

PROVISIONS FOR THE DELIVERY OF LEGAL SERVICES
COMMITTEE MEETING

August 7, 1987

Commences at 9:00 a.m.

LEGAL SERVICES CORPORATION

Sir Francis Drake Hotel
Franciscan Room
450 Powell Street
San Francisco, California 94101

Diversified Reporting Services, Inc.

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WASHINGTON, D.C. 20005

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P R O C E E D I N G S

1
2 CHAIRMAN UDDO: This is the second meeting of the
3 committee on the provision of legal services. The subject
4 matter of this meeting is a continuation of testimony and
5 discussion on the question of national and state support
6 centers.

7 We have a quorum this morning, but it is not achieved
8 by all the people you see up here. The only people on the
9 subcommittee are Mr. Valois, myself and Mrs. Miller. Mrs.
10 Miller is on her way over here. She should be here in a minute,
11 but Bob and I do constitute a quorum so we can get some of the
12 preliminary matters out of the way.

13 First, I would like to let the record reflect that
14 both Mr. Valois and myself, members of the subcommittee, are
15 here. Mr. Wallace and Mr. Smegal, members of the board, are
16 both also here in attendance. Here is Mrs. Miller coming in
17 right now. Is Hortencia here, Lorain?

18 MRS. MILLER: Yes, she is on her way.

19 CHAIRMAN UDDO: Well, we will not put her on the
20 record until she gets here.

21 Before we get to the business at hand, I would like to
22 ask Tom Smegal to say a few words since this is his home town.

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1 It seems only appropriate that we let Tom get us started.

2 MR. SMEGAL: First, I would like to correct the record
3 that someone in the Corporation would say I am not on this
4 committee. I have been on this committee the whole time. I
5 would like the minutes to reflect that.

6 CHAIRMAN UDDO: This is the subcommittee of the
7 provisions committee.

8 MR. SMEGAL: I am in the wrong room. (laughter) I
9 thought it was -- oh, never mind.

10 I want to welcome you all. Some of you who got here
11 later than the preregistration have found out that lawyers must
12 breed either on the way or from the airport because there are a
13 lot more lawyers at this ABA meeting than have ever gone
14 anywhere together before.

15 As the general chair of the meeting here in San
16 Francisco, I have had the pleasure of watching the staff scurry
17 around and try to find hotels for everybody. Everyone has found
18 a place, but I was concerned for a while because we have some
19 street people in the community. I have noticed there is a lot
20 of similarity between lawyers and street people and if they
21 ended up sleeping in the street, I was not sure we could find
22 them in the morning to bring them back into these meetings.

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1 We are doing well and we are enjoying it and we are
2 grateful to all of you for being here. It has been so much fun,
3 I understand we are going to do it again in 1992. So, if you
4 like the hotel you are in, make your reservation early. Thank
5 you.

6 CHAIRMAN UDDO: The next item on the agenda is the
7 approval of the agenda. I would entertain a motion from one of
8 the subcommittee members to that effect.

9 MOTION

10 MR. VALOIS: So moved.

11 MRS. MILLER: I second.

12 CHAIRMAN UDDO: Hearing no objection, the agenda will
13 be approved. There are two sets of minutes in the committee
14 book. I guess that first set is from the provisions committee
15 meeting; right?

16 MR. SMEGAL: Right.

17 CHAIRMAN UDDO: In which case, I would ask for a
18 motion for the approval of the minutes of January 29, 1987, the
19 provisions committee meeting.

20 MOTION

21 MRS. MILLER: So moved.

22 CHAIRMAN UDDO: I have read them. I second them and I

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1 think they are correct. Hearing no objection to the approval of
2 the minutes of the January 29th meeting, they will be approved.

3 The next item will be the approval of the minutes of
4 the March 7th meeting of this subcommittee which was held in New
5 Orleans. There is one correction that I noted. On page 28,
6 there is a technical correction.

7 Mrs. Drew-Ivie responded that she relied on
8 administrative complaint decisions and it says, "Chicago
9 Clearing House (CCH)." I think that is Commerce Clearinghouse.
10 If that would be corrected in the minutes, I think we can accept
11 those minutes as approved, hearing no objections.

12 MR. SMEGAL: You started off by indicating this was a
13 subcommittee and this does not indicate that in these draft
14 minutes. Should they be corrected to reflect -- I was not there
15 -- but I do understand it was a subcommittee.

16 CHAIRMAN UDDO: I think it should because it has been
17 functioning as a subcommittee. So, Mr. Jarvis, will you see to
18 that correction, please? Thank you.

19 The next item on the agenda is the main subject matter
20 for why we are here today and that is the continuation of these
21 hearings on national and state support.

22 Just to bring people up to the state where I think we

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1 are now, I think everyone knows how these hearings began. It
2 was prompted by a suggestion by the board that there needed to
3 be some restructuring of national and state support, at least
4 with respect to the Corporation's funding of national and state
5 support.

6 Everyone is, I am sure, aware that the original
7 suggestion was some sort of a subgrant process where the monies
8 presently allotted to the national and state support centers
9 would be awarded to field programs to be used in a subgrant
10 process by those services from national and state support
11 centers.

12 The first round of hearings held in March, in New
13 Orleans, was primarily an occasion for members of the field to
14 express their thoughts and concerns about, not just that
15 particular proposal, but any proposal that might effect the
16 funding of national and state support centers.

17 I think it is fair to say that the conclusion of those
18 hearings would be that among the people who testified, and they
19 did represent national and state support centers and a
20 representation of the field programs themselves, several things
21 are clearly true.

22 One, is that there is something close to unanimity

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1 that there is a need for support in the various areas that the
2 support centers have been functioning.

3 I think it is also clear that among the people who
4 have testified from the national and state support centers and
5 the field programs, there is a good deal of support for the
6 current system.

7 Today's hearings are an outgrowth of some of the
8 things that I think developed in the process of those
9 discussions. That is, that in talking about national and state
10 support it became apparent, at least to me, that national and
11 state support really serves several different functions. There
12 is not one support function that a discrete support center
13 serves in a given substantive area of law.

14 It is more nearly correct to say each support center
15 supports a variety of functions; training, provision of research
16 materials, access to co-counselling, a number of different
17 functions that support centers perform.

18 So, the point, I think, of today's hearing, and we
19 have invited some people to testify, is to examine those various
20 functions and to see if there might be some way to improve, both
21 in terms of cost effectiveness and in terms of access and
22 provision of those support services, other methods of serving

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1 some of those functions, whether they be within the current
2 structure of national state support or whether they be in the
3 private sector.

4 To that end, we have asked several people to testify
5 today and there will be time for public comment also. The first
6 presentation is the presentation that we think will be extremely
7 interesting because it deals with the question of interactive
8 computer programs which have a very useful function in training.

9 We are pleased to have with us today Professor Donald
10 Trautman who has been associated with Harvard University as the
11 Shattuck Professor of Law. He teaches, among other things at
12 Haryard, computers in the law. He has been a full professor
13 there since 1956.

14 He is here along with Mr. John DeGolyer and Tim
15 Hallahan to give us some insights and some opportunity to ask us
16 some questions about his Pericles Project which he has been
17 working on for some time.

18 I want to welcome you, Dr. Trautman, and your
19 assistants and give to you the floor.

20 PRESENTATION OF PROFESSOR TRAUTMAN

21 PROFESSOR TRAUTMAN: Thank you very much, Mr.
22 Chairman. It is a great pleasure to be here. I want to thank

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1 you for giving me this opportunity to tell you about some
2 exciting things that we have been doing in Project Pericles at
3 Harvard.

4 I hope to give you some ideas about more cost
5 effective ways of improving access to and provision of legal
6 services.

7 I want to spend just a few minutes explaining how I
8 got into this in the first place. I have spent five or six
9 years now thinking about the impact of the computer on law and
10 education. It was not exactly by choice when Professor Robert
11 Keaton was made a District Judge in Massachusetts, there was no
12 one at Harvard, on the faculty, who took particular interest in
13 computers. He then came around to me and asked me whether I
14 knew anything about computers.

15 I said, "No, I don't."

16 He said, "You are just the man I want. I need someone
17 to keep an eye on what is going on with computers."

18 Over this five or six years, I have developed a number
19 of ideas. I have had a lot of experience in trying to present
20 the uses, the utility, of computers to law school faculties and
21 to other groups.

22 I would like to begin by making a couple of points

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1 about the computer itself and why analytically the computer is
2 so helpful.

3 In the first place, the computer has a marvelous
4 memory, far outdistancing the memory of the human being, and the
5 ability to cope with many different possibilities at the same
6 time. I remember attending a conference on artificial
7 intelligence a year or so ago where the head of the artificial
8 program at MIT spoke and made the assertion that the human mind
9 is capable of juggling three or four notions in a moment, but
10 only three or four. Whereas, the computer can handle a very
11 large number of different factors and considerations all at the
12 same time.

13 The other human frailty that the computer can, in a
14 way, enhance or supplant is not only in terms of memory but in
15 terms of boredom. The human being simply gets tired of doing
16 the same mechanical job again and again, performing routine
17 functions. It is the computer which can be of assistance, not
18 really substitute for him, but be of assistance in reminding
19 people of the great many possibilities that are available.

20 I read recently in the Boston Globe, you may have
21 heard in other places, about medical diagnosis programs which
22 are available to doctors to remind them, given a certain set of

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1 symptoms, of the possible diagnoses that might be made.

2 Obviously, a doctor, just like a lawyer, cannot keep
3 all of those things in mind, but a computer is capable of doing
4 that.

5 The only reason that law schools are so far behind the
6 medical profession in the development of the use of computers
7 for this type of purpose is money. Medical professions have a
8 large amount of money. Law schools or the legal profession has
9 not put that kind of money into the development of these kinds
10 of programs.

11 I am particularly interested in education for the use
12 of the computer to assist in teaching and in training. We
13 really are now quite well advanced, at least in developing
14 interactive lessons both text and video lessons, to assist in
15 the training of students.

16 My preferred use of such lessons is for class
17 preparation. Our experience has been that students do take
18 these lessons before class and are exposed to and required to
19 work their way through all the nuts and bolts of legal ideas,
20 such as what is includable in income or what is deductible, to
21 understand how the legal rules work.

22 Then classroom time can be spent more effectively and

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1 more interestingly on the questions of policy, the questions of
2 ways in which the law might be improved.

3 Part of the problem, and I suppose it is a problem
4 that faces you, has faced me for five or six years, is to
5 demonstrate to people that the computer really is worthwhile and
6 that people can use it, that it is not something simply for the
7 experts or the people who know a lot about computers.

8 I have learned a lot in the past five or six years,
9 but I am still basically not a computer programmer by any means.
10 I got started on the interactive lessons when, very early on
11 after the Dean had asked me to take a look at what was going on
12 with the computers -- by learning that the interactive lessons
13 we were using were stored on a mainframe at the University of
14 Minnesota -- and the problems and the expense of access to those
15 programs was a serious one.

16 We then formed -- the Harvard and Minnesota Law
17 Schools -- formed the Center for Computer Assisted Legal
18 Instruction for the purpose of downloading those lessons onto
19 floppy disks. The technology at that point was ready for floppy
20 disk technology, and floppy disks that could be distributed to
21 law schools throughout the country.

22 I served as president of that organization for several

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1 years, but then my work with Pericles got more demanding and I
2 have stepped back to the position of being editorial chairman
3 for CALI.

4 In the last month I have spent a good deal of my time
5 reviewing new lessons that have been written in various legal
6 subjects ranging from labor law in corporations and tax, to
7 evidence and procedural questions. It is very exciting.

8 What has happened, and I think this is the basic thing
9 of interest, I had always urged that we develop authoring
10 programs to be used by faculty members themselves which were
11 simple enough that you did not have to have the intervention of
12 an expensive and distant programmer.

13 We finally have made that breakthrough. There now is
14 a program which I can use, which is easy enough for most faculty
15 members to use, to write their own lessons. That has been a
16 great breakthrough. The result of that is that suddenly there
17 are a large number of lessons being written by faculty members
18 all over the country.

19 It is a slow process. It is one, we have learned,
20 which you need all the time to be supportive of the people which
21 you would like to use the computers.

22 You cannot simply provide the hardware and tell them,

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1 "go to it." You have got to give them programs to work with.
2 You have got to be patient to explain how these things work.
3 You have to have constant attention so that the programs are up
4 to date and fit the purpose that it then involved.

5 That then bears very much on what we are doing now in
6 Project Pericles. I got involved in Pericles when President
7 Boch and Chief Justice Berger both talked to the dreadful role
8 that law schools were playing in the inadequate training we were
9 giving to lawyers in terms of preparing them to assist in the
10 provision of legal services to the poor.

11 At about that time, I was trying to persuade people
12 that the computer would be very helpful and so I teamed up with
13 Gary Bellow, who has been central to our work on Pericles, and
14 we wrote a joint memorandum to President Boch suggesting we put
15 computers into our legal services offices and see whether we
16 could demonstrate there the utility of the computer.

17 That was the genesis of the Pericles Project. I have
18 sometimes been referred to as the godfather of Pericles. The
19 feature about Legal Services that is so good for computer is
20 that Legal Services involves a very high volume of quite similar
21 cases. That is the kind of thing the computer is very good for.

22 We want to demonstrate a number of things we have been

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1 doing in Pericles. We will be using the screen. What I want to
2 do first is show you interactive text lessons which are designed
3 to be helpful in disability work under SSI and in housing.

4 CHAIRMAN UDDO: Professor Trautman, before you go on,
5 since we are using that screen, people on this side of the room
6 may want to shift over this way so they can see that screen.

7 PROFESSOR TRAUTMAN: Perhaps I should stop and say if
8 there are any questions, at this point, I would be delighted to
9 answer them.

10 CHAIRMAN UDDO: Are there any questions from the
11 subcommittee, committee or board?

12 (No response.)

13 PROFESSOR TRAUTMAN: What we have done in order to
14 shorten this process and make it simpler to present, we have
15 made video tapes of these programs. We also have the programs
16 here and I will be delighted to run any of them that anyone
17 would like or to show you some features of them that may not be
18 shown in the video tape.

19 What we are first showing is a video in the area of
20 housing with Doc Willoughby, who is the Executive Director of
21 our Legal Services Center, running the computer.

22 (A video tape was shown.)

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1 is so labor intensive. You really need a one-on-one
2 relationship almost.

3 About five years we were looking at the problem of why
4 that is a problem. What other industries have done is gone into
5 the area of interactive video.

6 What interactive video is, is basically a combination
7 of a video disk player connected to a computer. The video
8 provides realism, models and how to do things and not do things
9 that really engages the student and makes it very entertaining.

10 The computer provides participation, individualized
11 instruction and one-on-one feedback in a non-threatening way.
12 The evaluation of this technique -- evaluations have been very
13 positive. The users like it because they learn, it is
14 entertaining and it is very convenient.

15 The trainers like it because they have found, through
16 the studies, that people learn about twice as fast with three
17 times the retention level. It is very inexpensive because you
18 do not have this one-on-one teacher relationship and also it is
19 very convenient. It is easy to use.

20 It frees up the trainer to deal with large classroom
21 situations. They do not have to deal with one-on-one type
22 relationships.

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1 We put together our first lesson at Harvard about five
2 years ago and then we got the Pericles grant about three years
3 ago. We did the first of two landlord/tenant interactive video
4 lessons.

5 What I would like to do is basically show you the
6 middle of one of our landlord/tenant lessons. First I want to
7 show you what the equipment is. It is a video disk player like
8 the one we have up in front of us, and a computer. It can be
9 any IBM PC or clone. The whole system costs two thousand
10 dollars. If you already have a PC or a clone, it is a thousand
11 dollars.

12 Most interactive video systems cost about fifteen
13 thousand dollars. We intentionally went to the low end because
14 we want to get these things out into the field offices, but we
15 also wanted to get them out to bar associations, law libraries,
16 law schools and things like that.

17 I am going to show you just a little segment of one of
18 them, the first one we did. This is a landlord/tenant case. It
19 begins with a title screen as you see here. This teaches
20 evidence in housing law. I am just going to breeze through the
21 screen.

22 It tells you how to play. It tells you that you

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1 represent the tenants in a landlord/tenant case. You are going
2 to be seeing the examination of the landlord. Your job is to
3 object by hitting any key on the keyboard when you hear
4 objectionable material either from the attorney or from the
5 person who is testifying, the landlord.

6 It tells you the facts. It is basically a non-payment
7 case. It is also a nuisance case. It says what the main issues
8 are and it gives you a brief chronology. You can always come
9 back to the screens at any time.

10 We tried to design it as if it is kind of like a real
11 case; it is all happening in real time.

12 It asks for your name so teachers can keep track of
13 individuals or keep track of the whole group. For example, if
14 the group as a whole is having a lot of trouble on notice to
15 quit you can concentrate on that. If they are having trouble
16 with hearsay, you know to concentrate on that. You can also
17 keep track of whether people are taking the lessons.

18 I am starting at the middle. The first thing we are
19 going to see is the landlord's attorney examining the landlord
20 about the security deposit. In Massachusetts the security
21 deposit is an important issue because you have to give proper
22 notice otherwise it is trouble damages to the tenant

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1 By the way, the difference substance-wise between
2 state to state can easily be changed by changing a few
3 characters in the text. That is very easy to change -- so
4 sophisticated program You do not have to change the video,
5 those are the expensive things. The text is real easy, just use
6 the word processor.

7 (Presentation of sample lesson.)

8 PROFESSOR TRAUTMAN: Perhaps I should interject.
9 There are two screens that you see constantly. One is the
10 television monitor and one is the computer screen. So, if you
11 are running this, you would not be jumping back and forth.

12 MR. HALLAHAN: That is right. There is a TV screen
13 and a computer screen.

14 PROFESSOR TRAUTMAN: The only way to show this is to
15 do one at a time.

16 MR. HALLAHAN: That is how it works. We have two
17 lessons that we have completed now. We have a bunch of others
18 that are in the can, so to speak. We have a video done and
19 things like that, but unfortunately, we have not had the money
20 to basically put it out, to finish those things.

21 We have a series of about twenty-five lessons that we
22 put together. We are in the process now of trying to distribute

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1 these lessons.

2 We geared our initial lessons towards Legal Services,
3 but unfortunately we have not gotten the money to be able to
4 continue doing that. We have had to switch our focus to lessons
5 that actually sell.

6 Are there any questions about the interactive video?

7 CHAIRMAN UDDO: Are there any questions from the
8 committee or the board?

9 (No response.)

10 MR. HALLAHAN: Okay, thank you very much.

11 PROFESSOR TRAUTMAN: Thank you, Tim.

12 Perhaps I should simply add that the first set of
13 lessons, Harris and Brew, on the interactive video are
14 integrated with the housing lesson. You may have recognized the
15 name Harris in the interactive text lesson that was in the first
16 presentation.

17 As Tim said, we have two of these housing lessons,
18 interactive video lessons, completed. There are two more that
19 have been taped. That is, all the expensive work has been done
20 but we lack the funds to finish this up and that is one thing we
21 would like very much to do.

22 Tim talked about the utility of interactive lessons,

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1 both text and video, for training in terms I might elaborate on
2 briefly. One of the great advantages is that this training can
3 be done in private. It can be done on an individual basis and
4 at the pleasure of the person who needs the training.

5 In law school that means we do not have to have a
6 class. We can put a student on computer and give him the
7 training in that way.

8 In Legal Services the same problem exists, of course,
9 because the supervising attorney, the people who know the field
10 well, often do not have the time. They are much too pressed to
11 stop and train each new person given the rapid turnover of the
12 less skilled help which is often available in Legal Services
13 offices.

14 This kind of lesson, both the video lesson and the
15 text lesson, make it possible for a new person coming on board
16 in a Legal Services offices to get a good deal of training in
17 the basics of the law without involving the time and resources
18 of the more skilled people in the office.

19 Interactive video, obviously, is a wonderful way of
20 simulating a trial experience both for inexperienced staff in
21 Legal Services offices, but also for practicing lawyers who do
22 occasional pro bono work and perhaps has never been in a

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1 courtroom.

2 Interactive video gives them a feeling, it gives me
3 the feeling -- I have never been in a courtroom -- it gives one
4 the feeling that he could go into a courtroom and perform. It
5 gives you enough of a simulated experience so that at least one
6 time you can go through it in private and not expose yourself
7 before a court and prejudice the interests of the client. You
8 have had one experience at least, without those dangers which,
9 of course, face inexperienced people whether they are new staff
10 in a Legal Services office or practicing lawyers whose main
11 activities are in other areas of the law.

12 Interactive video has that marvelous quality to it. I
13 should also say that it has its own limitations. In our
14 experience, it is not as good for training in substantive law as
15 interactive text lessons.

16 Our experience has been that the interactive video is
17 best for displaying trial skills, for testing trial skills and
18 training in trial skills rather than in substantive areas where
19 there is perhaps too much show and too much spectacular video
20 and not quite enough tell, not quite enough instruction, not
21 enough bang for the buck in video so far as training in
22 substantive law is concerned.

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1 I want to come back now to the other interactive text
2 lesson that we have.

3 MR. WALLACE: Mr. Chairman, can I ask a question
4 before we get off the video tape?

5 CHAIRMAN UDDO: Yes.

6 MR. WALLACE: Have you developed a way to teach the
7 student to do his own examination? What we saw here is when to
8 pop up to object to the other lawyer, which it seems to me would
9 be well suited for this sort of thing.

10 Have you developed a video method for teaching someone
11 to construct his own examination either on direct or cross?

12 PROFESSOR TRAUTMAN: No.

13 MR. WALLACE: It would seem harder to me than that
14 would seem hard to me.

15 PROFESSOR TRAUTMAN: The best we have been able to do
16 and we have not done it yet with any of the housing lessons, but
17 Tim is now doing it -- I saw one last night -- trial skills in
18 which there is a menu.

19 If you would like, for example, to focus on a
20 particular skill, on how to lead a witness or how not to lead a
21 witness, you can press a certain key and it will show you those
22 parts of a video that involve leading a witness.

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1 In that way -- I think that is about as close as we
2 will be able to come to the kind of thing that I think you have
3 in mind. We are now working along that line.

4 Perhaps one thing implicit in what Jim said is that we
5 have spun off the video work because of lack of funds and lack
6 of funds also in the Center for Computer-Assisted Legal
7 Instruction, and we have set up a separate interactive video
8 project at Harvard. Now, Tim is doing some of that also at
9 Stanford and appealing to commercial sources for distribution of
10 the video lessons.

11 Those lessons will still, I am assured, be available
12 to Legal Services offices at a very deep discount so that they
13 will not be very expensive for Legal Services purposes.

14 CHAIRMAN UDDO: I was going to ask: Is there a rough
15 idea of what it would cost to -- you could be talking about a
16 good many different number of programs that cover a wide variety
17 of topics.

18 PROFESSOR TRAUTMAN: To construct a program from the
19 beginning?

20 CHAIRMAN UDDO: Yes.

21 PROFESSOR TRAUTMAN: I think -- John?

22 MR. DeCOLYER: Thirty-five thousand is about the

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1 figure from production to final.

2 CHAIRMAN UDDO: Which translates into what sort of an
3 expense to reproduce that program for a particular office? How
4 expensive would it be for an office to purchase? Do you have
5 any idea?

6 In other words, once the program is produced and is
7 available, what is the software?

8 PROFESSOR TRAUTMAN: The commercial outfit has not yet
9 set a price, but it is likely to be in the range of a couple of
10 hundred dollars to three hundred dollars.

11 MR. DeCOLLYER: Three to five hundred dollars depending
12 on quantity.

13 PROFESSOR TRAUTMAN: Once we have produced them, then
14 the cost is really minimal. The production cost is enormous
15 even using the least expensive kind of equipment and using
16 volunteer actors and so on, which we have done. It is a very
17 expensive proposition doing the filming.

18 The two lessons we have waiting to be done have been
19 filmed so the expensive part of that process has been completed.
20 It is essentially a matter of programming.

21 CHAIRMAN UDDO: What two lessons are those?

22 PROFESSOR TRAUTMAN: Those are two more in the

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1 landlord/tenant case. We now have direct examination of the
2 landlord and cross examination of the landlord. We have an
3 examination of the tenant

4 They are all in this particular trial of which you saw
5 a portion here in what Tim presented.

6 If you are ready, and I hope I am not taking up too
7 much of your time, let's go back now to an interactive text
8 lesson on disability under SSI. I should point out two things
9 about these two interactive text lessons.

10 The first, although housing is clearly something that
11 varies from state to state so that what we have done at Harvard
12 is develop it in terms of Massachusetts law. As Tim said, and
13 perhaps I should explain that slightly more, the programs are
14 written in such a way -- this is true of all of the lessons
15 created also by the Center for Computer Assisted Video
16 Production.

17 They are written with a programming part of the
18 program separated from the text part. The text part then can be
19 altered without effecting the basic program like some of the
20 lessons ALI has produced. One of them was written by
21 Professor, now Judge, Keaton. It has been translated in Canada
22 in the Providence of Quebec. It has been translated into French

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1 and tailored to the practice in Quebec.

2 That was really very simple. It is simply a matter of
3 going at the text file and it can be done with ordinary, ord
4 processing techniques and no effect on the basic program. That
5 is true also of the interactive video lessons producing.

6 So, although the housing course is very locally
7 oriented, the federal benefit programs like SSI and also AFDC
8 and food stamps, which we will show you some programs on,
9 although they are federal programs most of them have local
10 variations. So, they will have to be tailored to each state.

11 At the same time this feature of separating the
12 program from the text makes it quite simple with proper
13 instruction. What we would like very much to do -- we do not
14 have the resources or the staff at the moment to do it -- is to
15 take all of our lessons, the prototypes which we are showing you
16 today, and produce documentation which would tell people in each
17 area what questions vary from location to location would have to
18 be altered and how to do that.

19 It would make it very simple to use these programs
20 nationally and let people know what has to be changed, what you
21 have to look at and how to do it.

22 What I want to do next is come back to the SSI

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1 program. The other -- I am sorry, there are so many things I
2 would like to say if it is difficult to get it all in. You are
3 very kind to allow me to rattle on as professors like to do.

4 CHAIRMAN UDDO: I am sympathetic to that.

5 PROFESSOR TRAUTMAN: The other thing is that these
6 interactive text lessons, at least, like the calendar, the
7 timing of notice to quit in the housing lesson and some of the
8 things that are in the SSI, focus on some of the most perplexing
9 very simple propositions -- how you count fourteen days from the
10 16th of March.

11 These are things that people new to a Legal Services
12 office simply do not know. It is terribly wasteful to have to
13 bother a supervising attorney in an office on questions like
14 that.

15 The computer lesson can take a new person through all
16 of these dreadfully simple and boring things and really give
17 good instruction. They are also available to go back to anytime
18 anyone has a question. Rather than having to go to a
19 supervising attorney he can simply pick out the right thing on
20 the menu that he is interested in and have reinstruction in that
21 particular area. I think that is demonstrated quite well in the
22 SSI program.

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1 (Presentation of sample lesson.)

2 CHAIRMAN UDDO: I have a question.

3 If you have a particular question, do you have to go
4 through the whole interactive text or can it be used to access a
5 particular question?

6 PROFESSOR TRAUTMAN: There is a menu so you can get at
7 a particular question. We want to do that also with the video
8 programs.

9 MR. WALLACE: Can I ask a question about the text
10 system? What is the advantage of doing this on computer over
11 doing it from a book?

12 Most of the interactive trial business is very
13 impressive to me. The text system, it seems to me, did not have
14 that many advantages over looking it up in a book.

15 Am I missing something?

16 PROFESSOR TRAUTMAN: I think perhaps some of the
17 things we have shown do not have the feature of being very
18 interactive. The lesson which responds to wrong answers
19 probably was more evident in the video program, the video
20 feature. The text lesson does the same thing. A response to a
21 wrong answer suggesting why it is wrong is much better than a
22 book because it helps the person think through to a correct

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1 answer.

2 It is also true, we find with our students, that the
3 typewriter and the computer screen are much more attractive ways
4 of learning things than a hardcover book.

5 CHAIRMAN UDDO: Professor Trautman, wouldn't that also
6 be used, the interactive text, not so much as a method for a new
7 attorney or a paralegal to answer a particular question as it
8 would be something they would sit down and do a number of times
9 as the kind of training -- that they would go through the whole
10 interactive text as a training session? Is that how you would
11 primarily use that?

12 PROFESSOR TRAUTMAN: Yes, that is so, but to some
13 extent that is not much more attractive than reading it.
14 Although there is the feature that you do get constant
15 challenge.

16 CHAIRMAN UDDO: It is self-testing; isn't it?

17 PROFESSOR TRAUTMAN: Yes, and you must answer. You
18 get feedback. That process of challenged feedback is a much
19 more effective way of teaching some kinds of things,
20 particularly with terrible things about dates and times and so
21 on than reading it in a book which simply does not stick.

22 Now, those are -- the housing then and the SSI are two

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1 interactive text lesson prototypes that we have. Now, what I
2 would like to move to is the worksheet. We want to give one
3 example of a worksheet on AFDC in which the computer is used in
4 the same way the interactive text lessons are to do some
5 training and teaching, but also the computer does all the
6 computations.

7 In that way, much of the human error that enters into
8 calculations and simply the enormous job of making the
9 calculations required by the various programs like AFDC and food
10 stamps, those operations are performed for you by the computer.

11 I have included in the package of materials on the
12 second to the last page -- is the text of the regulation on the
13 thirty and one-third disregard under the AFDC program. If you
14 read it you see just how complicated and difficult that might
15 seem to a newcomer to the area.

16 The computer program performs all of these operations.
17 It takes account of everything in this thirty and one-third
18 disregard and saves the human being from the time to go through
19 all of this and sort it out.

20 (Presentation of sample lesson.)

21 PROFESSOR TRAUTMAN: That particular feature is very
22 helpful to a client about what to do, rather to pay off a loan.

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1 It gives you information as to what happens if you pay off a
2 loan, you then change your eligibility for AFDC. So, programs
3 can be used for calculations but also for training and for
4 counselling.

5 (Presentation of sample lesson.)

6 PROFESSOR TRAUTMAN: I think that pretty much speaks
7 for itself. I would simply add that we have done this as the
8 cover sheet on this packet suggests. We have already done that
9 for SSI. If Senator Moynihan has his way all of this will have
10 to be changed, but we are ready to do that.

11 MR. VALOIS: Professor, does the AFDC have the same
12 sort of software available that will produce the same result?

13 PROFESSOR TRAUTMAN: Not at the moment, but we have it
14 and there is no reason why they cannot have it. When this is
15 put in shape it will be distributed generally. AFDC has some
16 local variations that will have to be documented and written up
17 and prepared for distribution. We have not gotten around to
18 that for lack of funds.

19 The last thing that we want to show is an entirely
20 different side. It is not for training or calculation. It is
21 more directed to the operations in the Legal Service offices
22 which are not very much different, of course, than the

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1 operations in any law office.

2 What we have tried to do is computerize our Legal
3 Services Center. Basically, what is needed is a way of storing
4 client information so that you have a client file, but also to
5 be able to use the data that you store, as a result of an
6 interview, to be plugged into various documents that are needed.

7 We are using, for that purpose, a system called CAPS,
8 which was developed at Brigham Young University. Professor
9 Larry Farmer, there, was on our faculty last year and is going
10 to be again this year.

11 We have got a lot of students doing a number of
12 different things. I have a list here with me of all the
13 different things that students have done using the CAPS system
14 for the production of documents.

15 I have also included in your packet here, the
16 documents that are produced by the video program that you are
17 about to see, if we are ready to go on that, why don't we go
18 ahead.

19 This is law office automation as we see it in the
20 Legal Services context. This has been developed on a VAX
21 computer which was given to us by DAC as part of their grant to
22 us. This system of CAPS is now being transported to the IBM

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1 world and also to the PC world.

2 It will take some time before that is done. We have
3 decided, in any event, that development has to continue on a
4 larger computer, but once the development is done it can be
5 rewritten so that it can be run on an ordinary PC or at least an
6 XT, which is what we are using here and now has become a fairly
7 basic, relatively inexpensive computer.

8 There is another system called Legalware which was
9 developed on the Apple, on a Macintosh. It is also being
10 rewritten for the IBM world. That is more likely to be ready--
11 I guess it is ready now; isn't it?

12 MR. DeGOLYER: It is ready on the Macintosh.

13 PROFESSOR TRAUTMAN: And also on the IBM.

14 One of the alternatives would be to take what we have
15 done in CAPS on the large computer and write it down to
16 LegalWare. That is another way of producing this again. All of
17 this involves a good deal of time still before it will be
18 available to run on hardware that is of reasonable cost.

19 The other phenomenon, of course, that is occurring in
20 the computer world is the costs keep coming down and the
21 capacity keeps increasing. It may well be within a relatively
22 short period of time that Legal Services offices will be able to

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1 afford the more recent versions of the VAX, the mini-VAX, the
2 micro-VAX, which is now being produced by DAC.

3 This system, as we are developing it, will run on the
4 micro-VAX that is now being produced. I think it is now listing
5 somewhere around eight thousand; is that right?

6 MR. DeGOLYER: Yes, about eight thousand dollars.

7 PROFESSOR TRAUTMAN: Are you now ready?

8 MR. DeGOLYER: I am having trouble finding the spot on
9 the tape. There is no counter on this machine.

10 PROFESSOR TRAUTMAN: Are there questions? I am sorry.

11 CHAIRMAN UDDO: I am getting a little bit concerned
12 about the time. Maybe you can tell us, if you could, summarize
13 what we would see or get an excerpt of the tape so we can get an
14 idea of the program that you are talking about.

15 PROFESSOR TRAUTMAN: Let me talk about a couple of
16 other things that we are doing, the things that are on the last
17 on this worksheet.

18 CHAIRMAN UDDO: Okay.

19 MR. DeGOLYER: I am ready.

20 PROFESSOR TRAUTMAN: Okay, we are all set.

21 CHAIRMAN UDDO: How long does this take?

22 MR. DeGOLYER: This lasts about three or four minutes.

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1 If it is too long, just tell me and we will cut it.

2 CHAIRMAN UDDO: All right, go ahead and start it.

3 (Presentation of sample lesson.)

4 PROFESSOR TRAUTMAN: It is probably quite evident what
5 this program does. It goes on to construct the documents. It
6 gives you an opportunity to edit them and introduces the
7 documents that are included in the package.

8 CHAIRMAN UDDO: I would like to take a few minutes to
9 see if there are any other questions from any members of the
10 subcommittee or the committee or the board. Anyone?

11 (No response.)

12 CHAIRMAN UDDO: Not having any questions, specific
13 questions, Professor Trautman has agreed that if there are
14 people who would like to talk to him at length tomorrow morning
15 he would be available to do that. I told Professor Trautman
16 that I will have John inform him as to whether or not there are
17 people who would like to get together and go into some of the
18 specifics.

19 I want to thank you for taking the time and obvious
20 effort to gather up all of this stuff, get it set up and present
21 it. I think it is a very impressive project and I think I am
22 speaking for the entire board when I say it is.

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1 I think it has an extreme importance to what we are
2 about. We hope to continue to work closely together in adapting
3 what you have to offer to the Legal Services work.

4 PROFESSOR TRAUTMAN: I want to thank you very much,
5 Mr. Chairman, for giving us this opportunity. As the cover
6 sheet suggests, there are some other things we are doing--
7 construction of databases which would be a file essentially like
8 Westlaw or Lexis, but of opinions that are not regularly
9 published, but those opinions that are used in the housing area,
10 for example.

11 Legal Service offices do need to have access to that
12 and they are not yet in Westlaw or Legal Services. We are doing
13 that. We are working with conferencing and networking
14 possibilities so that if a new problem comes up or a new case is
15 decided, that can be discussed in ordinary electronic mail
16 facilities. We would like to be able to hook up with lots of
17 Legal Services offices to allow them to do that -- run such a
18 network.

19 There are things of that sort that we are doing. I
20 would be glad to talk at length with anybody about those. I
21 hope you have gotten a sense of how exciting I find this.

22 I came in without much knowledge of what could be

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1 done. It has been an education to me and I appreciate the
2 opportunity to tell you about it.

3 PROFESSOR TRAUTMAN: We appreciate you being here.

4 I am going to instruct the members of the staff to--
5 I do have some questions that I will not take time with now, but
6 I am going to discuss with the staff things that I think we need
7 to know from you, some additional information.

8 We hope we can continue some communication over the
9 next several weeks to refine our understanding of what is
10 possible with the system. Thank you.

11 PROFESSOR TRAUTMAN: Thank you very much.

12 CHAIRMAN UDDO: We are going to take a very brief five
13 minute recess.

14 (A short recess was taken.)

15 CHAIRMAN UDDO: The next two people that we have with
16 us today to give us some information about their experiences
17 with the use of computers, particularly for research and
18 communication purposes, are Ms. Pamela White and Mr. C. Madison
19 Brewer.

20 Ms. White is with the Civil Division of the Department
21 of Justice, where along with her duties there as a practicing
22 attorney she has been deeply involved in the development and

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1 implementation of the Department's computer system.

2 Mr. Brewer is the associate director for information
3 management in the executive office of U.S. Attorneys in the
4 Department of Justice.

5 Both of these people, I think, have some useful
6 information for us. I welcome Mr. Brewer and Ms. White, and
7 give you the floor.

8 PRESENTATION OF PAMELA WHITE and C. MADISON BREWER.

9 MS. WHITE: Thank you, sir. One correction. I am not
10 a practicing attorney. I work with them a great deal and feel I
11 know a lot about their work habits and their work needs, but
12 basically I manage the Civil Division's office automation
13 system, AMICUS.

14 CHAIRMAN UDDO: I apologize.

15 MS. WHITE: No problem. I have been asked to talk
16 about AMICUS in the context of our requirements, our experience
17 and our results.

18 Although this system is obviously a specific solution
19 to our particular needs, we feel that our experience and our
20 solution can be generalized to other legal offices both public
21 and private.

22 AMICUS is a simple acronym for Automated Management

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1 Information Civil Users System, but we like it because the word
2 itself, with a slightly different pronunciation, does in fact
3 does have a meaning in the legal context.

4 AMICUS is also an idea. The idea was to bring
5 together all of the automated tools needed by our attorneys in
6 one system through one terminal. There have been two
7 generations of AMICUS.

8 The first contract was awarded in 1982 and used
9 Motorola Four Phase equipment. The second contract was awarded
10 just last year in 1986 and used primarily Data General
11 equipment.

12 The system is based on work groups of sixty to sixty-
13 five people working off of Data General mini computers. We have
14 about thirty-four mini computers now in five buildings in
15 Washington, D.C., and in buildings in four additional cities.

16 Each of these mini computers are tied to all the other
17 minis all over the country through local area networks and
18 leased digital telephone lines. This means that each user is
19 tied to every other user on the system for communication
20 purposes.

21 Let's back up a minute to tell you how we got there.
22 By way of background, the Civil Division is the lawyer for the

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1 federal government. We represent in every type of federal court
2 the interests of the United States' agencies and its employees.
3 Our clients are over 180 federal agencies and commissions. Our
4 cases involve literally billions of dollars at stake to the U.S.
5 Treasury.

6 We are the largest litigating division in the
7 Department of Justice with over five hundred lawyers and about
8 three hundred staff.

9 Since 1981, the Civil Division like other government
10 organizations, has experienced unprecedented growth in its work
11 load. There has also been a situation in the federal court
12 system as a whole, a phenomenon we like to refer as "The Case
13 Load Monster."

14 Specifically, in the Civil Division, our case load has
15 grown from 15,000 cases in 1980 to 19,000 in 1981, to over
16 25,000 in 1986. We have claims that now stand at over two
17 hundred billion dollars. Although the number in dollar value of
18 our cases has increased dramatically, you will notice that the
19 Civil Division staff has remained relatively constant.

20 Moreover, what is unique about our case load is it is
21 primarily defensive, almost 92 percent; which means we have
22 little discretionary control over the nature and size of our

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1 case load.

2 Thus, it became clear that we had to radically alter
3 the way we did business. In short, we had to automate our work
4 processes. We got our attorneys involved on the front end
5 because it was very important and we felt that the real
6 productivity benefits that might be achieved and the real
7 benefits from any automated system would come to the attorneys.

8 We surveyed them, talked to them, we got them involved
9 in the process both in terms of the studies, the evaluations and
10 the actual procurement.

11 What we learned through our studies is that we had
12 some very real requirements. The first requirement was access
13 to external mainframe databases. That would include our own
14 Civil Division's case management system on an IBM System 38. We
15 have over 170 thousand cases. It also includes our timekeeping
16 and it includes a tracking system for our actual case files.

17 We needed access to the Justice's Data Center AMDOL
18 (phonetic) mainframes which contain the Juris Automated Legal
19 Database. It also includes Inquire Databases, which are
20 automated litigation support databases and, very importantly for
21 us, brief banks. All of our appellant briefs and a great number
22 of our trial briefs are contained on brief banks at the Justice

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1 Data Center.

2 We also have access to Lexis/Nexis and Westlaw for
3 purposes of automated data legal research.

4 The other thing that we found that we needed a great
5 deal was effective communications both within the division to
6 other divisions within the department and eventually to other
7 government agencies, since those are our client organizations.

8 We needed advanced word processing since what we do is
9 process words in the form of briefs and other types of legal
10 pleadings. We needed software that was easy to understand and
11 use.

12 We have taken this quite a distance. We have gotten a
13 number of different kinds of equipment on our system including
14 dumb terminals, personal computers, portable computers. We have
15 made sure that every single application that we have, be it word
16 processing or spread sheets, works the same way on each one of
17 those types of equipment so that once an attorney learns how to
18 do word processing on his or her regular terminal in the office,
19 it will be no problem using those same skills for other kinds of
20 equipment that may be available.

21 We have also made sure -- we have taken it one step
22 further, even. In the legal databases we have reprogrammed the

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1 keys so that whether you are in Juris or Lexis or Westlaw, if
2 you use function key 7 to exit in one you will use it for all of
3 the others too.

4 We have, again, skills that can be translated to other
5 of our applications so that it is easy to use and easy to
6 remember.

7 We have basic training. We have one day of training
8 in word processing for our attorneys. Secretaries get about
9 three days of training. That is in the word processing area.
10 There is training available four hours each in electronic mail
11 and calendar, but most people learn those on their own.

12 Then there is training available again in one day or
13 half day training sessions to do spread sheets or to do any of
14 the legal databases for specific information.

15 We follow that up with on-the-job training. There are
16 individuals that go around and answer specific questions or just
17 check in with users that they are doing fine, that they know
18 what they are doing, give them some shortcuts or whatever is
19 required.

20 We have put a lot of time and effort into the training
21 aspect of the system.

22 We also needed high speed performance. We say in our

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1 office, "If it is not fast, it does not count." Nobody is going
2 to use anything that they have to wait for.

3 Given that we travel a great deal, we needed portable
4 computers so that attorneys could take them with them for use in
5 hotels or in U.S. Attorneys' offices where they might be giving
6 trials.

7 We needed a system that was highly reliable, that if
8 it ever did break down we needed it to be redundant. We did
9 that by having a mirroring process whereby every -- the user's
10 files are contained lock, stock and barrel on a secondary system
11 so that if for some reason the primary system blows up, there is
12 a place where he can sign on and work as if nothing had
13 happened.

14 We have automatic backups for the documents that
15 lawyers are in. They get backed up every twenty minutes without
16 them having any -- it is transferred as used, basically.

17 Because of the nature of the work all data put on the
18 system had to be secure and confidential. We have a number of
19 layers of security.

20 We also had to make sure it was expandable both in
21 terms of applications and in terms of additional users.

22 Lastly, as an adjunct to the needed advanced word

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1 processing, we required flexible, easy to use, high speed
2 printing capability.

3 When we surveyed our users we looked at all of the
4 work activities. The thing that came out most in everything
5 that we looked at was that communications was absolutely key.
6 We needed the ability to communicate between users both messages
7 and file transfers so that you could essentially exchange briefs
8 between users for review purposes or for use purposes. That was
9 the thing the attorneys wanted most of all.

10 This is a description of what the system looks like.
11 As you can see, there is a terminal in the center. That is the
12 one terminal that a user would have. From that terminal the
13 user can access printing, can access the various office
14 automation features including the external databases, the shared
15 resources which are the word processing, spread sheets, graphics
16 and so forth.

17 The DOJ computer center, what you get is Juris and
18 Inquire and the Financial Management Information System and the
19 external databases including Lexis, Nexis, Westlaw the Official
20 Airline Guide and a number of others.

21 Just to give you a little break here, I thought I
22 would give you an attorney sitting at a terminal. This is one

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1 of our appellant attorneys who gives a lot of our
2 demonstrations. We thought since he cannot be here to show you
3 all of the applications of the system, I will just go through
4 quickly and give you a flavor of the kinds of practical
5 applications that he might show in a demonstration.

6 Mainly, what Mark would do when he was giving a
7 demonstration is sign on to a terminal and go to a shared system
8 that is down in the left-hand lower portion of the slide there.
9 He would probably bring up word processing where he would look
10 for a specific brief.

11 While he was in that brief, he would get a piece of
12 electronic mail from another user. Then he would be able, with
13 the use of two keys, to get into electronic mail and to go look
14 at what that message was.

15 Say, in this case it was a brief for review. He would
16 then have a choice of looking at that brief, replying to the
17 message, forwarding the message to a number of other users,
18 saving it into his directory or simply going back into word
19 processing where he would be exactly where he had left off.

20 At that point, he could also, just by calling up the
21 system number and the user name, go to an entirely different
22 attorney's director, pull up a legal analysis that he might need

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1 to use in that particular brief, block it out and bring it right
2 back into his own document. That is with two keys.

3 He could also go into a spread sheet, say for
4 attorney's fees and do exactly the same thing. Again, just
5 switching back and forth between screens never leaving where he
6 was in his own document, never having to go out of the system or
7 back in.

8 He can flip into calendar to set up a meeting. He
9 could even set an alarm for a meeting so that in the middle of
10 whatever he was doing that alarm would -- essentially, a message
11 would come across the screen that you have to go to such and
12 such in five minutes or whatever he would have to do.

13 He could then come out. He could either go from where
14 he was or come out and sign on to any one of our systems
15 anyplace; Portland, Oregon; San Francisco; it wouldn't matter.
16 He could go into any one of the legal data bases and do some
17 legal research, find something he might need to use and actually
18 capture whatever it was he wanted, bring it back in -- again
19 with just the use of a couple of keys -- bring it back into his
20 own directory and be able to use that in a legal brief or motion
21 that he was writing himself.

22 It really is a very flexible system.

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1 He can print out anyplace. He can print out on his
2 own system. I am in a different building from my boss. I often
3 print out something that I want her to see on her own printer
4 four blocks away. It is not a problem. I could print it out in
5 San Francisco if I wanted to. That is how closely tied this
6 system is.

7 Just to go over the user benefits that we have found:
8 again, a single terminal, so without having to go to a library
9 or another office, attorneys can prepare legal documents, access
10 all the legal information they need including briefs prepared by
11 other attorneys and access other information available from
12 government and private sector databases as required and as
13 permitted by security considerations.

14 Printing, as I mentioned, they can send documents to
15 print on high speed printers located anywhere on the system
16 including our field offices. We have three kinds of printers.
17 One is an impact printer so that you could use carbons if you
18 want to. One is a small laser printer that does eight pages a
19 minute and one is a very large laser printer that does 45 pages
20 a minute. All of these printers are dispersed throughout the
21 network.

22 Communication through electronic mail and file

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1 transfer, an attorney can send and receive messages to and from
2 any user on the network and send and receive documents for
3 review, comment, editing or approval.

4 Flexibility in user location and use of portables,
5 basically, as I mentioned before, an attorney can be at home, at
6 an hotel, at a field office, and access all of the system
7 applications from a portable terminal.

8 I know of one case in particular where an attorney was
9 taking depositions on a ship off the coast of Norfolk and used a
10 small lap-top terminal to do that.

11 Redundancy, again, as I said before, we have automatic
12 backup of user files. We also have a system whereby all of
13 their files are mirrored on a second mini that they know about
14 that they can access as needed.

15 They have rapid access and easy access to all
16 applications and information resources.

17 To better evaluate the effect of the benefits on
18 productivity we have also conducted a series of studies. As we
19 mentioned earlier, AMICUS was developed primarily to meet the
20 needs of our attorneys. We had already automated the
21 secretaries early on when we went from electrical typewriters to
22 video screen equipment a few year earlier. We have been keeping

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1 records on an annual basis since that time.

2 As you can see from this graph, when we went from
3 electrical typewriters to stand-alone video screen equipment,
4 there was a 200 percent increase in the number of pages the
5 secretaries typed per day.

6 We pretty much expected that to be it. We figured
7 giving them video screen equipment, changing the brand when we
8 went to the AMICUS system should not make any particular
9 difference. Instead, we found that every single year we have
10 gone back and looked at the productivity, they are producing
11 more pages per day.

12 When we first got AMICUS it was about 23 pages per
13 secretary per day. It is now up to over 40 pages per secretary,
14 per day and it takes less of the day to produce those 40 pages
15 than it did to produce the original 6 on electric typewriters.

16 This has made a change in the way we do work. As you
17 can see from the slide, what we started out -- basically there
18 were a little less than two attorneys per secretary. We are now
19 to the point where it is over three attorneys per secretary.

20 We have been able to take secretaries that have the
21 aptitude and the interest and move them into paralegal slots.
22 We have also been able to attrit secretaries when they left the

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1 department and turn those slots into attorney slots which we
2 feel we really need in order to deal with our case load.

3 We can also see that there is a little bit of a
4 difference in the mix of work that the secretaries are doing.
5 The secretaries are doing more of what we call paraprofessional
6 drafts. They are doing fewer finals, more revisions. It is
7 just a different mix and a different way of using secretaries.

8 Our secretaries are being used much more for telephone
9 answering, photocopying, sending things out, than they are for
10 actual typing. We are finding that our attorneys rather than
11 writing anything on a yellow legal pad are simply using the
12 keyboard in the same way that they would write something down.

13 Again, as I said, the real productivity benefit comes
14 with the attorneys, so we have also done studies of our
15 attorneys. We have done three studies ourselves, plus, we have
16 done some studies -- consultants have done some studies for us
17 early on.

18 What you see there is essentially without AMICUS, with
19 AMICUS I which is the first generation and with AMICUS II, which
20 is the latest study that we have done.

21 The primary thing that we have found, we went back to
22 attorneys and we said, "Okay, every case type is different, but

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1 every case has to produce something, a brief, a legal motion,
2 something that is tangible."

3 So, we asked them to keep logs -- How long does it
4 take to do legal research? How long does it take to prepare a
5 document? -- for a period of weeks. We also asked them to keep
6 track of their activities during a day. We, as a study team,
7 went and looked at those activities so that we would have a
8 verification and we also ran some independent tests.

9 What we found was that they were using their day
10 differently with the automated system than they did before.
11 Thought work, which is what we call document preparation, legal
12 research and analysis, was taking 49 percent of an attorney's
13 day before AMICUS.

14 They are now able to spend, under AMICUS II, 69
15 percent of the day on those kinds of very important activities.
16 So, that has been a major benefit. Not only that, but we have
17 found that AMICUS has increased the speed of legal research by
18 70 percent, the speed of document preparation by 50 percent.

19 Now, you do not apply those on the front end because
20 attorneys do not use automation all the time. For example, an
21 appellant attorney would look through case files. That is
22 obviously not automated. There are some attorneys, even though

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1 we have an outline feature on the system, who prefer to write
2 down their outlines in paper form before they begin to write.
3 So, all of that time is not automated time.

4 We took the efficiencies that we found, we adjusted it
5 by the percentage of time that they actually used the automated
6 tools and the percentage of day that those activities
7 represented and we still found that we have seen a productivity
8 increase of 18.7 percent with our attorneys.

9 That translates, in fact, to a benefit to us of 12.8
10 million dollars. For the secretaries, as I mentioned earlier,
11 the benefit from AMICUS alone and this does not include the
12 portion from electrical typewriters to video screen is 48.5
13 percent. That represents 6.1 million dollars.

14 We have some other benefits that have accrued to us as
15 a result of not having to use Express Mail or DHL, being able to
16 send something in minutes across the country, that is \$300,000
17 or so in our estimates.

18 We also have qualitative benefits that are based on
19 attorney estimates. It is usually things like being able to
20 work after hours, on weekends, not being tied to a secretary,
21 being able to do more in very current legal research. We
22 actually have valued that at about 19 million dollars.

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1 So, even with the cost of the system over the five
2 years, '83 to '87 that are covered on the chart, we are seeing a
3 22.5 million dollars in net benefits.

4 It is clear that the implementation of AMICUS has been
5 very beneficial to the Civil Division. The key benefits are as
6 a result of access, sharing of information which is absolutely
7 critical both through the brief banks and other legal research
8 that has been done by other attorneys, ease of use and
9 reliability.

10 The solutions to achieve systems like this one or that
11 cover the same kind of things to meet the needs of any
12 particular organization are available in the market today.

13 In fact, the Department of Justice has a procurement
14 in process now which is called Eagle, which will potentially
15 serve some twelve thousand users all over the country including
16 the U.S. Attorneys, as I understand it. There is no way of
17 knowing exactly what that is going to look like, but for your
18 purposes, you might consider in a small office a couple of
19 personal computers maybe tied on a dial-up line or possibly
20 setting up a brief bank where that information would be
21 generally available to anybody who might need it.

22 Basically, the key is to base any system or any

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1 automation that you contemplate on your own organizational
2 needs. At least, based on our experience, it is extremely
3 important to get your key people involved. For us, that was our
4 attorneys. That is the backbone of what we do. So, we have
5 heavily involved and made all of our decisions with regard to
6 automation.

7 There are benefits to be taken advantage of here based
8 on our experience and we would say that given what we have
9 experienced over the last five or six years that the necessary
10 investment of time and resources has been well worth it.

11 CHAIRMAN UDDO: Thank you, Ms. White. We will get to
12 questions after Mr. Brewer. I would like to let Mr. Brewer
13 speak.

14 MR. BREWER: Thank you, Mr. Chairman.

15 Mr. Chairman, members of the subcommittee and members
16 of the board of directors, thank you for having me here. Ms.
17 White and I are not in competition, but we in the executive
18 office in the U.S. Attorneys' network approach things in a
19 little different perspective. It is perhaps because of the
20 different functions or the different environment in which we
21 work.

22 The U.S. Attorneys were created by the Judiciary Act

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1 of 1789. They were there before the Department of Justice.
2 They are the litigators of the bulk of both civil and criminal
3 cases in which the United States is a party, about 97 percent of
4 all criminal cases and about 91 percent of all civil cases.

5 That translates to a workload of about 118,000 or
6 119,000 criminal investigations at any one time; 31,000
7 indictments or so per year, with about 45,000 to 50,000
8 different individuals being processed or charged; and about
9 155,000 civil cases at any one time involving about 85,000 to
10 90,000 new cases per year. It is a phenomenal litigation load.

11 While the civil division handles larger, more
12 complicated cases our assistants do the trench work on the day
13 in and day out litigation.

14 We do this with a work force of about 4275 lawyers and
15 about 3000 clerical support people in 93 or 94 U.S. Attorneys
16 offices and 170 staff locations. We also litigate in about 175
17 unstaffed locations. So, we have tremendous logistic problems.

18 In 1982, when we looked at how to do more with less or
19 how to manage what we were doing, we decided that the highest
20 priority was getting a handle on and learning about the workload
21 of particular offices, the national workload and the activities
22 of individual lawyers.

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1 In 1982, the single largest complaint -- and it was
2 uniform no matter which U.S. Attorney you talked to, no matter
3 what office size, whether it was the Southern District of New
4 York with about 350 employees or Wyoming with ten -- the
5 complaint and observation that each U.S. Attorney made to me was
6 that they did not have an accurate, dependable and reliable way
7 to assess what was being done by their office or by any
8 particular lawyer.

9 They would indicate to me, or they did indicate to me
10 that they did have reviews, work reviews. They would call an
11 assistant in and say, "What are you working on?"

12 The person would bring his files or bring a list and
13 he would have an explanation. It was somewhat of a given that
14 everybody was working hard. They all observed, almost to a
15 person, that it was easy to identify individuals who were not
16 carrying their weight.

17 The question that no one could answer with any
18 reliability was whether or not the lawyers were doing that which
19 the U.S. Attorney wanted done or that which was most productive.

20 So, we decided to go about this business of automation
21 a little bit differently. We went after it with an emphasis on
22 case load management. We have now the most sophisticated, most

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1 reliable and most complete data capture network in the
2 Department of Justice in terms of providing information about
3 what is being done.

4 We did this with an eye on the management of offices.
5 While the Civil Division proceeded from the bottom up, the
6 practitioner up, we proceeded from the top down. We are meeting
7 in the middle.

8 We are the ones who are in the process of acquiring
9 this equipment that Ms. White talked about, Project Eagle, which
10 will do ultimately the same thing or more things than AMICUS
11 does.

12 We put about, in 47 of our 94 offices, individual
13 computers with software to do case tracking. We now track from
14 the time an agent or a client sends a referral to our office to
15 the time there is a resolution, potentially by an appellate
16 court, we track each and every referral, civil and criminal,
17 from A to Z.

18 That information in turn -- our philosophy was that if
19 we gave each office the tools to manage -- if we did it the way
20 the U.S. Attorney wanted, if we generated the reports that the
21 office itself decided they needed, we would get as a by-product
22 the information that the Attorney General and other policymakers

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1 need for budget and planning purposes. It has worked out.

2 We will, by September 30th, have installed 47 small
3 computers in 47 separate offices with promises for a tailored
4 version of USAC II software, giving each of those offices the
5 capability of managing themselves.

6 They, in turn, send us a data tape at the end of every
7 month that shows what they did. We integrate that into a master
8 file. We have achieved the same kind of result in smaller
9 offices where we could not justify the expenditure of multiple-
10 user computer, back in 1982, so we designed software using the
11 records management capabilities of sophisticated word processing
12 equipment.

13 We did both of these programs around central core data
14 elements that everybody agreed that they needed; the party, the
15 cause of action or the offense; the agency file number, that
16 sort of thing. As a result of this endeavor, we are now
17 convinced that we have the best statistics in the Department as
18 to workload.

19 We are now going back and going to provide more
20 automation and automated services to the practitioners, having
21 cleared the first hurdle, we think.

22 We are doing that primarily through the use of

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1 personal computers. We are putting small IBM AT compatible,
2 hard disk, that are multiuse processors, in the hands of
3 individual assistants with appropriate software so that they can
4 do litigation support projects.

5 We are making available or have made available, a
6 brief bank which they can connect into from a personal computer
7 or through their larger office computer.

8 We are in the process of putting into the larger
9 offices database management software so that the office can do
10 more complicated litigation support projects in house.

11 We have seen phenomenal productivities growth, as has
12 the Civil Division, from what we have done. In one large
13 office, for example, because we automated the demand letter
14 process for our collections function, we received in one study
15 period a 42 percent increase in the number of payments on
16 student loan accounts.

17 We, in another office, saved over 150,000 dollars in
18 litigation support costs two months ago. It took us a personal
19 computer and using graphics software, generated some charts
20 which they then had someone enlarge for purposes of trial
21 exhibits.

22 Had they been contracted out, and they had a bid, had

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1 they been contracted out, it would have been 150,000 dollars to
2 produce those charts. It cost a little over ten using these
3 improved technologies.

4 This is, of course, not a panacea. It is a mixed
5 blessing. It causes a lot of unsettlement and disturbance in
6 offices when you suddenly drop technology on people. It has
7 taken us from 1972 to mid 1987 to get where we are and it has
8 changed what we do.

9 I have provided some materials in a packet to you that
10 I think reflect our thinking and the thinking of some of other
11 practitioners and explained what we had done. I hope that our
12 lessons will be of benefit to you.

13 Any questions? I will be happy to respond.

14 CHAIRMAN UDDO: Are there any questions for either Ms.
15 White or Mr. Brewer?

16 (No response.)

17 CHAIRMAN UDDO: I think the presentations were both
18 very clear and concise. We appreciate them very much. As I
19 told Professor Trautman, I think the staff will continue to be
20 in touch with you to define our understanding of what it is your
21 programs do and to help us understand how they might be useful
22 to the Legal Services Corporation.

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1 MR. WALLACE: Can I ask a question, Mr. Chairman? I
2 did not hear either of them say it, although you may have, I am
3 interested in the cost involved in developing one of these
4 programs and putting it together. You both got nationwide
5 hookups for nationwide activities at the Department of Justice.
6 What kind of money are you talking about in order to put this
7 kind of program together?

8 MS. WHITE: I can speak to the AMICUS system itself.
9 That is an eight-year contract that was let in 1986. It covers
10 up to 2000 terminals. The nationwide hookup including
11 maintenance training and the whole nine yards is going to cost
12 about 40 million dollars.

13 MR. WALLACE: Forty million over eight years?

14 MS. WHITE: Over eight years.

15 MR. WALLACE: Okay.

16 MR. BREWER: Mr. Wallace has a good question. We
17 spent ten million dollars on the software implementation -- the
18 company that implemented it -- over a three year period of time.
19 We invested about 15 million in small computers which we bought
20 -- engines made by the Prime Computer Company. We have invested
21 about 17 million dollars in word processing equipment for the
22 smaller offices.

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1 To sort that out in terms of what the case may have in
2 part cost, this is a little difficult because of the multiple
3 use duals. It is not cheap. We think that they pay for
4 themselves. We are talking about -- in terms of hard dollars
5 and investing it for us -- of about 50 million over a five year
6 period of time.

7 MR. WALLACE: A lot of that was hardware. I think you
8 said software up front was about 10 million over a three year
9 period?

10 MR. BREWER: That was a service contract to implement
11 it also; yes. I estimate and my staff estimates that the
12 personnel costs based on training people in the offices and the
13 delays and the transition of about double that. The literature
14 indicates that you have got to count on about double what your
15 hardware costs are in terms of your personnel training costs.

16 MR. WALLACE: I think you both indicated a service
17 contract. Were these things developed by contractors in
18 government or was this done in house or a little bit of both?

19 MR. BREWER: A lot of both. The primary software was
20 done by the contractor, and my staff has done the word
21 processing software.

22 MS. WHITE: A little bit of both for us as well.

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1 MR. VALOIS: Ms. White, are statistics available to
2 tell us what in your department's case load are broken down into
3 categories? In other words, are you able to tell us how many of
4 this type case you have handled versus how many of this type you
5 have handled?

6 MS. WHITE: We do have a case management system which
7 was developed for the Civil Division. That tracks -- there is a
8 system within the Department of Justice so that every case
9 coming in is assigned what is called the DJ number, the
10 Department of Justice number.

11 Those actually fall into classification groups. So
12 case families have similar types of numbers. So that already
13 gives us a start. Then we track every single one of our cases
14 in terms of what happens to it at its various points what the
15 results are one way or another, who the attorneys are who are
16 working on that case and any other pertinent information that
17 applies to that case.

18 We also track attorney time tied to the specific cases
19 as well. We can pull out any of that information in any form
20 that we need and do that on a regular basis and more
21 particularly on an annual basis for budget purposes.

22 MR. WALLACE: The reason I am asking you that question

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1 is to some extent the cases handled by Legal Services attorneys
2 are repetitious, meaning a case may have -- obviously every case
3 has different facts -- but there are parts of the case which are
4 similar and they are handling the same sort of case over and
5 over and over again.

6 Are statistics available on that to tell us to what
7 extent you have that type of case?

8 MS. WHITE: It sort of varies all over the map. The
9 Civil Division itself has such a wide variety of cases. We have
10 everything from consumer litigation to major airline disasters,
11 asbestos, radiation.

12 We have very large case families, for example,
13 asbestos and radiation. I do not know the figures off hand. I
14 know they are available through our system and we can pull them
15 up in any particular way we want to.

16 MR. VALOIS: Somewhere along the line, Professor Uddo
17 is probably going to address the question of the ability to
18 translate one type of success in a system to the system which we
19 envision would be useful to us.

20 That is going to depend, to some extent, on the
21 similarity of cases handled in either system. That is what I am
22 trying to see if those kinds of statistics are available from

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1 you all.

2 MS. WHITE: The case statistics are in fact available.
3 We do tie them to specific types of activities as well.

4 CHAIRMAN UDDO: Any other questions?

5 (No response.)

6 CHAIRMAN UDDO: I have one question for either one or
7 both of you. The transition period apparently is expensive
8 because of the training involved. Is that partly because of the
9 sort of innate existence against learning the whole new way of
10 doing things and a kind of fear of computers and that sort of
11 thing?

12 MR. BREWER: Our perception is that is it. As I said,
13 we went after attorney managers. We did not go after individual
14 attorneys. We had a supervisor, for example, in a large office
15 that has for ten years maintained very extensive recordkeeping
16 system for -- he is a criminal division supervisor.

17 He has or had around his room or had around his room a
18 set of iron racks. He and his secretary devoted probably the
19 better part of a whole day to a very elaborate color coded
20 three-by-five card system.

21 Were you to ask him or were the U.S. attorney to ask
22 this individual what the status of any given case was or what a

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1 particular assistant was doing, he would be able to go to the
2 card file for that assistant and tell you.

3 It was extremely labor intensive and he was extremely
4 proud of it because he had put a handle on management. Getting
5 him to get rid of his cards and to settle for a computer
6 printout was a major victory. There is a lot of resistance, I
7 think, to change.

8 There is a lot of fear particular if you have not gone
9 to law school or have not learned the stuff. I learned the
10 decennial digest research approach. It is new and it is
11 different and I think to some people it is terrifying.

12 CHAIRMAN UDDO: How about you, Ms. White? You all
13 went right to the attorneys; right?

14 MS. WHITE: Right. We went right to the attorneys and
15 we have been at it for five or six years. At the beginning, I
16 think it is very right. There was a great deal of resistance.

17 There were a great deal of statements along the line
18 of, "I will never learn to type." We have been at it, as I say,
19 for five or six years and basically what has happened is it has
20 evolved and we have been able to hook people in.

21 It gets to the point that, say, in the Justice
22 Department that covers -- it is a full block area. Your

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1 secretary might be a whole block away. For a little note that
2 you just have to write to your boss, maybe you decide to key
3 that in.

4 Gee whiz, it is simple. It gets to be easier and you
5 get to do more things. A lot of our managers are now using
6 electronic mail with the basic announcements they are making
7 with regard to staff meetings and so forth.

8 So every single attorney in whatever branch that is
9 has to have the machine turned on to receive the electronic
10 mail. It is another hook in. All the new attorneys that are
11 coming in have all had automated legal research in college and
12 so forth and so on so there is not that fear.

13 Over the period of time, it is becoming increasingly
14 easy to get people hooked in. We are now having the system in
15 two new divisions: the Civil Rights Division and the Lands
16 Division. We have found that there, too, it just has been very
17 widely accepted.

18 Right now, at least in the government, with ceilings
19 the way they are and so forth and so on, people are desperate
20 for tools that they can actually get their work out with.
21 Getting something like that is considered a real benefit.

22 MR. BAYLY: Ms. White, I was speaking with Ms. Miller

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1 on our board a little while ago and maybe I am asking the
2 question for her.

3 I think she was concerned or she had an interest in
4 knowing whether -- as did I -- whether you feel that some of
5 these advances, if I may call them that, that you have been
6 speaking about -- computerized or electronic advances -- foresee
7 a withering away of the ordinary or the traditional means of,
8 for instance, doing research.

9 Do you see these as an adjunct of that, as a
10 complement? Is it meant to substitute or is it meant to
11 complement legal research?

12 MS. WHITE: Actually, I have no idea where the future
13 is going to take us. Right now it is an adjunct. It gives an
14 advantage.

15 I have actually talked to attorneys who, through the
16 use of automated legal research, were able to get word that a
17 case had been reversed right before they went to trial or right
18 before they put in their brief.

19 They would not have had that information from a book
20 in the library because it would not have been there yet. So
21 that sort of thing is a very real advantage to an attorney to be
22 able to get that kind of information.

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1 There is probably always going to be a place for a
2 measured review of documents with regard to legal cases. I
3 cannot tell you from this point in time looking at it. I can
4 tell you that the more people get comfortable with the system,
5 the more they use it, the more beneficial it is to them.
6 Whether that becomes a substitution in the future, I do not
7 know.

8 MR. BREWER: I would like to respond to that if I may.
9 I do not see it becoming a substitution because of the
10 telecommunications costs preclude doing legal research at your
11 desk.

12 It is very useful and it is cost effective, for
13 example, as a pointer system to have a list of all the cases in
14 your jurisdiction that deal with search of automobile trunks and
15 brown paper bags before you go to the library.

16 It is tremendously cost effective. It costs about
17 \$60.00 an hour or more for hookup time, to subscribe to the
18 JURIS system that the department uses. Those costs are not
19 going to go down. I am informed by my friends in the
20 telecommunications practice that the tariffs on the
21 telecommunications charges will rise.

22 MR. VALOIS: So you would not do full text research--

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1 MR. BREWER: I do not see a future for full text
2 research, but certainly as a pointer or a way to focus your
3 research before you go, it is an improvement.

4 CHAIRMAN UDDO: Thank you both very much. I
5 appreciate it. As I said, the staff will be in touch with you
6 to refine our understanding and what it is you have achieved
7 with your system. Thank you.

8 I think we have time for one more panel before we
9 break for lunch. I would like to introduce them to you. It is
10 Ms. Pamela Saliender, Dennis McClellan, and Robert Mitch. If
11 you all would just come up to the table for us.

12 Let me retrack my invitation to you three folks. I
13 have one other person who would ordinarily come during the
14 public comment phase of the meeting, but I am going to have to
15 try to fit him in now because he his going to be tied up this
16 afternoon.

17 It is Mr. Philip Waystack, president of New Hampshire
18 Bar Association. If you folks would just relinquish the table
19 to him for a few minutes?

20 STATEMENT OF PHILIP WAYSTACK

21 MR. WAYSTACK: Chairman and members of the committee,
22 first of all, I would like to thank you for taking me out of

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1 order, so to speak. What this committee is doing is very
2 important. As you know, the New Hampshire Bar Association has
3 long had an interest in it.

4 I noticed in the program that you provided that you
5 had had on here consideration of national and public support
6 centers. I have a few prepared remarks and I can promise you
7 they will be quite brief.

8 However, before getting into that, there are just a
9 few things I would like to say. In the first instance, I guess
10 I would characterize what I have heard this morning as high tech
11 support. I can tell you from my standpoint that I am very
12 supportive of it and I would guess that my Bar Association is as
13 well.

14 The concern that I have with respect to this "high
15 tech support" is simply this: Is it the intention of this board
16 to seek additional funding from Congress for this high tech
17 support or is it the intention of this board to take money away
18 from the current support centers to do it?

19 I can tell you that if the intention of this board is
20 to aggressively work with Congress to obtain additional funds
21 for this, we support you 1000 percent. If it is the intention
22 of this committee or the LSC board on the other hand to take

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1 money away from the current support centers, we will fight you
2 on that.

3 With that in mind, I am going to deliver, if I may,
4 the brief remarks --

5 CHAIRMAN UDDO: Is that true even if the high tech
6 support would adequately perform the same function as the
7 current system?

8 MR. WAYSTACK: At least from what I see, Chairman
9 Uddo, it does not appear that that is the case.

10 CHAIRMAN UDDO: That was not my question. My question
11 is: If that were the case? I do not know what the case is. We
12 are just listening right now. Would you still oppose it even if
13 the high tech support could perform essentially the same
14 functions?

15 MR. WAYSTACK: If I were convinced that high tech
16 support could provide the exact same function, I would have to
17 look at it on that basis. Those facts are not in front of me
18 now, so it would really be conjecture of me to get into that.

19 CHAIRMAN UDDO: I understand.

20 MR. WAYSTACK: It is my understanding that this
21 committee is studying alternatives to the support center system
22 in our nationwide attempt to provide high quality legal services

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1 to the poor.

2 I presume that this committee must have credible
3 evidence that the current and longstanding support center system
4 must be seriously flawed and therefore in urgent need of
5 alternatives.

6 Certainly it would be illogical, costly, and downright
7 foolish to be spending federal funds, intended to meet the legal
8 needs of the poor, to fly in host members of this committee in
9 San Francisco unless there is some compelling reason for doing
10 so and for doing so now.

11 I suppose that in the event that no compelling reason
12 existed, that someone could characterize this study this morning
13 as inappropriate and wasteful. With this in mind, I would
14 simply like to call on this committee to articulate the
15 compelling reasons which presumably justify this study of
16 alternatives at this time.

17 I am given to understand that no compelling reasons
18 for studying the alternatives to the support center systems
19 exist. To the contrary, I am given to understand that the
20 support center system is essential to the quality of delivery
21 for legal services to the poor.

22 Moreover, every single study which has been undertaken

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1 on this issue has consistently and clearly proven that support
2 centers are critical to the overall delivery of legal services
3 to the poor.

4 They are very much utilized and much needed by the
5 staff attorneys and paralegals in the field. They are strongly
6 supported by everyone involved in the effort to preserve legal
7 services for the poor with the sole and sad exception, at least
8 in the past, of the majority of the Legal Services Corporation
9 board of directors.

10 The Legal Services Corporation has conducted five
11 independent studies on support centers since 1975. Each and
12 every one of those studies has documented the high quality and
13 the cost effective work of the support centers.

14 The most recent independent study, conducted by the
15 National Opinion Research Center in the summer of 1983, reported
16 that 94 percent of all project directors, 87 percent of all
17 field attorneys, and 58 percent of all paralegals received
18 assistance from the support centers during the study period.

19 Your own staff has surveyed this issue again in 1985.
20 While unscientific, this survey corroborated the heavy reliance
21 on support centers with the average legal services project
22 making use of the support centers over 100 times each year.

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1 The protection of legal rights is not a static
2 exercise. The law continues to evolve to become more complex.
3 There can be no question that specialization continues to grow
4 in the legal profession. Legal services programs do not have
5 the manpower nor the financial ability to specialize in all
6 areas of poverty law.

7 They must rely on support centers in order to provide
8 competent quality legal services to the poor and to their
9 disadvantaged clients. I am sure that the LSC board knows this.
10 Then why, I ask myself, did the board vote to eliminate funding
11 for support centers in 1986?

12 Why does this committee continue to look at
13 alternatives to support centers? What is this committee's
14 motivation? Bill Whitehurst, the outgoing president of the
15 Texas State Bar, addressed this committee on March 7, 1987 and
16 said, "If you wanted to systematically destroy the legal
17 services program in this country, the first thing that you would
18 do is to dismantle the state and federal support centers."

19 Is that this committee's motivation? I am leaving
20 this meeting to moderate a group of state bar leaders at the
21 National Conference of Bar Presidents. We will be talking about
22 the funding and the activities of the Legal Services Corporation

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1 because the activities of the Legal Services Corporation have
2 excited the attention and the concern of a great majority of the
3 bar leaders in this country.

4 When I addressed the LSC board in March of '87 in
5 North Carolina, I said that the attempts by the Legal Services
6 Corporation board to eviscerate the provision of legal services
7 to the poor would serve as a catalyst to coalesce the ever
8 growing movement of responsible lawyers to fight these attempts.

9 The lawyers in New Hampshire in our board of
10 governments has given me a message to pass on. That message is:
11 We are committed to preserving legal services for the poor.
12 Don't let the LSC dismantle the structure that makes this
13 commitment a reality.

14 More recently, Representative Robert Kastenmeier from
15 Wisconsin said on June 9, 1987, "Legal services for the poor is
16 a commitment and it is fruitless to attempt to author what has
17 been settled." Does the LSC board accept and understand the way
18 we feel about this?

19 I would add, just briefly, in closing that I have a
20 two man law firm. I practice in rural northern New Hampshire
21 along the Canadian border. Basically, I am a general
22 practitioner.

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1 As such, I am required to be able to deal with a lot
2 of different people in a lot of different situations. I would
3 draw an analogy perhaps between my private practice and many of
4 the legal service programs.

5 I cannot exist. I cannot be competent. I cannot
6 protect the rights of my clients without support. I am damned
7 if I can explain how the legal service programs can do
8 differently.

9 CHAIRMAN UDDO: Thank you, Mr. Waystack. Concerning
10 your last comment, I have a question: Where does your support
11 come from?

12 MR. WAYSTACK: My support comes from a number of
13 places, generally speaking, frankly, many of the large firms
14 both in my state and in the New England area.

15 We are able to do that because they have strict
16 specialists in many areas. For instance, a patent question.
17 For instance, a question involving medical malpractice. We can
18 draw on the large firms to help us in that regard.

19 The same thing does not exist, as I understand it, for
20 the legal services program.

21 CHAIRMAN UDDO: You associate people from those firms;
22 is that what you do? I am not understanding how you get --

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1 MR. WAYSTACK: I understand you are a law professor
2 and perhaps it is a little different from that standpoint. I
3 found out -- I have been practicing law for 12 years -- some
4 years ago, if a complex problem were presented to me that I was
5 not confident to handle, the worse thing I could do was try to
6 handle it myself.

7 What has occurred in New Hampshire -- which is, I am
8 sure you know, a small bar association -- is a referral, a kind
9 of an ad hoc referral basis with larger firms who are interested
10 in picking up such cases.

11 We are in the process of subscribing to what was
12 mentioned earlier AVA net or more electronic high tech
13 involvement for support. That support has got to be there in
14 some shape or another.

15 My concern, Mr. Chairman, is that the national and
16 state support centers that have been used, that there is history
17 for, the legal services programs worked. If you can amend those
18 -- if what we are hearing today is a complement, an addition,
19 great. If it is to take away those national support centers, we
20 are against it.

21 CHAIRMAN UDDO: I would still hope that you would
22 withhold your judgment until you would see what the

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1 recommendation of the committee is, even if it would be the
2 recommendation that might include some integration of high tech
3 support with an existing system or some reformulation of an
4 existing system.

5 I do not think you mean to say that you are already
6 against anything that the committee recommends unless it keeps
7 the present system intact exactly the way it is. I mean, I
8 would assume --

9 MR. WAYSTACK: Let me say this if I can, Mr. Chairman.
10 My concern is that, as I understand it, you have had hearings on
11 this matter about state support centers many times in the past.

12 CHAIRMAN UDDO: This is the second time.

13 MR. WAYSTACK: You have studied the problem; you have
14 looked at the problem -- five independent studies and your own
15 survey conducted on the issue. You really have not heard
16 anything that I am aware of that says it does not work. You
17 have not heard anything that says it is not cost efficient.

18 I guess my question is, if you want to improve on it,
19 that is add to the existing system to make it better, fine. If
20 you begin with the ground stone that there is no problem -- it
21 is cost efficient and it works.

22 That is why I have to say at this point, I am against

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1 it. I have seen nothing empirical to tell me otherwise.

2 CHAIRMAN VALOIS: Mr. Waystack, let me start with some
3 kind of statistic like 100 percent of the sled manufacturers are
4 opposed to introduction of a wheel, and 100 percent of the wagon
5 wheel makers were opposed to the introduction of the automobile.

6 I hear you say, and I accept your representation that
7 you are committed to protecting legal services, I think. Are
8 you also committed to improving the delivery of the legal
9 services?

10 MR. WAYSTACK: Let me answer the first part of your
11 question. In New Hampshire, Mr. Valois, we have both wheels and
12 sleds.

13 With respect to committed to improving what the legal
14 services programs can do, absolutely. I guess my view is as
15 though I was from Missouri. You have got to show me though. I
16 have not seen a thing that says what is there is not working.

17 MR. VALOIS: You are not that fellow that was referred
18 to earlier that had that iron rack system with multi-colored
19 cards to track cases with; were you?

20 MR. WAYSTACK: Not I.

21 MR. VALOIS: I think everybody on this board has said
22 to each other and I thought perhaps conveyed the notion to the

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1 public that we are dedicated to improving legal services.

2 I hear your testimony come up here, frankly, based
3 upon wrong impressions. You started with the proposition that
4 we had voted to eliminate national state support or some such
5 things. That is not what we did at all.

6 MR. WAYSTACK: Let me amend that. You voted to
7 eliminate funding for that.

8 MR. VALOIS: No, that is wrong, too. What we voted to
9 do was to permit the individual programs to vote with their
10 dollars where the national and state support dollars were to be
11 located. We simply were then voting to change the system.

12 So I hope when you go to meet with those state bar
13 presidents, you won't make the representation that we voted to
14 eliminate state and national support dollars. That is not what
15 we did.

16 MR. WAYSTACK: You voted, as I understand it, Mr.
17 Valois -- and please correct me if I am wrong -- against a
18 system that was in place and working. I understand you may have
19 done it for some other reasons, but that is the fact as I
20 understand it.

21 As I understand it now, we are back where we were with
22 the national and state support centers, a place that is

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1 comfortable to legal services programs.

2 MR. VALOIS: Where we are is in a continuing process,
3 from what I understand is part of the duties of the members of
4 this board to continue to examine existing structures and
5 frankly to think we can improve on them, I think we have the
6 duty to do that. That is what it is all about. That is why
7 these hearing have been held.

8 The fact that you have not heard anybody condemn the
9 old system does not translate into prohibition against us
10 studying the situation, I do not think.

11 MR. WALLACE: Mr. Chairman, since our motives have
12 been questioned, I want to answer a question as to myself. I
13 have had a chance to see a lot of work on the support centers
14 because I have been wrestling with the question of lobbying in
15 my committee for the last three years, ever since we got here.

16 We finally have a final regulation published on the
17 subject. The evidence brought before my committee indicates
18 that the state and national support centers are extremely active
19 in lobbying. I am going to read you a couple of paragraphs from
20 some documents that came from my committee.

21 This is a state support center trying to solicit funds
22 from a placement: "At least as important as any administrative

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1 proceeding we may undertake will be the assistance we will give
2 state and local advocacy groups wishing to propose rules. We
3 can offer a vast experience in both formulation and drafting of
4 regulations."

5 We are experts not only in lobbying for their adoption
6 but in teaching others how to lobby effectively. We have got
7 language from a national --

8 MR. WAYSTACK: Where was that, Mr. Wallace, if I may
9 ask?

10 MR. WALLACE: I do not want to evade the question, but
11 I do not know whether -- when we looked at this in January, we
12 were told not to disclose the names of the individuals in the
13 centers involved because our staff had made some kind of
14 commitment to Congress that we are not going to publicize it.

15 That commitment may have changed since January. Mr.
16 Bayly, I want you to get back to this gentlemen if we are able
17 to give him documents. I certainly do not want to suppress the
18 documents.

19 I would like to pass them all over the ABA because I
20 think they show that there is a good bit of lobbying going on in
21 the state and national support centers. This is an national
22 support center again seeking funds.

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1 "We meet with people in church related and social
2 welfare organizations in Washington, working on issues, and
3 worked with them to ensure that the concerns of the poor are
4 considered and policies are developed."

5 State and national support centers advertise their
6 expertise in lobbying. Lobbying it seems to me is something
7 that we are not particularly interested in making one of our
8 primary goals.

9 Nobody has shown me yet that the substantive research
10 functions performed by a state and national support centers
11 cannot be performed just as well by a lawyer and a library or
12 with access to computers. It seems --

13 MR. WAYSTACK: Can I stop you right there, Mr.
14 Wallace?

15 MR. WALLACE: Let me finish my sentence. I have one
16 more sentence and I am going to finish. It seems to me that the
17 notion of needing specialized research has been a Trojan horse.
18 We set these programs up on the pretence that they are primarily
19 research and support organizations.

20 Of course, they do that and then they use the
21 facilities generated to go become experts in state and national
22 lobbying affairs. I am not interested in supporting that kind

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1 of thing.

2 If you can show me something these people do that
3 cannot be done just as well from other research functions, I
4 will keep them in business. My view is they are primarily
5 lobbying organizations. I think they can go raise your own
6 money for that instead of having the federal taxpayers do it for
7 you.

8 MR. WAYSTACK: Let me ask you this, Mr. Wallace. What
9 state and national support centers advertise that they do
10 lobbying? What is the basis of your information?

11 MR. WALLACE: I just read to you from those documents
12 and I read both quotes --

13 MR. WAYSTACK: You read both quotes.

14 MR. WALLACE: Yes, I have.

15 MR. WAYSTACK: It is your personal characterization
16 that they are lobbyists?

17 MR. WALLACE: You bet it is.

18 MR. WAYSTACK: Who made the second quote, Mr. Wallace?

19 MR. WALLACE: I would love to spread it all over this
20 convention if they do not have a confidentiality problem.

21 MR. WAYSTACK: Mr. Wallace, who made the second quote,
22 sir? You were not able to give me the first one.

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1 MR. WALLACE: The same thing with Mr. Bayly. I am not
2 trying to dodge the issue. I wanted to get it out in public in
3 January. I hope we can get it out in public now. I would love
4 to be able to get what is actually going on in some of these
5 state and national support centers on the table.

6 MR. WAYSTACK: I would like to respond to what I think
7 was a question in your remark there. How can you tell me that a
8 support center would be better for an attorney than a lawyer in
9 a library. I will attempt to answer that for you not being an
10 expert in the subject.

11 If one is faced with an economically disadvantaged
12 client who also has some physical or mental disabilities -- and
13 there are a myriad of federal regulations concerning that.

14 I have been involved with a case, not an economic
15 depressed, but that situation. I do not know how -- speaking
16 from the state of New Hampshire -- that it is an efficient or
17 even logical exercise to send one of our legal service attorneys
18 to spend a day or two in the library looking at the myriad of
19 federal regulations when, by picking up the phone and spending
20 twenty to thirty seconds on the phone with someone who is
21 familiar with the problem, he can get the same answer.

It would seem to me, Mr. Wallace, that is a waste of

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1 resources.

2 MR. WALLACE: I do not know which regulations you are
3 talking about but I hope everyone of our offices has a social
4 security expert on staff. If they do not, they should because
5 there is a lot of -- that kind of thing comes up every day.

6 I hope everyone of our recipients has an AFTC expert
7 on staff because those regulations come up every day, the same
8 with housing. If our local organizations are not big enough to
9 have economies as scale to have an AFTC specialist on staff,
10 then we need to merge some of these little outfits we have
11 got --

12 MR. WAYSTACK: Are you a specialist yourself, Mr.
13 Wallace?

14 MR. WALLACE: Am I a specialist? No, sir, I am not a
15 specialist. I try any kind of lawsuit that comes down the pike.

16 MR. WAYSTACK: Do you consider yourself an expert in
17 every area of law, sir?

18 MR. WALLACE: Absolutely not.

19 MR. WAYSTACK: Don't you think it is kind of
20 ridiculous to suggest that the legal services lawyers should be,
21 sir?

22 MR. WALLACE: I think that when you have got an

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1 organization which has -- as I understand it -- the reason we do
2 not have judicare, the reason we have these staff attorney
3 systems is so we can have specialists for those staffs, so you
4 have people who are carefully connected and regularly connected
5 with the real needs of the poor.

6 Social security and AFTC come into our offices in the
7 legal services program every day. I do not have -- it seems to
8 me if you have got that big of volume, you ought to have
9 somebody on your staff who is thoroughly familiar with those
10 cases.

11 There are firms that do collections and they have got
12 lawyers to do collections and that is all they do. They know
13 all the law about collections. Why is social security any
14 different in our staff programs?

15 MR. WAYSTACK: The suggestion I made was not social
16 security. Let me just ask you this, Mr. Wallace, in closing:
17 Can I assume therefore, sir, that you personally as a member of
18 the LSC board are against national and state support centers
19 based on what you have just told me?

20 MR. WALLACE: As they presently exists, I have not
21 seen a case to justify the continued funding in state and
22 national support centers. It seems to me to be primarily a

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1 lobbying institution and I do not see why we should fund it.

2 MR. WAYSTACK: I would appreciate it, Mr. Bayly, if
3 you would provide me with the information that Mr. Wallace
4 suggested that you might.

5 MR. WALLACE: I would appreciate it too if we can. I
6 would like to get that out.

7 CHAIRMAN UDDO: That request has been made. I am sure
8 Mr. Bayly will try to do that. Before you leave, Mr. Waystack,
9 let me just put this back in perspective. I told Mr. Whitehurst
10 this when he was in New Orleans, so I want to make sure it is on
11 the record here, too.

12 I voted and argued against the board's judgment to
13 shift national and state support money from directly being
14 granted to those centers to the individual field program. I
15 still do not think that is a good idea.

16 These hearings, as far as I am concerned, are not just
17 a way to justify that decision. These hearings are being held
18 to try to make some judgments about improving that system or
19 dealing with alternatives to that system if there are problems
20 with it which our final report will have to identify what those
21 problems are.

22 So I just want to make sure that stays in perspective.

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1 I think my attitude towards this is pretty clearly not to just
2 justify that board decision. I voted against it and still do
3 not think it is the way to do it.

4 MR. WAYSTACK: Mr. Uddo, we appreciate your support
5 personally, sir.

6 CHAIRMAN UDDO: I appreciate your appreciating my
7 support.

8 MR. WAYSTACK: Thank you very much for providing me
9 time to say a few words.

10 CHAIRMAN UDDO: You are welcome. Because it is five
11 minutes until noon, we do not have time to get into our next
12 panel, so I think we stand in recess until 1:30. We have two
13 more panels and then time for additional public comment.

14 Thank you.

15 (A recess was taken for lunch.)

16

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AFTERNOON SESSION

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We have a quorum of the subcommittee, so I think I am going to get us underway here. The next panel, that we deferred until after lunch, I will reintroduce and add another name that had not been given before.

There are four people here from the Matthew Bender Company. Ms. Pamela Saliender is a vice president of sales and marketing at Matthew Bender. She is an attorney and a member of the California bar. Along with Ms. Saliender is Louis Lucarelli. Also from Matthew Bender is Dennis McClellan and Robert Mitch.

If you all would come up to the table. The purpose in asking these representatives from Matthew Bender here today is to give the committee as thorough an insight as possible into what research materials are available in the private sector and the commercial world in an effort to help us evaluate what is in existence and available, particularly those things that might be useful to the Legal Services world.

That is the purpose in asking you here today. We look forward to hearing what you have to tell us.

PRESENTATION BY PAMELA SALIENDER

Thank you very much. Well, you have introduced us.

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1 Let me introduce Matthew Bender. We are an established and
2 leading local publisher. We have been in business for one
3 hundred years.

4 During that time, our primary goal has been to provide
5 books for practicing lawyers. Just to understand a little more
6 about what we do, our books are practice tools. That is, we do
7 not provide reports of cases and statutes.

8 What we provide is commentary, analysis, forms,
9 checklists, guides, basically the how-to-do of law practice. In
10 the legal publishing industry, this is called secondary source
11 publishing because it takes the primary sources and turns them
12 into a secondary source. We are the leading publisher of
13 secondary source materials.

14 Our current list of active titles is a little under
15 five hundred. What you can see displayed over here are just a
16 few volumes of the books that we are going to talk about today.
17 Understand that most of our books are not books, they are sets
18 of books. They are multi-volume sets. I think our largest one
19 is about 54 volumes.

20 So if we had brought them all, we would have had to
21 had a little bigger room here. We cover just about every legal
22 practice area. We have a significant commitment to continuing

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1 to serve the needs of the legal community into two very
2 important ways.

3 One is to maintain the currency and quality of our
4 existing sets. Once you have purchased a Matthew Bender book,
5 it needs to be as good a tool for you ten years from now as it
6 is today. Therefore, that is one of our main commitments.

7 The other commitment we have is to providing new books
8 in new areas. Just as one example, ten years ago there was not
9 much talk about unjust dismissal in the workplace. Obviously
10 that is a very important topic and an important topic to your
11 clients today.

12 That is an area where we have not published. So we
13 continue to meet the needs of the legal community in that
14 regard. We have a significant number of resources that we use
15 to meet that commitment.

16 Just talking about our editorial staff alone, we have
17 over 500 people in our editorial department, about half of them
18 are lawyers. The lawyers spend their time writing and reviewing
19 material from the outside.

20 They have, in addition to an extensive source of
21 materials, methods of getting the cases as soon as they come
22 from the courts and so on. They have about five million dollars

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1 of computer equipment that is set aside just for this work.

2 In addition, we have many outside offers. Frankly, I
3 have never counted them. My guess is somewhere between about
4 1500 and 2000. They are most often experts in their field. The
5 thing that they bring, in addition to this expertise, is to give
6 us access to some of the best legal minds in the legal
7 community, in the country and also, the benefit of having the
8 practical knowledge of what goes on as these cases are handled
9 in the real world. So we provide all that.

10 What this results in is books that we think are of top
11 quality. Our books have been thoroughly reviewed in many of the
12 leading periodicals. Many of our books are on the ABA
13 recommended lists of legal periodicals. Our books are current.
14 They are frequently updated.

15 In addition, our editorial staff is accessible to be
16 called to find out about a very current development, if that
17 should come up. They are always happy to take the calls.
18 Frequently purchasers will know of a case that they have heard
19 about that is quite new and they did not get the citation or
20 whatever; basically, we are available to do that.

21 Our books are practical, as I have said before. They
22 give the law, the strategy, the checklists and that is the kind

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1 of thing that we are doing.

2 Who are our users? Basically, the attorneys that use
3 our books and their clients. Well, not as you might think,
4 large law firms with big wealthy corporate clients. Certainly
5 we have some business related books. We sell those books to
6 those people.

7 About 85 percent of our customers in the private
8 practice of law are in firms of one to five, one to five
9 attorneys. In many instances, with clients dealing with exactly
10 the kinds of problems that the clients -- that are dealt with by
11 Legal Services attorneys -- are dealing with.

12 Now, our books are not only used in the private
13 practice of law, although that is a predominant use. They are
14 used in other areas as well. Some are pretty obvious. There
15 are attorneys in corporations. One area where they are used a
16 lot is in government.

17 Most federal judges use our Moore's Federal Practice.
18 The Department of Labor uses our Workmen's Comp book on just
19 dismissal. OSHA uses our OSHA book. The Civil Rights
20 Commission uses our book on civil rights. Usually, our books do
21 not have very creative titles. These are the titles. There
22 really is a book on civil rights. I think that is the name of

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1 it.

2 EEOC supplies to all 26 regional counsel employment
3 discrimination, civil rights on just dismissal, so the books are
4 very widely used and we believe would be well suited in many
5 instances for your attorneys and your clients.

6 What we have prepared to show you today is a proposed
7 library of those titles that Matthew Bender publishes that we
8 believe are directed towards the needs of your counsel. We have
9 tried to learn the information we can about what it is that you
10 all do.

11 We have, in conjunction with talking to some of the
12 people in your Washington, D.C. office, come up with a list of
13 titles that we think are well suited for the needs of your
14 attorneys in your offices.

15 Therefore, what we have proposed to do today is to
16 show you that list. We have 25 titles. We realize, of course,
17 that this is just a proposed list of books. It will obviously
18 need to be modified somewhat. As one example, we publish books
19 in local states.

20 For example, we publish a family law set in Texas and
21 one in California and one in Florida. That set would be better
22 suited to the attorneys in those states and our national title.

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1 you some specific points in terms of the coverage of those
2 products.

3 The first area is Claims Before Administrative
4 Agencies. We have two products in this area. The first is
5 "Administrative Law." "Administrative Law" is written by Basil
6 Mezines and Jacob A. Stein. They are both members of the
7 District of Columbia and Maryland Bar.

8 The coverages in "Administrative Law" are powers,
9 functions, procedural practices of federal agencies -- I might
10 add that while they are covered in federal agencies is specific
11 emphasis on help and human services -- Freedom of Information
12 Act and also equal access to justice acts.

13 The next product is "Social Security Practice Guide."
14 The "Social Security Practice Guide" was written by experts from
15 the National Organization of Social Security Claimants. Its
16 coverages include disability, SSI, retirement and survivor
17 benefits. It covers both the entitlement and procedures.

18 Our next area is Protection of Individual Rights. We
19 have a number of publications in this category. First is "Civil
20 Rights Actions." The authors of this book are Joseph G. Cook
21 and John L. Sobieski, Professors of Law at the University of
22 Tennessee.

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1 Its coverage includes emphasis on 42 U.S.C. Section
2 1983 actions, 42 U.S.C. Section 1981, '82, '85, '86. It
3 discusses immunity, relationship between state and federal
4 courts, and procedural and remedial issues.

5 This is a relatively new title, "Privacy Law and
6 Practice." It is authored by George B. Trubow, editor-in-chief,
7 Professor of Law and Director of the Center for Information
8 Technology and Privacy Law, John Marshall Law School.

9 Its coverages include sexual and personal matters,
10 financial matters, employment matters, criminal and juvenile
11 justice records, education records, and health and medical
12 records.

13 The next category is Federal Practice. The first
14 publication we offer in this category is "Moore's Federal
15 Practice." The author of this publication is Judge Moore,
16 Sterling Professor of Law at Yale University. Judge Moore was
17 involved in the actual writing of these procedure when they were
18 first written.

19 This book is included in recommended law books for the
20 American Bar Association. It is often cited by federal court
21 judges as the authority on a federal case. Its coverages
22 include the source for the law governing civil practice in

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1 federal courts. It is used and cited, as I said, by most
2 federal judges.

3 Our next publication is a relatively new publication,
4 "Federal Litigation Guide." Federal Litigation Guide is
5 basically a how-to of federal court practice. It discusses
6 strategies and tactics, procedural considerations, references to
7 Moore's Federal Practice.

8 This publication, "Modern Federal Jury Instructions,"
9 is a clear understandable instruction as to jury instruction.
10 It is accompanied by "Case Law and Commentary." It covers 42
11 U.S.C.S. 1983, housing, employment, age discrimination. Recent
12 updates include matters dealing with Civil RICO.

13 Our next category is Practice Tools. We have in this
14 category a series of 11 single volumes entitled "The Art of
15 Advocacy." Some of the titles covered are jury selection,
16 opening statements, summations. They are case winning
17 techniques for all stages of trial.

18 Our next publication in this area is "Bender's Forms
19 of Discovery." This once again is included in the recommended
20 law books by the American Bar Association. Its coverage is
21 interrogatories and over 200 titles.

22 Some of those being pertinent to Legal Services

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1 Corporation activities, civil rights, divorce and separation,
2 employment discrimination, fair credit reporting, truth in
3 lending. It also covers related areas of discovery and
4 inspection. In volume 12A of this set it covers administrative
5 agency filings.

6 Our next category is Consumer and Credit Issues.
7 Within this category, our first product is "Consumer Credit:
8 Law Transactions and Forms." This publication is authored by
9 Kenneth M. Lapine, partner in the law firm of Hahn, Loeser &
10 Parks in Cleveland, Ohio.

11 Its coverages include Truth in Lending Act, Equal
12 Credit Opportunity Act, fair debt collection practices,
13 Community Reimbursement Act, and the Fair Housing Act.

14 "Debtor and Creditor Law," authors are Theodore
15 Eisenberg, editor-in-chief and Professor of Law at Cornell
16 University. Its coverage includes consumer legislation, UCC,
17 sales warranties, commercial paper, usurious transactions,
18 possessory proceedings, remedies and insolvency, and
19 enforcement.

20 Work Related Issues relevant to Legal Services
21 Corporation activities. Our first product in this category is
22 "Labor Law." The author of this product is Theodore Kheel, a

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1 well-known labor attorney in New York.

2 Its coverage includes a labor law newsletter. It
3 provides a full analysis of all areas of labor and employment
4 including federal and state coverages. It applies to the NLRB,
5 EEO, wage and hour laws, OSHA, benefits, employment at will,
6 employee rights, equal pay act, and, of course, Title VII.

7 "Employment Discrimination," this publication is
8 authored by Dr. Arthur Larson, James P. Duke Professor of Law,
9 Duke University. The Duke Law Journal comments on this
10 particular publication:

11 "Employment Discrimination is a valuable addition to
12 the field of labor law. In terms of clarity of thought and
13 completeness in coverage, the treatise is unrivaled."

14 Its coverages include coverage of most forms of
15 discrimination, emphasis on sex and race, Title VII procedures
16 and EEO procedures.

17 Our next title is a fairly hot topic these days,
18 "Unjust Dismissal." It has a step-by-step practical guidance
19 regarding free speech and privacy in the workplace, employee
20 testing, garnishment, OSHA, workmen's compensation, union
21 activities, federal and state-by-state law.

22 Its author is Lex K. Larson, member of the District of

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1 Columbia and North Carolina Bars.

2 Our next product is "Employee Immigration Compliance
3 Guide." This is a new product introduced this year. It
4 reflects legislation regarding the new immigration act. It is a
5 monthly newsletter.

6 It addresses legislation under the new act covering
7 INS guidelines and definitions, citizenship status
8 discrimination, the text of the act as proposed and regulations
9 and forms, regulations as they are promulgated.

10 Our next publication is "Occupational Safety and
11 Health Act." This is a basic guide to state OSHA regulations,
12 tips on handling OSHA cases, focus on mining: long, short and
13 construction regulations.

14 It is authored by Roscoe B. Hogan and R. Ben Hogan,
15 members of the firm Hogan, Smith & Alspaugh in Birmingham,
16 Alabama.

17 "The Law of Workmen's Compensation," the author of
18 this publication is Dr. Arthur Larson. This is recommended in
19 the American Bar Association journal with a commentary:

20 "...an outstanding work, not only because the author
21 treats with accuracy, completeness and discerning criticism a
22 complicated and important area of modern American Law, but also

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1 because he uses the English language with precision and grace."

2 Its coverages include the authority -- it cites all
3 cases from all states since 1952. It has legal principles,
4 working rules, procedures, and forms.

5 Our next category of publications are within the
6 health and medical area. Our first publication offered in this
7 area is the "Attorney's Dictionary of Medicine." "Attorney's
8 Dictionary of Medicine" is authored by Joseph Schmidt.

9 It is recommended by the American Journal of Forensic
10 Psychiatry. Its coverages include defining medical terms used
11 in medical records, definitions clear, presupposed, no medical
12 knowledge and a reversicon.

13 A reversicon takes layman's language and translating
14 it into medical terminology and also taking medical terminology
15 and reversing it into layman's language.

16 Our next publication is "Health Care Law: A Practical
17 Guide" and also an accompanying newsletter. Its coverages are
18 patient care, abortions, sterilization, medicare and medicaid,
19 right to refuse treatment, right to die -- all very current and
20 hot topics.

21 "A Guide to Rehabilitation," authored by Paul M.
22 Deutsch, Ph.D and Horace W. Sawyer, Chairman of the Department

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1 of Rehabilitation Counseling at the University of Florida. It
2 is recommended by the American Journal of Forensic Psychiatry.

3 Its coverages include specific injuries and
4 impairments, rehabilitation evaluation, ability based on
5 personal and socioeconomic data, minors, elderly, those with
6 limited work history, using expert and rehabilitation
7 counselors.

8 This publication "Proving Medical Diagnosis and
9 Prognosis" is authored by Marshall Houts and Leonard Marmor,
10 Professor of Surgery/Orthopedics, UCLA Medical Center.

11 Its coverage are hundreds of tests explained:
12 orthopedic, neurological, and clinical; how and why performed;
13 understanding significance of the tests and using results to
14 support the disability; evaluating expert opinions.

15 Our final category -- I bet you did not think we would
16 get there -- is domestic relations. We understand that 30
17 percent of the cases you handle are in the domestic relations
18 area. We have a very comprehensive group of publications to
19 offer in this category.

20 The first being "Family Law and Practice," a
21 relatively new set of books authored by Arnold H. Rutkin,
22 General Editor, Immediate Past Chairman of the Family Law

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1 Sections of the Association of Trial Lawyers of America.

2 Family Law and Practice coverage are all family law
3 practice areas including divorce, separation, interstate
4 support, UCCJA, and PKPA, parental rights, foster care, child
5 abuse and neglect, and domestic violence.

6 As Ms. Saliender noted, we also have local sets
7 addressing themselves to family law issues.

8 More specific on point topics, this publication is
9 "Child Custody and Visitation Law and Practice." Its coverages
10 are all aspects interviewed through trial and appeal. Once
11 again UCCJA and PKPA, use of experts including social workers.

12 Our next publication is "Separation Agreements and
13 Ante-Nuptial Contracts." This is authored by Alexander Lindey.
14 It includes coverage of forms and separation agreements, related
15 forms, ante-nuptial contracts, and rights of unwed couples.

16 This publication "Disputed Paternity Proceedings,"
17 comprehensive coverage of HLA and allied tests, how to avoid
18 emotional and contradictory testimony. It also provides defense
19 strategy and trial tactics.

20 Summing up, as noted, these publications were selected
21 as a result of our reviewing your specific areas of practice.
22 We believe them to be of value as an everyday work tool to your

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1 attorneys.

2 We look forward to serving the Legal Services
3 Corporation in the future as a resource. Thank you.

4 CHAIRMAN UDDO: Thank you. Do any members of the
5 committee or the board have any questions?

6 MR. WALLACE: I have got one, Mr. Chairman. I did not
7 realize you could call Matthew Bender with questions. I have
8 been using your books for years. Can you describe how that
9 works to use that at the other end of the line? That is news to
10 me.

11 MS. SALIENDER: As I said, we have an editorial staff
12 of over 500 people. We have an 800 number into both of our
13 editorial offices. I was in the editorial department for 14
14 years, so I can speak with some authority on this because I took
15 a lot of these calls.

16 When people call us, we obviously do not give any
17 advice on cases. Certainly if someone wants to know about a
18 more current development or when something is going to be
19 appearing in the books that is not in there now or whatever, we
20 have always taken those calls and gladly responded.

21 MR. WALLACE: What kind of current developments
22 because obviously you cannot say, "I think you ought to take

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1 your client and do this."

2 MS. SALIENDER: No.

3 MR. WALLACE: New information cases that are not
4 published yet? Give me an idea of the kind of information that
5 you can give out on the telephone. Let's say I have got a
6 problem. I have looked it up in your book. It was not there.
7 What can you tell me about it?

8 MS. SALIENDER: As an example, you can say, "I looked
9 it up in the book and it was not there. When is it going to be
10 there?" That is a question.

11 MR. WALLACE: Or does it exist?

12 MS. SALIENDER: That is a question we hear: Is it
13 going to be there at all? Sometimes, and this is actually a
14 more frequent kind of question: a person has an issue and goes
15 to the Matthew Bender book that they think would cover that
16 topic and they do not find it there. So they call and ask.

17 That is probably the most frequent kind of issue.
18 They call and say, "Well, I did not find it there." We find it
19 for them either because we had categorized it with different
20 terminology and they were not looking into those terms or in
21 fact we put it in another book.

22 Obviously there are issues that appear in more than

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1 one place and sometimes an editorial judgment is made. It goes
2 in one place and not another. Those are frequent questions.
3 Another good example is not an area that concerns Legal Services
4 Corporation so much, but insurance bad faith cases.

5 You know, there is that recent U.S. Supreme Court
6 Pilot Life case that is obviously going to have a big impact on
7 the use of bad faith. A lot of people are interested in that.

8 We have had calls about people just saying, "Do you
9 happen to have a copy of the opinion? Could you send it to us?
10 Could you tell us when there is going to be an update?" Things
11 like that. That kind of stuff we are always very happy to
12 provide.

13 You probably are going to ask me the numbers. I do
14 not know them. You call us. We will be glad to respond.

15 CHAIRMAN UDDO: Are there any other questions from the
16 committee?

17 (No response.)

18 CHAIRMAN UDDO: I have one question. How do you
19 evaluate a market before you decide to create a publication for
20 it? What does it take before you decide to do a service or a
21 book for a particular area?

22 MS. SALIENDER: There is no one easy answer. We wish

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1 there were. Some are very obvious. Insurance bad faith was
2 very obvious. Unjust dismissal was very obvious to us.

3 Those were topics -- but it was very clear just from
4 what you would call casual research; that is just hearing from
5 our customers, just reading the newspapers. We knew. If you
6 have been in this business, you just kind of have a sense.
7 That is one way.

8 It is pretty clear that this is the book to do.
9 Sometimes it becomes clear just in our local publishing when a
10 local jurisdiction gets to be a size to support it. It is very
11 clear that local attorneys need books on family law. That is a
12 topic where a lot of people practice.

13 Why have we not published family law for Rhode Island?
14 Because there are not enough attorneys in Rhode Island to buy
15 the book. When there get to be, we will. We published one in
16 Florida last fall. Florida was a sufficient size. That is one
17 of the things.

18 Of course, we do not think that the family law
19 practice in Florida is just like California. We do some finding
20 out about what they do and how much they cover. There are a lot
21 of statistics available.

22 The other thing we do is what I would call very

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1 serious research where we put together a questionnaire of a lot
2 of information that we want to provide. We call maybe 500 or
3 1000 people. We describe a publication. We ask them their level
4 of interest, whether they would make a purchase decision.

5 We do the kind of market research -- we are not
6 Colgate. We cannot put out a tube of a new flavor of toothpaste
7 and put it in 100 families and see if they like it. So we have
8 to try to learn to describe the publication and then ask the
9 level of interest.

10 Sometimes we are lucky because sometimes we have
11 something that is similar and we show it. You always get a
12 better response when you can show it than when you can describe
13 it. You can say, "Here, look at this. If we put out something
14 like this with these changes, how would you feel about it?"

15 We have a market research department and we use a
16 number of outside market research firms. Market research is a
17 pretty important part of what we do in making those decisions.

18 CHAIRMAN UDDO: Do you have any idea or would you even
19 disclose what sort of subscription level you would need before
20 you consider something commercially feasible?

21 MS. SALIENDER: I have not been asked that question in
22 public before. Let me give you a sort of a nice hedging answer.

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1 Certainly a minimum number -- and I truly mean this as a minimum
2 -- I am not saying at this level we would decide to publish, but
3 if we did not immediately see somewhere around 1600 or 1700, it
4 would not even be anything we would talk about.

5 So I guess I take that as a bottom line number. That
6 is not a number at which we make a decision. If we are not at
7 least seeing that on a preliminary path, just as an example--
8 it costs a lot of money to poll 2000 people -- we would not go
9 out and do that if we did not already see this kind of level of
10 interest just from preliminary discussions.

11 CHAIRMAN UDDO: That is very helpful. Any other
12 questions?

13 MR. VALOIS: Has either your company or any of your
14 competitors to your knowledge attempted any, what we might
15 broadly categorize as poverty law reporters, which have
16 floundered?

17 MS. SALIENDER: I am afraid I cannot answer that. I
18 am not aware of any. Typically, I believe that the commercial
19 publishers have really not looked at poverty law as an area of
20 law to the extent that people who are at the poverty level or
21 below have certain legal needs they might see them and cover
22 them as an adjunct to --

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1 As an example, our social security book is one
2 publication where probably a lot of the claimants are not -- at
3 least not wealthy. Probably a lot of the claimants --

4 MR. VALOIS: I have not tried to create a new category
5 of law called poverty law. I was trying to ask you if anything
6 within what somebody might broadly categorize including social
7 security, tenants law, immigration law, migrants law, employment
8 and security commission law, any of those areas -- are you aware
9 of any that have been published and then floundered, either you
10 or your competitors?

11 MS. SALIENDER: There may be. I will tell you, I will
12 be glad to look into it and give the committee a more detailed
13 response. I do not want to guess and nothing comes to mind.
14 That is just a very honest answer.

15 Not that I can think of. The thing that I will tell
16 you is probably the answer is yes. Having nothing to do with
17 the subject matter. It is not infrequent that a small -- like
18 just a person who practices law says, "Boy, what this country
19 really needs is a good 5-cent cigar and a reporter on this
20 area."

21 They start out and they publish it on a shoestring.
22 Let me tell you, when you get into publishing you find out it

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1 involves a lot more headaches than it seems it ought to. They
2 just decide that it is not worth it.

3 So I suspect that if we look we will find at least
4 some of those because you are going to find some of those in
5 every area of practice. I am not aware of any that have been
6 seriously started by a commercial publishing that floundered. I
7 will look into it and be glad to provide to the committee
8 whatever it is that I can find.

9 CHAIRMAN UDDO: Any other questions?

10 (No response.)

11 CHAIRMAN UDDO: Thank you both very much for your
12 time. The staff will probably be eliciting more information.

13 MS. SALIENDER: I have what I would like to leave with
14 you some more information on the titles that we covered here.
15 Then I will be glad to provide a number of copies, however many
16 you require.

17 CHAIRMAN UDDO: Thank you very much.

18 MS. SALIENDER: You bet.

19 CHAIRMAN UDDO: Our last scheduled witness is Mr.
20 James Unterspan who is a graduate of Yale University and the
21 University of Denver School of Law. Prior to law school, he
22 spent three years as a computer programmer in systems analysis.

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1 He currently is a deputy director of the Air Force
2 Legal Information Services and has spent the last ten years
3 developing legal applications for the computer research for the
4 Air Force JAG Corp.

5 Mr. Unterspan, welcome. The floor is yours.

6 PRESENTATION BY JAMES UNTERSPAN

7 MR. UNTERSPAN: Good afternoon, Mr. Chairman, members
8 of the board. I am glad to be here. I would like to start with
9 just an overview of what our agency does. We have some kind of
10 similar problems, I think, to what your situation is.

11 We provide all the computer support for all the Air
12 Force legal offices. That involves office automation at
13 approximately 300 locations for 1600 lawyers, 900 paralegals,
14 plus miscellaneous support staff of about 600 or 700 people.

15 We also have a mission beyond the Air Force in
16 providing computer automated legal research, computer assisted
17 legal research. There it is primarily within the Department of
18 Defense but we have provided services outside the Department of
19 Defense on a key basis. It is purely within the federal
20 community.

21 Our third major area is developing other information
22 management systems in the area, primarily, of case tracking/case

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1 management and that type of thing.

2 I would like to start off with a computer assisted
3 legal research. Some of you may not really have tried it, why
4 don't we just say what it is in brief terms. It is a method of
5 retrieving legal authorities based on the actual words that
6 would occur anywhere within a decision or a statute.

7 You are not limited to searching with individual
8 words. You can combine words, specify that you want a word to
9 be within ten words of one another word or within the same
10 sentence or range of sentences or within the same paragraph.

11 Basically you are going into the full text and
12 retrieving based on any word that would occur in that text. If
13 I slip into jargon or a statement that does not make any sense,
14 please stop me. I am trying to keep away from it, but when you
15 get into this field for a while you start to assume people
16 understand your language.

17 The question comes up: Why use automated legal
18 research? We have had other research methods for 100 years or
19 so before that. One of the major purposes is that you are not
20 bound by preconceived indexes or digests.

21 Those finding tools can be very helpful, but for some
22 bodies of law, there is no such tool or there is a tool but it

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1 does not happen to have your topic or your work and in its
2 structure.

3 You need to do an intersection between two different
4 topics. You just want the intersection of those two topics.
5 You do not want to have to look through 100 cases under one
6 topic, 100 cases under the other topic and try manually to see
7 where they overlap.

8 Of course, you want to capitalize on the speed and
9 comprehensiveness of the modern computer. Computers do not get
10 bored, as was mentioned earlier, and they can go through huge
11 amounts of material and not miss a single thing.

12 You can do types of research that you simply cannot do
13 manually. Not to say that computer research substitutes -- it
14 was asked earlier, "Does that totally substitute for other
15 methods?" No, I think you want to use every tool that is
16 available.

17 This is another way to get into decisions or statutes.
18 There are some extra benefits that you get when you use a system
19 like this at the productivity level in your office. If you are
20 doing a brief and you find a case on point, you can downmode the
21 relevant material into word processing file, insert it into your
22 brief instead of rekeying and perhaps introducing new errors.

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1 Basically the idea is to enhance attorney productivity
2 and improve work quality because of the comprehensiveness and
3 the accuracy that you can get through the computer. I will just
4 go over some of the major kinds of databases that might be
5 useful.

6 Of course, there are the traditional legal
7 authorities, administrative agency opinions, regulations,
8 statutes, court decisions. Then you have agency work product
9 which could be policy letters or opinions, brief banks. Then
10 there are all the secondary sources: ALR, American Law Reports
11 annotated; law review articles; and then specialized libraries
12 on areas that could be of interest to you.

13 One that comes to mind is child abuse and neglect.
14 There is a database specifically on that available through
15 DIALOG.

16 Then there are factual investigative type databases.
17 I am not sure what would apply in your area of law, but a lot of
18 our clients need to track corporate ownership, interlocking
19 directorates, things like that.

20 There are lots of databases where you can find out
21 that type of information. It can also locate expert witnesses.
22 There are quite a variety of databases that get into the

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1 specific facts of an area.

2 CHAIRMAN UDDO: How is it used to locate expert
3 witnesses?

4 MR. UNTERSPAN: There are directories of experts that
5 you can look up -- subject matter -- you want to find a witness
6 in a particular area, whatever it might be.

7 CHAIRMAN UDDO: That is a commercial database?

8 MR. UNTERSPAN: Yes, Westlaw has one and DIALOG, I
9 believe, has one. I am sure Lexis does too. I am not sure, but
10 they keep neck in neck.

11 MR. VALOIS: What you are describing now are things
12 that are commercially available in Westlaw and Lexis, DIALOG and
13 all that sort of thing, is that correct, rather than some system
14 that you have?

15 MR. UNTERSPAN: Right. I will discuss our system--
16 actually it overlaps. We have a complete set of databases in
17 the federal area that are very similar in some ways to Westlaw,
18 Lexis, or Juris.

19 We have all the court decisions, the U.S. code, the
20 code of federal regulations, lots of administrative agency
21 opinions, plus regulations that are of particular interest to
22 us, the Air Force regulations, opinions of the Air Force judge

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1 advocate general. We have a large variety of databases.

2 MR. VALOIS: What agencies would you put in your own
3 system other than Air Force regulations and perhaps Department
4 of Air Force?

5 MR. UNTERSPAN: We would probably -- as far as
6 regulatory databases, it would probably be limited to something
7 of interest to the Department of Defense or something of general
8 interest to any federal attorney.

9 For example, we put in comptroller general decisions.
10 I mean, that is an administrative decision of another agency,
11 but everybody has to deal --

12 (Interruption to the proceedings.)

13 MR. VALOIS: You would not put something in there that
14 is already in somebody else's system, would you?

15 MR. UNTERSPAN: Yes, we would. We try to -- we like
16 to have a comprehensive -- we try to have a comprehensive
17 system, but we do use all the other available systems from our
18 service center. We have a service center of attorneys who have
19 access to our own FLITE system -- that is the name of ours--
20 plus LEGI-SLATE, DIALOG, WESTLAW, LEXIS, and JURIS.

21 We do not attempt to get all databases. If it is
22 something of only occasional use, we will not buy it or key it

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1 in ourselves and put it up. We will just use one of the other
2 services. Databases that are used heavily we will put on our
3 own system.

4 MR. VALOIS: I do not understand quite yet. I think I
5 do understand what you have said. What is the end use of this
6 product? This is Air Force attorneys serving, basically,
7 enlisted personnel family problems? Is that what we are talking
8 about?

9 MR. UNTERSPAN: We have an amazing variety of legal
10 areas, just about anything you could think of. The most
11 important areas are criminal justice and procurement and after
12 that it is really a wide variety: environmental law, admiralty
13 law, family law, tort claims -- just about everything except
14 very specialized areas dealing with other federal agencies like
15 federal trade law or federal communications law.

16 Our legal research service is used outside the Air
17 Force. It is primarily Department of Defense. About half of
18 the use is through the Air Force.

19 CHAIRMAN UDDO: Mr. Unterspan, let me get you off of
20 your presentation a little bit because there are some things I
21 would like to get you to focus on. In the interest of time,
22 maybe I can get you to do that.

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1 First of all, when you say "we," you have a large
2 group of people who are a part of your project?

3 MR. UNTERSPAN: Actually, we are a fairly small
4 agency, about 16 people. Half of that is dedicated to care and
5 feeding of the FLITE system. That include a lot of data entry
6 people and data quality control people.

7 CHAIRMAN UDDO: That is what I wanted to get at.

8 MR. UNTERSPAN: So the professional staff is much
9 smaller than that.

10 CHAIRMAN UDDO: In other words, you all make a
11 decision about what you are going to put on your programs and
12 you have got people who input all that stuff. If it is
13 unreported opinions of an agency, you make arrangements to get
14 them and then your people input it into the system; right?

15 MR. UNTERSPAN: Yes, and we also have data exchange
16 agreements with a lot of other commercial and public databases.
17 We try not to do things from scratch as little as possible. We
18 also get publication tapes like from the Government Printing
19 Offices. We do have to do original --

20 CHAIRMAN UDDO: Publication tapes, in other words,
21 they are computer ready?

22 MR. UNTERSPAN: They are used in a photocomposition

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1 publication process. They are a byproduct of that. Typically,
2 we have to run this through some programs to pull out formatting
3 codes and to reformat it for our system. There is still immense
4 saving.

5 CHAIRMAN UDDO: Tell me, if you can, what sort of
6 undertaking are we talking about if we try to attempt to do in
7 the legal services community what you have done with the Air
8 Force law area that you are dealing with, to try to accumulate
9 the specific kind of data that would be useful to the Legal
10 Services community.

11 You say you have 60 people. It takes that or more to
12 constantly be inputting? Can you give us some feel for how big
13 an undertaking it would be to try to start up an area like that?

14 MR. UNTERSPAN: First, I do not think you could
15 reasonably plan to do a complete database such that we have on
16 LEXIS or Westlaw, or JURIS have in covering all the court
17 decisions that --

18 CHAIRMAN UDDO: You have to be supplemental to the
19 existing system?

20 MR. UNTERSPAN: Yes. It just would not be practical.
21 We have 12 billion characters of data apart from the indexes.
22 To do your own, like briefs or legal opinions that you have done

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1 in the past, pleadings, whatever. There are lots of microbase
2 systems now that would be perfectly adequate for that. We also
3 -- I was going to get to that -- we also are using those
4 ourselves.

5 CHAIRMAN UDDO: What do you mean microbase systems?

6 MR. UNTERSPAN: A microcomputer base, a PC-AT or a
7 PC-XT. With this method you actually distribute the data and
8 you have it as an independent work station. Somebody has the
9 full text right there.

10 They can be on it 24-hours a day if they want. It
11 does not cost anybody anything once you get software and supply
12 them with the database. So, that is a very attractive way of
13 distributing this kind of tool.

14 We have been using that with optical media. Our first
15 generation was a video disk, like you saw, of the interactive
16 training only putting data -- you could get 800 million
17 characters of data on one of those 12 inch disks.

18 Our next generation will be using CD rom which you may
19 have heard a lot about. It is based on the CD audio product.
20 It is about a quarter inch approximately. It has 5 to 6 hundred
21 million characters. That is a lot of data.

22 That would be a practical way of distributing your

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1 internal expertise, shall we say.

2 CHAIRMAN UDDO: Assuming that you were going to
3 supplement existing databases, is your experience about right?
4 You have thirty people who would be constantly inputting that
5 onto the bases?

6 MR. UNTERSPAN: It is a direct relationship to the
7 size of the database. Thirty people would be a lot for a single
8 agency's unique data. I don't think that would be necessary.

9 You could also contract that out, particularly if you
10 thought you had something that would be of interest to anyone in
11 the commercial area. It could be kind of a joint venture where
12 you provide the data and they maintain it and either distribute
13 it in a magnetic media or publish it or whatever.

14 Lots of times the government has sold itself the same
15 thing several times. They have created the data originally,
16 they give it to a commercial vendor who sells them a book, who
17 sells them an online research service. The government has not
18 always been very smart in that regard, but you could do yourself
19 a lot of good there.

20 CHAIRMAN UDDO: Now, your databases are available
21 primarily to Air Force JAG people; is that right?

22 MR. UNTERSPAN: No, I would say about fifty percent

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1 use of the Air Force and then another forty percent would be
2 other DoD elements, then a very minor -- five percent -- other
3 federal agencies.

4 CHAIRMAN UDDO: How many subscribers do you have?

5 MR. UNTERSPAN: We do not have subscribers because up
6 until now we have been operating purely as a service center
7 where our system is not accessible directly by outsiders.

8 We are not converting to an online system so that we
9 will provide direct access, but we will maintain the service
10 center as well.

11 CHAIRMAN UDDO: You get a request and you send out
12 hard copy?

13 MR. UNTERSPAN: Right now we get a request through a
14 telephone conversation with an attorney and we either send out a
15 hard copy of a report -- usually it would not be the full text,
16 but for people who do not have the publication available or
17 where there is no publication, we send out full text.

18 We send out a list of citations or usually citations
19 plus headnotes and windows of text around the search words. We
20 can mail that out. We can call the people back with citations
21 over the phone, if they are in a hurry. Then we can distribute
22 it to them electronically.

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1 We have got PCs pretty well out in the field now. We
2 can just send it to them.

3 CHAIRMAN UDDO: What kind of a request would you get?
4 Do you require a very specific request or would somebody write
5 in and say, "Tell us all you know about family law?"

6 MR. UNTERSPAN: Well, that would not be a very good
7 request.

8 CHAIRMAN UDDO: I would not think so.

9 MR. UNTERSPAN: We get requests that are very broad
10 occasionally. For example, if some organization wants to revise
11 regulations that it has responsibility for or statutes and you
12 want to find every cross reference to something they want to
13 change. That is a very broad request and they are going to get
14 a lot of material.

15 More often, it is focussed on a specific issue and you
16 want to provide research that addresses that particular problem.

17 CHAIRMAN UDDO: So, they give you as narrow a set of
18 facts as they have before them. You use that to plug into your
19 system?

20 MR. UNTERSPAN: Right.

21 CHAIRMAN UDDO: You send them some kind of hard copy
22 or you may call them on the phone and say, "These are the cases

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1 that should help you. These are the statutes or the
2 regulations."

3 MR. UNTERSPAN: Exactly. It is a dialogue between the
4 attorney at our end and the requester, who is usually an
5 attorney, but we also get about 30 percent of our requests from
6 non-attorneys who have law related functions; procurement
7 people, personnel, fiscal people.

8 CHAIRMAN UDDO: Do any private attorneys use your
9 service?

10 MR. UNTERSPAN: No, absolutely not.

11 CHAIRMAN UDDO: Do they pay per request?

12 MR. UNTERSPAN: Within the Department of Defense it is
13 free, within other federal agencies it has been on a fee basis
14 per request.

15 CHAIRMAN UDDO: How do you charge?

16 MR. UNTERSPAN: We charge by the number of databases
17 we have to go into.

18 CHAIRMAN UDDO: So, if you get it all in the first
19 database it is cheap and --

20 MR. UNTERSPAN: Right. It is cheap anyway to tell you
21 the truth. It is not a big item in our budget.

22 CHAIRMAN UDDO: Can you give me an idea? One database

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1 would cost how much?

2 MR. UNTERSPAN: We have a flat fee of 35 dollars for
3 up to, I think it is, ten databases.

4 CHAIRMAN UDDO: That is cheap.

5 MR. UNTERSPAN: It is, but it is minor. Frankly, we
6 have not had very much use outside the Department of Defense.

7 CHAIRMAN UDDO: So, your funding is through the
8 Department of Defense?

9 MR. UNTERSPAN: Right. Now, with our online system,
10 that will definitely be free for the Air Force. It will
11 probably be free for the other Department of Defense agencies
12 depending on how our funding goes.

13 At this point we do not anticipate providing direct
14 access to other federal agencies. There is a Department of
15 Justice Juris system there and frankly, there are some turf
16 questions, political questions. We are not anxious to try to
17 take away the Department of Justice's thunder.

18 CHAIRMAN UDDO: What is your budget?

19 MR. UNTERSPAN: Our budget is between the high end of
20 two million, close to three million. A lot of that has been
21 procurement of microcomputers and microcomputer software. In
22 the last couple of years we have bought about 1500 work

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1 stations. That has been a primary budget item.

2 CHAIRMAN UDDO: How many requests do you get, however
3 you break it down, weekly, yearly, monthly?

4 MR. UNTERSPAN: Approximately six or seven thousand a
5 year.

6 CHAIRMAN UDDO: Six or seven thousand requests a year?

7 MR. UNTERSPAN: Right.

8 CHAIRMAN UDDO: What percentage of those are by
9 outside of your free structure, where there is a fee paid?

10 MR. UNTERSPAN: I would say about three to five
11 percent. We have developed some continuing relationships with
12 particular groups who use us for one reason or another. We help
13 the Supreme Court to publish a set of books organizing opinions
14 by justice going back to the first Supreme Court. They did a
15 lot of work.

16 At that time we were the only ones who had Supreme
17 Court decisions back to year one.

18 CHAIRMAN UDDO: Did you provide us with anything that
19 shows -- an example of anything you would send someone if you
20 did not respond to them on the phone, what the hard copy would
21 look like?

22 MR. UNTERSPAN: I did provide a green booklet that has

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1 a couple of pages in the back that has samples.

2 CHAIRMAN UDDO: Is this it? (indicating)

3 MR. UNTERSPAN: Yes. Now, that has not been updated.

4 All of those report formats will change drastically next year,
5 so we have not tried to produce a new edition yet.

6 CHAIRMAN UDDO: I do not see anything that looks like
7 a hard copy of what a report on a research request would look
8 like. Do you have anything like that?

9 MR. UNTERSPAN: If I could come up?

10 CHAIRMAN UDDO: I would just like to see what it looks
11 like, what you would send back in response to a request.

12 Mr. Unterspan is showing me, in a booklet called An
13 Introduction of Federal Legal Information Through Electronics,
14 Appendix C, which is an example of the kind of hard copy report
15 that would be returned to someone who had made a request of his
16 service.

17 MR. UNTERSPAN: I was not sure exactly what would be
18 of interest. I just spoke briefly over the phone to some of
19 your staff members. I could provide more samples of anything
20 that you are interested in.

21 CHAIRMAN UDDO: I would like to see -- what I am most
22 interested in in your project is the mechanics of it.

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1 Obviously, the databases themselves, some of them would be of
2 interest to us, but that is not as interesting, I don't think,
3 as the mechanics of how a system like this is set up, run and
4 utilized.

5 If you have got a few closing comments, I have got
6 most of the information that I wanted, unless anyone else has
7 any specific questions.

8 MR. UNTERSPAN: I would say you have to really pay
9 attention to the human element. We tend to focus on systems a
10 lot, but it is easier to change systems than it is to change
11 people.

12 You can spend a lot of money, buy a lot of hardware
13 and software and have it sit in a box or not have it used very
14 frequently.

15 MR. VALOIS: Could you give us some advise on how to
16 change the people? We understand the systems more.

17 MR. UNTERSPAN: I do not think you can change people,
18 just forget it, if that is --

19 MR. VALOIS: Just write them off, forget them?

20 MR. UNTERSPAN: No. You have to accept people where
21 they are. You have got to look at their working habits. You
22 have to look at what their personal goals are. You have to

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1 involve them in designing the system. You should have a users
2 group permanently around to advise on any changes or
3 redirections. You need to get lots of feedback, a newsletter or
4 bulletin board -- tapping the creativity of the people, too.

5 CHAIRMAN UDDO: And as user friendly a system as you
6 can create?

7 MR. UNTERSPAN: Yes. But, no matter how user friendly
8 it is, there is not a system user friendly enough that you can
9 just put it out in the field and turn your back. It just does
10 not work that way.

11 You have got to train people, keep them informed and
12 use every training method you can think of because everybody
13 learns differently and approaches differently.

14 On my last page here, I have a list of things you
15 might consider.

16 CHAIRMAN UDDO: Do you want to give it to us for the
17 record or are there things you want to tell us?

18 MR. UNTERSPAN: Well, if you would like to take the
19 time I can go through them, but I have got them listed on my
20 outline that I gave you.

21 CHAIRMAN UDDO: It will be a part of the record then,
22 and we will work from that if there is any other information we

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1 want to get from you.

2 Thank you very much for taking the time, Mr.
3 Unterspan. It was helpful and I think there is information you
4 have that can be useful to us.

5 MR. VALOIS: I would like to put into the record here
6 for consideration also, a copy of the Special Section to the
7 National Law Journal entitled "Law Librarians" under date of
8 Monday, July 13, 1987.

9 This contains, broken down into categories, a list of
10 commercially available publications, some of which, many of
11 which, relate to areas that our grantees use on a fairly regular
12 basis.

13 CHAIRMAN UDDO: We will include it in the record.

14 That concludes our scheduled testimony. We do have
15 scheduled on the agenda public comment. I was told over lunch
16 that there were no specific requests made for public comment,
17 but I am certainly willing to hear from anyone, at this point,
18 who has something that they would like to present.

19 Yes, sir? Would you please come up to the table and
20 identify yourself?

21 STATEMENT OF DON McCLAY

22 MR. McCLAY: Mr. Chairman and members of the

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1 committee, I am Don McClay. I am on the staff of the American
2 Law Institute in Philadelphia. Specifically, I am director of
3 the office of courses of the American Law Institute, American
4 Bar Association and Committee on Continuing Education, somewhat
5 more popularly known as ALIBA.

6 I have no prepared statement. I simply would like to
7 share a couple of thoughts with you. We offer legal services
8 for the bar at large. I direct a department that provides about
9 ninety seminars throughout the United States in the course of a
10 year.

11 We have a different department that provides shorter
12 seminars by video, satellite transmission to remote locations,
13 not remote, but dispersed locations throughout the United
14 States, live programming. We do audio and video taping of those
15 programs and studio recorded programs. We have a publications
16 and periodicals program that provides information to the bar.

17 Having said that, I want to assure you that I am not
18 here as a salesman. We, of course, are very willing to
19 cooperate with the Legal Services Corporation in any way we can.
20 We have made that known to the staff in the past. Where our
21 interests overlap we are most happy to cooperate.

22 I am here really to say something else. What I know

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1 of the Legal Services Corporation, I have learned basically as
2 one of eleven members of a Legal Services Corporation task force
3 on training which has recently concluded its work and filed its
4 report chaired by Mario Gaboury who is in the room here today.

5 Our committee met four times, I think, over the
6 course, I think, of about a year, a little more than a year.
7 Some of those sessions were public sessions in which we gleaned
8 a tremendous amount of information from public testimony of
9 people who were providing services and people who were consuming
10 services.

11 I am here really to underscore one of the points made
12 in that training services task force report which many of you,
13 probably all of you, have seen and digested.

14 That is that what we have learned, I think, is that
15 the state and national support centers, the regional support
16 centers, the regional centers have really been doing a most
17 effective job.

18 Our task was to look at the present training program
19 to make comments about how that might be changed or improved.
20 What we felt as a result of our information gathering and
21 studying together was that the state and national centers indeed
22 are doing an effective job and that their task should be

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WASHINGTON, D.C. 20005

(202) 628-2121

1 continued, perhaps supplemented, but certainly not eliminated.

2 I am here simply as a member of the public and a
3 member of that task force to underscore that recommendation and
4 tell you that I think if those centers as presently constituted
5 and funded were eliminated or at least if the funding, as it is
6 presently provided were changed, you would not replicate those
7 services exactly the same way.

8 There are a host of organizations providing continuing
9 education for lawyers. We are one of them. There are many
10 state organizations. There are local organizations. There are
11 law school and all kinds of organizations.

12 The interests of the Legal Services Corporation are
13 rather specific and unique in the subject matter that they are
14 interested in. There is not any other organization that would
15 devote the same degree of resources, it seems to me, to
16 providing the kind of background support and training that is
17 presently supplied by those centers.

18 I just wanted to endorse what the report has already
19 said, in effect, but also bring it to your attention as a member
20 of the public for your consideration.

21 CHAIRMAN UDDO: I appreciate that. Does anyone have
22 any questions for Mr. McClay?

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1 (No response.)

2 CHAIRMAN UDDO: Thank you for your comments.

3 Anyone else?

4 (No response.)

5 I know everyone wants to go out and get into the city
6 and the cool weather, but I have never seen such hesitation.

7 I appreciate all attendance and attention. I believe
8 that my plan from here, assuming that the rest of the
9 subcommittee agrees, is to try to come up with some kind of a
10 draft report that would be discussed at a subsequent
11 subcommittee meeting before it is transmitted to the full
12 committee.

13 If I get the concurrence of the subcommittee members,
14 we will have some sort of a draft report that will then be
15 discussed at another meeting of the subcommittee.

16 Is there a motion to adjourn?

17 MRS. MILLER: I make the motion.

18 CHAIRMAN UDDO: Is there a second?

19 MR. WALLACE: Second.

20 CHAIRMAN UDDO: All those in favor of adjourning?

21 (Chorus of ayes.)

22 CHAIRMAN UDDO: All of those opposed?

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(No response.)

CHAIRMAN UDDO: The meeting is adjourned.

(Whereupon, at 2:45 o'clock, p.m. the meeting was
adjourned.)

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