was one of the rotation associates that I supervise, we assisted a client in getting a liver transplant. This client was a middle-aged gentleman from Northeast D.C. He was approved for a liver transplant by his doctors at Georgetown at put on UNOS, the list for organ transplants.

But the D.C. Department of Healthcare Finance, through Medicaid, denied payment. He came to us after he filed an appeal. We represented him. And we really worked up the case. This particular associate from Covington & Burling was just very dedicated to this client and very dedicated to this particular work.

We were able to find studies and expert opinions that supported the position of the doctors at Georgetown. We tried to negotiate with the Department of Healthcare Finance. They actually filed a motion in limine to try to keep out the reports and expert opinion. And when the judge denied their motion, they withdrew their denial and approved the liver transplant for our client.

So those are just a few of the highlights of the great work that our advocates are doing.

MS. LIEBERMAN: I'd just add, one of our new emerging efforts, and partially in response to the community listening project that we did, was to try to develop a much more strategic focus on reducing barriers that prevent our clients from getting and keeping jobs.

That really fuses a lot of Heather's work, working with community organizations, with our legal practice. So we work hand-in-glove with a number of job training programs to provide educational sessions to their participants and then to address the problems that they run into that have legal underpinnings as they try to make their way into and stay in the workforce.

That's an example of how we're trying to look very strategically at the needs that our clients have, the things that prevent them from attaining stability, from achieving their goals, and then responding appropriately with legal services.

So I thought I'd wrap up our presentation, and then open it to questions, with a brief summary of how we are meeting our significant resource challenges. And as I'm sure you all know, they are fairly significant.

Our 2013 budget is approximately 1.5 million. And our biggest challenges right now are the consequences of sequestration and the census reallocation, which is going to cause us to take a really huge hit in our LSC funds. We expect to lose about 28 percent of our federal funds because of those census changes.

And that translates into what we think is at least $100,000 in LSC funds in 2013, and another 274,000 in 2014, which may not sound like a lot compared to some programs, but on a $1.5 million budget, it's a heavy hit.

The loss is attributable to basically two factors. One is that D.C. is the only mainland jurisdiction that experienced an absolute decrease in its poverty population in the last decade. It's not a big decrease, but it is a decrease. And that's attributable to a lot of factors, including gentrification, loss of affordable housing, and we don't have time to go into those interesting sociological dynamics.

But the other factor is that obviously, as you guys know, in light of the staggering increase in poverty elsewhere, D.C.'s share has dropped dramatically, so we're really experiencing a very significant hit.

And just bringing us back to where I started from, which is with the demographics of the city because they're relevant to understanding what this means for us as a legal services provider, although our poverty population has shrunk a little bit, our population is not like maybe some other communities across the country, where poverty rates are largely a product of the recession and may bounce back some as the economy improves.

I don't want to at all sound like I'm belittling the challenge of poverty, no matter what its source. But the sources are different, and the poverty we deal with is entrenched. We deal with long-time poor communities that, for a whole variety of reasons, do not benefit from the relatively good economy that the rest of D.C. enjoys.

So that means, as a legal services program, we're not dealing simply with tiding people through a temporarily bad time. We are continuing to grapple with very profound, often multi-generational needs and challenges that are not likely to improve, certainly as quickly, as areas that may rebound from the economy. So that's a long way of saying, our work is not going to diminish despite the fact that we are losing a great deal of money.

But I don't want to leave you on a really depressing note. The picture is not completely bleak, as I keep telling myself. We are, as Nakia mentioned, very proud of the fact that we've received substantially increased funding from the D.C. Bar Foundation, a combination of public funds that they get from the city and some IOLTA funds, after a number of years of seeing a decrease in funds from the D.C. Bar Foundation.

Their funds directly support that Ward 7 office, underscoring how important it is to the overall legal services community here in D.C. and the second attorney for our brief services unit, about which Nakia is so happy as its supervisor.

In 2012, we embarked on, I must say, our first year of concerted fundraising. But we were able to raise about $165,000 in private donations, many from new contributors, which I think for a first effort is certainly respectable. We got some new foundation grants, which the program had not sought before. And we are really aggressively working to diversify our funding.

The results are tangible. We have decreased our dependence on LSC funds, as much as we like you all, from over 70 percent of our total revenues to 55 percent, which I think is, in these times, a healthy trend.

And our strategy is to continue to pursue a very wide range of funding sources -- we will do that by emphasizing the wide range of areas of need that our clients have -- and to continue to strive to be an exemplary program, to, as you've heard, emphasize depth over breadth, quality over quantity, and limit ourselves to a manageable scope of areas of practice that meet really critical needs where there's a serious gap in the system.

We found our program objectives need to be clear. They need to be clear to our staff, and they need to be clear to the community, so that people come to us for the really important, life-changing work that we can do.

We're likely to be taking fewer cases and doing less intake in this difficult financial time, and looking for highly cost-effective ways to maintain the high neighborhood presence that we value. And we need to talk about our work in ways that resonate with non-lawyers to emphasize the real-life critical benefits that we achieve and how our work really helps build small communities.

So despite the rather scary prospect on the federal front, we totally expect to emerge a -- maintain our strong program and able to make a continuing difference for folks whose legal problems would otherwise simply not get resolved.

I invite you all, if you're residents of D.C. or when you come to visit D.C., to please come and see us, to come and visit our offices east of the river, to meet our clients, to meet our community partners, to really engage with us as problem-solvers and see how we do that. And I thank you very much for the opportunity to hear a little bit about our work.

(Applause)

CO-CHAIR VALENCIA-WEBER: We'll have to allow, just very briefly, one or two questions because --

MR. LEVI: Well, I think we can go till 12:45, can't we?

CO-CHAIR VALENCIA-WEBER: We have --

CO-CHAIR FATHER PIUS: A short presentation will be made.

CO-CHAIR VALENCIA-WEBER: There will be a public comment --

MR. LEVI: Oh, there will?

CO-CHAIR VALENCIA-WEBER: -- that we need to accommodate.

MR. LEVI: Okay. I want to understand your numbers. The 1.5 you mentioned, is that the federal grant that's being cut or is that your overall budget?

MS. LIEBERMAN: No. That's our total budget. The federal grant was about $958,000 last year, and son it's decreasing by the numbers I mentioned. And 2014 looks like the federal portion will be about 683,000.

MR. LEVI: Wow. And does your board have representatives from -- I heard the name Covington a lot, but from other firms, other of the major firms in town?

MS. LIEBERMAN: Absolutely. We have a representation from Arnold & Porter. It used to be Jim Sandman. Akin Gump is represented on our board. The managing partner of Wilmer Hale is on our board. And, of course, we have community members and client-eligible members and board members who are solo or small firm practitioners.

So our board really is a great cross-section of the diversity of the private bar, and gives us a wide range of different kinds of support.

DEAN MINOW: Thank you for that very instructive presentation. I was really interested in the use of law students, and also the use of sending someone to HUD to get some expertise and come back.

And I wondered, if you had all the law students in the world, how many could you absorb? If you were able to send more people to agencies, how would that affect your ability to meet your own needs? How do you think about that resource?

MS. HODGES: We actually have two categories of law student volunteers. The first category would be our interns and externs, who are coming into the office on a regular schedule. And because we only have a limited number of case handlers -- we have nine -- we can only absorb so many of them and keep them busy. So we have, generally, four to six interns and externs each semester.

The project Nakia was referring to was harnessing all the energy of all the law students who have to meet pro bono pledges, including those that are taking the New York bar. So for that project, the attorneys came to me and said, we need to do this audit of this building. And I called UDC to say, do you have students who need to meet their hours?

So they come in and burn off 50 to 100 hours. And actually, that's a good point of entry for getting them excited about coming back and doing an internship and externship.

We have a 1L now who is doing his 50 hours for the New York bar application process, and he said it's really changed his perspective about how he thought about low-income individuals, particularly, in his case, non-custodial parents.

He was one of the individuals who thought about deadbeat dads. Well, he had a chance to sit in on client meetings and see grown men cry because what they really wanted to do was meet these child support obligations.

And so for him, going into his second and third year of law school, with all the clinical opportunities ahead of him, all the volunteer opportunities ahead of him, that 50 hours that he spent, just that 50 hours with us, completely changed his understanding of what this client population is.

DEAN MINOW: Thank you.

CO-CHAIR VALENCIA-WEBER: With that, I think we'll finish this panel. We want to thank you very much. You made it very clear the ways in which your service area has its distinct qualities because you are not a state, you're in the capital, and a very different kind of political status.

Please accept our thanks for the wonderful work that you're doing.

MS. LIEBERMAN: Thank you.

(Applause)

MR. LEVI: And I think we'll take you up on your offer, maybe next year, and do a site visit instead of a presentation.

MS. LIEBERMAN: That would be great. You're all welcome.

MR. LEVI: Be careful what you ask for.

(Laughter.)

CO-CHAIR VALENCIA-WEBER: Yes. That's right.

With that, we'll move to the public comment. And I believe we have Terry Brooks, who has a brief matter.

MR. BROOKS: For the record, this is Terry Brooks with the American Bar Association. I am in the always enviable position of standing between you and lunch. I hope to whet your appetite for more information and discussion in the future about pro bono.

As you know, the ABA periodically conducts research on pro bono at the 30,000-foot level, and the most recent empirical work has just been completed. I brought copies. We will also mail these to you, but if you want to look at copies now, I have them available.

I'll just give you a very, very brief overview of the findings, and hope that we can have an ongoing dialogue with this Board and with the Pro Bono Task Force that Robert and Vic are heading up going forward.

The ABA does this in an effort to try and quantify, at the aggregate national level, the amount of pro bono that's going on in an attempt to understand the factors that encourage or discourage pro bono, and to use that then to foster more pro bono through bar associations, through community organizations, and through other means; and lastly, to try and determine how to value the pro bono and how to think of it in terms of the other resources that are available in the system, principally cash resources.

How do we think about these in-kind resources? How do we talk about them and communicate about them in a way that does not create misperceptions of how they fit into the bigger picture?

Once again, the ABA's empirical work, which used a reputable firm to conduct a survey that has all of the characteristics of reliable national surveys, found that there is a lot of pro bono going on. Eighty percent of the lawyers report doing some pro bono.

That's a number that always shocks me because it seems unrealistically high, just given our experience in this community. The last time we did this, we found similar results; 73 percent of the lawyers said that they do some pro bono.

We tried to take a more nuanced approach this time and learn a little bit more about what exists within that number, and we found that about 50 percent of the lawyers say that they're doing pro bono that we would think of as serving this community, legal aid for the poor.

The other pro bono addresses major societal issues and things of that nature. But 50 percent of the lawyers are saying they're doing it for our clients, clients we talk about in this room.

Only 48 percent of the lawyers reported that they did it through any kind of organized program. That gives us some sense of how much of this is coming through a process where people are appropriately means-tested and the merits of the cases are thought through and that sort of thing.

So those are helpful numbers to kind of get a picture of what the big pro bono picture is.

Not surprisingly, lawyers reported that time is a major discouraging factor. They reported that they have family commitments that prevent them from doing pro bono. They reported concerns about their skill level, their training, their ability to take these kind of cases.

There were a number of factors that encouraged pro bono. Lawyers liked the idea of being able to do what has come to be called limited scope representation, doing just a piece of a case, not necessarily getting into a case that may be all-consuming but just knowing what the limits are going to be on their commitment.

Seven in ten lawyers said they need to be asked, that nobody's asking them. So maybe that suggests that we need to ramp up the outreach through our various mechanisms.

Lawyers said that if they knew that they had malpractice insurance provided, that they would be much more comfortable doing pro bono. Now, they should know that if they do it through an organized program, that malpractice insurance comes with that. But apparently a lot of them don't.

And they said that when the employer is

encouraging, when there's a policy to encourage pro bono, that's a major factor in them stepping forward and doing pro bono.

What do we do with all of this? We need to figure out, as I said, how to value it. Do we assign it a number? Is it comparable to cash, or is it something else? You have to invest a lot more in getting a pro bono hour than you do in getting a staff hour of service.

So we need to think that through and work with you to think that through, and then think about how we communicate that and how that plays in various forms -- how it can be credible, how it can be understood, that this really is a public/private partnership. But where's the balance, and how much of the resources are on each side of that partnership?

So hopefully this will whet your appetite. I know you've got to get to lunch, and I know that there's a lot here. There'll be a lot of other opportunities to delve into this a lot more deeply.

MR. LEVI: Well, I just wanted to ask you, Terry, I looked at the sampling, and it's predominately

ABA members. Now, it's two-thirds ABA members and one-third from some other list, Lawyers 411. I don't know whether that then skews the result.

MR. BROOKS: And there are a lot of good questions, and we would welcome your questions and your skepticism. We'll do this again. I'm not convinced that we got it quite right even this third time through it, but we'll do it again and we want to get it better every time.

I don't know. The firm we used did some weighting. They had a lot of trouble getting non-ABA members to respond, so they weighted the data. That's above my pay grade. I don't really understand data weighting.

MR. LEVI: Right. Yes.

MR. BROOKS: But supposedly they did control for the skewing of the sample in that direction.

CO-CHAIR VALENCIA-WEBER: Terry, thank you very much for delivering the report. I think it will inform our own pro bono project going forward about how do we do pro bono and how do we make sure that all those attorneys out there get an invitation, an opportunity to do it. Thank you very much.

MR. BROOKS: I meant to mention, we did have a national advisory committee. Jim Sandman served on that. A number of people from throughout the legal aid community served, from the highest levels of the bar community.

So we tried to have full engagement of all stakeholders in shaping this, but can certainly benefit from your further critique and suggestions.

MR. GREY: Terry, again thank you for, one, your willingness to open the continued survey focus to more scrutiny and suggestions. I think that's very helpful to us, particularly.

And the second is, your willingness to do the partnering with the pro bono implementation side of the task force report is extremely helpful. I think our partnership and those of other organizations that have a national focus on this issue is going toe critical to us really getting the work done.

MR. LEVI: Well, the reason that I asked the question is -- and I'm given in my role the number that we have a million two licensed lawyers. And I understand the ABA contact list to have 200,000, which tells me that the ABA is one-sixth of the population of lawyers.

Then I see that the Lawyer 411 group was less than sixth, another sixth. So it seems to me that more than 50 percent of the folks that regard themselves as licensed lawyers were left out of the survey, which leads me to feel that the survey is just that, a survey.

I don't know that it has -- I understand the issue of sampling and weighting. But my goodness, these are lawyers. And 800,000 of them, or more than half, were not sampled as to their activity, and we're making a rough guess as to basically extrapolating, it seems. And I'm not the sampler.

But from that then announcing to the world that 50 percent are serving low-income folks, that troubles me. And I don't know whether the ABA is really doing us a service or not.

MR. BROOKS: Well, we can certainly get into the weeds on sampling and reliability.

MR. LEVI: Certainly we can.

MR. BROOKS: I am not the person to get into the weeds with that, but --

MR. LEVI: Okay. Well, I'm not either, but I'm raising the question.

MR. BROOKS: But I will say that of the 1.2 million, only 74 percent are in private practice. So you've got to bring your number down right there.

MR. LEVI: No, I don't, because of the people who are not in private practice -- one of the things, we're trying to say, you got a license? Let's have you use it.

MR. BROOKS: Some of them are in positions where they would be capable of pro bono. Quite a number are judges or are in other positions where pro bono would not be possible.

MR. LEVI: The judges think they're doing pro bono every day of the week.

(Laughter.)

MR. BROOKS: Yes.

MR. GREY: It's a question of definition.

MR. BROOKS: Absolutely.

MR. GREY: And I do think that --

MR. LEVI: Certainly. Yes. I appreciate that. That's an important point, too.

DEAN MINOW: I just want to say I'm grateful for the effort to distinguish what we consider the core pro bono services to low income people from the other kinds of activities, which are so well-defined here to include anything like giving a speech.

MR. BROOKS: Right.

DEAN MINOW: So I'm very grateful for that because that's, I think, muddied the water considerably.

I was intrigued by the page 25 chart about groups that reached out with pro bono opportunities and the differences in the outreach to different kinds of attorneys.

And I think this is something that we need to incorporate in our task force attention so that the outreach is really different depending on whether it's to corporate counsel or to private practice, and whether it's coming from the state or local bar versus a legal aid.

At least with regard to our own grantees, we should be able to have enormously better numbers for reaching out across the board from our grantees to these different kinds of lawyers.

MR. LEVI: And further to that point, I'm assuming that the sample -- I haven't read this -- the sample said, we'd do more if we were asked.

MR. BROOKS: Seven of ten of them, as I understand it, said that they would step forward.

DEAN MINOW: That's powerful. So that we have to get them to be asked.

MR. BROOKS: Yes.

MR. LEVI: That's the thing.

MR. GREY: You've got a point.

MR. LEVI: I'm sure you do.

MR. BROOKS: This, the two prior reports, and some other information is available on the website at ambar.org/probonometrics. All one word.

MR. LEVI: Well, I think this is an important enough thing that it may be worth having the ABA, actually, and its surveyors and whatever, present to us at some point in some fashion.

MR. BROOKS: We would welcome the opportunity to do that.

MS. REISKIN: Can you say that again?

MR. BROOKS: Ambar.org/probonometrics. All one word.

MR. LEVI: Because a "Have you been asked?" campaign -- this is the ONE campaign. That's versions of this.

CO-CHAIR VALENCIA-WEBER: Accompanied with, "Why haven't you done it?"

Thank you very much, Terry.

MR. BROOKS: Sure. Thank you.

CO-CHAIR VALENCIA-WEBER: Do we have any other public comment?

(No response.)

CO-CHAIR VALENCIA-WEBER: With that, we'll consider and act on any other business any member of the Committee wishes to bring out.

(No response.)

CO-CHAIR VALENCIA-WEBER: I'll then consider and act on a motion to adjourn.

M O T I O N

CO-CHAIR FATHER PIUS: So moved.

MS. REISKIN: Second.

CO-CHAIR VALENCIA-WEBER: Okay, Father Pius. And with that, we will adjourn the meeting.

MR. LEVI: Upon a vote. All in favor?

CO-CHAIR VALENCIA-WEBER: All in favor?

(A chorus of ayes.)

(Whereupon, at 12:53 p.m., the Committee was adjourned.)

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