

1 JOINT MEETING OF THE
2 SPECIAL COMMITTEE ON GRANT AND CONTRACT PROCEDURES
3 AND
4 OPERATIONS AND REGULATIONS SUBCOMMITTEE
5 ON REGIONAL AND STATE ACTIVITIES

6 PRESIDED BY: CLARENCE V. MCKEE, CHAIRMAN

7
8 BE IT REMEMBERED, that the following proceeding came on
9 to be heard by the Committee and Board Members, with
10 Chairman Clarence V. McKee presiding, in the Pecan Room
11 of the Holiday Inn Downton in Jackson, Mississippi,
12 beginning at 1 p.m., Saturday, August 28, 1982, and
13 at 10 a.m., Sunday, August 29, 1982. L71

14
15 REPORTED BY: Kay E. Miles

16 and

17 Dale N. Milford, CSR, RPR
18 Court Reporters

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1 Session held August 28, 1982, beginning at 1 p.m.

2 CHAIRMAN MCKEE:

3 I welcome all of you to this the second meeting
4 of the Special Committee on Grant and Contract Procedures
5 which is being held today as a joint meeting with the Sub-
6 committee on State and Regional Activities of the Govern-
7 ment Regulations Committee.

8 The members of the Grant and Contract Committee
9 are myself; Mr. Olson, who will be here when the plane
10 arrives; and Mrs. Anne Slaughter. Members of the Opera-
11 tions and Regulations Subcommittee are Mr. Paras, Mrs.
12 Slaughter and myself. Mrs. Worthy, who stepped out, is
13 a member of the full committee, and Howard Dana is chair-
14 man of our Presidential & Search Committee of the Board.

15 I have a brief opening statement which I will
16 reach which kind of sets the framework of our discussion.

17 The May 10 meeting of the Special Committee
18 dealt with the issues of fund balances, support centers,
19 the contract and grant process, and unresolved questions
20 of cost. The issue before that meeting, as before this
21 meeting, and most meeting of all of our committees, is
22 "Does the present grant, contract, and allocation of funds
23 process provide the most economical and effective delivery
24 of legal services to the poor?"

25 As a result of the first meeting, the issue of

1 fund balances in local programs is being adequately ad-
2 dressed by the Committee on Audit and Appropriations, and
3 I want to publically commend Mr. Lyons and the staff as
4 well as my colleagues for the excellent work that they've
5 done in this area to resolve a very serious problem. As
6 I have stated before and members of the board, every dol-
7 lar in the program counts, and we have to make sure that
8 every cent that we have is utilized and expended in the
9 most cost effective manner in order to serve the best
10 needs of clients.

11 The other main focus of the May 10 meeting was
12 National Support Centers. We received testimony, both
13 positive and negative, from a pretty broad cross section,
14 and it's only fair to continue that dialogue to hear from
15 support centers themselves. We invited 10 centers--it
16 didn't seem like we'd have to have all 17 come; we in-
17 vited 10. I'm pleased that 8 are able to come. One per-
18 son from a support center is on vacation; even though
19 another one who is here is on vacation and interrupted
20 that, I understand, so I appreciate that; and another
21 center personnel informed us they had a prior commitment
22 of long-standing duration.

23 Although National Support Programs represented
24 only 2.4 percent, or approximately \$6 million, of our
25 1982 allocations, they've always received a rather

1 disproportionate share of the criticism which has been
2 directed at legal services programs across the country,
3 many of which have found their ways into restrictive
4 legislation. Now whether these criticisms are valid or
5 invalid, much of the efforts to restrict legal services
6 attorneys and programs appear to have come about because
7 some individuals at support centers were charged with ac-
8 tions to forward their own viewpoint while posing to
9 represent clients' issues and needs.

10 Accordingly, what we want to do today is to
11 have a general dialogue and discussion and receive the
12 opinions and responses of a representative group of sup-
13 port centers-- you have basically substantive law centers
14 and there are population group centers. I think we have
15 a good mix today--so they can respond and discuss--not
16 only respond to the criticism that you receive from persons
17 Mr. Miller and Mr. Phillips and others, but also to give
18 your viewpoint to help us resolve some very ticklish
19 issues and some very subjective viewpoints. The letter
20 of the law and the statute may say X, Y and Z, but if
21 the people are interpreting what X means, Y means and
22 X means, particularly in the areas of administrative and
23 legislative advocacy, litigation, education and training
24 and other efforts.

25 Matters of inquiry which I would hope you would

1 address in your comments, even though I did not state
2 this in the letter--it seemed after I had finished the
3 letter to you some other ideas came up and I have added
4 those to the concepts. Those areas would include how
5 you think support center activities would be affected
6 by implementation of the antilobbying restrictions and
7 some of the others in H.R. 3480; to what extent, if any,
8 there is any overlap between national support programs
9 and state support programs, or state training programs.
10 State programs were funded at approximately \$6 million
11 last year. Also, to what extent, if any, national sup-
12 port efforts could or should be combined into state sup-
13 port programs, if at all; to what extent, if any, is there
14 any unnecessary duplication and overlap among National
15 Support Center efforts as to substantive law areas and
16 population groups served; to whom or what constituency
17 are National Support Centers accountable in terms of the
18 client community in the setting of priorities and direc-
19 tion; in what manner could the basic support center fund-
20 ing contract be revised, because as we look at it now
21 it's like a Brooklyn Bridge--you could drive a truck
22 through it--and so, the theory is that support centers
23 maybe are not doing anything that's not set forth in the
24 contract. Perhaps the contract should be revised and
25 updated. And basically, are there any ideas or suggestions

1 you might have on the support center structure, whether
2 it could be altered or changed without negating the basic
3 underlying principles of the support concepts.

4 Tomorrow's meeting will address the issues of
5 minimum access and the Corporation's funding and alloca-
6 tion process. In particular in that meeting I would hope
7 that the Social Welfare Center people would be on board
8 here, or be here, because I understand they've been doing
9 a lot of work in poverty definitions and formula, and
10 they might be helpful tomorrow on that. Our present for-
11 mula of minimum access was designed to provide sufficient
12 funding to support the equivalent of two lawyers per
13 10,000 people nationwide with two attorneys at \$35,000
14 each, which amounted to a base figure of approximately
15 \$7 per poor person in 1975 dollars. As we look at it
16 today, the issue is whether that formula should be changed,
17 and, if so, how can it be changed or revised to maximize
18 the equitable allocation of funds in the face of competing
19 priorities, pressures and various conditions.

20 Any recommendations or suggestions in this area
21 will be submitted to the board in coordination with our
22 Audit and Appropriations Committee.

23 Some of the issues which everyone should be
24 thinking about today and tomorrow and looking towards
25 tomorrow: to what extent any base per capita figure should

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1 be made flexible to take into consideration high propor-
2 tions of eligible clients in a particular city or state;
3 to what extent the poverty criteria should be maintained
4 at 125 percent of poverty or changed to 100 percent of
5 poverty; to what extent there should be enhancements or
6 contingencies built into the funding process to take into
7 consideration a high poverty population of, for example,
8 elderly and minorities. The preliminary poverty estimates
9 from the 1980 census indicate that the poverty rate was
10 highest here in Mississippi at 24.5 percent.. Should the
11 Corporation's funding and allocation process take that
12 information into account in the allocation of funds? So
13 these are the questions that we'll be looking at tomorrow.

14 We'll conclude tomorrow's session with a panel
15 of client and local board representatives so that we may
16 ascertain their views not only on the issues discussed
17 today but those tomorrow. It's only fitting and proper
18 that those for whom the program was designed--the clients--
19 should and must have input into the deliberation and
20 decision-making process of the board and its committees.
21 As we all know, in too many instances in programs designed
22 to help the poor person the viewpoints and opinions of
23 the poor sometimes take a back seat to those of others
24 who "purport to speak for the poor" have their own public
25 policy agendas. In reaching your determination as to

1 the crucial issues before the board and all the committees,
2 the views, opinions and advice of clients and their repre-
3 sentatives will always be sought and welcomed, and that
4 view is shared by all members of the board.

5 In discussing and reviewing the issues set out
6 above, it is most important that all concerned here and
7 everywhere else realize and understand that a review and
8 inquiry are not to be equated with opposition; nor is
9 criticism of a vehicle or mechanism to be equated with
10 criticism of the basic principles of provision of quality
11 legal services to the poor. As we're looking at problems
12 and trying to define solutions, we should all keep in
13 mind that the process is not to throw the baby out with
14 the bathwater.

15 I say all of those things to the people--shock
16 waves that go through the country and in the local commu-
17 nity over just a matter of inquiry have always seemed
18 to surprise me. We were looking the other day--I'll put
19 this in the record--at something called Foundation News.
20 It says "Up Against the Wall," the article, that says,
21 "Its direct assault on the Legal Services Corporation
22 having failed, the Administration has set its sights on
23 the Legal Service Corporation's backup centers." It's
24 an article by Roger M. Williams saying that we were all
25 against the support centers, and there have been letters

1 going to various members of the board from the Women's
2 Law Center or people associated with it saying that the
3 board was ready to abolish the Women's Center on Law and
4 Poverty, which came as a shock to all of us. But all
5 of the rumors that are spread around the country are not
6 conducive to getting dialogue on it.

7 I would like to introduce Mr. Lyons before we
8 get into the agenda to introduce the members of the staff
9 who are here from Washington. Mr. Lyons is the acting
10 vice president of the corporation holding the fort on
11 his broad shoulders. If he will introduce the members--
12 not only--if you see any regional persons as well as the
13 Washington staff.

14 MR. LYONS:

15 Good afternoon. Jerry Caplin, president of
16 the corporation, is sort of carrying two hats these days.
17 He is part time at the law school and could not be here
18 today. He's at the corporation catching up on some work;
19 so I'm continually being put on the hot seat in his stead.

20 Let me just introduce some of the members of
21 the staff here. Michael Clomb from our general council's
22 office; Walker Thompson and Claude Nicholson who work
23 in the office of field services in the area of national
24 support; Colin Bull who is our new acting Regional Direc-
25 tor in Atlanta, who's sitting over there, and that's the

1 man you complain to as opposed to me from now on; Bucky
2 Askew who's the acting Director of the Office of Field
3 Services is on his way in and we expect him to be here
4 shortly. I don't think I've missed anybody. Anne Tracy,
5 of course, who's responsible for putting the meetings
6 together and will take the credit for how well they go.
7 If they go badly it's her fault. I think that's all.

8 CHAIRMAN MCKEE:

9 What we'll do to get all of the technical work
10 out of the way is to adopt the agenda. Most of you have
11 a copy of the agenda set forth in your blue book. And
12 basically today it's the discussing of the whole support
13 center concept; and from Mrs. Slaughter making the motion
14 to adopt that agenda, since she and I at the moment are
15 the only members of the Contract Committee, if she would
16 move to adopt the agenda.

17 MRS. SLAUGHTER:

18 I so move.

19 CHAIRMAN MCKEE:

20 I second it. Any discussion? [None stated.]
21 It's adopted. I don't think that the minutes entirely
22 from the May 10 meeting--I will show these to you--they
23 were very voluminous. We built quite a good record on
24 not only fund balances for the support centers, and I
25 would hope that you all might want to get a copy of that

1 from Washington, because we didn't think we should bring
2 50 of those big books down here. If we could have a motion
3 for the adoption of these minutes of the May 10 meeting.

4 MRS. SLAUGHTER:

5 I so move the adoption of the May 10 meeting
6 minutes.

7 CHAIRMAN MCKEE:

8 Any discussion of the minutes of that meeting?

9 [None stated.] The way we'll operate this afternoon--
10 and I might add that everyone who speaks indicate your
11 name loudly and clearly so the reporter can get it and
12 so that it's spelled correctly. We have eight centers
13 and what we're going to do is break it into two separate
14 panels of four each. On the first panel will be Mr. Sable
15 with the National Consumer Law Center. He is also the
16 head of the Trade Association Support Centers.

17 [Laughter.]

18 Mr. David Kirkpatrick of the National Economic
19 Development and Law Center in Berkeley; Mr. Timothy Barker
20 of the Natinal Center for Immigrant's Rights; Ms. Barbara
21 Morris of the National Employment Law Project. I wish
22 to express for the committee the appreciation of Ms. Morris
23 whose father is sick and ill and she came to this meeting
24 notwithstanding that, and I'm sure he'll be okay; but
25 I thank you for taking the time to come.

1 STATEMENT BY MR. ROBERT SABLE

2 Thank you. Chairman McKee, members of the
3 committee, and Vice President Lyons: I'm very pleased
4 to be here and very pleased to have the opportunity to
5 continue this discussion with the board about support
6 centers and the role of support centers.

7 When Mr. McKee and I discussed this meeting
8 I suggested to him it would be appropriate to hear from
9 the people who we primarily serve, the field attorneys.
10 Mr. McKee thought that was an appropriate suggestion.
11 It turned out, I discovered later in the week, that the
12 Mississippi project directors had had the same idea and
13 they were asking which of their staff had had dealings
14 with the support centers in order that they could make
15 a presentation. So as a result we've sort of combined
16 forces and with your permission, at the end of the dis-
17 cussion with the support center directors there are four
18 or five--I'm not sure of the exact number--of field
19 attorneys who can just describe how a support center looks
20 from the field attorney's perspective.

21 CHAIRMAN MCKEE:

22 From Mississippi or from---

23 MR. SABLE:

24 I believe they're all from Mississippi. Am
25 I correct?

1 BY MR. _____:

2 Well, there may be one person from Memphis,
3 but other than that, they're all from Mississippi, I
4 believe.

5 MR. SABLE:

6 In Mr. McKee's letter he asked that we prepare
7 a written statement describing the work of our center
8 in a number of areas over the last year. I've prepared
9 such a statement and distributed it to the committee.
10 And he asked in our oral remarks that we address ourselves
11 to the role and the function of national support centers,
12 and although I will make a few references to the written
13 material, my oral remarks will cover that.

14 Basically what I'd like to do is to set out
15 to you what consumer and energy law issues are as they
16 face poor people on--as we see them from the viewpoint
17 of a national support center, and then discuss our
18 strategy of dealing with those issues and how it fits
19 into the overall legal services strategy on--then I'll
20 touch very briefly on the structure of our center in that
21 sense of how we deal with the issues, and, finally, to
22 the extent that I don't do so in my other remarks, I'll
23 touch on some of the criticisms and comments in Mr. McKee's
24 opening statement that have come up in regard to national
25 support as they relate to our center.

1 The Act sets forth two basic standards that
2 we see ourselves performing, and that is, the provision
3 of high quality legal assistance and the provision of
4 economic and effective delivery of legal assistance, and
5 we see those as the statutory mandates that guide us.

6 In our area, the area of consumer and energy
7 law, that is an area that takes in approximately 14 per-
8 cent of the cases that field attorneys handle every year.
9 When our center was started in 1969 prior to my coming
10 there, the basic issues that we were dealing with tended
11 to be consumer credit. Poor people, or clients of legal
12 services, use credit and have credit, and I think a lot
13 of times some of us middle income people tend to forget
14 that, tend to think of people buying things on time as
15 essentially a middle income issue where you can meet cer-
16 tain standards of credit eligibility; but in fact, we
17 find that poor people not only use credit but use it far
18 more extensively perhaps than middle income people, be-
19 cause they simply do not have the cash resources to put
20 down on--clearly for what you might think of as large
21 ticket items like a car, but even for relatively small
22 things: refrigerators, and even smaller than that, radios
23 and beds and cribs and a number of day-to-day essentials.

24 So, from the point of view of a field attorney,
25 a field attorney finds coming into his office clients

1 who have consumer problems. Typically, this problem man-
2 ifests itself not the way you see it in law school with
3 the client coming in saying I think there's a problem
4 shaping up here; but the client coming in already having
5 been sued, having had a judgment against them, typically
6 having had a default judgment against them, and now their
7 car's been taken, perhaps their wages are about to be
8 garnisheed, or perhaps a debt collector has been calling
9 them up at all hours of the night or telling their neigh-
10 bors that they are a deadbeat. And they're in the field
11 office wanting to know what can be done.

12 Now, the underlying reason for this, and study
13 after study has shown this, is that most poor people,
14 in fact, most people, who are in default on their loans
15 are essentially in default because there's been a break
16 in their income stream, and there are two major reasons
17 for that. Either they've gotten sick or they've lost
18 their job. Now there are a small percentage of people
19 who simply have taken on more than they can handle and
20 clearly some of those people are legal services' clients
21 as well; but the bulk of our clients are people who either
22 have lost their job or gotten sick and lost their income
23 stream that way.

24 Typically, the other reason they will come in
25 if that is not the reason is that there's been a problem

1 with the underlying transaction. They've gotten a car
2 and it wasn't any good, or they feel they've gotten taken
3 on the siding on their house, or something else, and they
4 feel they shouldn't have to pay so they stop paying and
5 then the next thing they know somebody has started legal
6 action against them.

7 This has enormous ramifications for the client
8 that go beyond the issue of whether they can pay this
9 particular thing. If a car is involved, and a car is
10 involved in a large number of the consumer transactions,
11 it may well mean that the car is gone, gone in the sense
12 that the creditor has repossessed it or gone in the sense
13 that the car wouldn't work, and without a car for many
14 clients, particularly those not in a large urban area,
15 that means they can't get to their job. And so, the
16 devatating impacts of losing a car.

17 In addition, the general problem of creditor
18 harassment--the general problem of inability to meet their
19 bills, leads to a general breakdown in the--it can fre-
20 quently at least--lead to a breakdown in the whole family
21 life situation as the family attempts to cope with this
22 increasing pressure of these debts.

23 Another prospective on consumer law which I
24 think is sometimes missed is that in a sense this is the
25 other side of government--of benefits and income benefits.

1 If a family breadwinner has to take a cut in pay or loses
2 his welfare check or her welfare check, I think we all
3 see the impact on the family in terms of their ability
4 to pay. But on the outgo side you have the same problem.
5 If they pay twice what they should have for a car, if
6 they're paying outrageous interest rates, it's just as
7 if they'd lost that much income. And so, the overall
8 impact on their ability to give themselves a decent life
9 is very strongly impacted by consumer law.

10 From the lawyer's point of view these trans-
11 actions are sort of paradoxical. Paradoxical in the sense
12 that on the one hand they're very easy to settle. It's
13 very easy to call up the creditor's lawyer and work out
14 a settlement. The difficulty with that from the client's
15 perspective is that those settlements are very unfavorable;
16 that there are a number of defenses that could be raised
17 that are much better settlements available if a poor per-
18 son has a vigorous legal defense in these cases. But while
19 on the one hand these cases are easy to settle, on the
20 other hand they are very complex to understand from the
21 lawyer's point of view.

22 A typical transaction--and I do not exaggerate
23 in this situation--is, say, somebody whose car has broken
24 down. It may involve state small loan laws, the retail
25 installment sales after that, state--or the motor vehicle

1 after that, the state--the uniform consumer credit--I
2 mean, the Uniform Commercial Code, the state usury laws,
3 the Federal Truth and Lending Act, the Federal Debt
4 Collection Act, the state credit insurance regulations,
5 the Federal Reserve Board, and a whole host of other
6 things; and it's very difficult to become knowledgeable
7 in all of those areas. And so, that is the dilemma from
8 the local field attorney's position when a client comes
9 in.

10 Let me touch on one other brief aspect about
11 consumer law, and that is, bankruptcy. We also are in-
12 volved in a lot of bankruptcy work. And I think that
13 again middle income people--we sometimes have a different
14 perspective on bankruptcy than is the perspective of the
15 poor person. I think for the middle income person bank-
16 ruptcy is a last resort when somebody is in tremendous
17 financial difficulty and they can see no way out or there
18 is no way out, and they file bankruptcy and they get rid
19 of their debts. For our clients bankruptcy is just the
20 opposite. Our clients, generally speaking, are in an
21 enormous financial difficulty all the time, and bankruptcy
22 typically is not appropriate for them because it doesn't
23 really for many of them do much good. They are essentially
24 judgment proof anyway, and if they get rid of these debts
25 and still don't have the proper income stream then they're

1 simply going to have a bunch of other debts. When bank-
2 ruptcy is appropriate in many cases--not all, but in many
3 cases--is when our client begins to get an income, when
4 they suddenly have an opportunity to break out of poverty;
5 then filing bankruptcy gets rid of this old debt structure
6 that they could never really amortize with a new income
7 stream, and they have a chance to, as the Supreme Court
8 said, get a fresh start in life. And so, bankruptcy is
9 a very important issue connected, obviously, with this
10 credit work that we do.

11 The other work that we do is in the energy area.
12 In the early years of the center when I first came to
13 the center, we would get people who couldn't pay their
14 utility bills, but there was nothing special about their
15 inability to pay those bills. It was either because they
16 couldn't pay all their bills, and the utility bill was
17 one of them, or they had some peculiar problem with the
18 gas company or the electric company. Maybe they were
19 being billed for somebody else's bill, or the meter didn't
20 work right, or they claimed the meter didn't work right,
21 and it was just not an especially peculiar problem. Sud-
22 denly with the oil embargo and the escalation in energy
23 prices we began to see people who had never had trouble
24 meeting their bills suddenly unable to pay their energy
25 costs. The energy costs just escalated, and while they

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1 escalated, as everybody here knows, for everyone, for
2 the poor the escalation was much more dramatic; because
3 the poor had already cut back. They'd already turned
4 their thermostates down; they had very little ability
5 to cut back on their energy consumption, and they didn't
6 have the capital to insulate their houses and do the other
7 things that could help you cut back. And so, over the
8 course of a few years energy consumption of low income
9 clients grew from, I don't know--well, it grew until it
10 reached the point where while the national average is
11 about 5 percent of disposable income being spent on home
12 energy costs, for poor people it was about 20 percent.
13 And in the winter, particularly in the northern states,
14 it approaches and exceeds 100 percent. By which I mean
15 that if a family met its February fuel bill, that would
16 take up all the money that that family earns in February.
17 And so, we began to work in that area as well.

18 Our initial work was in the very basic issues
19 of shutoffs and shutoff regulations. When could a company
20 shut off a client? Could they shut them off in the winter?
21 Could they shut them off when they were sick? Could they
22 shut them off if they could make the present payment but
23 couldn't make back payments? We did some litigation work
24 which culminated--we were co-counsel with the Memphis
25 program in the Craft v. Memphis gas case in which the

1 Supreme Court said that at least from a municipal utility
2 you had a right to a hearing before you were cut off.

3 And in addition, we worked in a number of admin-
4 istrative hearings around the country on improved regula-
5 tions which would protect poor people for the most onerous
6 parts of the energy problem.

7 Then in addition, federal programs began to
8 rise up to help people more directly. Two in particular:
9 one was the Fuel Assistance Program which in one way or
10 another would directly pay people's bills; the other,
11 the Federal Weatherization Program which would insulate
12 poor people's houses. And we began to do a variety of
13 advocacy connected with both of those programs.

14 And finally, a number of legal services programs
15 around the country began to get involved in utility rate
16 structures. It was typical, and it's still typical in
17 many states, that the less energy you use the more you
18 pay for it per unit. They were in effect giving you
19 volume discounts if you were a big user. Well, this
20 doesn't do anything for conservation; but also, it really
21 hurts poor people, because they were paying the highest
22 rates and yet using the smallest amount. And so, we began
23 to get involved in that.

24 We got involved in the energy work party with
25 our legal services money and party with a very substantial

1 grant from the Community Services Administration, which
2 at the present time and until the end of this year,
3 accounts for about half of our budget.

4 Well, that's the dilemma--those are the issues
5 that our clients face and--or, rather, that the field
6 attorneys face; and the question is, how do we fit into
7 that. The heart of our work is service requests.

8 We answer over 1,000 individual requests from
9 field attorneys around the country on consumer and energy
10 issues. In my written statement I've shown a typical
11 month's breakdown and given some national statistics.
12 People call us, people write us, and we will either answer
13 them over the phone, send back a brief letter, send back
14 a lengthy memo, depending on what is appropriate.

15 Out of that obviously a number of recurring
16 issues show up. The same questions begin to get asked
17 over and over again. We prepare general materials on
18 issues that arise over and over again. And in my mater-
19 ials I've presented you with a typical, though perhaps
20 not the most fascinating, memo that we send out to debt
21 collections specialists about an issue on recovery of
22 collection expenses by creditors and debt collection
23 agencies. This is typical of the sort of detailed legal
24 analysis that we will do of an issue which is recurring
25 around the country.

1 Then as the issues--as it was clear that there
2 were issues that were recurring over and over again, and
3 we were doing basic research over and over again, we pre-
4 pared a set of practice manuals. We've had practice man-
5 uals in field programs since 1972. Our latest set, which
6 will be for those field attorneys here in the mail to
7 you next week, are these: There are ten of them. These
8 three are the three that I happened to bring down. I'll
9 be happy to give the board members a complete set of all
10 ten as soon as they are available. But they treat the
11 basic consumer areas. One out on unfair and deceptive
12 practices; one on debt collection and harassment, and
13 so forth. I've listed in my written statement all of
14 those topics.

15 In addition to that we send out newsletters
16 to keep people up to date on developments, and we've used
17 a variety of different formats, and I've attached our
18 latest newsletter which is the NCLC Reports--and to the
19 field people, this will also be in the mail to you next
20 week--as Attachment G to my statement.

21 Now, in addition to outreach to private attor-
22 neys, we've begun a program of outreach to the private
23 bar as programs have begun their 10 percent program; and
24 in my materials is this form letter that we sent, along
25 with the other support centers, to all the judicare

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1 directors and pro bono coordinators around the country
2 stating the availability of our services and what we could
3 do for them.

4 I guess I should stop at this point and mention
5 Mr. Miller and his criticisms about support centers in
6 this regard; and he would have you believe that these
7 types of material are available at the local level. It
8 is our experience that they are not; that there is no
9 such manual as our own Fair and Deceptive Practices, for
10 law professors are simply not going to--and many of them,
11 frankly, are just not into our area, and are not going
12 to give training programs and are not going to have the
13 knowledge that we have in these areas; and the reason
14 is simple: there's no money in them. We're talking
15 about \$100 debts, \$500 debts, \$1,000 debts, \$50 debts.
16 These are not cases that private attorneys are going to
17 pursue, or pursue vigorously, as a general matter, and
18 certainly not cases about which a large number of training
19 programs and other things have developed, nor is there
20 a large legal literature about them. So we find our-
21 selves as essentially a unique resource.

22 In addition to this general materials, in addi-
23 tion to the day-to-day work, we do training work. We
24 will go out and put on training programs on a regional
25 basis, on a local basis. But we realize that there is

1 no way we can serve 2,000 attorneys very effectively and
2 it doesn't make sense as a practical matter. So our
3 strategy is to encourage local specialists. We try to
4 train a coterie of specialists around the country--many
5 in the state support centers; ideally I suppose, in a
6 state support center where they have a duty to back up
7 their local field programs or else in larger programs.
8 We see them ideally as our base client. We would work
9 with them; we would help them on national issues; we would
10 help them on what goes on from one state to another; we
11 would train them and hope that they in turn would help
12 on the routine cases.

13 The difficulty we've had with that strategy
14 is the turnover at the local programs. We work with some-
15 body--they start out as a novice; they come to one of
16 our training programs; they call us a lot; maybe we try
17 a case with them, and then, boom, a big Mississippi issue
18 comes up and we call and it turns out that our Mississippi
19 contact no longer works in the program and we're starting
20 from scratch again.

21 In addition to this type of general support,
22 we do work in some complex cases in litigation, and I've
23 given some examples.

24 Let me pause here to talk about another issue,
25 and that is, the issue about leadership. Are we on our

1 own agenda or we on the agenda of the field people? As
2 I say, the service request is the heart of our work. It
3 is the work that keeps us in tune that we are really doing
4 what local lawyers are seeing. Now having said that,
5 it is certainly the case that we take leadership, and
6 we are proud of it; but I think--and I would argue that
7 it is responsive to client needs; and let me give two
8 straightforward examples from our practice.

9 When the Truth and Lending Act was first passed,
10 most field attorneys, and I venture to say most private
11 attorneys, did not realize the implications of it in de-
12 fending private consumer cases; and we got a lot of credit
13 cases coming in, but we did not see much in the way of
14 Truth and Lending defenses being raised; and we took an
15 aggressive posture. We developed a manual; we would hold
16 training programs on Truth and Lending; we would encourage
17 local attorneys to understanding the Truth and Lending
18 Act, to understand how it could be used; we would send
19 out model pleadings in Truth and Lending, and within a
20 couple of years legal services lawyers around the country
21 were vigorously using this statute to defend their
22 clients. And, in fact, if you follow this out, although
23 this is probably peculiar to the Truth and Lending Act,
24 what happened was local attorneys, private attorneys, then
25 began to see that there was actually money in these cases,

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1 and a private Truth and Lending Bar developed; and now
2 in many areas of the country legal services lawyers are
3 getting out of Truth and Lending, probably because the
4 Act has changed; but before the Act changed, because pri-
5 vate attorneys would now take these on a fee-generating
6 basis.

7 We are presenting taking what I think of as
8 a leadership position in the Federal Debt Collection Act,
9 and that's a similar situation. It's a new Act. Most
10 legal services attorneys are not aware of it. We're push-
11 ing it. It's an important tool that a lawyer ought to
12 know about; he ought to be aware of it; it gives him some
13 new advantages; it gives his clients new protections.
14 And we take a leadership role in that.

15 In addition, we do administrative advocacy be-
16 fore both state agencies and federal agencies. One example
17 that I mentioned is regulations on cutoffs. We've assisted
18 local programs in making presentations on--in rule-making
19 procedures before state Public Utility Commissions on
20 cutoff regulations. In addition, we will assist them
21 in adjudicatory proceedings on rate structures in utility
22 rates.

23 I'd like to spend most of my time in talking
24 about our legislative work, because that, I think, has
25 been the subject of most of the controversy. I would

1 not swear by these statistics, but roughly speaking, as
2 my deputy and I talked this over, we think about 7 per-
3 cent of our legal services dollar goes into fairly direct
4 legislative work other than answering service requests,
5 and of that 7 percent about a half of it is probably what
6 you would think of as lobbying in a sense of knocking
7 on doors and talking to people and advocating as opposed
8 to sort of information dissemination. And let me give
9 you two examples which I think raise both the importance
10 and the complexity of the issue.

11 The Fuel Assistance Act is of vital importance,
12 we believe, to field attorneys and to their clients, and
13 a number of field attorneys have written to us on behalf
14 of their clients asking us to represent them before the
15 Congress. In the fall of 1981--one of the problems with
16 the Fuel Assistance Act is that Congress has changed it
17 every single year for the past 4 years. In the fall of
18 1981 they made what appeared to be a technical change
19 in one of the definitions--Section 8622. Under that sec-
20 tion they define household to mean all individuals who
21 occupy a housing unit, and at the time I guess nobody
22 thought anything of that. Household in term was a criti-
23 cal definition because then income was based on household
24 income. And so, if you were to be eligible for this pro-
25 gram they looked at your household income. Within a matter

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1 of a couple of weeks after the Act had passed and begun
2 to be implemented we got a phone call followed up with
3 a letter from the State of Vermont from the local legal
4 services program. Elderly clients were being turned down
5 by the local Vermont officials. The reason they were
6 being turned down was that they were elderly people who
7 still owned houses and the houses were bigger than they
8 needed and they were renting them out to roomers. The
9 roomers had income--in some cases moderate incomes; and
10 their income was being counted under the statutory defi-
11 nition of household, even though that income was not
12 available to the poor person who owned the house; and
13 so, they were being rejected for this. We were contacted
14 by the Vermont Program. We discussed this with Senator
15 Stafford from Vermont who was also active in the Fuel
16 Assistance, and he agreed to submit an amendment to that
17 Act as a ^{rider} ~~writer~~ to a later Act that was coming up, the
18 Older Americans Act. He in turn suggested that it was
19 important to get the House of Representatives involved
20 in this issue. We had a previous set of contacts and
21 dealings with the appropriate committee in the House;
22 we discussed the amendment with them which was past the
23 Senate floor, and when it came to Congress--in technical
24 terms is the House receded to the Senate amendment; the
25 Act was passed in time so that the clients in Vermont

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1 were eligible that year. Without this type of legislative
2 advocacy there is no way that those clients would have
3 gotten fuel assistance.

4 It would be misleading, however, I think, to
5 the Committee were I to state that we only do this type
6 of narrow technical type of legislative representation,
7 because that is not the case. We also represent clients
8 in the general issue of the Fuel Assistance Program. We
9 feel it is critical to the clients that we're asked to
10 represent, and we make that case on their behalf before
11 the Congress.

12 In doing this, I think it should be clear that
13 we're not wheeler-dealers walking in and saying, hey,
14 you know, give us fuel assistance and we'll give you that.
15 I mean, we have no clout, we have no ability to do that
16 sort of thing. What we can do is go into a Congressman's
17 office, talk to his staff people and say, look, we repre-
18 sent clients around the country; here is the information
19 we have gathered; their fuel costs have gone up by so
20 much; if this program should be cut back by this, it would
21 have this kind of impact on a typical constituent in your
22 district, or would have this type of impact on our client.
23 And we're proud of that general legislative role as well
24 and we think it is very important.

25 Now, Mr. McKee has asked what would happen if

1 we could not--if 3480 came into effect. And this answer
2 is that it would be devastating, we believe, to our work
3 and to the rights of clients. I'm talking too long. Let
4 me give you one brief example.

5 There is a new federal policy brought forth
6 by this Administration that the Federal Government should
7 be much more vigorous in collecting its debts; and I think
8 that's a policy that everybody would be, or should be,
9 in favor of. and obviously I am since it cuts down on
10 our tax bill. However, it is having in certain instances
11 a very adverse impact on our clients. A number of legal
12 services clients around the country in an effort to better
13 themselves signed up for these fly-by-night vocational
14 schools. You know, "Be a computer programmer and earn
15 \$25,000 a year." In some cases the vocational schools
16 close before the course is over, and in some cases there
17 was no computer when they got there. In any event, the
18 things were essentially frauds. The schools attempted
19 to collect the money that they loaned to our clients under
20 federal guaranteed loans; were unable to do so and turned
21 the loans over to the Federal Government. The Federal
22 Government is now coming after these clients very vigo-
23 rously. And, in fact, are doing things which are pro-
24 hibited under state federal collection laws, and are pro-
25 hibited under Federal collection laws, only they don't

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1 apply to federal employees.

2 Now we are searching for various litigation
3 handles to help these clients, but I think in the end
4 that it will be inappropriate for us to raise to the
5 Congress and say, this is what the Federal Government
6 is doing; there's nothing wrong with collecting debts,
7 but you ought to be subject to the same constraints that
8 you've already subjected private debt collectors too, and
9 under 34-A there is just simply no way we could do that.

10 In fuel assistance we might continue some role,
11 because we have a name in the Congress as people who re-
12 present clients on fuel assistance, and Congressmen might
13 continue to call us. But they won't call us in this issue
14 unless we bring it to their attention.

15 Mr. McKee is indicating I'm going way too fast.
16 I'll skip our staff situation and how many people we have
17 and so forth.

18 CHAIRMAN MCKEE:

19 Go ahead. You can mention that.

20 MR. SABLE:

21 Well, let me talk about the overlap and dupli-
22 cation issue since that does seem to be an important issue.
23 There are two kinds of centers as I think you know, and
24 they concern themselves essentially with two different
25 ways that, at least in this country under our legal

1 system, we define rights and obligations,

2 Some of your rights and obligations rest on
3 your status, a certain status situation as a person. If
4 you're a veteran there's a complex of laws that affect
5 you as a veteran. If you're a youth there's a complex
6 of laws that affect you in your status as a youth. If
7 you're an elderly person you have certain entitlements
8 as an elderly person. If you're a native American you
9 obviously have a whole complete set of entitlements.
10 Other rights and obligations rest on activities: your
11 activity as a health consumer, your activity as a renter.
12 And so, our centers divide by specializing in these two
13 sets of areas--the status areas and the activity areas.
14 We are in an activity area of consumers. Obviously, native
15 Americans are consumers, and, obviously, some consumers
16 are native Americans; but we tend to focus on the consumer
17 laws whether they impact on native Americans or not, and
18 similarly, with consumer problems of the elderly.

19 Now, having said that and having laid out the
20 basis structure, obviously there is some overlap within
21 the structure, and the centers work very closely together
22 to try to deal with that issue. And let me just give
23 three quick examples.

24 Hospital debt collection is an issue under which
25 you have certain rights and obligations as a consumer;

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1 but you also have certain rights and obligations as a
2 health consumer. And so, the health law center has an
3 expertise on something called the Hilburton Act, which
4 is a defense you can raise as a poor person if the hospital
5 tries to collect money from you. There are also tradi-
6 tional consumer defenses that you can raise. And so,
7 I work together on this program--or rather, our staffs
8 do--and we have a joint health collection packet that
9 we put out.

10 In other areas we coordinate. Fuel assistance
11 we have taken the lead on as an energy issue; but clearly
12 it is in some sense a welfare-type program, and there
13 is expertise in the welfare area that we need. It is
14 an area that particularly affects elderly people so that
15 we need help from the elderly center and so forth.

16 And so, we put together a task force of attor-
17 neys from the different centers to discuss the various
18 fuel assistance issues to make sure we were getting the
19 best type of information out and the best type of advo-
20 cacy.

21 And, finally, in some issues we simply divvy
22 them up. Second mortgages is an issue which could be
23 a housing issue, it could be a consumer issue; and I talked
24 this over with the director of the housing center and
25 basically sort of have an understanding that if it's a

1 transaction which occurred out of a house purchase, he'll
2 handle it as it's essentially a real estate transaction.
3 If the second mortgage occurred because of the purchase
4 of another good or service like air conditioning or crummy
5 siding or that sort of thing, then we'll handle it.

6 Let me just conclude then by saying that I think
7 our center is cost effective in doing in one place what
8 dosen't need to be done 50 times over or 10,000 times
9 over. I think we provide high quality work ourselves
10 and I think we assist field people in providing a high
11 quality of legal assistance to them.

12 In ordinary times I would now give you a sad
13 tale of my center, which is, that our energy work that
14 we do to help--we got a federal grant, not from Legal
15 Services Corporation, but we carefully structured the
16 grant so we could provide backup services to field
17 attorneys in energy issues. We will lose that grant at
18 the end of this year. So, regardless of what this board
19 does our funding will be cut by more than half in 1983.
20 In ordinary circumstances I would come to the staff and
21 perhaps the board and ask you for more money. I realize
22 that that is an unlikely occurrence this year, although
23 should the money pop up we'd appreciate it. But at the
24 least I would urge you to give us some stability in what
25 will remain of our program. And I would urge you, as

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1 some of you have already done, to visit us, to study us
2 or to scrutinize us. We do good work; we're proud of
3 it; we've nothing to hide; we'll tell you what we do;
4 we'll show you what we do; we'll stand behind the self-
5 serving statements that I'm making today and show you
6 that I can document them all. So I urge you to retain
7 us as we're a vital component of a high quality and
8 effective program of legal services.

9 CHAIRMAN MCKEE:

10 Thank you. We'll have the rest of you to limit
11 your remarks to around 15 minutes. By the way, preface
12 your remark with how much your grant is. What was yours?

13 MR. SABLE:

14 My base '82 grant is about \$540,000. My overall
15 program budget, the spending level that we're spending
16 at this year, is approximately \$1.5 million. Of that,
17 approximately \$750,000 is from the Community Services
18 Administration.

19 CHAIRMAN MCKEE:

20 I'll withhold my questions and we'll just go
21 around the table.

22 MR. OLSON:

23 Just a couple. First of all, how many do you
24 have on staff? You were going to go into it.

25 BY MR. SABLE: Yes. I have approximately 22 professionals.

1 about half of whom are funded by the Legal Services
2 Corporation and about half of whom are funded by the
3 Community Services Administration or other federal grant.

4 MR. OLSON:

5 If you divide 22 into 1.5 million, you're deal-
6 ing with a very high level of cost per attorney, are you
7 not?

8 MR. SABLE:

9 The figure that I use in budget planning is
10 about \$70,000 an attorney. My guess is that that is
11 higher--as a matter of fact, I'm sure that is higher--
12 than the typical field average. There are two or three
13 reasons for that. Support centers, and ours is no ex-
14 ception, tend to have an older staff. We very rarely
15 hire people right out of law school. An ideal person
16 would have 5 or 6 years of experience. When I entered
17 the center I had 6 years of experience in the Cleveland
18 Legal Aid Society and then I've been 8 years at our cen-
19 ter. In addition, our salary levels are probably higher
20 than many field programs because we try to--we made the
21 decision to have a smaller staff which we can retain over
22 a longer period of time and salary obviously plays some
23 role in that. Finally, we have a much higher overhead,
24 I suspect, than many field programs. We do a lot of
25 traveling. We have enormous phone bills. We have

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1 enormous printing bills; and all of that, although it's
2 cranked into our per-attorney costs, is the reason why
3 our budget would be higher.

4 MR. OLSON:

5 Do you know then what the average length of time
6 is of the attorneys that have stayed with you?

7 MR. SABLE:

8 Stayed with us?

9 MR. OLSON:

10 Yes. Or have them with you.

11 MR. SABLE:

12 No, I'm sorry, I don't. I don't, I'm sorry.

13 MR. OLSON:

14 I wondered, you repeatedly referenced the high
15 quality work which the group does and indicate that part
16 of the reason, I guess, is because of high pay and the
17 individuals in specialization. I just wonder if people
18 stay there for a good long while or is there less turn-
19 over there than there would be in the field.

20 MR. SABLE:

21 Yes, we have much less turnover than a field
22 program; but I'm sorry, I don't have the statistics at
23 my fingertips. I've been there 6 years; there are several
24 people who were there on the staff when I came who are
25 still there. We have a low turnover rate, but I can't

1 give you the numbers.

2 MR. OLSON:

3 There is a curious pattern which one notes by
4 looking over the list of support centers which are based
5 in other places besides Washington in that they all seem
6 to have Washington offices.

7 MR. SABLE:

8 Yes, sir.

9 MR. OLSON:

10 I see you folks are no exception.

11 MR. SABLE:

12 That's correct.

13 MR. OLSON:

14 Who is based in the Washington office?

15 MR. SABLE:

16 We have a staff in Washington of five people
17 of whom 1-1/3 are funded through the Legal Services Cor-
18 poration. We perform essentially two functions out of
19 our Washington office: federal administrative advocacy
20 before the Federal Reserve Board; to some extent before
21 the Federal Trade Commission; very actively before HHS
22 in regard to the Fuel Assistance Program; before the De-
23 partment of Energy is primarily in regard to the Weatheri-
24 zation Program, and before the FERC in regard to some
25 energy issues. The rest of our work out of our Washington

1 office would be legislative advocacy in the types of
2 issues that I mentioned in my statement.

3 MR. OLSON:

4 With your work before the FTC they have a pro-
5 gram under which attorneys representing the various public
6 interest groups if they participate in their process can
7 be compensated for their attorneys' fees---

8 MR. SABLE:

9 Or at least they used to, yes.

10 MR. OLSON:

11 Have you participated in that?

12 MR. SABLE:

13 Yes, we did. We were appointed as the--I think
14 we were either the official consumer representative or
15 perhaps the representative of low-income consumers in
16 a lengthy hearing that they had on credit practices, and
17 we received fairly substantial amounts of money from them
18 at that time. Of course, we're pleased to do this because
19 it enabled us on behalf of legal services attorneys to
20 expand our money. We would have probably participated
21 in any event using legal services money and we were able
22 instead to get another agency to pay for it.

23 MR. OLSON:

24 Perhaps I missed--you said there were several
25 things you did in the Washington office, and you said

1 administrative advocacy.

2 MR. SABLE:

3 Yes, sir.

4 MR. OLSON:

5 And what other?

6 MR. SABLE:

7 Legislative advocacy.

8 MR. OLSON:

9 In, for example, the things you talked about
10 before with regard to fuel assistance and other things.

11 MR. SABLE:

12 That's correct.

13 MR. OLSON:

14 Well, I guess that's enough time spent. We'll
15 get back to this more, I'm sure.

16 MR. PARAS:

17 Do I understand, Bob, that you do not actually
18 represent an individual client if he comes in to you?

19 MR. SABLE:

20 We will never take an individual client who
21 just walked in our door, no. We would refer that person
22 out. As a general rule in 95 percent of our cases where
23 we are formally attorney of record, we are attorney of
24 record as co-counsel with a local program. In a couple
25 of instances we will have a direct relationship with a

1 local client, or more typically, somehow we will get in-
2 volved with a local program representing a client and
3 for some reason the local program will withdraw and we
4 will continue; but that's essentially an aberration.
5 Basically that's correct, that all of our client repre-
6 sentation is through a local counsel who has the direct
7 client relationship.

8 MR. PARAS:

9 For example, when you spoke of the large number
10 of cases involving automobile repossessions, you're
11 speaking of cases where you are advising a local delivery
12 group.

13 MR. SABLE:

14 That's correct. It might be only a handful
15 and possibly none in which we are formally of record in
16 those cases; but a large number of legal services attor-
17 neys will have clients who are calling us about those
18 cases and we're helping them with the pleadings or memos
19 or advising them or whatever.

20 MR. PARAS:

21 How about the general policy--do you advise
22 on general policy as to what kind of cases to litigate
23 and what kind of cases to give up on? Obviously, there
24 will be some cases where your client simply has had a
25 judgment taken against him, there are no defenses, and

1 nothing should be done. Do you participate in the deci-
2 sion as to the advice to the client that you have to take
3 your lumps on this?

4 MR. SABLE:

5 Well, we probably wouldn't participate in the
6 direct sense, but in the sense of advising the lawyers
7 that they've got a hopeless case, yeah, we do that all
8 the time. In a funny way--I mean, we find ourselves in
9 this funny position. In certain instances, as the in-
10 stances I discussed earlier, we're urging local field
11 people to be more aggressive. In a number of cases we're
12 doing just the opposite. I mean, the client's car has
13 been taken and somebody fresh out of law school--they
14 can't do this, it must be a federal offense, I'm going
15 to file an action in Federal Court, my client's consti-
16 tutional rights have been violated. Well, wait a minute.
17 It's a little more complicated than that; people have
18 thought about that already; you're not going to get any-
19 where in Federal Court, you know, and you can do this
20 and do this and you can probably settle the case. So
21 we play both roles, yes.

22 MR. PARAS:

23 Then you indicated roughly 7 percent of your
24 work is legislative advocacy work.

25 MR. SABLE: That's correct; yes.

1 MR. PARAS:

2 Now, yesterday in the airplane you showed me
3 three examples of the kind of material you put out and
4 make available to local offices, and I really think they
5 are marvelous. I congratulate you.

6 MR. SABLE:

7 Thank you very much.

8 MR. PARAS:

9 Frankly, as a private practitioner I'd love
10 to have some of that material.

11 [Laughter]

12 MR. SABLE:

13 I'll be happy to sell you a complete set. We'll
14 even send it to you free.

15 MR. PARAS:

16 But let me ask you, what percentage of your
17 time, your project's time, would you say is devoted to
18 the production of that kind of material?

19 MR. SABLE:

20 Well, that--I'm glad my staff is not here to
21 answer that question. During the height of this project
22 last year and the year before, to a great deal of anguish
23 we were spending, I venture to say, 70 percent of our
24 time on writing those manuals, and at one point, as I
25 think some of the field people may recall, we stopped

1 taking service requests and essentially closed down the
2 shop to crank these out. Now that they're out and we're
3 only going to be supplementing them it will be substan-
4 tially less, or at least I hope so, or I'll probably have
5 a staff revolt.

6 MR. PARAS:

7 So that was roughly 70 percent?

8 MR. SABLE:

9 For a short period of time, yes. And now--
10 I can't--the overall statistics which I give in my state-
11 ment, and I think that's probably as close as I can come
12 to answering your question, is that about three--we esti-
13 mate about three-quarters of our total effort could come
14 under the general support area. That would include man-
15 uals, newsletters, day-to-day service requests and train-
16 ing, and then the other quarter to a third would be these
17 sort of bigger projects: the legislative, bigger cases,
18 administrative advocacy, that sort of thing.

19 MR. PARAS:

20 Fine. I think I could probably take a half
21 hour more of your time with questions, but in all fairness
22 we'd better move on. Thank you.

23 MRS. SLAUGHTER:

24 How could the national and the state support
25 centers--I mean there is duplication. How could you go

1 about reducing the duplications?

2 MR. SABLE:

3 Well, I guess I really don't see the duplica-
4 tion, to be honest with you, Mrs. Slaughter. We can't
5 service 2,000 field attorneys unless you want to quadruple
6 our budget or whatever, and I don't urge you to do that.
7 I don't think that is the correct way to handle things,
8 to have a giant federal--a giant national office. A lot
9 of what we do is national and federal in scope, and then
10 there is a lot of state practice that has to be cranked
11 into these cases. So what we see ourselves doing is
12 feeding into the state support. State support people
13 will take our materials and then they will put out the
14 Mississippi supplement or the Mississippi practice aspect
15 of them. Ideally, I would see two or three Mississippi
16 state support people who are the consumer experts and
17 they would be the ones that would call us all the time;
18 and I think they would do a better job having us, we'd
19 do a much better job having them, and we really don't
20 see ourselves as duplicating each other's work.

21 MRS. SLAUGHTER:

22 Okay. Well, the reason I'm saying because you
23 get calls and you get letters, and one of the things I've
24 gotten in the last several weeks is that, do away with
25 the national support centers, but don't do away with the

1 state support centers. So this is--because there is some
2 duplication and the state support centers are needed,
3 you know, more than the national support centers. What
4 they're saying is that there is a duplication, and that's
5 my reason for the question.

6 MR. SABLE:

7 Yeah. Well, I mean, that is somebody's opinion.
8 My own judgment is that they are both critical components
9 of the overall structure that's been developed over the
10 years.

11 MRS. SLAUGHTER:

12 That's all I have.

13 MRS. WORTHY:

14 I don't have any questions. I'm pretty aware
15 of the work that you've been doing and the fact that it
16 has had some great effects as far as clients are con-
17 cerned. I really don't have those kinds of questions.

18 MR. DANA:

19 Bob, have you found that the statutory restric-
20 tions on lobbying of the Moorehead Amendment have im-
21 pinged you in any way in your activities in legislative
22 endeavors, and, if so, how?

23 MR. SABLE:

24 Yeah, they have, and our legislative people
25 I think would--they're the ones that would abolish the

1 Moorehead Amendment. Obviously, when you are attempting
2 to advocate legislatively it is extremely helpful to have
3 as many allies as possible on any legislative issue, and
4 they would love to be able to write our newsletter in
5 a strong and vigorous way and distribute it all over the
6 country if we could use the money. You know: write your
7 Congressman, urge him to vote on X; and we would--I mean,
8 I don't know whether we would do it as a matter of prior-
9 ity, so I'm just talking about our legislative people.
10 You know, they would urge us to send it everywhere and
11 probably send it out to as many people as possible, be-
12 cause if you're going to be a full-fledged lobbyist that's
13 one of the tools you've got. And so, in that sense it
14 does impinge upon us. Now, we never did that, at least
15 that I know about. What we did, I'm sure--I mean, I'm
16 almost sure--that if you went back to our newsletters
17 before the Moorehead Amendment they were much more just
18 urging people to vote, and we probably tried to get wide
19 distribution and probably tried to get others to distri-
20 bute them as well. We don't do that anymore under the
21 Moorehead Amendment. I think we can live with the
22 Moorehead Amendment. I don't consider it to be crippling
23 to the work that we do, especially because so much of
24 the lobbying work that we do--I mean, we're never going
25 to be able to walk into a Congressman's office and say,

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1 let's face it, Congressman, if you don't go in on this
2 one, you know, there are 200,000 votes that you're going
3 to lose. All we can do is provide information; and I
4 think within the restrictions of the Moorehead Amendment
5 if we're allowed to continue to disseminate to field
6 attorneys information about the pending legislation so
7 that they in turn can educate their clients and then we
8 can get the feedback from them and be able to present
9 the information to the Congress, that we would still be
10 able to do an effective job.

11 MR. DANA:

12 What is the function of your communication to
13 field attorneys who in turn communicate with their
14 clients?

15 MR. SABLE:

16 Our function is to help them be better attorneys.

17 MR. DANA:

18 With respect to pending legislation.

19 MR. SABLE:

20 Right. And in that regard to let them know
21 what is pending in Congress that might affect their
22 clients' interests so that they can advise their clients
23 on the legal options that are available to them.

24 MR. DANA:

25 Such as?

1 MR. SABLE:

2 Such as? Such as asking their attorney to re-
3 present them on the issue or, I suppose, to take action
4 themselves should they want to. I mean, there are other
5 instances and other examples where it is very helpful
6 to know about pending legislation and certainly they play
7 an important role. I was talking to David Medwick from
8 the Housing Center and he was talking about a client who
9 wonders whether they're going to get on the public housing
10 wait list and they wonder if they're going to be eligible
11 to get on public housing, and they want to know what the
12 status of the appropriation is in terms of what their
13 chances are in housing. And I'm sure there are a number
14 of instances like that in which their clients' lives are
15 affected by knowing about pending legislation which don't
16 result necessarily in the client asking you to represent
17 them. But my guess would be that the bulk of the reason
18 for doing this is so the client understands that option.

19 CHAIRMAN MCKEE:

20 Mr. Lyons, do you have any inquiries?

21 MR. LYONS:

22 Bob, it seems to me that based on some of the
23 things I've heard with regard to complaints about our
24 support efforts much of it appears to be focused in, in
25 the area of Moorehead and the newsletters.

1 MR. SABLE:

2 Yes, sir.

3 MR. LYONS:

4 Two questions. (1) Do you think that the pub-
5 lication of the newsletters do in fact have a high risk
6 of running afoul of Moorehead, and is there a better way
7 to better manage the newsletters in order to keep it with-
8 in the framework of Moorehead in terms of---

9 MR. SABLE:

10 Well, I think there's no question that the news-
11 letters run a high risk of running afoul of Moorehead,
12 and I think that--I think it can be handled better. I
13 don't think we've handled it as well as we should have
14 in the past. We certainly tightened up a lot in our pro-
15 gram on the review and when that tightening up didn't
16 work I finally just issued a memo just last week that
17 absolutely nothing could go out of the office unless I'd
18 approved it even if it meant a delay for a week while
19 I was in Jackson, Mississippi, or something like that.

20 Now, there are further steps that could be taken
21 that we have looked at in other days for other reasons
22 and we rejected them. I mean, you could have a center
23 backup center newsletter or something like that. Our
24 judgment was that the bureaucracy, the Administration,
25 the time involved meant that the timeliness of these

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1 newsletters would be completely lost. We, for instance,
2 publish regularly in Clearing House a column, and we try
3 to use that as much as we can because it doesn't cost
4 us anything. All we have to do is type the column, send
5 it to the Clearing House, they take care of everything
6 else for us; but there's a 2- or 3-month delay in the
7 Clearing House publication. Even if you didn't--obviously,
8 you could cut down that lead-time; but when you begin
9 to try to coordinate four or five groups--I mean, we're
10 well run; but, I mean, frankly, getting a newsletter out
11 of our office is still a terrible, terrible pain, and
12 to try to have to do that with five or six or fifteen
13 centers I think just wouldn't make much sense. So I think
14 we can internally police it, and I think the corporation
15 ought to be tough and crack down where they see violations
16 of Moorehead, and I don't quarrel with that.

17 MR. LYONS:

18 I don't know, the question may be better direct-
19 ed to the entire panel as opposed to you, but since you're
20 on the hot seat right now I'll direct it at you. Obviously,
21 with respect to pending legislation and developments in
22 the law a certain amount of interpretation goes into what
23 that law means, what was intended by it, in terms of try-
24 ing to gauge the impact on clients.

25 MR. SABLE: Right.

1 MR. LYONS:

2 In the publication of those newsletters and
3 the writing of them, do you know whether or not generally
4 the people who put together newsletters seek out the
5 sponsors of a piece of legislation to determine in their
6 interpretation what was intended and to try to give a
7 balanced view on what--as to how a piece of legislation
8 is being interpreted?

9 MR. SABLE:

10 Yeah. They do so, at least in our newsletters,
11 and I must say not out of any particular concern about
12 the niceties of objectivity, although it ends up that
13 way; but just simply--I mean, if you're trying to give
14 information to a lawyer and you simply tell him such-
15 and-such a bill is pending and the results are going to
16 be Armageddon for your client, I mean, that really isn't
17 very helpful. I mean, what the lawyer wants to know,
18 what any lobbyist wants to know, is what is in fact the
19 real direct impact on the client and why is this thing
20 being pushed? What does the person on the other side
21 see as the advantage of the legislation? So when we
22 analyze a piece of legislation we attempt to give both
23 viewpoints. We do analyze it though. I mean, we don't--
24 we will state what in our judgment or in the judgment
25 of somebody appears to be the likely impact on legal

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1 services clients.

2 MR. LYONS:

3 Are groups other than legal services programs
4 on your mailing list for your newsletter?

5 MR. SABLE:

6 Yes. Our general policy which we're considering
7 changing, although I just heard some rumblings about it
8 today, we're considering charging people who are not
9 legal services people for our newsletters; but I heard--
10 when that came up in a discussion I had a number of
11 clients quite concerned that local groups that they were
12 in wouldn't be able to get the newsletters because they
13 wouldn't have the money to pay for them. At the moment
14 they are distributed and we don't charge.

15 MR. LYONS:

16 Thank you.

17 MR. PARAS:

18 Who are these groups?

19 MR. SABLE:

20 They're a variety of groups. In the fuel
21 assistance area--I mean, I'd have to go through our news-
22 letter; but in the fuel assistance area a number of public
23 officials subscribe. The state administrators in most
24 of the states that do fuel assistance subscribe to our
25 fuel assistance newsletter. A number of advocacy groups,

1 primarily Community Services Administration groups sub-
2 scribe. That's in part because they are one of the groups
3 we're supposed to be serving since it's not Legal Services
4 money that--or it's partially Community Services money.
5 But then in addition, we don't really scrutinize. I mean,
6 if somebody writes us and says I would like to receive
7 your newsletter, we will--at least our present policy
8 is to send it to them except--at least our general
9 newsletters. Now this new newsletter reflects our new
10 policy. We're going to be selling it to private attorneys
11 because we don't think it's something that community
12 groups would have any interest in anyway, and so, we will
13 charge people who are not Legal Services people; but like
14 our fuel assistance newsletter we don't charge for.

15 CHAIRMAN MCKEE:

16 Mr. Kirkpatrick, would you state your center,
17 your amount of funding, in 15 minutes.

18 STATEMENT BY MR. KIRKPATRICK

19 Certainly. [Laughter] I did bring a short
20 prepared statement. [Statements tendered to committee.]
21 Thank you. I'll try to be as brief as I can.

22 My name is David Kirkpatrick. I'm the
23 Executive Director of the National Economic Development
24 and Law Center, and I want to start by thanking you for
25 the opportunity to appear here. With the exception of

1 Mrs. Worthy this is my first chance to meet the members
2 of the board. I'm sure you have many questions about
3 our center and I welcome the opportunity to open the
4 dialogue over it.

5 Our center--you said the funding level we re-
6 ceive. I believe our funding level is \$338,000 from the
7 Corporation. We receive substantial other funds. Our
8 total annual funding is around \$2 million. As I will
9 explain in my discussion, because our work requires us
10 to spend a great deal of time on-site with local programs
11 and with local client groups and travel becomes a major
12 part of our budget, we use consultants--we use people
13 outside our direct staff much more extensively, I suspect,
14 than other programs. So of the \$2 million only about
15 1.75 goes for our staff. We have 22 staff, and my calcu-
16 lation--unfortunately that does come in higher than the
17 Consumer Law Center--about \$80,000 per staff person.
18 Around \$8, \$9, \$10,000 of that is for travel. So we are
19 more expensive than some field programs in part. That's
20 because we provide a range of assistance in corporate
21 tax--you know, areas where we have to compete with people
22 who earn salaries two, three, four times what our people
23 get paid, and we're really in a tough competitive market.
24 Plus, we have, because of all the travel, much higher
25 overhead than local programs. So that's the basic

1 financial picture.

2 The work we do is to assist local legal services
3 programs and their eligible client groups in a whole range
4 of self-help strategies to decrease the client's dependency
5 on government benefits, government services. Let me give
6 you some examples because they really run quite a gamut.
7 It might be some sort of a neighborhood revitalization
8 strategy, it might be housing development, it might be
9 development of health care facilities at the local level,
10 it might be job creation, it might be creating a credit
11 union to make available credit at an affordable price,
12 it might be some sort of a food venture or food service
13 program to make food affordable to low income people.
14 It really can be any of a wide range of activities. And
15 since we're in the South let me try to put a little bit
16 more meat on the bones with some examples from some of
17 the projects we are currently working with in the South.

18 Here in Jackson, Mississippi, for instance,
19 the Central Mississippi Legal Services Program was working
20 with a group, Midtown Neighborhood Development Corporation,
21 that was concerned about the city's use of Community
22 Development Block Grant funds. Benefits of those funds
23 were supposed to be targeted to low-income residents.
24 And they asked for assistance in filing an administrative
25 complaint and as a follow-up on that assistance in sitting

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1 down and negotiating with the city to try to develop a
2 plan for the use of those funds that would benefit eligible
3 clients, neighborhood residents. Out of that process
4 the group was able to get a small grant to hire their
5 own planner and they are now working with the city in
6 developing a neighborhood revitalization plan that they
7 feel will direct the benefits to the clients that were
8 intended.

9 In Alabama an example of a couple of different
10 strategies: The Choctaws and neighboring Black community
11 asked us to come in and do a training session to lay out
12 a range of economic development strategies. Out of that
13 they chose to start with developing a credit union. A
14 lot of the local clients have to use credit to buy even
15 some of the most basic necessities. Through a credit
16 union they can get credit at substantially below what
17 they would otherwise pay. They followed up on that. The
18 local legal services program was able to certify the
19 Choctaws as a state-recognized Indian tribe which entitled
20 them to certain benefits. Out of that they were able
21 to get some money to develop a planning capacity in their
22 organization. Through that they've started working in
23 developing a laundromat and a sewing co-op through which
24 they hope to create 25-30 jobs that were not there for
25 the eligible clients in that community before. And they

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1 are now working on federal recognition of them as a tribe
2 which will entitle them to further benefits directed at
3 the eligible clients in that community.

4 In Belle Glade, Florida the local legal services
5 program had been involved in litigation over a variety
6 of housing issues with the city, and particular, the
7 housing authority had refused to accept \$5 million in
8 funds for housing for the residents of that community.
9 They filed a suit alleging that the refusal to accept
10 the funds was based on discrimination. They prevailed.
11 They needed someone to come in and help develop those
12 houses. As a result, 50 houses have already been built,
13 another 50 are under construction, in a community that
14 had a desperate need for housing.

15 In Miami--I suppose our efforts in Miami began
16 when the State of Florida after the riots in Liberty City
17 asked us to come in and assist them in developing some
18 legislation at the state level to fund community based
19 economic development. I would not want to represent that
20 they followed all of our suggestions, in fact, they ig-
21 nored many of our suggestions; but, basically, they did
22 adopt a program. They asked us for input on the regula-
23 tions. We then were requested by the Miami program in
24 a client's counsel group there to come in and help them
25 set up a development corporation that would qualify for

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1 receiving some of those funds, and as a result they've
2 now set up a farm-to-market program which brings produce
3 directly from limited-resource-low-income farmers to that
4 community group where people are able to come and buy
5 fresh produce for 25-35 percent below what they would
6 otherwise have to pay, and for long-term welfare families
7 that is a significant and important saving for them.

8 In Baltimore--Cherry Hill is a neighborhood
9 in Baltimore. How am I doing on my time? Am I going
10 to run out quickly?

11 CHAIRMAN MCKEE:

12 You're all right.

13 MR. KIRKPATRICK:

14 I outline a couple of other examples in the
15 prepared piece, and rather than be redundant let me move
16 on to show exactly what we do, what the local program
17 is likely to do, and what the clients do by giving a
18 specific example, because that may not be clear to you.

19 Let me take as an example the community of East
20 St. Louis, which I'm sure Mrs. Slaughter can tell you
21 far more about than I can. It's basically a very hard-
22 core under developed town right across the river from
23 Mississippi. I believe it used to be a railroad terminus
24 and now the railroads have largely left the area. Most
25 of the capital in that area has left. The downtown area

1 looks like a ghost town. A heavy minority Black popula-
2 tion. A town that has serious problems. The railroads
3 own most of the land along the waterfront and they were
4 interested in coming up with \$600 million to redevelop
5 that area. So the Land of Lincoln Legal Services came
6 to us and said, "What can we do to insure that this bene-
7 fits the eligible clients in our community?" Well, we
8 started by suggesting that we start with a training pro-
9 gram. We differ, I suspect, from a lot of other centers
10 in this regard, because when we do training we almost
11 always have at least 50 percent clients. I don't know
12 if this is sensitive with the board or not, but I want
13 to get this out and get some feedback if it is.

14 The reason we do that is economic development
15 is not going to be effective unless it is a priority for
16 the clients and the direction comes from the clients and
17 the clients carry far and away the bulk of the effort
18 in carrying through any economic development effort. So
19 when we go into a community for the first time what we
20 like to do is have a training session with the legal
21 services staff and the eligible clients to lay out a vari-
22 ety of strategies, a variety of options, and see which,
23 if any, of them the clients once they have seen all the
24 options really want to put their efforts into. If they
25 don't want to put the effort into it, it's not worth

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1 pursuing; but if they do, a relatively small effort on
2 the part of the legal services program we feel can yield
3 tremendous benefits.

4 MR. DANA:

5 Excuse me. Who are the clients in this
6 instance here, the St. Louis instance?

7 MR. KIRKPATRICK:

8 There was already, as I understand it, a neigh-
9 borhood group. They have been incorporated as the--I've
10 forgotten the name; but they have been incorporated as
11 a community development corporation in East St. Louis.

12 MR. DANA:

13 Nonprofit?

14 MR. KIRKPATRICK:

15 That's correct.

16 MR. OLSON:

17 And all the people involved were eligible
18 clients?

19 MR. KIRKPATRICK:

20 I don't know if I can give you the details on
21 that. Clearly the vast majority were. There may have
22 been a few people who were not; but I---

23 MR. OLSON:

24 Do you investigate that ordinarily?

25 MR. KIRKPATRICK: In most cases we do not. In most cases

1 we leave the income eligibility determination up to the
2 local program. When we come into a community we're
3 working with very rare exceptions with the local program.
4 There are two or three cases where at the local program's
5 request we have worked with a group without the local
6 program. In a situation like that we would take some
7 steps to determine. But if we are working with a local
8 program our practice in the past has always been to rely
9 on the local program's determination. We feel a little
10 awkward second-guessing them. The eligibility standards,
11 as I understand it, under the statues and regulations
12 can vary from program to program within the maximum set
13 by law, and we've generally regarded that as an area for
14 the local program to determine how they will implement
15 them.

16 MR. PARAS:

17 My concern, Dave, is that you're dealing with
18 HUD and local redevelopment agency entities, and in
19 another respect you're dealing with private enterprise
20 in the form of the railroads, and I'm wondering where
21 does the poor person we're concerned with ultimately come
22 in as a result of your effort in that direction.

23 MR. KIRKPATRICK:

24 Well, the poor people are the members of this
25 nonprofit, and the nonprofit is set up to represent their

1 interest in negotiating with these other parties to en-
2 sure that a substantial part of the benefits go to
3 eligible clients. That's the whole purpose. When we
4 draft--when we work with the local program to draft the
5 Articles of Incorporation we qualify them as 501(c)(3)
6 tax exempt organizations. In fact, our center processed
7 the revenue ruling that makes eligible economic develop-
8 ment as a charitable exempt activity, and it is only
9 exempt if the benefit is going to neighborhood residents
10 in depressed communities. It goes to the exact--it doesn't
11 incorporate the legal services' standard of eligibility,
12 but the basic sense is precisely the same. I think it's
13 Revenue Ruling 74587574 or something like that. So that
14 there is in many ways almost a self-enforcing requirement
15 that these exempt development corporations have to target
16 the benefits for the low-income community.

17 MR. PARAS:

18 Now, what are the benefits, Dave?

19 MR. KIRKPATRICK:

20 Okay. The Cherry Hill example that I was going
21 to go into that's in the written materials but skipped
22 over, there the city has designated a development corpo-
23 ration to work with a private developer that is developing
24 an industrial park and to work with a private industry
25 counsel which is overseeing certain training funds and

1 with the city itself. And what they're trying to do is
2 negotiate with the leverage that the city has given them--
3 various conditions on the way this industrial park is
4 being developed. They want to be sure that there are
5 training programs set up so that local residents get the
6 jobs that are created rather than people coming in from
7 outside the area. They are trying to get a set-aside
8 for minority businesses, and they want to try to target
9 the development so that it's development for small busi-
10 nesses rather than major businesses, because there's been
11 a variety of studies recently that show that it's small
12 businesses that foster job creation which will create
13 the opportunities for neighborhood residents to go off
14 welfare, become employed, better themselves. They may
15 develop a venture of their own and operate within that
16 context. That's usually not the first step, that's
17 usually the second or third step down the road; because
18 going into business themselves is difficult. Most
19 community-base organizations start with sort of a service
20 program, turn that into a venture, and then once they've
21 gained enough experience go on to some other things.

22 MR. PARAS:

23 Well, what you're really saying is that by
24 helping with the promotion of the redevelopment project,
25 ultimately you are hoping and anticipating that poor

1 people will be able to participate on a proprietary basis.

2 MR. KIRKPATRICK:

3 That's correct.

4 MR. PARAS:

5 Thereby bettering themselves and ultimately
6 not being poor people anymore.

7 MR. KIRKPATRICK:

8 Precisely. Eventually getting out of the
9 category of poor. I mean, what we are really trying to
10 do is eliminate the demand for our services.

11 MR. PARAS:

12 But you're more or less betting---

13 MR. KIRKPATRICK:

14 Raise people out of---

15 MR. PARAS:

16 ---aren't you, Dave? You have no way of an-
17 ticipating--you're just helping the public project along
18 and hopefully with wisdom and hoping that that will re-
19 sult in the opportunity for poor people. You really have
20 no way of assuring anyone that that will be the end
21 result when you start off.

22 MR. KIRKPATRICK:

23 Usually there are a lot of levers. I mean,
24 in the case of East St. Louis you have a Black mayor and
25 a Black city council that is very concerned that this

1 group succeed in directing those benefits for local resi-
2 dents. So you have the entire regulatory apparatus of
3 local government cooperating with the neighborhood devel-
4 opment corporation. You have the exact same thing in
5 Cherry Hill. You have the client group working in tandem
6 with the private industry council which has resource in
7 terms of funds for training and with local government
8 to direct it in that way.

9 What really is being added here--I don't pretend
10 to even know what all the American Enterprise Institute
11 stands for or agree with all it stands for. The American
12 Enterprise Institute has put out a lot of material on
13 what they call mediating institutions, and what they're
14 talking about, as I understand it, is the value of neigh-
15 borhood based organizations carrying out some of the func-
16 tions that governmental agencies in the past have done.
17 People feel more comfortable going to organizations in
18 their community to work with them to achieve results,
19 to provide services to achieve goals, than relying on
20 local government. So you have a community based entity
21 advocating and representing the low-income residents rather
22 than just hoping that local politicians who are under
23 a whole different set of pressures and whatever being
24 their spokespeople.

25 MR. PARAS: Well, I think some of those safeguards are

1 built into the HUD regulations anyway; but you just add
2 a further safety factor in this.

3 MR. KIRKPATRICK:

4 Right. Many of the things we do work on do
5 not involve this sort of negotiation process. Obviously,
6 the development of housing in Belle Glade--they merely
7 went ahead and they acted as a codeveloper. The develop-
8 ment of the farm-to-market, the development of the credit
9 union, those are instances where they do it directly.
10 But, yes, many of the situations are representing low-
11 income interests in negotiations with other parties.

12 MR. PARAS:

13 Thank you.

14 CHAIRMAN MCKEE:

15 We took about 10 minutes of your time, so why
16 don't you finish that up and we'll proceed to the other
17 end of the table.

18 MR. KIRKPATRICK:

19 Okay. The other aspect of our training that
20 may be somewhat different is that we--because we have
21 had a tremendous increase in the demand for our services
22 over the last few years we've also put training resources
23 into developing capacity in the field, so that people
24 don't have to come to us for everything.

25 We have developed networks, and I've heard that

1 concern raised about that term. We've developed networks
2 on a state-wide basis. Let me explain what the purpose
3 of them are, because if you understood what they were
4 I would think that you would be very supportive. In
5 Florida, for instance, we had probably five or six pro-
6 grams that were coming to us for very much the same sorts
7 of services. We have had a series of training sessions
8 in Florida now and we feel as a result we've been able
9 to develop the capacity to handle many of those tasks
10 by other people in the network. Each program cannot afford
11 to have a housing development specialist. Each program
12 cannot afford to have someone who's well versed in non-
13 profit corporation law, at least beyond the basics. I
14 think everyone can incorporate a nonprofit, but when you
15 get into some of the questions of special tax exempt
16 issues that arise in nonprofits working with poor profits
17 not every program can afford that. So some of these
18 issues are now handled at the state level. We would be
19 brought in for some of the more specialized issues now
20 in Florida.

21 For instance, the Tallahassee program is doing
22 a housing development and they want to consider syndicating
23 it and using the proceeds of the syndication to write
24 down the cost of the housing to try to make it affordable,
25 and we're working with them on that. That is something

1 that I think will be a long time before local programs
2 will be able to do themselves; but we don't have to handle
3 a lot of the routine things.

4 We've done the same sort of training and network
5 development in Georgia, Alabama, New York. We're starting
6 on that process in Indiana, Illinois, California--a number
7 of states that we're trying to have in place. Experts
8 in the field that can carry part of the load, the demand
9 on us will then go just for the more specialized services.
10 And this really ties into your questions on state support.

11 In most cases the state support center is a
12 key part of that network but not the whole part, and most
13 state support centers with only two or three exceptions,
14 I think, have at best three, four, five staff people.
15 There's no way they alone can handle the full range of
16 poverty law issues that arise. What we try to do is
17 interest someone in that state support center to work
18 with a broader network of people in the field programs
19 in that state to coordinate it; and we feel that this
20 combination of the field program, state support and na-
21 tional support is the most effective way to deliver
22 services, and each has a role. It's not overlapped, it's
23 all complimentary.

24 CHAIRMAN MCKEE:

25 Mrs. Worthy.

1 MRS. WORTHY:

2 I don't have any questions.

3 MR. DANA:

4 You indicated that your total funding was
5 \$2 million and that Legal Services provides about a fourth
6 of that?

7 MR. KIRKPATRICK:

8 I think it's well less than a fourth. It's
9 three--we receive, I believe, \$338,000 from the Corpora-
10 tion. We get a number of small contracts from the Cor-
11 poration or directly from field programs to provide supple-
12 mental services because our funding level is less than
13 at least some of the bigger--there are smaller support
14 centers, but I think most of the support centers are big-
15 ger than us. So for us to meet the demand we have to
16 in some cases call on field programs. That results in
17 maybe another \$60,000. The biggest component in our fund-
18 ing is from the Community Services Administration, and
19 like Bob indicated, that agency is out of business, those
20 funds will run out soon. In our case I can't represent
21 that those funds are for us to work with Legal Services.
22 Those really are to deal with different constituencies.
23 Principally, it's to work with community development cor-
24 porations funded under Title VII of the Community Services
25 Act and with CAP agencies--Community Action Programs.

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1 We also get some funding--we had a contract
2 from the State of California; we have a contract from
3 the State of Ohio. One of the areas we're trying to get
4 into is the shift of programs from the federal to the
5 state level and working with states to try to find ways
6 of implementing the state's responsibilities--you know,
7 bringing it back closer to the local level. So that's
8 where some of our funding comes from; then we get little
9 bits here and there.

10 Is that more than you wanted to know?

11 MR. DANA:

12 No. That's fine. Thanks.

13 MRS. SLAUGHTER:

14 I was just wondering: is it difficult to sepa-
15 rate these funds? You know, the Community Services fund,
16 the Legal Services fund, is that difficult? And how do
17 you go about--who determines what's spent for what program?

18 MR. KIRKPATRICK:

19 Well, we have an elaborate administrative
20 mechanism. I'm not sure you'd want me to go into that.
21 We keep computerized time accounting for all our people.
22 It is really more like a private law firm where everyone
23 records all the time they spent and they bill it to a
24 particular funding code; and all of our costs get sepa-
25 rated out by where people spend their time. Then we have

1 to have projections at the beginning of the month to keep
2 things in balance, because we operate on grants rather
3 than clients who can pay whatever we do; and we have
4 monthly reports at the end of the month to see whether
5 we--I mean, it gets very, very complex. I'd be glad to
6 go into that in detail, but I suspect that's not the way
7 you want to spend your time today.

8 MRS. SLAUGHTER:

9 How many people on the staff--how many staff
10 persons do you have?

11 MR. KIRKPATRICK:

12 Twenty-two professional staff, and another--
13 I think we have ten secretaries. We share space with
14 the National Housing Law Project; so in addition to that
15 we have another eight staff people who we share with them.
16 And those are accounting and reception and, you know,
17 various--library staff; things like that.

18 MRS. WORTHY:

19 I do have one question. You do have a board
20 of directors; is that right?

21 MR. KIRKPATRICK:

22 That is correct.

23 MRS. WORTHY:

24 And how is that made up?

25 MR. KIRKPATRICK: You mean how are they elected or the

1 racial composition?

2 MRS. WORTHY:

3 Yes. How many clients, whatever.

4 MR. KIRKPATRICK:

5 For the legal services universe, first of all,
6 we set up an advisory committee. We're operating under
7 a waiver from the corporation as to our board structure.
8 And that is because we have grants from conflicting fund-
9 ing sources where it would be totally impossible to sat-
10 isfy both funding sources requirements as to board struc-
11 ture. Because of that we got a waiver from the corpora-
12 tion where a subcommittee of our full board would
13 constitute the governing body for purposes of the regu-
14 lation. That subcommittee is elected by an advisory
15 committee made up of legal services' clients and staff.
16 So the subcommittee is the two-thirds/one-third: one-
17 third clients, two-thirds lawyers elected by the advisory
18 committee.

19 The advisory committee arose out of our training
20 activities. We had the people that we trained elect two
21 people per region for a total of 20 people to this ad-
22 visory committee. The advisory committee has now awindled
23 to 17 of the 20 of those--let's see, one, two, three--
24 I don't have the--my recollection of the 17, something
25 like 12 are clients and 5 are staff. So that does not

1 CHAIRMAN MCKEE:

2 Mr. Lyons.

3 MR. LYONS:

4 None.

5 CHAIRMAN MCKEE:

6 What is this in your funding application? It
7 says "board composition" and lists three people.

8 MR. KIRKPATRICK:

9 That's the subcommittee.

10 CHAIRMAN MCKEE:

11 Which one has the power of all of those groups
12 you mentioned to make the decision as to where your money
13 goes?

14 MR. KIRKPATRICK:

15 Legally the subcommittee, obviously.

16 CHAIRMAN MCKEE:

17 Who would tell you what to do? When they look
18 at your budget and say we want you to do X, Y and Z, which
19 one of those---

20 MR. KIRKPATRICK:

21 The reality--not in legal terms--the reality
22 is the advisory committee; because when the advisory com-
23 mittee makes a recommendation to the board, in our
24 experience--if only because they elect the subcommittee--
25 the subcommittee has always followed their recommendations.

1 We have generally--this last year I think we met for about
2 3 days with the advisory committee to go over our work
3 plan and--you know, our work plan for the coming year;
4 and we generally also provide some training at that time.
5 So it's a combination of the two--it was 3 or 4 days,
6 I can't remember which--and we went through that process.
7 From there it went to the board for approval.

8 CHAIRMAN MCKEE:

9 The board is the three?

10 MR. KIRKPATRICK:

11 That is the governing body.

12 CHAIRMAN MCKEE:

13 Now that group has the two attorneys; correct?

14 MR. KIRKPATRICK:

15 And one client.

16 CHAIRMAN MCKEE:

17 So you have an Asian client, a White attorney
18 and a Black attorney.

19 MR. KIRKPATRICK:

20 That's correct.

21 CHAIRMAN MCKEE:

22 Mr. Olson.

23 MR. OLSON:

24 Well, who picks the advisory committee?

25 MR. KIRKPATRICK; The advisory committee was originally

1 elected by people that we trained. In other words, the
2 people who had received our training in each region were
3 able to elected two representatives from that region.
4 We've been trying to work--that happened, I must admit,
5 about 3 years ago, and they have perpetuated themselves
6 since then. We've been trying to work with them to
7 develop a method for replacing people who leave and to
8 set a fixed term, and they are in the process of doing
9 that; but in all honesty with the future of support
10 centers somewhat uncertain---

11 CHAIRMAN MCKEE:

12 Why do you think that?

13 MR. KIRKPATRICK:

14 Obviously it's not coming from you, but there
15 have been rumors spread. [Laughter] I'm glad to hear
16 it's not a problem. [Laughter]

17 MR. OLSON:

18 Returning to the board though, when we had our
19 earlier meetings and the staff would tell us that none
20 of the boards of these groups are self-perpetuating and
21 all of them are representatives, delegates in essence,
22 of bar associations and concerned church groups and others;
23 but that doesn't apply in the case of your group anyway.

24 MR. KIRKPATRICK:

25 Well, all I can tell you is that we have been

1 asking the--I mean, our board is not self-perpetuating
2 if you merely look at our board. Our board is elected
3 by the advisory committee. So your question, is the ad-
4 visory committee is self-perpetuating, and I must admit
5 that at the moment that is a problem which we've raised
6 with them and we've urged on them that for their own
7 credibility they need to develop a mechanism for continu-
8 ing to go back to clients at the local level and legal
9 services' staff at the local level to renew that board.
10 That's the only healthy way to have the advisory board.

11 MR. OLSON:

12 Okay. I have to say that of all of the support
13 centers that I've had an opportunity to read about and
14 look at, I'm the most perplexed by yours. Perhaps part
15 of it is in the name; but part of it is in the fact that
16 it appears to have sort of a wide-ranging agenda to do
17 whatever it thinks is in the best interest of poor people
18 around the country to help them in some way economically.
19 It's hard for me to narrow the definition beyond what
20 I've just told you.

21 MR. KIRKPATRICK:

22 Would you like for me to help?

23 MR. OLSON:

24 Go right ahead.

25 MR. KIRKPATRICK: I will try. I can't promise I will.

1 succeed. What is common in all of the things we do is
2 that we have a range of skills that apply to a development
3 strategy. Most of the centers specialize in litigation,
4 advocacy, that sort of thing. We basically do not do
5 significant litigation and advocacy work. I think in
6 the prepared statement I said it's been 2 percent of our
7 time over the last year.

8 We do have a Washington office that is not funded
9 out of Legal Services' funds, although we have on occasion
10 done incidental work out of there, and because of the
11 cost of travel we occasionally service the East Coast
12 clients out of the D. C. office. That office is funded
13 with CSA funds which in fact has more stringent controls
14 on what we do in terms of lobbying there. So that office
15 basically does not do much in the way of lobbying.

16 We don't feel as though we have a wide mandate
17 to do whatever we think is best because it is our view
18 that economic development is not going to go anywhere
19 unless the clients have decided that is what is best.
20 In other words, the work that we do on any project is
21 a minuscule part of the overall effort that goes into
22 it. I was starting in on East St. Louis. In that case
23 the first project that they chose was developing a credit
24 union. Now, what we were able to do is lay out some op-
25 tions, help them choose an option. We have a manual that

1 runs about 250 pages that lays out all the steps for
2 creating a credit union; it lays out a lot of the issues
3 about choosing between a state charter, a federal charter,
4 a lot of the tax issues around, the tax exempt form under
5 which credit unions incorporate. We worked with the local
6 program to incorporate it. But basically it was the elig-
7 ible clients that went around and signed up 1500 members.
8 They've accumulated already so far something like \$350,000
9 in capital, and that's not much so far but it's growing
10 fast, and they at the moment have a chance to get another
11 \$350,000 of outside capital invested in that credit union
12 to help it grow and to help it really become a self-
13 sustaining institution. It's the only Black financial
14 institution in East St. Louis. And if it becomes a base
15 for other efforts in that community, it's going to be
16 because the clients decided that was a worthwhile project;
17 not because we came in and fired people up and organized
18 them. That's just not the way it works.

19 So we present a range of options to people,
20 but what it is we do--I mean, we're interested in being
21 effective, we're not interested in wasting our time, and
22 we are going to waste our time unless we take a key from
23 what eligible clients decide is a priority in that
24 particular community. Is that responsive?

25 MR. OLSON: Yeah. Well, I think I understand that

1 ultimately the decision is in the hands of the client;
2 but then again, you sort of, particularly when you're
3 dealing with groups, very often either you or the local
4 program that brought you in created the group.

5 MR. KIRKPATRICK:

6 Well, I think you have to distinguish between
7 creating the corporation and creating the group. Again,
8 we obviously can't create--I mean, you cannot by long-
9 distance phone call and visiting the community once every
10 3-4 months create a group. Now, I think the clients can
11 address that tomorrow. That's not going to create a
12 group. I think similarly a legal services program is
13 not going to be successful at creating a group. A lot
14 of communities are not right for economic development.
15 They're not right for economic development because that
16 organization within the client community doesn't exist.
17 It's only where that is a pre-existing condition in the
18 community that economic development is going to go any-
19 where. So we don't say that every program ought to be
20 doing economic development, every community ought to be
21 doing economic development. It's not going to work in
22 a lot of communities.

23 MR. OLSON:

24 Well, for example you indicated that in St.
25 Louis you had this project that was underway with the

1 full cooperation of the mayor and city council and was
2 greatly supported by the government. Well, in that case
3 one would be forced to speculate as to, well, if it had
4 substantial funding that's now been acquired in terms
5 of capital, it had substantial--I don't know if it had
6 involvement by substantial numbers of people who are not
7 eligible clients or not--that's unclear--but it would
8 have certainly substantial help from the local government;
9 and that would be the case where the role of legal ser-
10 vices would be unclear. I think in a sense you've got--
11 you said there were many, many cases where the local
12 governing officials, the local elected officials, were
13 fully cooperative and were praising that. Then you said,
14 well then, we've got these other few cases where the local
15 elected officials were responsive to a multitude of pres-
16 sures from outside and therefore we come in and help them.
17 What worries me is that that's--you know, the problem
18 with having a client who has a problem and you help them
19 with a problem, particularly in litigation, those things
20 are much more easy to tie to the organic statute which
21 we are compelled to enforce here. When we get to the
22 more broad-ranging--you know, dealing with groups to begin
23 with, dealing with economic development, dealing with
24 consumer issues--someday somebody is going to have to
25 tell me on what side you folks are with respect to a

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1 whole host of issues in which I can make a good case that
2 the best interest of low-income Americans would be on
3 either side. It's very hard to tell very often on what
4 side to be. These things are just terribly confusing
5 because in my looking at this I have to conclude that
6 there is a lot of subjective judgment in terms of what's
7 best, what's the way to go. You have a decision as to
8 whether you're going to seek, say, local funding through
9 a bond issue, and some people may oppose that because
10 they don't want to--they'd rather fund it out of current
11 taxes, and you folks say, no, we should have a bond issue
12 to develop this area. In other words, there just seems
13 to be a number of variables involved in these different
14 localities that make your role in carrying out the statute
15 unclear to me.

16 MR. KIRKPATRICK:

17 Well, I'm not sure I fully understand. I mean,
18 I think that you are assuming there is a greater differ-
19 ence between what we do and what some of the other centers
20 do in the sense that a lot of our projects arise as a
21 way of implementing litigation. I mean, the Belle Glade
22 example that I gave was one where they had turned around
23 the ability of \$5 million to come into that community
24 for housing, and the other logical people to try to channel
25 the development of that weren't there; so they had to

1 create an entity to do that. Another example--I give three
2 examples in my prepared statement. We've worked extensively
3 with native Americans where there's been a lot of litigation
4 over land rights, water rights, fishing rights; and the only
5 way they can implement those rights, the only way they can
6 make them meaningful is to develop some method of deriving a
7 livelihood off of them.

8 A current topic in health care is a waiver under the
9 Armnibus Reconciliation Act for alternatives to institutional
10 care being eligible for reimbursement where it can be shown
11 that they are cheaper for the elderly--cheaper ways to serve
12 elderly: home chore services, adult day health. There are
13 a variety of things like that. Here our clients have a com-
14 mon interest with a state government. Our clients, we feel,
15 get better care through community-based alternatives to insti-
16 tutional care and it will only be funded if it's shown that
17 it's cheaper than putting them in nursing homes, and, yet,
18 in many rural areas and even in some urban areas the providers
19 don't exist.

20 MR. OLSON:

21 Let me take just one more last example of what I'm
22 getting at. For example, you deal with this Cherry Hill
23 illustration in your testimony, and you stated that one of
24 the things that you did was attempt to restrict the flexibility
25 of the local private industry council to select people to

1 fill jobs. In other words, you said you wanted to ensure
2 that local people would get jobs and to that end had train-
3 ing programs and other things set up. It's just unclear
4 to me, first of all, if you're going to give--to the extent
5 that we're hiring low-income people that the corporation
6 should necessarily be preferring one group over another.
7 In other words, why is it, in terms of better, that low-
8 income individuals from one community be hired rather than
9 another? Is that something we should be spending our money
10 on? The second question would come in to the effect that
11 are all of the 600 jobs for people who are eligible clients?
12 Those are the kinds of questions that the presentation
13 raises in my mind about the--most particularly, your own
14 support center.

15 CHAIRMAN MCKEE:

16 Okay. We'll come back later. Mrs. Morris,
17 Barbara Morris with the employment center.

18 STATEMENT BY MRS. BARBARA MORRIS:

19 The Employment Law Project's budget this year
20 from Legal Services is about \$462,000. Our entire budget
21 is somewhere around \$575,000 and the difference is made up
22 from attorneys' fees. In the past our budget has been higher
23 than--because we had enjoyed several grants from the Equal
24 Employment Opportunity Commission. Our last grant was a
25 technical assistance grant and terminated on December 31, 1981.

1 So we have undergone about a 40 percent decrease in funding
2 and consistent with that about a 40 percent decrease in
3 staff.

4 At the present time we have five lawyers in New
5 York. I am one of the five. We have eleven all total in
6 New York and four people in our Washington office.

7 We have spent the last year trying to wind down
8 our litigation calendar. Because of up to 50 percent of
9 your funding in the past has come from EEOC and because that
10 funding was purposed to afford us to help local offices
11 with Title VII cases--that is, employment discrimination
12 cases--we had accumulated a lot of litigation in that area.
13 This year I think we have one major piece of litigation,
14 which is not an employment discrimination suit, two or three
15 minor ones, and we have considerably cut that litigation
16 calendar.

17 Most of our clients become eligible because they
18 lose their job or because they can't get a job; so that most
19 of our time is involved in unemployment compensation,
20 employment discrimination, jobs programs. We had up to this
21 year done significant work in employment rights of the handi-
22 capped. Unfortunately, one of the persons we lost was our
23 handicapped expert and though we've managed to keep the field
24 apprised of handicapped law we haven't been able to do any-
25 thing innovative in employment rights of the handicapped.

1 And, of course, the jobs programs that have been involved
2 in the CETA legislation.

3 I guess--this week I looked over our service re-
4 quests and I would venture to say that 50 percent of our
5 time now is involved in responding to service from the field.
6 Of that 50 percent I would think that 25 percent of it is
7 in unemployment compensation, 10 percent of it is in employ-
8 ment discrimination, and the rest of it is kind of a variety
9 of things.

10 Unemployment compensation has been one of NELP's
11 focuses for many years. It's a difficult subject to deal
12 with because to a certain extent it is subject to 52 juris-
13 dictions. We have participated in meetings of unemployment
14 compensation hearing officers in an attempt to try to explain
15 the posture of the poverty community to them. We have had
16 unemployed people walk into our office off the street. It
17 is not an unusual thing, and right now there is a lot of
18 them available to walk in off the street.

19 To the end of trying to crack the unemployment
20 compensation nut we have resorted, really through frustration,
21 to a series of what we call litigation kits. There are
22 several repeating problems that have been going on for years
23 and years and years, and one of them is the delay. Somebody
24 goes to get unemployment compensation and there's a delay
25 caused by some kind of bureaucratic nonsense. We took

1 several of those cases to court and we have now--we have
2 provided local offices with a kit which is a road map saying
3 if you file these papers in this suit against the unemploy-
4 ment compensation powers that be, you will wind up with this
5 result; and it works. We've done that also with voluntary-
6 quit cases and with many others.

7 This year we are trying to update a manual which
8 will also be a how-to-do-it manual, because the--it's
9 significant, the increase in questions we've had in
10 unemployment compensation. It is also significant that the
11 nature of those questions never changes; they are always
12 the same questions. We plan to get a manual together before
13 the end of the year which will be a how-to book for local
14 offices.

15 Our training is following unemployment compensation.
16 I think in the last 12 months we've done about 12 training
17 sessions. We were part of the expansion training. We did
18 one in Atlanta for this region in December of 1981.

19 In employment discrimination we've cut back on
20 litigation because of the cost of litigation, and also be-
21 cause we've lost a lot of our funding from EEOC. We have
22 just concluded a case against the Mississippi State Depart-
23 ment of Public Welfare--I know they're delighted to hear
24 me talk about it--which we were co-counsel together with
25 North Mississippi Rural Legal Services. It was a straight

1 discrimination case in terms of promotion and in terms of
2 hiring. We have a suit pending in New York now against the--
3 I'm telling you all the bad things we've been asked about
4 immediately. We have a suit pending now against the Office
5 of Contract Compliance and the officials who run the Office
6 of Contract Compliance, and it asks a simple thing, and that
7 is, that they read their regulations and act in accordance
8 with them. Construction is booming in New York City and
9 the number of minorities/women that are employed in that
10 construction is minimum. It has not increased significantly
11 in the last 2 or 3 years.

12 We are winding down five or six other cases, and
13 I would say that significantly is our litigation calendar.
14 NELP has always been accused of doing nothing but Title VII
15 litigations. I wish it were so because it's actually a more
16 interesting forum to work in than the frustrations that be-
17 set you with unemployment compensation.

18 In terms of newsletters, we have--I think the
19 newsletters in which this board has evidenced some interest
20 are really the things that come out of our Washington office.
21 The reason I'm racing through this other thing is because
22 that's where I'm going. The Employment Law News, which is
23 the general--which is published for years by the employment
24 center, generally deals with information as well as liti-
25 gation. It goes over important cases, goes over recent

1 cases. It attempts to inform people of pending legislation.
2 I think that part of our work, if any is controversial, are
3 the news items that come out of our Washington office; and
4 we have two professionals in our Washington office together
5 with a secretary and a law clerk. Our Washington office
6 got off the ground about 2-1/2 years ago.

7 I have tried very carefully to monitor the time
8 spent doing different things. Most of the time spent in
9 the Washington office has to do with the dissemination of
10 information on the CETA Program, on unemployment compensation,
11 legislation that is pending. We do some work in workfare.
12 We have tried not to duplicate the work of the welfare center
13 in that we are worried about the structure of the workfare
14 programs. I think they will explain their interest them-
15 selves; but as I understand it, it's more in the eligibility
16 of clients.

17 Of the time--our Washington office budget is about
18 \$100,000. We have two persons down there and about 2 percent
19 of one person's time is actually spent on the Hill. So that
20 portion can be attributable to lobbying, and the rest of
21 it cannot.

22 We do legislative alerts; we do reviews of legis-
23 lation. They're sent out--we do packets of material when
24 particular laws are pending. They are sent out to legal
25 services offices. They are also sent out to people who

1 are not in legal services offices. There are community groups
2 who have requested that we send it to them. I understand
3 there are unions who have requested that we send information
4 to them. The Employment Law News, on the other hand, is
5 sent to legal services offices, and we have a subscribing
6 price--anybody else may buy it for the subscription price.

7 We have tried to concentrate through our Washington
8 office on job legislation. We have followed the CETA legis-
9 lation. We have been, I think, of assistance to legislators
10 in supplying them with information. They have requested
11 that we supply them with information. We have retainers,
12 as of course all of us do, on file from clients. In admin-
13 istrative advocacy we have worked very, very hard this year
14 on the regulations that have to do with contractors and with
15 EOSCTP.

16 Our lawsuit in New York has six individual clients
17 and two client groups. Those clients are kept apprised of
18 the regulations; because, actually, what the regulations
19 seek to do is about what the suit seeks to undo. We have
20 direct client involvement in that work, and we report to
21 the clients who I wish we could get out of my office now
22 and then so I can get back to other things.

23 We have been in existence only since the Mocrehead
24 Amendment; so we haven't had any problems in changing the
25 manner in which we operate. I think we have operated within

1 it. Occasionally one of the persons in my Washington office
2 will get enthusiastic and I think on most occasions I've
3 caught it before it backfired on me.

4 In terms of printed materials, I think--most of
5 our service, I should say, is service. Most of our service
6 is backup service to local offices.

7 We have provided briefs, model pleadings; we do
8 research for them. I have thought seriously this year of
9 curbing--this is not a good year to make the field mad, I
10 realize that; but in view of the fact that my staff has been
11 cut in half we've been trying to find a way to see if we
12 could cut down on service requests; but, fortunately I sup-
13 pose right now, we haven't succeeded yet.

14 Litigation, service, training and some legislative
15 advocacy makes up the most of our program. I think we could
16 get more involved if we had more money.

17 CHAIRMAN MCKEE:

18 I might add that Mrs. Morris has had also a dis-
19 tinguished career with the NAACP as an outstanding lawyer
20 there prior to her joining the support center.

21 MR. PARAS:

22 Barbara, I take it from what you say, you rarely,
23 if ever, do direct work for individual clients.

24 MRS. MORRIS:

25 We try to work through local legal services offices.

1 It has been our policy if somebody communicates with us
2 directly we ask them to get in touch with the local legal
3 services office. This case that I am now involved in re-
4 sults from people walking in the door. They, incidentally,
5 were referred by the local legal services office.

6 MR. PARAS:

7 But you don't turn those people out or send them
8 anywhere else, you take them.

9 MRS. MORRIS:

10 Yes. Insofar as our resources allow us to.

11 MR. PARAS:

12 From what you said, this question perhaps isn't
13 pertinent to your operation, but I'm interested in your
14 personal thoughts on it. How do you define lobbying?

15 MRS. MORRIS:

16 I define lobbying as somebody going up on the Hill
17 and trying to convince a legislator that he should vote one
18 way or another. I consider it as trying to influence legis-
19 lation in that manner.

20 MR. PARAS:

21 Barbara, let me put this hypothetical to you and
22 tell me if you would call this lobbying: A client comes
23 in to you in a poverty condition and the solution to his
24 legal problem, the easiest solution--in other words, your
25 duty as a lawyer to provide the easiest solution most

1 quickly--would be to bring about a change in the law be-
2 cause a particular law is unfair and somehow should not be
3 there and yet that is the very law that is causing him this
4 problem, and if you could change that law you would not only
5 solve that client's problem but also along with it, because
6 all laws are univeral in application, you would solve pro-
7 blems for a number of other people; so in connection with
8 a resolution of that client's legal problem you as a lawyer
9 simply contact your legislator, the one you happen to know,
10 talk to him about it, get an okay from him, draft up a
11 piece of amendatory legislation, submit it to him, then
12 ultimately follow it up with testimony when he calls upon
13 you, and ultimately it passes both houses if you're bicam-
14 eral in your state, which I think you are, and it becomes
15 law. Now, would you say you have done a job of lobbying
16 in that case or a job of legal representation of a client?

17 MRS. MORRIS:

18 I think I probably would have done both of them.
19 I think if it was necessary to represent my client I'd do
20 a little lobbying.

21 MR. PARAS:

22 Well, if you were confronted with a law that pro-
23 hibited you or your office from "lobbying," would you say
24 you could not do that?

25 MRS. MORRIS: I'd say I'd be walking a pretty fine line.

1 MR. PARAS:

2 All right. Would you agree with me then that to
3 the extent that lobbying is either allowed or prohibited,
4 exactly what is meant should be defined in the legislation
5 with either prohibits or allows?

6 MRS. MORRIS:

7 Yes. I think that would be helpful to us all,
8 because I think we have trouble right now--we always have
9 to sit down and reassess everything we plan to do to try
10 to figure out whether or not it is in a lobby. I think we
11 can live with a more definite---

12 MR. PARAS:

13 More specific. Thank you, Barbara. That's all.

14 CHAIRMAN MCKEE:

15 I think that Mr. Stubbs is trying to do in terms
16 of having a full lobby issue study as we were going over
17 the recommendations of the general council in Minneapolis,
18 was his to--in terms of the regulation to provide some kind
19 of specific form of guidance, by way of example, as to what
20 lobbying means in certain instances as opposed to broad terms.
21 Mrs. Slaughter?

22 MRS. SLAUGHTER:

23 I don't have any questions.

24 MR. OLSON:

25 What is a legislative alert?

1 MRS. MORRIS:

2 It's a piece of information that says, this type
3 of legislation is now pending in Congress; this is what it
4 says; this is who it affects. These are the persons that
5 are involved in it. This is how it will affect your clients
6 or this is how it has affected our clients.

7 MR. OLSON:

8 And to whom would you communicate that?

9 MRS. MORRIS:

10 Usually to the field staff; but as I say, there
11 are one--we have a mailing list that does include other than
12 legal services people. I would say that--I don't know--
13 maybe 60 percent of them are all legal services and 40 per-
14 cent of them are not.

15 MR. OLSON:

16 And the 40 percent of them that are not are both
17 clients and nonclients?

18 MRS. MORRIS:

19 They are clients and they're also legislators;
20 they are officials; they are--I know our Employment and Law
21 News seems to service all the human rights agencies in the
22 United States who I don't think are eligible clients. But
23 it's just a service, an information service.

24 MR. OLSON:

25 How large is the mailing list?

1 MRS. MORRIS:

2 How large is which mailing list?

3 MR. OLSON:

4 The---

5 MRS. MORRIS:

6 Our general mailing list of legislative alerts

7 I think is somewhere between 600 and 650.

8 MR. OLSON:

9 Okay. And each of the 325 programs would get one
10 notice?

11 MRS. MORRIS:

12 They get some notices. We try--like I say, we
13 have different mailing lists. If we're doing CETA and the
14 program has a jobs program specialist more information will
15 go to him. The Employment News which also carries legisla-
16 tion and general information goes to everybody.

17 MR. OLSON:

18 Now who's everybody?

19 MRS. MORRIS:

20 All the legal services offices. I'm sorry. And
21 also to legal services people in offices that also get them
22 and have requested that they be put on our list.

23 MR. OLSON:

24 And you are--tell me again who the 600 people who
25 get legislative alerts are.

1 MRS. MORRIS:

2 I would say--I asked my Washington office. They
3 think that 60 percent are legal services offices, legal
4 services attorneys, legal services directors. Of the other
5 40 percent there are client organizations, there are commu-
6 nity organizations, they are legislative, they are human
7 rights people and things like that.

8 MR. OLSON:

9 And what's the difference between a legislative
10 alert and a packet with respect to pending legislation?

11 MRS. MORRIS:

12 None. It's just semantics. A legislative alert
13 might deal with legislation that is pending. If we are
14 trying to service attorneys out there who are concerned
15 with changes in our employment insurance, for instance--
16 there is always the problem of who will be included and who
17 will not be included; what trigger will control and what
18 trigger will not control. In terms like that we would get
19 more information together. We would get the legislative
20 history of the legislation together; we would get the
21 statistics on--and this is really what the field has re-
22 quested. We would give them statistics on what employment
23 is: how many people are employed, the percentage of who
24 is employed, how long they've been employed. We would also
25 send them the legislation. So it would be much more

1 information but along the same line. And then we have some-
2 thing called "Fact Sheets." It's really not too much dif-
3 ference in them. I think it depends on who---

4 MR. CLSON:

5 What is a fact sheet?

6 MRS. MORRIS:

7 A fact sheet is just that. I've read them all
8 and they're nothing but facts. It gives the facts in a
9 legislation. They don't even include the names of the
10 Congressmen who are involved in the committee.

11 MRS. WORTHY.

12 Barbara, I hear so much about adocacy. To have
13 that vehicle cut off--in other words, not to be able to
14 represent your clients as far as being a lobbyist for them,
15 how would you feel, would you feel that you're giving your
16 client that you're representing a full quality legal re-
17 presentation that they deserve in having this vehicle cut
18 off from you?

19 MRS. MORRIS:

20 In terms of your efficiency and just trying to
21 cut the costs of things, sometimes it's much more--it's
22 simpler, and it's much more expedient to work in that
23 method than another method. We had a case last year--we
24 got into a lawsuit of AFL-CIO v. Marshall--this is under
25 President Carter who had decided to change the formula

1 by which they triggered extended benefits. The method we
2 sought there was litigation, because we figured we could
3 do it on summary judgment: was file a complaint, move into
4 summary judgment, and see if we could win it that way.
5 Sometimes it's easier to go the other way. I think that
6 poor people deserve a full panoply of representation just
7 as anybody else.

8 MR. PARAS:

9 Barbara, I want to ask you one more thing. The
10 unemployment compensation cases which you indicated are
11 a large part of your case load now, what is essentially
12 the specific problem involved with it?

13 MRS. MORRIS:

14 The difficulty is trying to get national handles
15 that would help the greatest amount of people for the least
16 amount of money. The difficulty with unemployment compen-
17 sation is that you--it's fact-finding. We have this indi-
18 vidual in Texas who makes these decisions at the first level.
19 So what we found, that rather than trying to get a whole
20 litigation strategy to litigate a bunch of things all over
21 the country, which takes a lot of man-hours and a lot of
22 money, the best thing to do is to give them road maps to
23 get through these repetitive questions. If there's a delay
24 you take these papers, you file your suit and get rid of
25 it. If it's a question of voluntary quit or nonvoluntary

1 quit you do this. We found that that was the easiest way
2 to do it. It's very difficult to get a national perspective
3 on something that is subject to the jurisdiction of 52 states.

4 MR. PARAS:

5 But that's what you actually tried to do, so that
6 you have to--you tried to report to Texas a Texas problem,
7 and to California, a California problem.

8 MRS. MORRIS:

9 We also provide them with information--we find
10 out that a lot of the offices that call us in unemployment
11 compensation don't have unemployment compensation resources.
12 I've gotten calls from offices that are 500 miles from their
13 nearest library, and also, let's face it, unemployment
14 compensation is not a sexy issue. People do not go out
15 and buy a lot of books on it. We have a lot of materials
16 on it, both administrative and in the library, and a lot
17 of times it's just pure research that saved us. This is
18 where authority is in your area; there are three other
19 states that say this, that and the other, and we would sug-
20 gest you do one thing or another.

21 MR. PARAS:

22 And again, your work primarily is in the support
23 area rather than with the direct client.

24 MRS. MORRIS:

25 Yes.

1 MR. PARAS:

2 How about the individual client though that does
3 walk into your office and you're in New York, what's the
4 typical kinds of employment---

5 MRS. MORRIS:

6 I had one come in last week, a guy who worked
7 for one of the hospitals. He had been fired. He thought
8 he was being discriminated against because of race. There
9 are very few of the local offices in New York doing employ-
10 ment discrimination cases. It turned out that most of the
11 supervisors were Black and I told him he had a poor chance
12 of trying to prove race discrimination on it, and I handled
13 it and we sent him away. We've had others who come in--
14 some of them, we've been able to get in touch with local
15 organizations with whom we work and say "Solve this man's
16 problem." And sometimes we solve the problem ourselves.

17 MR. PARAS:

18 Well, if there are factual determinations none-
19 theless regarding the issue of eligibility.

20 MRS. MORRIS:

21 If they fall into--if that fall into areas that
22 can be handled by the local legal services office we send
23 them to it.

24 MR. PARAS:

25 That's what I'm getting at. Thank you.

1 [Off the record.]

2 MR. OLSON:

3 Let me go back to what you were saying before
4 about your Washington office. I think you said you had
5 two people in the office and that the budget was about
6 \$100,000 and that of that \$100,000 you people spend about
7 2 percent of the time on the Hill, or something like that,
8 and that was the lobbying you explained.

9 MRS. MORRIS:

10 Yes.

11 MR. OLSON:

12 That really doesn't include, I guess, then the
13 legislative alerts or these packets on pending laws.

14 MRS. MORRIS:

15 No.

16 MR. OLSON:

17 Do you consider legislative alerts not to be
18 lobbying?

19 MRS. MORRIS:

20 Some of them--I read through all of them. Some
21 of them come fairly close to lobbying and some of them are
22 not. Some of them are information cases.

23 MR. OLSON:

24 Well, it's information that's transmitted to the
25 field on a pending bill in Congress. What would be the

1 other possible reasons for transmitting it other than to
2 encourage some type of active response? I mean, curiosity
3 would be another possibility. But is that likely?

4 MRS. MORRIS:

5 We service local legal services attorneys who
6 serve the clients. The clients have various problems. We
7 try to keep the local legal services attorney apprised of
8 what legislation is pending that impacts on their clients'
9 problems.

10 MR. OLSON:

11 Which would facilitate their ability to take some
12 type of action, I assume, to stop bad legislation or help
13 good legislation.

14 MRS. MORRIS:

15 It might do that, it might not do that. Poor
16 people are not the overwhelming voters.

17 MR. OLSON:

18 But I assume the purpose underlying a--I don't
19 know, I'm familiar more with, for example, the number of
20 trade associations still in various lobbying groups. When
21 they send out something called a legislative alert, it's
22 a legislative alert and it's to stimulate action. In your
23 case what you're doing is sending it to lawyers and making
24 it available to them so that if they want to take some
25 action on behalf of their clients, they have the information.

1 MRS. MORRIS:

2 That's a representation.

3 MR. OLSON:

4 I think the only other question I wanted to ask
5 you is how is your board selected?

6 MRS. MORRIS:

7 Our board--on which I have the statistics if you're
8 interested. We have 18 persons. Names are sought from
9 organizations usually--legal organizations, ethnic organi-
10 zations, minority organizations, bar associations. They
11 can be self-perpetuating, because they vote on the board
12 members. Right now--I don't have the percentages; but of
13 18 people we have 6 client reps.; we have one other who
14 falls into neither the attorney or the client category.
15 We have 11 attorneys. We have 8 Black persons, one
16 Chicano and 6 women.

17 MR. OLSON:

18 And the people who are on the board at any one
19 time will elect their successors?

20 MRS. MORRIS:

21 Except--there are restrictions from Legal Services
22 that you have to have certain members of certain categories.
23 We adhere to those, of course.

24 MR. OLSON:

25 Yeah, I understand. Just the method of selection

1 though is that the people who are there now pick the people
2 who follow them. They could either re-elect themselves
3 or pick other people.

4 MRS. MORRIS:

5 That's right. But they do solicit from a broad
6 category of places.

7 MR. OLSON:

8 For nominees.

9 MRS. MORRIS:

10 Yes.

11 CHAIRMAN MCKEE:

12 Thank you very much.

13 Mr. Barker is with the National Center for
14 Immigrant's Rights. I'll preface before you begin: Mr.
15 Olson was saying he had a concern with the Economic Develop-
16 ment Center in terms of resources. As you go through your
17 comments maybe you can answer this dilemma I'm in about
18 that particular center. Let's assume if you had a person
19 who is born, bred and raised in the United States from
20 Mississippi, Alabama, New York, Chicago, his father and
21 mother and everyone else is a citizen of the United States,
22 and they would take money through this situation, why should
23 the corporation--why should there be any utilization of
24 taxpayers' money to assist persons who are not in the former
25 category?

1 In June of last year we opened a branch office
2 in Washington, D. C.

3 Our total budget for national support is \$135,000.
4 We receive a budget of approximately \$30,000 for regional
5 support for the Western Region--the Eighth Region, I believe
6 it is, of Legal Services Corporation.

7 CHAIRMAN McKEE:

8 Where does that come from? Is that in the same
9 grant?

10 MR. BARKER:

11 No. It's a different grant. It comes from the
12 Regional Office.

13 Our center operates much in the same manner as
14 the other projects in terms of substantive area projects
15 which have been described to you and will be described later
16 today. We receive approximately 20-25 local program requests
17 for assistance per week in our Washington as well as Los
18 Angeles offices. These requests are usually handled tele-
19 phonically and are followed up by written materials being
20 sent to the local program attorney when appropriate.

21 We engage in litigation in conjunction with local
22 programs in cases of significant complexity and impact.

23 We provide training to local programs and community organi-
24 zations in the area of immigration law and naturalization
25 law and immigrants' rights.

1 In conjunction with the program of--program sup-
2 port, we conducted four regional training programs in 1980
3 and 1981. Each one of those regional training programs
4 was attended by approximately 100 legal services attorneys,
5 staff and individuals from the client community. We now
6 respond to state-wide and local program requests for
7 training handling approximately three to four per year.

8 Finally, we have composed for distribution to
9 attorneys and paralegals manuals describing how to represent
10 individuals before the Immigration and Naturalization
11 Service, and we are in the process of distributing these
12 materials upon request as well as distribution of brief
13 materials and information bulletins on information in the
14 field of immigration law.

15 In order to understand the work of our center
16 and the continued legitimate need for national backup
17 assistance, one of the--in the field of this law and how
18 it affects the community, I'd like to describe to you the
19 type of cases in which we commonly receive backup requests.

20 These cases, from a review of our requests from
21 local programs, in a majority of the situations involve
22 the United States citizens. They involve United States
23 citizens in terms of either the client themselves is a United
24 States citizen seeking to immigrate his or her spouse or
25 parent or child, or the individual is a noncitizen who has

1 a close family member usually of the same order. A lot
2 of the cases involve cases where the individual is a child
3 of a United States citizen or a parent of a United States
4 citizen child.

5 Let me give you an example of a typical program
6 request. In this case we have a lawful permanent resident
7 woman who has been residing in the United States lawfully
8 since she was 5 years old. She's now 22 years of age. She
9 2 years before had married and her husband was from Mexico.
10 They're residing in San Diego. They had recently had a
11 child, a United States citizen child, having been born in
12 the United States. He was working and supporting the child.
13 When they went to the Immigration Service to inquire about
14 regularizing his status, the Immigration Officer told them
15 that her husband would have to leave the United States
16 within 2 weeks, and if he didn't leave within 2 weeks he
17 would be put into formal deportation proceedings. In fact,
18 2 weeks later he was served with an order to show cause
19 which began formal deportation proceedings. It was at this
20 point they contacted a local program attorney and that local
21 program attorney contacted us. Through a review of the
22 case we determined that the backlog for immigration petitions
23 for spouses of permanent residents from Mexico was approxi-
24 mately 5 years; but we also determined that because his--
25 the permanent resident in this case had been a resident

1 of the United States for more than 5 years she was eligible
2 for naturalization. We therefor determined that a petition
3 for naturalization should immediately be filed on her behalf
4 in order to begin the proceedings. We also determined though
5 that because of backlogs in the Immigration Service that
6 petitions for naturalization were taking over 18 months
7 to adjudicate. So in terms of the other aspect of the case,
8 what to do with her husband regarding his deportation case,
9 we determined that an application for nonpriority status
10 be filed with the District Director. This would allow him
11 to remain in the United States pending the naturalization
12 application on behalf of his wife. Through extensive nego-
13 tiation and discussions with the District Director in San
14 Diego we were able to convince him that it would be appro-
15 priate for the husband to be allowed to remain here in the
16 United States pending the naturalization application as
17 well as the visa petition. The resolution of the case was
18 such that the wife became a naturalized United States citizen,
19 the husband immigrated to the United States and is now a
20 lawful permanent resident, and the family unit has not been
21 destroyed.

22 I'd like to give you a scenario of what would
23 have happened if the local program attorney had not been
24 contacted and the deportation proceedings had run their
25 course. First of all, the Immigration Service would have

1 completed the deportation proceedings expending a significant
2 amount of money in terms of resources conducting these
3 proceedings, and the individual would have been deported
4 from the United States. Because of the tender age of the
5 child as well as the length of residence in the United
6 States, his wife would have probably been forced to go on
7 public assistance pending the naturalization application
8 and the visa petition application. We understand and know
9 that it's extremely difficult for individuals to find
10 gainful employment in Mexico and the cases of broken---

11 CHAIRMAN McKEE:

12 In the United States it's very hard too.

13 MR. BARKER:

14 I understand that as well. And in this case we
15 were particularly concerned about a situation where a per-
16 son would be--the breaking up of a family unit and indi-
17 viduals would be going on public assistance. The outcome
18 of the case was such that these things did not happen. The
19 taxpayers were saved significant amounts of money in terms
20 of public assistance as well as amounts of money spent on
21 govermal [sic] proceedings to remove this individual from
22 the United States. This is not to mention the emotional
23 toll that it would have taken in terms of the individuals
24 involved of a broken family and the possibility that this
25 husband would never have been able to regain his residence

in the United States in terms of supporting his family here.

This is just a typical example of the type of program requests that we receive. These are continuous and they come from all over the United States.

We also work with local programs in terms of legal assistance to refugees in asylum proceedings and also obtain permanent resident and citizenship status, and also assisting local programs in terms of assuring that refugees and permanent residents are not unlawfully discriminated against.

In terms of the refugee area, one example would be the type of work that we did, or have engaged in, is litigation surrounding the Haitian refugees in the Miami area with the local program, Greater Miami Legal Services. In that case the Immigration Service determined in 1979 that it no longer wanted any Haitian refugees in the United States and proceeded to implement deportation proceedings in contravention of almost every law and regulation applicable to such proceedings. A case was filed in the Federal District Court of Miami; a decision was rendered regarding the processing in which Judge King of the Federal District Court in Miami found that the abuses by the Immigration Service and the discrimination was gross and wholesale abuse of all applicable laws and regulations regarding the processing of these types of cases. In terms of the final resolution, the case was affirmed on appeal and it stands

1 as one of the indications of the type of activities which
2 the Immigration Service is continually engaging in, in terms
3 of selecting various groups of people for discriminatory
4 treatment and also in terms of violation of its laws and
5 regulations.

6 Finally, we offer assistance to local programs
7 in determining how to select cases of merit in helping them
8 to determine how--determine how the best their scarce
9 resources will be cost-effective. We also advise local
10 programs on any possible restrictions on client eligibility,
11 especially on the alien restriction which is part of the
12 limitations on the budget and expenditures of the Legal
13 Services Corporation.

14 I'd like to turn now to an explanation of the
15 alien restriction and review it at this time.

16 CHAIRMAN MCKEE:

17 Is that 3480?

18 MR. BARKER:

19 This would be the rider to the Appropriations
20 Act. The one that's currently in effect. This provision
21 reads, and I'll paraphrase it, that none of the funds
22 appropriated for legal services shall be used for any
23 activities for or on behalf of any individual who is known
24 to be an alien in the United States in violation of the
25 Immigration and Nationality Act or any other law, convention

1 or treaty, relating to immigration exclusion, deportation
2 or expulsion of aliens. The Office of the General Council
3 has issued an interpretation of this restriction which has
4 been distributed to the field programs, and this interpre-
5 tation is based firmly on the legislative history of the
6 alien rider in terms of the budget discussion in Congress
7 and is such that no person can be represented when there's
8 a final resolution of the individual's case before the
9 Immigration Service. An outstanding order of deportation,
10 which is not subject to appeal, is the standard in which
11 a person is determined to be in the country in violation--
12 or known to be in violation of the immigration laws.

13 CHAIRMAN MCKEE:

14 Isn't that the order the opinion--when was that
15 done, by the way?

16 MR. BARKER:

17 It was in early 1980 that the---

18 CHAIRMAN MCKEE:

19 I think--correct me if I'm wrong. Isn't that
20 the one that a Regional Director of the Immigration and
21 Naturalization Service says is a wrong interpretation?

22 MR. BARKER:

23 I'm not aware of---

24 CHAIRMAN MCKEE:

25 I'm not sure. That regulation is under review.

1 That opinion of the general public office is now currently
2 under review at the direction of Mr. Stubbs who analyzed
3 that whole problem, isn't it?

4 MR. LYONS:

5 Yes. I think that the standard that was formerly
6 provided general counsel was premised upon a Court opinion
7 that defined for the general and the Immigration Service
8 the definition of the illegal alien known to be in the
9 United States without proper statutory basis.

10 CHAIRMAN MCKEE:

11 I think I'm correct that that opinion has received
12 criticism from the Department of Justice. I think that's
13 what prompted Mr. Stubbs' request and review.

14 MR. BARKER:

15 We are more than willing to work with the Office
16 of the General Council in terms of reviewing the legislative
17 history of this piece of legislation. What I would like
18 to point out for the information of the board is that during
19 the floor debate in the Senate on this particular provision,
20 Senator Cranston--and this is quoted directly from the
21 Congressional Record--regarding that says, "It certainly
22 cannot be the intent of Congress to substitute the subjective
23 judgment of an individual legal services attorney as to
24 whether a potential client is legally within the country
25 for the full due-process proceedings that the individual

1 is entitled to receive under the immigration laws. I should
2 like to ask the floor manager if it is his understanding,
3 as is mine, that this provision which forbids legal assis-
4 tance to individuals known to be in the United States in
5 violation of the immigration laws means that the individual's
6 legal services attorney must be aware of a final judicial
7 determination as to the client's residence status has been
8 reached and that such a final determination has actually
9 been reached. Mr. Hollings, the floor manager of the Bill,
10 is quoted as saying, "That is my understanding as well."

11 So we feel that the interpretation of the General
12 Council in terms of the construction of this particular
13 provision is in direct conformity with the legislative history
14 of the provision.

15 CHAIRMAN MCKEE:

16 Mr. Stubbs, as many others of us on the board,
17 think that it's not, and that's why we're going to review
18 it thoroughly.

19 MR. BARKER:

20 I'd like to--if that's the--regarding the comments
21 of the alien rider, I'd be willing to address that further,
22 but if I may complete my remarks.

23 CHAIRMAN MCKEE:

24 Go ahead.
25

1 MR. BARKER:

2 A review of the requests by local programs demon-
3 strates the national scope of client legal problems in this
4 area of the law. Requests from Oregon, Idaho, Montana,
5 Chicago, Virginia, Georgia, Florida, not to mention Texas
6 in the southwest United States, are common. And this is
7 not surprising given the fact that our nation is a nation
8 of immigrants and this continues today.

9 The availability of backup assistance in the
10 immigration area is efficient and cost-effective to local
11 programs. When a local program attorney is contacted by
12 a lawful permanent resident about a divorce proceeding,
13 that program attorney will want to know the effect of the
14 divorce proceeding on his client's status: will this lead
15 to deportation? what exactly will the ramifications be if
16 this lawful permanent resident does go through these divorce
17 proceedings? It would take at least 5 hours of research
18 for an attorney to thoroughly understand and review the
19 complex ramifications of a simple divorce in such a situation.
20 And this would assume that the attorney has access to the
21 treatises and the administrative decisions that are rendered
22 in this area of law. However, in contrast to that 5 hours
23 of research, that attorney can contact our center and
24 through a 10-minute phone consultation can review the case
25 and come to a sophisticated understanding of the issues

1 involved and be able to effectively represent his client
2 in the divorce proceedings and also to be able to counsel
3 his client as to the possible ramifications on their status.
4 But this is not to say that our support activity is directly
5 solely to immigrant populations. I would say that--as I
6 said before, a majority of our work involves assistance
7 in cases that directly affect family members who are United
8 States citizens or lawful permanent residents. This is
9 the case because the nature of the immigration laws, one
10 of the highest priorities, one of the basic premises of
11 our immigration laws, is family unification, and it is the
12 assistance of local programs and through our backup
13 assistance to those programs that individuals, United States
14 citizens and lawful permanent residents, are able to wind
15 their way through the sinuous paths of the immigration
16 bureaucracy and achieve the goal which Congress has mandated
17 in this area.

18 I'll be happy to take any questions regarding
19 any of the issues that the board feels pertinent regarding
20 our center.

21 CHAIRMAN MCKEE:

22 I will ask you a few questions and then we'll
23 go around and then we'll take our break. It's \$138,000
24 you get; correct?

25 MR. BARKER: It's \$135 plus--it's about \$170,000 for this year.

1 CHAIRMAN MCKEE:

2 Does the Legal Aid Program give you any money?

3 MR. BARKER:

4 No direct funds---

5 CHAIRMAN MCKEE:

6 Or indirect.

7 MR. BARKER:

8 Indirectly in terms of our rent, is probably
9 considerably low in the Los Angeles area; and some other
10 services, such as, xeroxing.

11 CHAIRMAN MCKEE:

12 You're probably one of the lowest budgeted
13 support centers I would think, aren't you?

14 MR. BARKER:

15 I think close to the bottom, yes.

16 CHAIRMAN MCKEE:

17 How much does your Washington office cost?

18 MR. BARKER:

19 Our Washington office was running approximately
20 \$7,000 a month, and we have pared back substantially because
21 of funding decreases in terms of our Washington office.

22 CHAIRMAN MCKEE:

23 So how much---

24 MR. BARKER:

25 Excuse me. I'm sorry. It's \$4,000 a month.

1 CHAIRMAN MCKEE:

2 It's \$48,000 a year out of the \$170--out of our
3 grant, say, \$42,000 out of \$135,000 goes to the Washington
4 office.

5 MR. BARKER:

6 That's correct, although--that's correct.

7 CHAIRMAN MCKEE:

8 And I would think some of the centers that have
9 a \$300,000 budget don't have a Washington office that costs
10 that much.

11 Do you have a Washington office?

12 MR. SABLE: [?]

13 Yes. It's not funded out of legal services money,
14 but we do have a Washington office.

15 CHAIRMAN MCKEE:

16 How much does yours cost? \$50,000 a year?

17 MR. SABLE:

18 Well, we have three professional staff in the
19 office. I would have to assume it's on the order of
20 200-something thousand.

21 CHAIRMAN MCKEE:

22 I have a question on--let's assume for a minute--
23 this very commendable and worthy; but what if you--if you
24 go, say, up to Macon, Mississippi, and you talk to a 65-
25 year-old Black lady about welfare assistance, or has a due-

1 process problem, and you've got \$1 of corporation money
2 to spend, do you give it to the lady in the United States
3 whose been here all of her life--and I feel very sorry for
4 the lady whose son is in Mexico or somewhere; but what do
5 you think the priority should be?

6 MR. BARKER:

7 Well, I think that when we are getting to the
8 situation of having to pit one groups of clients against
9 another---

10 CHAIRMAN McKEE:

11 That is not pitting clients against another. That
12 is not the case. That is what people say it is. But it's
13 a matter of 2481 down to X or up, and you split up the money
14 and determine whichever is the maximum delivery of legal
15 services. It's not pitting groups against groups. It's
16 how do you take the dollar and provide the most service
17 and what should the priorities be in the money. Should
18 it be in somebody who is a refugee or who--you're trying
19 to preserve a family in Mexico or somewhere. Do you think
20 the priorities should be balanced in such a way that the
21 persons that you represent should always be getting a piece
22 of the pie when it's getting smaller and smaller?

23 MR. BARKER:

24 I didn't mean to characterize it as pitting one
25 against--in terms of trying to evaluate one legal need as

1 to another--when you have a United States citizen in the
2 United States who is attempting to regularize the status
3 of her husband or of her child whose been residing here
4 for 15 years with her or with him, in that situation it
5 is very difficult to tell that individual that their legal
6 case, the legal problems that they're suffering, have to
7 be balanced against another type of legal problem that they
8 may have or another person may have in terms of employment
9 or in terms of a welfare situation. It would be very diffi-
10 cult for me to tell that individual that determinations
11 have been made that their case do not have priorities. In
12 fact, the priority-setting process of all those priority-
13 setting processes which I'm aware, especially in the south-
14 west, the immigration priority has come up very, very high.
15 In Los Angeles I think it's third; in San Diego it was second.

16 CHAIRMAN McKEE:

17 Priorities of whom?

18 MR. BARKER:

19 In terms of the priority-setting process that
20 the local legal services programs engaged in, in the client
21 community as required by the Act.

22 CHAIRMAN McKEE:

23 That's because of client population there.

24 MR. BARKER:

25 I understand that; but in terms of---

1 CHAIRMAN MCKEE:

2 It's the same reason that Senator Cranston made
3 his comments.

4 MR. BARKER:

5 I understand. But if an across-the-board determi-
6 nation was made--and as my remarks indicated, the cases
7 are arising throughout the United States. Chicago has a
8 very heavy concentration of cases that come to our attention
9 as well as the East Coast.

10 CHAIRMAN MCKEE:

11 My point is, in terms of--we know it's a big
12 problem; but where do you put the priorities? American
13 citizens or persons who are recent American citizens or
14 are concerned with becoming American citizens? To me, it
15 should be with the people who are here.

16 The last question: Peter Shligh works in your
17 office?

18 MR. BARKER:

19 No. He left. That's Peter Shea. He left our
20 office. He was the supervising attorney until April of
21 this year at which time I took over.

22 CHAIRMAN MCKEE:

23 This is what exemplifies what I'm talking about.
24 In The New York Times, Wednesday, January 13 of this year,
25 there's a Supreme Court case, _____,

1 and Mr. Shea has stated--"A lawyer with the National Center
2 for Immigrant's Rights today said that California's restric-
3 tions on alien employment were fairly typical, and that
4 the decision (Supreme Court decision) could threaten the
5 jobs of tens of thousands of resident aliens who now hold
6 state civil service jobs throughout the country." My point
7 is that there are a lot of Americans who are not resident
8 aliens who don't have jobs either, and if we have to make
9 a decision as to where the money goes, or allocation, in
10 a priority setting, that to me is at the bottom of the list,
11 that kind of situation, especially when the money is so
12 small and there are law firms in the southwest part of the
13 United States that would defend them, that have an expertise
14 in that area, that could kind of pick that up. I'm not
15 prejudging it, but I find it hard to grasp the need for
16 that under this program given the restraints.

17 MR. BARKER:

18 If I may respond to that, Mr. McKee. In terms
19 of that quote, historically in the United States, the dis-
20 crimination against lawful residents has been particularly
21 virulent and it's only recently in terms of in the last
22 30 years that the courts have been called upon to stop that
23 type of discrimination.

24 CHAIRMAN MCKEE:

25 I agree with you. I don't disagree with what

1 you're saying at all. I understand the whole problem. It's
2 a matter of, in terms of what I'm saying, what Mrs. Morris
3 does or Mr. Sable does in their client communities they
4 represent and comparing it to yours in terms of the whole
5 situation is all.

6 Mrs. Worthy, do you have any questions?

7 MRS. WORTHY:

8 No.

9 CHAIRMAN McKEE:

10 Mr. Dana.

11 MR. DANA:

12 I thought your remarks were excellent and I won-
13 dered if you would be sure to give us a copy of those
14 remarks.

15 MR. BARKER:

16 Yes. I unfortunately wasn't able to prepare them
17 formally, but I will compose and have them typed and sub-
18 mitted after I return to Los Angeles.

19 MR. DANA:

20 Thank you.

21 MR. OLSON:

22 One of the things I think is very positive about
23 some of the directions we've discussed today is the concept--
24 I think Mrs. Morris called it litigation kits, and earlier
25 Mr. Sable discussed the training manuals; and it seems to

1 me part of our responsibilities are well carried out if
2 we make the local program attorneys as effective as they
3 can possibly be. That's sort of the bottom line in the
4 whole program. If we make them effective they will assert
5 those rights which people have which ought to be effectively
6 represented. And I applaud the effort of coming up with
7 these manuals and litigation kits. I think in a way--and
8 we've discussed this at prior meetings--this is one of the
9 things I can't quite fathom; like training and the development
10 of these matters are not centralized as to ensure that there
11 will be adequate manuals and forms and check lists, and
12 all of the things that are available in the areas of most
13 concern to the poor people we're serving, and their lawyers.
14 I just wondered if you have in your support center anything
15 like that or are working toward that.

16 MR. BARKER:

17 Yes, Mr. Olson. We have completed a manual very
18 similar to the ones that Mr. Sable has indicated and demon-
19 strated today in terms of how to represent individuals,
20 U. S. citizens and permanent residents, in these immigration
21 proceedings. We also have extensive training materials
22 that we have developed through our training programs which
23 we distribute upon request and also have been distributed
24 to all the legal services programs.

25 Additionally, in terms of trying to mobilize as

1 many community resources to take the demand for these types
2 of services away from the legal services attorney and assist
3 local community organizations who are located in areas where
4 these problems arise, we have packets that instruct them
5 on how to become recognized by the Immigration Service,
6 how to train their staff in terms of how to represent indi-
7 viduals to assist them in the immigration process as well.
8 And so, we work with the United Way agencies, CAP agencies,
9 in terms of trying to develop these various resources in
10 the community that can offer the assistance to individuals.

11 MR. OLSON:

12 Well, a further point on that is that it seems
13 to me that your area of the law would concern issues, legal
14 issues, which are not unique to poor Americans or citizens
15 or residents or whatever you'd want to call them--just lower
16 income people. In other words, the same types of problems--
17 an immigrant would have the same type of problem, a refugee
18 would have the same type of problem, regardless of income
19 status. When it comes to deportation hearings, that's some-
20 thing that cuts across income lines, and in those areas
21 it would seem to me there are probably--and I've never done
22 any immigration law, so I don't know; but it seems to me
23 there might be commercially available sources for that kind
24 of material where the other types of things we're talking
25 about--the litigation kits and the employment of poor people

1 and consumer issues that have to do with these low-income
2 trans--these low dollar amounts. They raise issues that
3 are not as common. CCH probably doesn't put anything out
4 on that I would assume. But in your area they probably
5 do, don't they?

6 MR. BARKER:

7 Well, there are, of course, private attorneys
8 that handle immigration cases just as there are private
9 attorneys that handle employment discrimination. The com-
10 plexity of the problems in terms of immigration are in a
11 direct relation to the income status of the individual.
12 That's a point that should be understood in terms of the
13 clientele in the poverty community that are seeking to
14 immigrate their family members--have a lot more difficult
15 time and the procedures are a lot more complex in terms
16 of their cases as opposed to wealthy individuals. The need
17 for legal assistance---

18 MR. OLSON:

19 I'm not sure--you say the complexity is in direct
20 porportion to the wealth of the refugee or immigrant?

21 MR. BARKER:

22 That tends to be---

23 MR. OLSON:

24 In which way? I mean, the richer you are the
25 more complex, or the poorer you are the more complex?

1 MR. BARKER:

2 In the opposite. The poorer you are the more
3 complex it is because of the nature of the proceedings,
4 the availability of legal resources, hiring attorneys.
5 Attorneys are charging very exorbitant fees in terms of
6 immigration cases, especially in the Los Angeles area and
7 in the Southwest; and so, the difficulties faced by the
8 low-income individual is much greater than the difficulty
9 experienced by other individuals.

10 MR. OLSON:

11 Well, the difficulties might be greater but the
12 complexity of the law is the same, isn't it? I mean, you're
13 not saying the law changes---

14 MR. BARKER:

15 No. Excuse me, that's incorrect. It's just the
16 difficulty of winding one's way through the bureaucracy
17 is a lot more difficult.

18 MR. SABLE:

19 I wonder if I can make one brief remark in regard
20 to the comment Mr. Olson made about centralizing training
21 in the manuals and so forth. That's been an issue that's
22 come up a number of times in why doesn't the corporation
23 simply hire people from support centers to put out these
24 materials. When we evaluated those proposals, we believe
25 that the strength of these sorts of manuals is that

1 they are written by practitioners--people who not only write
2 manuals and do academic work, but who are in daily contact
3 advising people of litigating and who are themselves active
4 in litigation, and a corporate staff person cannot carry
5 a caseload under the statutes. We think that specialists
6 who write these manuals but who also are involved in cases
7 and involved with working with field people gives the
8 corporation the best handle, and that they through contracts
9 and contract provisions and so forth, can assure that enough
10 manuals get out in a timely manner and that sort of thing.

11 MR. OLSON:

12 We've been involved in this debate for quite a
13 long time. Back in the days of Gary _____ he and I used
14 to have a lot of discussion over it, and he'd say, "Well,
15 we've been through this before and the position you're
16 advocating is wrong." Well, "Thanks, Gary." But, seriously,
17 it's been my hope that once we get through--make a first
18 pass and the new board gets educated as to the issues and
19 have a greater opportunity to sit down and chat with clients,
20 program directors and support center directors, that we
21 can begin to look at some of those issues; because I, in
22 my own mind today, subject to further input, am convinced
23 that we've got to do more at the national level to ensure
24 that there is adequate material in those areas which are
25 unique to the problems of poor people.

1 MR. SABLE:

2 I quite agree. Give us more money and we'll do
3 it.

4 MR. OLSON:

5 That seems to be the answer to a lot of questions
6 which weren't asked today.

7 [Laughter]

8 MRS. SLAUGHTER:

9 Mr. McKee, the only question I have, and maybe
10 it's already been answered, is why the need for support
11 centers in other localities and in Washington, D. C. Maybe
12 that's been answered.

13 CHAIRMAN MCKEE:

14 Why do you need a center in Washington as well
15 as your main center? And I think that probably some of
16 the others who are coming up later can get into that subject,
17 you know. Especially with the federal legislation, the
18 regulations--I think that's pretty much the basis for it.
19 Mrs. Worthy?

20 MRS. WORTHY:

21 I don't have any questions right now. I would
22 like to ask these people--they're coming back after the
23 break, so---

24 CHAIRMAN MCKEE:

25 There will be another panel, four people, which

1 will be quicker. [Laughter]

2 MRS. WORTHY:

3 I just don't want to forget about what they have---

4 CHAIRMAN McKEE:

5 And then I think we'll have a wind-up with all
6 of them together for all the questions.

7 MRS. WORTHY:

8 I don't want them to lose track of the questions
9 they have right now.

10 MR. LYONS:

11 I do have one question for Mr. Barker. Do you
12 track the results of your involvement with local legal
13 services programs in the individual cases that you handle?
14 Do you track the outcome?

15 MR. BARKER:

16 Usually, yes. The legal services attorney will
17 get back to us. We'll be in constant communication in a
18 case that is unusually complex, and the attorney usually
19 informs us of the final resolution. These cases tend to
20 be quite protracted though.

21 MR. LYONS:

22 Do you have any estimate on the percentage of
23 success that you have on the cases that you're involved in?

24 MR. BARKER:

25 In terms of the litigation that we are conducting,

1 I would say that the litigation is probably about 95 per-
2 cent successful. In terms of assistance--individual
3 assistance to individuals, I really wouldn't be able to
4 give you any statistics on that at this time.

5 MR. LYONS:

6 Thank you.

7 CHAIRMAN McKEE:

8 Let's take a 10-minute break and then we'll start
9 with the other panel.

10
11 [Recess taken from 4:00 until 4:30 p.m.]
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1 CHAIRMAN MCKEE:

2 If you don't have a formal statement I'm going to
3 read, you can send it to us--send it to Miss Tracy, and it'll
4 be put into the record, a, quote, "formal statement." And that
5 applies for any of the support centers or anyone who is here
6 and has anything to say. This just is general overview, and,
7 for the record, as we did in our earlier meetings, submit what-
8 ever--as many volumes as you want and we'll put it in the final
9 record.

10 This panel is Mr. O'Toole of the National Center for
11 Youth; Mr. Rosenberg, the Mental Health Law Projects, who in-
12 terrupted his vacation, I understand--I appreciate it--Mr.
13 Freedman from the Center on Social Welfare Policy and Law
14 Center; and Dr. Leonard Goodman from the National Social
15 Sciences Law Center.

16 So, Mr. O'Toole, it's all yours.

17 MR. O'TOOLE:

18 Yes.

19 CHAIRMAN MCKEE:

20 Name the amount of the grant.

21 STATEMENT BY MR. JOHN O'TOOLE

22 My name's John O'Toole, and I'm the director of the
23 National Center for Youth Law, and have been the director for
24 the last 11 months. I've worked there for two years prior to
25 that. I worked as a staff attorney in a field program in

1 California for five years. I am one of those who does not have
2 a formally prepared written statement, but would like to submit
3 one afterwards.

4 Our center was founded in 1970, and until very
5 recently it had offices in both St. Louis and San Francisco.
6 We have eight attorneys and one other professional; so there
7 are nine professionals. During 1981 we received \$675,000 from
8 Legal Services Corporation. During 1982 we received \$499,000.

9 Generally speaking, the area of what we call youth
10 law is an area in which problems come because--not in any sub-
11 stantive area particularly, but because of a person's age.
12 Because a person is under the age of 18, there are certain
13 legal consequences; they're a certain set of special problems.
14 And although Youth Law is, in a sense, one of those centers
15 that is organized around a client group, it's really a substan-
16 tive area in and of itself. For example, if you're under the
17 age of 18 in this country, the government has the right to
18 intervene into your family, to physically remove you from that
19 family, to place you in the foster home, to place you in
20 another institution. They also have the right to move you from
21 foster home to foster home, from institution to institution.
22 The procedures which govern the circumstances under which you
23 can be removed from your family, the procedures and the body of
24 law which determine the circumstances under which you can be
25 transferred around, is a subcomponent of what we call youth law.

1 Another area, for example, would be: If a family
2 wants to move into a rental unit, and there are five people in
3 that family, they could probably do so. If some of the members
4 of that family happen to be under the age of 18, they may not
5 be able to do so. Again, your circumstances are, in a sense,
6 determined by your age; and those are the kinds of specialized
7 problems that the National Center for Youth Law works on.

8 Now, I've been told to be very brief, only seven to
9 eight minutes; so I will just sort of run through some of the
10 areas that we work in very quickly, and to tell you some of the
11 things that we do in those areas.

12 One of the main things that we're involved in is the
13 whole area of abused and neglected children. On an annual basis
14 there are over 700,000 children in this country that are abused.
15 In many instances these children are removed from the families
16 and placed in foster care or placed in larger institutions. We
17 are very much involved in that area. In fact, that area of the
18 law is the highest concentration of direct service work that we
19 do with the field programs.

20 Now, what do we do in that area? What kind of cases
21 do we do? Let me give you an example. We got a call from a
22 legal services field attorney in Florida. He's representing a
23 woman. She was at home. Her boyfriend beat her up, beat the
24 child up so badly that the child had a broken arm. This child
25 was only 14 months old. She took the child, went to the

1 hospital, and said, "I'm never going back. I'm not going to
2 put up with this any more." She left that apartment with
3 basically the clothes on her back and that was all. Now,
4 when she was there, because the child had clearly been abused
5 in the home, the doctors contacted the social welfare agency,
6 and they came, and they said, "We'll help you out. We realize
7 you don't have anywhere to go, we'll help you through this
8 process." And, thereafter, she realized several weeks later
9 that she was going through these court proceedings, and all
10 the time the social welfare people were saying, "We'll help
11 you through this process." She found out a while later that,
12 in fact, these proceedings had been a determination that she
13 was not allowed to have her baby with her any more because she
14 was deemed to be an unfit mother.

15 Now, she had gone through this procedure without an
16 attorney, without any understanding of what was going on. Her
17 understanding is that the social workers were representing her,
18 when, in fact, the social workers were working with the
19 attorney for the state to determine that she was an unfit
20 mother and the child should be removed.

21 Legal services attorney first gets the case after
22 there's already been a determination that this mother is unfit
23 and not allowed to keep the child. We became involved in that;
24 and when this lawyer contacted us, he talked to a person in
25 our office who was practicing law in this area, in this

1 specialty of abuse and neglect proceedings, when I was
2 still in junior high school. He is perhaps the leading
3 expert in the country in this area. He worked with that
4 attorney, took the case up; and in the appellate courts we
5 won the case. And that court decided that there was a
6 constitutional right to at least have a lawyer represent you
7 in those kinds of proceedings. So that when a field attorney
8 now calls us up and asks us about abuse and neglect proceed-
9 ings, not only do we have pre-packaged materials that we can
10 send to those attorneys, and not only do we have a training
11 manual which we've prepared on abuse and neglect proceedings,
12 but they can talk to a person who is an expert on it, who
13 can give them telephone advice, who can help them through
14 those difficult kinds of cases.

15 Another kind of case that we work in regularly
16 involves the 500,000 children in America that are immersed
17 in one way or another in the foster care system. We do,
18 again, a variety of things in that area. As some of you may
19 know, there was recently a major comprehensive reform of the
20 foster care laws in America. And each state now is in the
21 process of implementing that federal law within their own
22 states. It's incredibly complicated. One of the attorneys
23 on our staff is an expert, not only in foster care in general,
24 but on this particular law. And what she has done is provided
25 information analysis to field programs about what this law is

1 supposed to do, how it's supposed to be implemented within
2 their states; and she has made herself--she has written
3 several long papers which have been disseminated to field
4 programs to assist them in representing their clients who
5 are immersed in the foster care system.

6 The problems that they are trying to deal with are
7 people who are orphans who are in foster care who get trans-
8 ferred from one foster care home to another. We have a case
9 where a foster care child was in 17 different placements before
10 the age of 16. Many times there's no real attempt by the
11 social welfare agencies to try and get these kids adopted
12 permanently, to put them in a stable, permanent environment.
13 And often they are removed from the homes in the first place
14 because they were abused or neglected, and they go into a
15 foster care home, and they are again abused and neglected.
16 And we try and address that problem as well.

17 So that we get calls from people in the field that
18 are saying I have a lawsuit that's pending now on foster
19 care. What impact is this new law going to have on it?
20 We can send them a paper; we have a 60-page paper written on
21 litigation under the new foster care system. Can I incor-
22 porate the new act into my pending lawsuit? We answer those
23 kinds of questions.

24 The federal government, on July 15, 1982, published
25 proposed regulations attempting to implement the new foster

1 care law, and we're getting calls regularly asking how those
2 regulations are going to effect their clients. We have a
3 person on staff who's an expert, who can answer those kinds
4 of questions.

5 Another area of the law that we deal in rather
6 regularly concerns housing discrimination against families
7 with children. During the past decade between 60 and 80
8 percent of the rental units, which is generally the kinds
9 of units that our clients are going to, have certain kinds of
10 restrictions about the number of children or whether you can
11 have children. The number of families seeking rental units
12 has increased during the past decade by 14 percent. Now,
13 during that same decade, construction has decreased by 30
14 percent. So what you have is less rental units available
15 in general, and a very high percentage of them have
16 restrictions on the number of children or whether you can
17 have children. So that, again, is an area that we are involved
18 in. We have a case, for example, in St. Louis where a private
19 contractor was given government money to build rental units,
20 and, as part of that arrangement, the private contractor had
21 to agree that he, once he was managing these units, would not
22 discriminate against families because they had children. Now,
23 the private developer has evicted one of the clients of the
24 local legal services program because they had a new baby.
25 They decided that having one child was fine, but when the

1 mother had a second child, they evicted the family. And we
2 are trying to assist that local program in getting the
3 Department of Housing and Urban Development to enforce those
4 restrictions. There is an agreement between HUD and the local
5 developer that they can't do that, but HUD hasn't done any-
6 thing, and the private developer has evicted that family.
7 So, again, we're providing assistance on a local level.

8 Now, I'll just very quickly run over a few things,
9 and then let the other people have their seven minutes.

10 CHAIRMAN MCKEE:

11 When we come to the Q and A's the specific points
12 we'll ask you about by name, if you'll bring out the rest of
13 the things you probably wanted to discuss.

14 MR. O'TOOLE:

15 Okay. One of the kinds of things that we do very
16 regularly is telephone advice. And just to give you an
17 example, we had an attorney that called us up and said, "I'm
18 new here. I've only been out of law school for six months.
19 I've just been in this office for two months. When I came
20 in, they gave me this huge case and told me that it was going
21 to settle. Well, it's not going to settle, and I just found
22 out it's going to trial next week. I've never been to any
23 kind of court, let alone federal court. I don't have any
24 expert witnesses. I don't know what to do. Can you help us?"
25 Well, one of our attorneys had 15 years litigation experience,

1 and he was able to line up expert witnesses to fly in to help
2 that person prepare for the trial, help that person do the
3 trial. That's the kind of work that we can provide for local
4 field attorneys.

5 We also, like the other centers, have a variety of
6 different publications. We have a training manual we're working
7 on right now that will explain a new federal law, the Uniform
8 Child Custody and Jurisdiction Act; so that these child-snatch-
9 ing cases, where one person will take--the non-custodial parent,
10 will take the child, go into a different jurisdiction, file a
11 case there, and attempt to get custody of the child. There is
12 a new law that's been adopted by 44 states to try and deal with
13 that problem.

14 CHAIRMAN McKEE:

15 We'll get back to you so you can finish on those points.

16 Mr. Rosenberg of the Mental Health Law Project.

17 STATEMENT BY MR. NORMAL ROSENBERG:

18 I've never said anything that lasted for less than
19 ten minutes; so this may be a real struggle, but I'll try.

20 The Mental Health Law Project has an operating
21 budget of approximately \$530,000, of which \$75,000 comes from
22 the Corporation. The Mental Health Law Project is a Washington-
23 based organization which over the last decade has developed
24 expertise in dealing with the complex and, to some extent,
25 intractable problems of the more than six million mentally

1 disabled people in this country. Initially, the Project
2 gained its reputation by participating in litigation aimed
3 at improving the deplorable quality of our state-operated
4 psychiatric institutions and mental retardation facilities,
5 institutions which are inhabited largely by poor and
6 resourceless people; institutions which, for the most part,
7 at least prior to the advent of litigation designed to change
8 some of these conditions, were inhabited by people who were
9 dying of abuse and neglect, people who were left to languish on
10 the back wards of institutions where they received virtually
11 no training, habilitation, medical care and the like.

12 Our first landmark case, a case called Wyatt vs.
13 Stickney, was an Alabama class action that resulted in the
14 declaration that nondangerous, institutionalized, mentally
15 ill and mentally retarded persons had a constitutional right
16 to treatment of debilitation, which would enable them to
17 learn and to progress, and which would further the purposes
18 for which their institutionalization was sought by the state.
19 The Wyatt case and its progeny helped reshape thought and
20 practice with respect to the nature of institutional care in
21 this country, immediately led to the promulgation in 1974 of
22 federal regulations which set wide like standards governing
23 institutional care in institutions across the country.

24 A second focus of our institution's work, and it's
25 a focus that's becoming increasingly important for us, is the

1 focus which is tracked to the deinstitutionalization movement
2 which started in this country somewhere around the mid-1960's.
3 That effort has been directed towards removing people from
4 institutions who do not need to be confined there, but at the
5 same time working diligently to insure that every person who
6 is removed from an institution can be placed into the
7 community into facilities and programs which will enable that
8 person to adjust to community life, where he or she will
9 receive adequate mental health services, adequate support
10 services and the like; which will make that person able to
11 survive and, indeed, to thrive in that community; will obrogate
12 of the need for reinstitutionalization; and will avoid the
13 very serious problems that we see in most of our major cities
14 of street people, increasing numbers of street people, bag
15 ladies and the like, who are there because communities have
16 not been effective at developing the kinds of resources for
17 people who have been removed from these institutions over the
18 past ten to 15 years.

19 MHLF has been involved in institutional litigation,
20 both as counsel, co-counsel and amicus in states all across
21 the country. I'll take no time to list those states. In
22 addition to our direct participation in our own cases, we've
23 also provided consultation, technical assistance, substantive
24 training to, I think, literally hundreds of legal services
25 lawyers and other advocates in their planned and pending cases.

1 While improving the quality of life for our institu-
2 tionalized people has been a main goal of our advocacy work,
3 we have also been directly involved with addressing a whole
4 range of other discreet issues that effect mentally disabled
5 people. I'll just give you a brief listing of some of those
6 issues: Litigation designed to establish standards for and to
7 prevent abuse in the administration of electro-convulsive
8 therapy, so called shock therapy; restrictions on abuses in
9 the performance of psycho-surgery, a phenomenon which,
10 fortunately, is waining in its use in this country. We've
11 been involved in litigation involving the protection against
12 sterilization abuse, particularly sterilization abuse on
13 behalf of poor, mentally retarded female adolescents. Cases
14 involving the establishment of the right to refuse mind-
15 altering psychotropic medication, medication which, unfortu-
16 nately, is routinely administered to institutionalized
17 residents, both in mental retardation facilities and in state
18 psychiatric hospitals. We have been involved recently in an
19 issue that has received a fair amount of public attention,
20 and that is the issue of withholding essential medical treat-
21 ment from defective newborns, so called infant euthanasia,
22 an issue which recently came to President Reagan's attention
23 following several cases this past spring, which resulted in
24 a directive from the White House to the Justice Department
25 and the Department of Health & Human Services to stop this

1 practice from going on. We've been involved in litigation
2 designed to prevent discrimination in employment and housing
3 based on one's status as being mentally disabled; litigation
4 involving protections designed to bring fundamental fairness
5 to the civil commitment process, a system which affects, almost
6 exclusively, poor people and generally people from minority
7 groups; cases involving the education--the right to education
8 for handicapped children, particularly severely disabled
9 poor children. Work in this area has included bringing one
10 of the two landmark cases in the field. Ours was called
11 Mills vs. Board of Education, in which a federal court deter-
12 mined that the exclusion of handicapped children from the
13 public school system in the District of Columbia was a
14 violation of their right to equal protection of the laws.

15 Most recently, we've been involved in a series of
16 cases involving arbitrary termination or application to
17 mentally disabled persons who had been receiving Social
18 Security disability income and, for a variety of reasons, have
19 been, we believe, unfairly terminated from the disability
20 rolls.

21 Although the Project has had always a relatively
22 small staff, nine professionals at its largest and four at
23 present, it has participated in most of the landmark cases
24 in the field, including, I believe, every mental disability
25 case which has been heard by the United States Supreme Court.

1 Our role in these cases has not only been to participate as
2 counsel or co-counsel or amicus, but to work with field
3 programs, as we've done in two cases this spring, in shaping
4 and reviewing their briefs. Traditionally, we hold a moot
5 court for the legal service field lawyers who's going to
6 be arguing the case. Following the Supreme Court's decision
7 in each of these cases, we generally hold a conference,
8 inviting the lawyers who participated, as well as other
9 mental disability advocates from around the country, to discuss
10 the implications of the decision and to develop strategies to
11 deal with whatever the Supreme Court's decision might have
12 been.

13 The Project has also maintained an ambitious training
14 program, having participated or sponsored training events at
15 both the local, state and national levels. Trainees have
16 included legal services and protection and advocacy lawyers,
17 members of the private bar, ex-patients, consumers, bar
18 associations, law and other graduate students. Our largest
19 training events have been national conferences on mental
20 disability law held in 1974 and '5 and then again in 1979 and
21 '80. These conferences were conducted under the auspices of
22 the Practicing Law Insititute. The '79-'80 series was con-
23 ducted in four cities across the country, attended by some
24 750 to 1,000 lawyers and other advocates and resulted in our
25 publication of a 2300-page course book described at the time

1 by outside reviewers as probably the most valuable resource
2 in the field.

3 Finally, the Project has for a long time been active
4 in a whole set of public service activities, including chairing
5 the task force in legal ethics for the President's Commission
6 on Mental Health; participating in--with the National Academy
7 of Sciences study on discrimination against handicapped people;
8 preparation in 1977 and '78, at the request of the National
9 Institute for Mental Health, of a model legislative guide;
10 participation in a court-appointed expert review panel which
11 is attempting to develop non-discriminatory procedures for
12 assessing and placing minority children in the public schools
13 of the City of New York; and on-going consultation to many of
14 the major consumer and ex-client organizations who are con-
15 cerned with mental disabilities law; and, finally, what we
16 think is a pretty enviable publication record, numerous
17 publications in Clearing House Review, as well as in the
18 professional and scholarly journals.

19
20 CHAIRMAN MCKEE:

21 This is Mr. Harry Freedman with the Center on Social
22 Welfare Policy and Law, and this is Dr. Leonard Goodman with
23 the National Social Science and Law Center. I would like,
24 if you could, almost to kind of go together, because if you
25 could distinguish of all the support centers in terms of the

1 designation, those two have the most general in terms of title,
2 Social Science and Law, Social Welfare Policy. And if you
3 could distinguish your roles in terms of your, each, subject
4 or substantive areas of law and how you interface with each
5 other.

6 BY FREEDMAN:

7 Well, I thought you were going to ask us a hard
8 question.

9 [Laughter]

10 CHAIRMAN MCKEE:

11 The second one will be the good one.

12 STATEMENT BY MR. HENRY FREEDMAN:

13 I'm Henry Freedman from the Center on Social Welfare
14 Policy and Law, and I'm also pleased that the chairperson of
15 our board, Shirley Smith Peoples [phonetic] is here with us
16 today.

17 Our funding level for 1982 is \$552,000, and in the
18 remaining six minutes and 50 seconds I plan to speak about the
19 welfare programs and the law that we are dealing with. The
20 history of the Center, I think it might be a little interesting,
21 because we were the first center that was a model for other
22 centers. I'll speak to some of the lessons that I think we've
23 learned through that time and outline our current activities.

24 The welfare program, we are the welfare law center.
25 We deal with the welfare programs, the cash public assistance

1 programs, that meet the basic needs of legal services, of so
2 many legal services clients for whom it's the only source of
3 survival. There are three basic categories of programs we
4 deal with: The aid to families with dependent children, or
5 AFDC Program; the supplemental security program, or SSI program;
6 and then general assistance programs.

7 The AFDC Program is the largest of the welfare pro-
8 grams. It costs about \$14 billion a year in federal, state
9 and local monies combined, with 11 million recipients, of
10 whom 70 percent are children, in about 3.8 million families,
11 81 percent of which are headed by single women. There's
12 substantial turnover on the AFDC roles; 57 percent of the
13 families stay on for less than three years. There's a sus-
14 tantial distribution among different racial groups. By and
15 large the families on the roles have earned income at sometime,
16 but in any one month only about a seventh or eighth of them
17 have any earned income. So we are clearly talking about very
18 poor people. And the law governing this program is complex.
19 And I would just like to read to you from Irving Calfin
20 [phonetic] in the Second Circuit who said, "Public assistance
21 laws as incorporated in the Social Security Act, in rules and
22 regulations of HEW and in various state programs present as
23 complex a legislative mosaic as could possibly be conceived
24 by man." And I think that legal services lawyers, para-legals
25 and certainly clients trying to confront the welfare system

1 and deal with problems that arise would agree with Judge
2 Calfin. Unfortunately, time doesn't permit me to explicate
3 for you just what the law is, but we'll be happy to do that at
4 some other time.

5 Now, the federal and social welfare policy involved
6 was founded in 1965, before the federal legal services program
7 had been set-up, with some private foundation seed money that
8 had been raised by Edward Sparrer [phonetic], who was a lawyer
9 in an experimental poverty office on the lower East side of
10 New York, and who found a stream of people coming into his
11 office with welfare problems; and he knew there were legal
12 issues there; and he felt there was something that could be
13 done. And as a neighborhood lawyer he simply didn't have the
14 time and resources to address it; so he raised money, this
15 program with this mystifying name of Center on Social Welfare
16 Policy and Law was set-up, and they began to look at the law
17 and develop the law. And certainly within a few years we have
18 landmark Supreme Court cases. There had been not one federally
19 reported case in the area of welfare law prior to the estab-
20 lishment of this program and of the legal services program.
21 And sometime we should go through an interesting history of
22 those cases. The first one to hit the Supreme Court was
23 King against Smith, which came out of Alabama and of all the
24 substitute parent rules that Alabama and many other states
25 used. It really is a means of reducing the number of black

1 on the roles, but the issue wasn't dealt with as a racial
2 discrimination case; it was dealt with on other legal issues,
3 and a very significant victory was won. And the rest of the
4 cases we will talk about over a drink, perhaps, at the
5 reception.

6 [Laughter]

7 What lesson could we learn-- There are some good
8 cases, too; and I have a great story about how I was involved
9 in Goldberg against Kelly, and I really hope somebody will ask
10 me about it. And it really shows how these cases are come--
11 with clients coming in the office, but we're on to the lesson.

12 CHAIRMAN MCKEE:

13 Submit it for the record.

14 MR. FREEDMAN:

15 I think that's what will happen.

16 Some of the lessons we've learned. One is that it is
17 critical that material get out in writing to the field. The
18 volume of calls is so great we've got to get this information
19 out to people. The turnover in local programs is so great
20 we've got to have material that can be preserved and carried
21 on, and other people have spoken to that.

22 Lesson No. 2: Vital regulatory and interpretative
23 material is impossible to locate in any library. Much of the
24 law that we work with and the local legal services programs
25 and client groups work with is contained in mimeographed form,

20
1 is contained in manuals, some of it, that can be crucial to
2 interpreting of regulations and policies that are 20 years
3 old, 30 years old. I'll give you 40 years old policies in
4 the Social Security board that's found in mimeographed form.
5 It's never been published. It's not available anywhere. Some
6 of it, probably, HEW can't put its hands on if it wants to.
7 We have painstakingly gathered that material. We have the
8 only collection of this material outside of the Department of
9 Health & Human Services. And I must say that I was intrigued
10 to read Max Miller's statement that he doesn't need our kind
11 of services because he can send law students to a law library,
12 or he can look it up in _____, or, and this I felt was best,
13 he can get briefs from the private attorneys who've handled
14 these cases.

15 But I'd like to speak about another type of material-
16 gathering that has intrigued some of you, and that's the
17 function of Washington offices and the focus on legislation.
18 Because of the complexity of the law that we deal with, vital
19 questions of interpretation turn upon what does a statute mean?
20 What did Congress mean? And this often depends upon having
21 documents that are not readily available even in depository
22 libraries. The kind of papers that were submitted to Congres-
23 sional committees, statements that were prepared by other
24 people, and our monitoring of legislation includes a very
25 important function whose value we learned over the years is

1 than winning lawsuits. And I have wonderful examples that will
2 show you how you win the lawsuit, you lose it in Congress, you
3 lose it in the agency, you go back and forth; and that, too,
4 we will talk about at some other time.

5 Okay. What do we do? About 20 percent of our time
6 is now devoted to consultation with local legal services
7 lawyers on issues. And just in the last couple of weeks this
8 has included phone calls from the Nebraska Legal Services,
9 Oregon Legal Services, New Mexico Legal Services, New Jersey
10 Legal Services, D.C. Neighborhood Legal Services, Queens Legal
11 Services, and so forth and so on. I think you get the picture
12 there.

13 We're writing letters to Montana Legal Services,
14 Idaho Legal Services. I'm going to have to investigate this;
15 we have an awful lot of the Rocky Mountain states in the last
16 couple of weeks. But we have got Delaware, we've got south
17 Minnesota, we've got Legal Services Corporation of Alabama--
18 they got two letters. I mean that, on-and-on, is this tre-
19 mendous volume of letters on a tremendous number of nitty-
20 gritty issues that people deal with. And I had some of the
21 responses that I was going to read to you, and I'd be happy
22 to share that with you. A lot of the kind of help we give
23 people saves litigation. I mean, a lot of the letters we get
24 back are very interesting. They say: We showed this material
25 to the attorney general, and he agreed that they had to change

1 their policy. We showed this to the welfare department and
2 they agreed, they agreed. So a lot of what we're able to do
3 is get material out to people that can avoid litigation.

4 CHAIRMAN MCKEE:

5 Can you send some of those letters in with your
6 submittal?

7 MR. FREEDMAN;

8 Be happy to.

9 This includes lawyers on the private bar whom we
10 help; and the most touching letter that I found was the one
11 from the lawyer on the private bar who said that with the help
12 of our material she was very happy, she'd won her case;
13 unfortunately, it was lost in Congress, which is another
14 matter that I know you're interested in.

15 But one function we serve--and Mr. Paras asked a
16 question about this, and I want to get back to it. All too
17 often we have to bring the bad news to the lawyer or the
18 client which is they do not have a case. And very often we
19 get a call, and sometimes we say: Why? Why did that crack-pot
20 idea come up? And we realize sometimes what's happening is,
21 even within the local program, there will be a dispute about
22 whether there's a good claim. Or often it'll be a junior
23 lawyer maybe being very hard-pressed by a very upset client,
24 who goes to his supervisor and says: We've got to press this
25 case. And the supervisor feels that the case should not be

1 filed, but wants to get some consultation on it, wants to get
2 some assurance. So very often what we're telling people is
3 that they don't have a case and they shouldn't do it.

4 About 50 percent of our time goes to information and
5 training, the written materials; the manuals; training, both
6 of lawyers and training conferences that we, ourselves, have
7 sponsored for lawyers and for clients in advocacy; about 15
8 to 20 percent in litigation of some really interesting cases.
9 In one we advised the local program that they had such a strong
10 constitutional claim they bother to sue it--prosecuting the
11 suit. They should file the suit and write to the Department
12 of Justice and say: Please don't defend. I have a very nice
13 letter here to show you in which William French Smith [phonetic]
14 wrote to Tipp O'Neal and said: Under the law in which I'm
15 required to advise you of this, I wish to advise you that
16 we're not going to defend this case in the District Court in
17 Massachusetts, because your law is so blatantly uncon--he
18 didn't quite say it that way--because your law is indefensible.
19 And about 15 percent, I'd say, goes for the whole broad range
20 of administrative and legislative advocacy work that we do.

21 Thank you.

22
23 CHAIRMAN MCKEE:

24 Mr. Goodman.

25

1 STATEMENT BY DR. LEONARD GOODMAN:

2 My name is Leonard Goodman. I'm the director of the
3 National Social Science and Law Center. Since I have prepared
4 a written statement, and copies of it have been submitted to
5 the board members, I can make a brief statement. And since it
6 is brief, I can use part of it to thank the chairman and the
7 board members for this opportunity to try to explain what it
8 is we do.

9 I didn't know I was going to have to differentiate
10 our center from Henry's, but I can do that very easily. Henry
11 talks very rapidly and I talk very slowly. That may be why
12 our budget is \$250,000---

13 [Laughter]

14 ---or so, and Henry's is probably about 3 or 4 million. But,
15 in any event, I do thank you; and I would like to say,
16 essentially, three things here: A few words about how we
17 happen to be here, how there happens to be a social science
18 research organization in the legal services program; where a
19 center is and what it does; and, third, what needs it responds
20 to. I think I can do this within the time limit.

21 The services we provide were originally funded by
22 OEO, the Office of Legal Services, back in 1968, which makes
23 us one of the older centers. Now, that was in response to
24 requests from field attorneys for a facility which would pro-
25 vide them with this kind of expertise, you know, the kinds of

1 data they need to litigate their cases. I was at the Bureau
2 of Social Science at that time as a sociologist who was doing
3 research on poverty related issues, and I met with Earl
4 Johnson [phonetic], who was then director of the Office of
5 Legal Services, and was asked to submit a proposal, which I did.
6 And, thereafter, this project was funded as a legal action
7 support project of the Bureau of Social Science Research.
8 We started out on the premise that quantitative data and
9 methods were needed in a number of poverty law issues. And
10 that has been borne out by the fact that we've contributed to
11 literally hundreds, many hundreds, of cases in litigation over
12 the last 14 years, although we have never been able to really
13 the demands.

14 We've also made other significant contributions to
15 this program and to its clients, perhaps not the least of
16 which was our study of the program itself, which led to the
17 development of the minimum access formula and subsequent
18 increases in funding for this program.

19 We're now comprised of nine people after some of
20 the funding cuts. Incidentally, I should have added previously
21 I--although our funding from the Legal Services Corporation is
22 around \$250,000, our budget for this year is around \$300,000,
23 and that is owing to the fact that we are using our funding
24 balance, which is budgeted in, and we are headed for a zero
25 balance by the end of this year, to anticipate possible

1 possible questions later on.

2 [Laughter]

3 We have--six of the nine people, six are social scientists in
4 sociology, economics, statistics and computer processing,
5 primarily. We have no single issue. This is the real answer
6 to your question, Mr. McKee. We have no single issue and we
7 have no type of client. We have no status group or a special
8 kind of clientele that we serve. We have no client constitu-
9 ency, either, unfortunately. What we do have are experience
10 and skill in the following kinds of things: We're good at
11 scientific methodology. We know how to do sampling and
12 surveys. We do data collection, quantitative data analysis,
13 systems analysis, demographic research in population estima-
14 tion, computer programming, use of computer bibliographic data
15 bases, expertise in research design, and expertise in methodo-
16 logical criticism, among other things. These are the kinds
17 of skills that legal services clients and most lawyers--most
18 lawyers, I would hazard a guess--in legal services, sooner or
19 later in their careers, need. For example, clients need to
20 know how laws and policies have and will effect them; and this
21 is--just to give an example--this is the basis, the fundamental
22 basis, for one of our projects, which is the work fare project,
23 which is designed to answer exactly that kind of question.
24 They need to know about themselves and their characteristics,
25 because this relates to their eligibility for various kinds of

28
1 benefits. They know--the individual clients know what their
2 individual problems are, but it's the collective, aggregate
3 kind of information that's needed in litigation and in other
4 kinds of forums.

5 As far as lawyers are concerned, they need these
6 kinds of things, quantitative documentation of patterns of
7 practice, for example, in racial age, in sex discrimination
8 cases. Several of these are alluded to in the summary of work
9 which I presented to you. It turns out occasionally that we
10 find that the alleged pattern of practice does not, in fact,
11 exist; and we so advise attorneys; and there have been instances
12 in which they have ceased and desisted from their litigation as
13 a result.

14 Second, the extent to which government agencies are
15 out of compliance with regulations or court orders in pro-
16 cessing claims, determining eligibility or deciding appeals.
17 We have examples of this in the work statement also, involving
18 SS, Social Security; SSI; unemployment compensation; and AFDC.
19 There's a description, a very short description, of a case,
20 Lockley vs. Yeldels [phonetic], is a District of Columbia case
21 in which--which actually goes back seven years. We did the
22 first data processing on that case seven years ago and showed
23 the judge that the Department of Welfare was remiss in
24 carrying out its responsibilities under the law at that time.
25 It is still remiss, and now, even after a number of court

1 orders, it is still failing to crack its clients, failing to
2 determine eligibility, it's failing to get out payments to
3 hundreds and perhaps thousands of clients. And what's
4 different now is that they are blaming this all on the
5 computer, and so we have--which is not uncommon, by the way;
6 and so we have one of our people working with the attorneys
7 on that case, taking depositions; and we'll testify at--in that
8 trial and will attempt to show that the computer is actually
9 not at fault, but it's human beings. Okay.

10 Another example is the need for technical help from
11 agencies or private--I'm sorry. It's--well, there's a lot of
12 problems with obtaining data from agencies during discovery.
13 And we are helpful to a number of programs in that respect.
14 In face, we are--we have developed a manual. It's called
15 Discovery and the Use of Quantitative Data, which will be
16 coming out early next month. If anyone's interested, I have
17 a copy here.

18 They need specialized help in evaluating agency
19 reports, statistics, research results, and so on. The agencies,
20 government especially, tend to be self-serving; and they tend
21 also not to do terribly good research. And we're helpful to
22 attorneys who have to deal with and respond to all kinds of
23 reports from official agencies.

24 Well, I'll skip--I'll just skip on down. I had a
25 few other things to say. Just to kind of sum it up, we

1 provide these kinds of services in support of litigation and
2 advocacy efforts that constitutes about 40 percent of our
3 effort. Another 40 percent is given to special projects which
4 derive from our priority-setting process, and those are all so-
5 described in the report. The remaining 20 percent or so--and
6 these are all estimates--goes to training and development of
7 training materials, and the development of publications which
8 come out of our work. And, in conclusion, I would just say
9 that what we do is to make this program a more effective
10 program by virtue of providing a kind of expertise which
11 lawyers do not have, and which is very difficult to obtain
12 elsewhere.

13 Thank you.

14 CHAIRMAN MCKEE:

15 Thank you. What we'll do is have members of the
16 committee, or the committees, ask their questions, and then
17 we will have the group--who I understand were going to be
18 brief anyway--of attorneys to provide information as to what
19 their personal experiences have been. And then we'll have kind
20 of a general wind up session.

21 Mrs. Worthy.

22 MRS. WORTHY:

23 I don't think I have any questions now. It was
24 very well presented.
25

1 CHAIRMAN MCKEE:

2 Mr. Dana?

3 MR. DANA:

4 I'll pass.

5 CHAIRMAN MCKEE:

6 Mrs. Slaughter?

7 MRS. SLAUGHTER:

8 To John: I work for a residence child care
9 institution, and I would be interested in knowing when the
10 funding ceased for the Youth Law in St. Louis and why?

11 MR. O'TOOLE:

12 Well, our St. Louis office closed, basically, in
13 May of 1982, very recently. And the reason for that was that
14 we experienced a 25 percent cut in our funding level for 1982,
15 and allowing for inflationary factors and increased salaries,
16 since we had no turnover, that amounted to about 40 percent less
17 resources than we had the previous year. And so our board
18 decided, in conjunction with our staff, that the most important
19 principle underlying how we would deal with those kinds of
20 cutbacks was to try and maximize the resources that we could
21 provide to the field programs. So what we were able to do by
22 closing our St. Louis office was to keep approximately the same
23 number of attorneys, the same number of professionals, on
24 staff and available to provide services to the field by lowering
25 our non-personnel costs. We've substantially lowered the

1 travel costs, for example, because when we have staffs in two
2 different cities, they had to travel to have joint staff
3 meetings. We've lowered the cost by not having to pay rent
4 in two different buildings. There are just a variety of non-
5 personnel costs that we were able to lower; so that we were
6 able to absorb a 40 percent cut in our resources without
7 really diminishing to any great degree our ability to serve
8 field programs. It was a decision we made and our board made
9 very, very regretfully, because we had a long history in
10 St. Louis; and I think we were better able to serve. This is
11 a natural tendency that a national support center will be more
12 involved in the states that tend to be around it, and we were
13 very reluctant to--to sort of leave the Mid-West, because
14 we'd been very involved in that, and from there we had been
15 involved in Tennessee and a number of Southern states. And it
16 was regretful, but that was the rationale behind our board's
17 decision.

18 CHAIRMAN MCKEE:

19 Mr. Paras.

20 MR. PARAS:

21 Henry, this does not relate specifically to what you
22 related to us, but none the less I would like to ask you, do
23 you have an affirmative action plan?

24 MR. FREEDMAN:

25 Meaning for our office?

1 MR. PARAS:

2 For your office, your operations?

3 MR. FREEDMAN:

4 Well, yes, we do; and do you want me to talk some
5 about it?

6 MR. PARAS:

7 Yes, briefly.

8 MR. FREEDMAN:

9 Yes. In the current--our current situation is on
10 the professional staff last year we had two minority attorneys
11 out of eight on the staff. One of those has now left, and
12 we are one out of seven. What we've tried to do is recruit
13 aggressively among law students, and I was pleased in the last
14 several years we have had--over half of the law students we
15 have had have been various minority students from the different
16 New York schools. And, of course, we also have a board of
17 directors consisting of clients and lawyers who are quite
18 mixed, and who have been very concerned and shared this concern
19 with us; yes.

20 MR. PARAS:

21 How large is your board?

22 MR. FREEDMAN:

23 Our board at this time is 11, that's four client
24 representatives and seven attorney representatives.

25

1 MR. PARAS:

2 And what's the mix?

3 MR. FREEDMAN:

4 The mix is: On the client representatives, it's
5 three black and one white; on the attorneys, it is two black
6 and, I guess, that would be five white? Five white.

7 MR. PARAS:

8 How about your non-lawyer personnel? The rest of
9 your staff? How large is your staff?

10 MR. FREEDMAN:

11 Okay. Let's--[Figuring] Okay, a quick count on
12 the non-lawyer staff shows four minority, five non-minority--
13 I think I'm missing one or two people there, but I think that
14 gives you basically the spread. I should also mention--the
15 question often doesn't get raised, but I think it is relevant
16 that both--that on the professional staff we have long had a
17 majority of female attorneys.

18 MR. PARAS:

19 Thank you.

20 CHAIRMAN MCKEE:

21 Mr. Olson.

22 MR. OLSON:

23 Dr. Goodman, just to get a better perceptive--per-
24 ception of what you do, it seems to me that the function you're
25 serving would ordinarily be served for private counsel by

1 hiring one of the many consulting firms, like Nera [phonetic],
2 or one of the many, many consulting firms in Washington that
3 do this kind of work. Is that not---

4 MR. GOODMAN:

5 I think that's correct; yes.

6 MR. OLSON:

7 And they would ordinarily charge their clients out-
8 side of the legal services area for the kinds of consulting
9 work. Do you have people that provide expert testimony?

10 MR. GOODMAN:

11 Yes, we do.

12 MR. OLSON:

13 And studies, and that sort of thing; and can advise
14 the counsel in terms of how to cross examine other people's
15 expert witnesses and all that sort of thing.

16 MR. GOODMAN:

17 Yes, we do.

18 MR. OLSON:

19 I've got a couple of things for John and Norman here
20 I want to go over briefly with John. I was somewhat confused
21 about the example you gave about housing discrimination against
22 families with children, and you said it was a tremendous
23 problem, and that people were--fewer and fewer rental units
24 were available, and that more and more people were having
25 children or whatever that needed rental units. Is that the

1 type of human rights issue or whatever that the Legal Services
2 Corporation Act was intended to encompass?

3 MR. O'TOOLE:

4 Well, that--out involvement in that issue arose out
5 of our St. Louis office's involvement with a number of legal
6 services programs in Missouri, particularly, I think, a couple
7 of community groups in St. Louis itself, which considered that
8 a very, very high priority, because the families just couldn't
9 find places to live. And we view adequate decent housing as
10 one of the basic issues for any poor family. And us identi-
11 fying that as a priority came through our involvement with
12 those programs in St. Louis, in those community groups in
13 St. Louis.

14 MR. OLSON:

15 Do you think there's--just out of curiosity, with
16 regard to priority-setting, particularly--and priority-setting,
17 I guess, is a different animal for support centers than it is
18 for local entities--you must have some kind of established
19 priority setting-up. You must be and have to be involved in
20 a wide range of issues, being a population group, a support
21 center as you are. For example, you probably have--you have
22 this fine line problem with criminal work, which we're not
23 supposed to be involved with, and yet when juveniles commit
24 actions, and my understanding of juvenile law is not all that
25 great, but when juveniles commit what if they were adults would

1 be felonies, it's not a crime; it's something else. And you
2 would--I would imagine there would be any number of juveniles
3 who would have committed felonies, and then they would seek
4 assistance in attempting to remove themselves from incarceration
5 after six months or whatever. And those people must go
6 to local offices, and then get referred on to you. Do you
7 select--how do you determine where to put your resources?

8 MR. O'TOOLE:

9 Well, it's a very complicated process of setting
10 priorities; and it is very difficult in a national support
11 center. The process first and foremost involves a survey
12 which we do annually to all the field programs, asking them
13 what kinds of cases they're dealing with, what kind of sub-
14 stantive areas they work in, what kind of substantive areas
15 they work in they think they need our help in; and also a
16 survey of what sort of functional things do they need? Do
17 they want us to help train them? Do they want trainee manuals
18 from us? Do they want co-counsel? Do they want us to put
19 more resources into the sort of telephone advice and availa-
20 bility that currently spend a lot of time on? So that that's
21 one step in the process. There are a variety of other steps.
22 There's--we involve our board of directors in the process.
23 We involve client groups in the process. There are internal
24 staff discussions, endless internal staff memos about those
25 kinds of things. It's a very--it's a very time consuming and

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and rigorous process, and, at best, it is imperfect.

In terms of the specific area that you're talking about, yes, it is true that when a juvenile is accused of a crime that is a delinquency proceeding. And the United States Supreme Court has said a delinquency proceeding is not a criminal proceeding in any sense of the word; and, in fact, that U.S. Supreme Court case was incorporated into the amendments to the 1977 Act. So that delinquency proceedings are not criminal, and they are permissible. However, in our earlier days, back in the early '70s, I wasn't there then, but my understanding was that the Center spent a much higher percentage of time responding to requests about those kinds of things. But more recently local communities have juvenile public defender offices. You're not getting the run-of-the-mill juvenile delinquency proceeding going into a legal aid office as much as you used to. It's not--it doesn't happen that often. The kinds that tend to go to legal aid offices are often what's known as a status offense. We had a call a while back from a lawyer in the Indianapolis program who was representing a 15 year old girl who had been removed from her home because she was abused and neglected. She ran away from the foster institution that she was living in. That constituted what we call status offense, something that if you or I did it, it would be perfectly legal. We could get on a bus and leave town, and that's okay. But if you're under 18

1 and you leave town without permission, that's considered a
2 status offense. And he called up and said that she had turned
3 herself in, she had pled guilty in this delinquency proceeding,
4 she had been ordered back to her foster home and placed on pro-
5 bation and ordered to pay a \$30 court fee. And being 15 years
6 old and living in an institution she didn't have \$30. A week
7 later the judge in the case ordered her to be jailed in an
8 adult jail. In that state it was illegal to jail people for
9 a status offense, particularly in an adult jail. The judge
10 said, "I'm not doing it because she committed a status offense.
11 I'm doing it on the grounds that it was contempt of court.
12 She violated my order to pay the \$30." So he called up and
13 he wanted to know what we could do. He wanted to file a
14 federal court class action the following morning, and we were
15 able to persuade him that there was a more--a simpler way to
16 do it, that he should go in on an individual basis into state
17 court and present certain arguments which we were able to give
18 him, some over the phone and some by express mail. And he was
19 able to release her that day. That's the kind of case that's
20 more likely to come in a legal aid office, not the sort of
21 hard core felonies that are done in delinquency proceedings.

22 MR. OLSON:

23 I'm not quite sure how to say it, but after listening
24 to all the examples and reading through all the submissions
25 that are made by the various support centers to Legal Services

1 with their applications for refunding and such, I'm almost to
2 the point I'm convinced that you win every case you take, and
3 every judge in the country makes irrational rulings all the
4 time. I don't think either one of those is necessarily true,
5 but--let me just ask you this one questions about priority-
6 setting. Does the elaborate procedure that you described result
7 in a document which establishes for the ensuing calendar year
8 how you're going to allocate your time?

9 MR. O'TOOLE:

10 Well, it results in a variety of documents, one of
11 which is known as Schedule A, which gets attached to our
12 application to Legal Services Corporation for refunding; and
13 that is sort of our work plan for the following year.
14 Unfortunately, the way you go through this process in the
15 spring, the summer, and you have to submit it in the early
16 fall. Well, by the time you get around to January or February
17 in the year later, that plan is often not a realistic sort of
18 step-by-step plan of what you're actually going to be able to
19 do. For example, many of the things that we have identified
20 as things that we intended to do we've not been able to do at
21 all. So, yes, it does result in a document, but the document
22 is not necessarily that accurate.

23 Let me just say one other thing, too, about--you were
24 talking about how it seems that we tend to win all of our cases,
25 and that was something that I first noticed when I worked in a

1 field program for five years, was that we, basically, we did
2 win almost all of our cases; and the reason was that the demand
3 for our services was so enormous that we had to say no to a
4 lot of people, people who had cases, people who had legal
5 problems, some of whom we could have helped. But we had to
6 say no because we couldn't possibly help everyone. So my
7 theory and the theory of, I think, any good legal services
8 program is with those limited resources you have, and among
9 all of the cases that you are being--people are asking you to
10 represent them, you damn well better make sure that you choose
11 your cases carefully. Use some judgment. Take cases that you
12 can actually help someone on. Don't take a case where it may
13 be a very serious problem, that you're just going to spin your
14 wheels. Take the ones where you can help someone. And we
15 were--we worked in an office once where in a year we did over
16 a hundred administrative hearings and only lost one, and that's
17 because we exercised judgment in the beginning, because the
18 need is so much greater than our ability to meet it.

19 MR. OLSON:

20 I'm glad to hear that every action of every admini-
21 strative agency isn't in total disregard to the statute, and
22 every law isn't a blatant violation of the constitution.
23 The--I want to go on to a very quick two questions with
24 Norman. First of all, there--I have been--I don't--know very
25 little about your issue as well. I seem to be saying that

1 frequently, and maybe there is a pattern emerging, but I know
2 very little about the substantive area of mental health law,
3 but I know that there's some literature now emerging which says
4 that perhaps maybe we went too far in the direction of deinsti-
5 tutionalization, that we put everybody in the community, but
6 we were unable to deal with the need there and such. And I'm
7 just sort of curious. When I look at the kinds of cases you
8 take and the direction you've taken, it seems quite apparent
9 that the specific clients that have come to you have perceived
10 that their own best interest was to have a deinstitutionali-
11 zation procedure of some sort, but in the long run and upon
12 reflection, not all of the--not all poor people have identical
13 views as to the way in which the issue should be confronted.
14 How do you deal with that?

15 MR. ROSENBERG:

16 Well, it's--I think it's a difficult and significant
17 issue. There has been, as I mentioned during my presentation,
18 over the last 20 years a decided trend in the direction of
19 moving people into the community. We are now faced with some
20 rather horrendous examples of abuse and neglect taking place in
21 community residence facilities; indeed, probably abused that
22 may be as serious as those which existed in institutions. In
23 fact, in Missouri about a month or so ago a lawsuit was brought
24 on behalf of some residents of community-based facilities
25 urging that they be placed back in the institution unless the

1 facilities in the community were improved and upgraded.

2 Our position is, and I think this is still supported
3 by the--probably the most knowledgeable professional opinions,
4 that people do do well in the community if there are adequate
5 services and programs available for them. It is simply the
6 height of folly to expect that an individual who has been a
7 resident of a psychiatric hospital for 20 years can be placed
8 out of that hospital, dropped into a community without support
9 services, and expect that that person is going to function.
10 Those are the people who, in New York, Chicago, Detroit, and
11 elsewhere are laying on the city streets, are truly becoming
12 the new homeless class. We have not seen any example, however,
13 of a situation in which a community is prepared for and
14 planned for the transition of people from the hospital to the
15 community, where good progress has not been made toward inte-
16 gration of that person into the life of the community. We have
17 been--our office has been involved since 1975 with a case in
18 the District of Columbia against St. Elizabeth's Hospital.
19 That was a case designed to move people out of the hospital
20 and into community facilities. We found ourselves two or three
21 months ago in the paradoxical position of arguing to the
22 Federal District Court judge, Judge Robinson, that he move no
23 further patients into the community unless we have some
24 assurances that the community services and facilities are
25 there to meet the needs of that population. That was rather

1 an astounding position, because the thrust of this lawsuit was
2 to get people out of the hospital. But our feeling was that
3 we would do a real disservice to our clients to simply drop
4 them into a community which was not prepared to take them.
5 And that the first step had to be having a set of services in
6 place.

7 So that, I think your question is a good one. I
8 think it's a very difficult situation to deal with--By the
9 way, the judge in that case said that he refused to stop the
10 movement of patients into the community, that his feeling was
11 that the only way for community services to be developed was
12 to continue to put pressure on the District of Columbia,
13 forcing them to take this issue seriously and to apply what-
14 ever talented expertise they have to make those services
15 available in a meaningful and constructive way. Now, one can
16 argue about the wisdom of that decision, but he felt that by
17 simply relieving the pressure the problem would not be solved,
18 and we'd wind up with more people remaining institutionalized
19 who truly could live in the community if there were even
20 minimally adequate services available.

21 There is a related and complex problem--I don't know
22 whether your question is getting to this--but there is a
23 problem with dealing with mentally disabled people. Many of
24 them do not communicate effectively with their lawyers. Many
25 of them do not speak their mind as to whether they want to

1 live in the community, whether they prefer to live in an
2 institution or not. That's a problem that has confronted
3 mental disability advocates for a long time. We don't have
4 any easy answers to that. I think we do have some strategies
5 for attempting, in the vast majority of cases, to truly assess
6 what clients want from us, and to try to get for them what they
7 want. But the area is generically, I think, frequently puts
8 us in a position where we have to rely on parents, on
9 surrogate decision makers, like guardians, to get some indi-
10 cation of what we want to do for those people. The clients
11 themselves cannot really communicate with us and express their
12 views. I can tell you this, however, that the bottom line for
13 us in all these deinstitutionalization efforts is to assess
14 what we believe to be what the client wants. We have never
15 been in a situation where we have urged that a client be put
16 out into the community if that client has in any way, shape or
17 form expressed a desire to remain institutionalized; and from
18 time to time people do express that desire. People develop
19 what in the literature is called institutionally neurotic
20 behavior, institutional dependency. They've lived there for a
21 long time, and they simply don't want to be extruded from that
22 setting which is pretty comfortable for them. If we hear that
23 from a client, we simply don't push on their behalf to move
24 them out.

1 MR. OLSON:

2 That last part you were making is part of what is
3 now developing in the literature, and that very--it is ironic
4 and it's perhaps peculiar to your support center, but it--and
5 I don't want to go any further into this, don't want to--taking
6 too much time, but the essence is that in essence there are
7 some cases (1) that have general applicability well beyond the
8 needs of any particular client that result in decisions that
9 may be counter-productive in some respects, and you have to go
10 back and take another look. And it's a very difficult issue,
11 and I sympathize with you. Let me get on to--very quickly,
12 you have six on your board?

13 MR. ROSENBERG:

14 We have an advisory board to our LSC grant which is
15 a six person board, yes.

16 MR. OLSON:

17 And how are those people chosen?

18 MR. ROSENBERG:

19 Well, we've only been a center since April of '80,
20 and we surveyed people in the field simply looking for people
21 who were well-known in the legal services community and had
22 some manifest interest in mental disabilities issues. And so,
23 for example, we have Greg Delaire [phonetic], who's the head
24 of Evergreen Legal Services, who's been interested in this
25 issue for years; Luther Grandquist [phonetic] from Minnesota.

1 who's been involved with a case called Welch vs. Likens for
2 about eight or nine years. So our initial selections were
3 made from legal services lawyers who we knew to be interested
4 in these issues. And then we surveyed some consumer organi-
5 zations to ask for client representatives and came up with
6 client representatives from them. So that we have now the
7 same board that we had when we became a center in April of 1980.
8 We have recently developed procedures to avoid perpetuation by
9 limiting any member's service to two terms, after which they
10 have to be dropped from the board. And we're in the process
11 of developing procedures to deal with how new selections will
12 be made.

13 MR. OLSON:

14 Well, I guess it's fair to say that you start off
15 with the staff picking the board, in essence, to get the
16 thing going.

17 MR. ROSENBERG:

18 Oh, yes. That's correct.

19 MR. OLSON:

20 In the document I have here, your LSC report for
21 April '81 to December '81, which, I guess, is your first year
22 during which you were in operation, you mention your involve-
23 ment with the Coalition on Block Grants in Human Needs, and---
24 which you participated with. Am I correct?
25

1 MR. ROSENBERG:

2 Yes.

3 MR. OLSON:

4 "The Project lawyers have been active participants
5 in various coalitions formed to address federal policy shifts
6 with respect to the delivery of human services, including the
7 Coalition of Block Grants in Human Needs." Am I mistaking
8 that for another group, or is that the group that was
9 absolutely committed to the defeat of the administration's
10 initiatives with respect to block granting the various social
11 programs?

12 MR. ROSENBERG:

13 Well, I don't know about the--I'm not personally a
14 participant in that coalition; in fact, I don't think the
15 office is. I know the office is not at this point. Our
16 principle issues there was that in 1980 Congress passed an
17 act called the Community Health--Mental Health Systems Act,
18 which was a new way of approaching the delivery of mental
19 health services in this country, an act which we thought was
20 extremely important to all population. Our principle means
21 for participating on the coalition was to try to stop block
22 granting of that Act which had just been passed, and which we
23 thought was extremely and would have been extremely important
24 for our clients. I don't about--I frankly do not know about
25 the other objectives of that coalition, but that was the one

1 issue about which we were concerned.

2 MR. OLSON:

3 So you were interested in defeating the block grant
4 proposal at least to that extent?

5 MR. ROSENBERG:

6 Yes.

7 MR. OLSON:

8 Nothing else, Clarence. Thank you.

9 CHAIRMAN MCKEE:

10 We can pretty much wind this panel down. I have
11 about three general points to make. Not wanting to use John
12 as an example, but I think by asking you some questions, from
13 your information we can bring up some of the things that con-
14 cern a lot of people. For example, in your work--it's the
15 work report for '82, whatever else it says, "Occasionally the
16 center prepares amicus curiae briefs on behalf of eligible
17 clients and client organizations." The whole theory of
18 amicus briefs in terms of a program of litigation is either
19 doing it for an eligible client or a client organization;
20 is that correct?

21 MR. O'TOOLE:

22 Yes.

23 CHAIRMAN MCKEE:

24 Then in your list of cases for '81 and '82,
25 in this Eddie v. Oklahoma case you said, "The Center filed a

1 brief amicus--" This is the case where a 16 year old boy shot
2 and killed a police officer and he was put in jail. "The
3 Center filed a brief amicus curiae on behalf of several
4 prominent national organizations, the National Council on
5 Crime and Delinquency, the juvenile law section of the National
6 Legal Aid and Defender Association and the American Psychiatric
7 Association, etc. Now, none of those groups are client organi-
8 zations, are they?

9 MR. O'TOOLE:

10 I don't think so, no. I'm not familiar with any of
11 them personally, really, other than the NLADA.

12 CHAIRMAN MCKEE:

13 I was trying to figure out why you would file amicus
14 brief--the amicus process can be utilized in many ways, in
15 terms of--the issue that comes up all the time is when a group
16 or a lawyer or an organization that's utilizing the funds or
17 the process for a specific client or a specific attorney in
18 the field to assist a client, or whether it's used in a touchy
19 area of issue advocacy as opposed to client advocacy. And so
20 what stuck clearly to me was the idea that you filed this
21 brief on behalf of several national organizations, none of whom,
22 really, directly represents any clients or poor persons, and
23 especially NLADA which gets a lot of money, I understand.
24 My--apparently, too, is there's a lot of NLDA associations,
25 but--I couldn't understand why you filed an amicus brief for

1 all these organizations, none of whom represents specifically
2 client organizations or eligible clients.

3 The other point, in terms of the concern of overlap
4 and duplication of support centers, as you look through the
5 work package--if I can find this-- This is probably something
6 the centers themselves could adjust to ultimately anyway. You
7 have a big section on youth employment, Improved Employment
8 Opportunities for Poor Teenagers. How does that relate to,
9 say, the employment center or the family center, etc., the
10 components? I know that some of these areas are specialized.
11 In terms of children and youth in institutions and jails,
12 completing litigation to remove children from jails in
13 Missouri, Oregon and Kansas, completing litigation to reform
14 conditions in state and federal juvenile and youth correction
15 facilities in Oregon, Texas, Michigan, Oklahoma and Tennessee,
16 in terms of that connection and the statute which Mr. Olson
17 was mentioning, the prohibition against criminal activity
18 involvement, and there's a dispute as to the interpretation of
19 that regulation as it relates to juveniles. But you see my
20 concern, for example, on that, and then in the housing discrimi-
21 nation area. How much does that overlap with the housing
22 center, in terms of housing discrimination among youth? And
23 your goal is to eliminate the discriminatory practices which
24 act as a barrier to decent housing of poor children, or in
25 Sherman's mental health. How does that relate to

5
1 Mr. Rosenberg's center, when your goal is to remove the
2 retarded and mentally ill children, etc., who are going to
3 be treated in the community? Nothing is wrong with these, you
4 see. It's just a matter, you have various centers, say, the
5 mental health center touches upon housing and education; you
6 touch upon employment. And the question that we were just
7 saying: How can all of these be coordinated, or can they? Are
8 they--if there's any way to do it?

9 One last point, pesticides and health of farm-worker
10 children. Now, there's a migrant center, if I'm correct; and
11 your area was to protect women agricultural workers of child-
12 bearing age who work in fields from hazzardous and toxic
13 chemicals, pesticides, etc. To what extent is that something
14 that the migrant center could do, or that you two could work
15 close together on it? I think that's a last part.

16 Now, one of the most controversial issues that comes
17 up, and it's touchy, and--because it's hard to get a handle on
18 it is what determines the advocacy of an issue, an advocacy for
19 a specific client who is touched by the issue? And it's very
20 difficult to distinguish. Now, if you say an administrative
21 representation, for example, the-- "The administrative repre-
22 sentation will concentrate on foster care regulations, youth
23 employment programs, jail reform with respect to juvenile
24 inmates, and the development of state and local alternative
25 programs for children who are now institutionalized." and none

1 of--and, "developing of networks." None of that may be
2 incorrect or wrong, but I think that all centers, when they
3 develop programs and working papers, should realize that once
4 it leaves the office of the people who will read all of these
5 things, that they can be taken out of context and then thrown
6 back to say, well, maybe they shouldn't be doing this. And, I
7 think, there's sometimes a tendency to become a bit over-
8 zealous in terms of getting the goal and writing some of the
9 packages out which come to me that we're advocating an issue
10 in public policy as opposed to specific clients. Now, that's
11 not a question at all?

12 MR. O'TOOLE:

13 Do I get to say something now?

14 CHAIRMAN MCKEE:

15 Sure.

16 [Laughter]

17 MR. O'TOOLE:

18 I won't really attempt to go through all of that
19 because it would take a long time. I would like to first
20 observe, though, there's a certain--certain objection I might
21 have to the whole--the whole proceeding, is that in a sense
22 some of the people who are up here this morning have had a
23 chance to meet with you all individually, and they've provided
24 you with written statements, and they were able to talk for
25 45 minutes or an hour this morning; and I happen to be one of

54
1 those people who have never seen any of you before, who have
2 not given you a written statement, and who was given seven
3 minutes; so I really hope that you'll keep that in mind in
4 terms of your evaluations of the work that we do, in
5 understanding--and, of course, I don't---

6 CHAIRMAN MCKEE:

7 Of course. I hope you'll submit that statement,
8 though.

9 MR. O'TOOLE:

10 I will submit it, and I hope you'll come visit us,
11 because I'd like to have some folks come out and see how---

12 CHAIRMAN MCKEE:

13 San Francisco.

14 [Laughter]

15 MR. O'TOOLE:

16 I will make just a few quick points in response to
17 some of the things that you said. First of all, we do very,
18 very little legislative or administrative advocacy; I would
19 say virtually none. Occasionally, for example, a Congressman
20 asked one of our attorneys to come to an informal discussion
21 group on the youth employment components of CEDA, and wrote him
22 a letter asking him to attend; he did so. But, basically, we
23 do almost none. We don't have a D.C. office.

24 Secondly, in terms of any violations of the Act as
25 to criminal cases, I don't think that we do any criminal cases.

5
1 Occasionally we will give advice to somebody who is represent-
2 ing someone in a delinquency proceeding, but, as I said earlier,
3 delinquency proceeding is not a criminal proceeding; and the
4 amendments in '77 specifically allow legal services attorneys
5 to become involved in a delinquency proceeding. And, again,
6 we do very, very little of that.

7 Thirdly, in terms of youth employment and some of
8 these other things that are perceived to be overlaps, it's a
9 very complicated kind of issue; and it would take me a long
10 time to fully explain it, but suffice it to say that we--the
11 directors of the centers and the people on the staff of Legal
12 Services Corporation have worked very, very hard. I have files
13 and files of memos going back and forth sort of establishing
14 who is going to do what things. For example, the kind of youth
15 employment problem we might take on is something that where
16 the employment problems stems from the fact that you are a
17 youth, rather than just the generalized problem of being
18 unemployed. We had a call last year from a legal services
19 office where a kid was 17 years old, and he was fired from his
20 job because the employer found out he was 17. He was working
21 as a roofer; and he said, "Well, under federal regulations
22 roofing is considered to be hazzardous work, and I'm not allowed
23 to hire a minor to do it." That is the law, that's true. But
24 that's the kind of thing that they would come to us on, and
25 that's the kind of thing that we have a particular expertise on.

1 That is youth issue. It is his status as a youth that raises
2 that employment problem.

3 It's the same thing with housing discrimination. And
4 I should say, too, that Barbara and I have talked about who is
5 going to do what thing. She does certain employment things,
6 and we do very, very limited ones; and she and I have talked
7 about it so that there isn't any duplication. There may be
8 some sort of a theoretical overlap in that we both do some
9 work relating to employment, but we don't duplicate each
10 other's efforts. In terms of housing discrimination, the same
11 thing. There are written agreements between our center and
12 the housing law center. They don't do housing discrimination
13 against families with children; we do. That's all been defined.
14 It's in writing. Everyone understands it. When we tell the
15 field programs what we do and how we can help them, we tell
16 them this is the stuff we do. If you have another problem,
17 go to the housing law center.

18 The stuff about pesticides and children, we work
19 together with the migrant legal action program on it, or at
20 least we intended to. Actually, we put it into the work plan.
21 We never were able to do anything on that issue because of a
22 lack of resources. In some instances, too, it is important
23 to realize that centers will actually work together on a case
24 that involves both sides to it. And that--that's sort of a
25 cooperation and a coordination that I think is very helpful.

1 You can bring the expertise from both areas to bear on a
2 particular problem. For example, we are preparing this
3 training manual on the Uniform Child Custody and Jurisdiction
4 Act. That's something that some people on our staff have some
5 expertise on, but it's something that people in the women and
6 family law have some expertise on; and so we jointly applied
7 for some money from the Legal Services Corporation to put to-
8 gether a training manual, and we've prepared it together
9 jointly. So it's a very complicated issue, but we have worked
10 it out, we think, so that there isn't that duplication, even
11 though when you go through this and you see, well, gee, here's
12 a health issue. Isn't there a health law center? Why are you
13 working on it, too, if you're youth? Well, it's--we work on
14 those health issues that arise because you're young. And we've
15 worked those kinds of things out so there isn't any duplication,
16 I think.

17 CHAIRMAN MCKEE:

18 If you could explain that when you're sending your
19 material, you know, just the way you have.

20 MR. O'TOOLE:

21 And I will attach some of the written agreements that
22 we have as well.

23 MS. SLAUGHTER:

24 Clarence, could I ask him one question?
25

1 CHAIRMAN MCKEE:

2 Yes.

3 MS. SLAUGHTER:

4 I guess I go back to St. Louis. What was the staff
5 population before the refunding, the Youth Law?

6 MR. O'TOOLE:

7 There were--in St. Louis? There were four attorneys
8 there and one paralegal. We gave each of the people there the
9 opportunity to transfer to San Francisco and continue on with
10 the staff. Some did that, and some chose not to do that.

11 MS. SLAUGHTER:

12 Wasn't there space in the legal services offices
13 there for five employees, rather than disband it? I'm dealing
14 with the housing situation which is horrendous in St. Louis.
15 There are people that are living in abandoned housing. And I
16 think that maybe because of the cut in the legal services pro-
17 gram that's there now, that maybe these staff persons could
18 have been moved in some way in that program.

19 MR. O'TOOLE:

20 Well, we did actually make an accommodation in that
21 instance, because one of the--the attorney who originated his
22 work with the community group from the local legal services
23 program was one of those who chose to go to San Francisco, but
24 we were able to arrange with the two attorneys who chose not to
25 move, who are still in St. Louis, we--they have agreed to work

1 with us on that particular case. Because we wanted to make--
2 and actually, there are certain other cases that the attorneys
3 who didn't move to St. Louis--from St. Louis, their work was
4 crucial in certain cases; so we've arranged that they can
5 continue on working with us on those cases until they're
6 successfully completed. Because we didn't want any of the
7 clients in on-going cases to suffer because we were having
8 budget cutbacks.

9 CHAIRMAN MCKEE:

10 I intended to propose a question, but I don't think
11 I have to. There's one last point that we'll want to mention,
12 and that is: A lot of the things that people criticize support
13 centers for doing are really not prohibitive, technically, in
14 the contract that you sign with the Corporation. It's very,
15 very--very, very general, and it's kind of out of date. And
16 as you look through your funding contract that you signed,
17 and then compare what people are criticizing, you'll find that
18 there's nothing specifically in the contract that says don't
19 do X, Y and Z. It talks about dissemination of information.
20 So the issue comes up as what is dissemination of information?
21 It talks about legislative representation, but it's not defined
22 that you shall have a--consult with organizations, etc., etc.,
23 etc., which develops the network concept. So there's nothing,
24 really, in terms of if you're sitting as a support center that
25 you're doing. It's a matter of interpretation. The policy

1 that was enunciated by the Corporation back in '77, '78 and
2 '79 and '80, said support centers go to town and do X, Y and Z;
3 and support centers went to town and did it; and in the trans-
4 piring time the atmosphere changes, and restrictions come on
5 legislation; and all of a sudden people start criticizing. So
6 I think it's fair for, as the Committee looks at all of these
7 things, to keep all of that in perspective, and deal in a fair
8 and equitable way, in terms of the contract and gaining some
9 information, more up-dated information.

10 The last two points, for example, this issue of any
11 statute that prohibits research, broad policy research, unre-
12 lated to the needs or representing a specific client. So what
13 is that? Is your research, Dr. Goodman, for example, it says
14 broad policy research. Well, you can always equate that to a
15 client. So it's a matter of how, I think, the staff of the
16 Corporation and the board and the support centers interpret
17 this information. So that when we go to the Congress and the
18 Senate that we can say in a rather clear point of view that we
19 have talked to support centers; we have said that this is what
20 we don't think is correct, and they have agreed, etc. And
21 over the night I'll think about how we could put that into some
22 action in the resolution or something.

23 But, thank you very much for your---

24 MR. FREEDMAN:

25 Could I respond to that for about 30 seconds? I

1 would point out--I'll be real fast--30 seconds. I would just
2 stress that the contract is subject to the Act and rules
3 and regulations of the Corporation.

4 CHAIRMAN MCKEE:

5 Exactly.

6 MR. FREEDMAN:

7 So we have always been subject to the rules and
8 regulations. And unless, I think, that there's a claim that
9 we've done something that's a violation of the Act or violation
10 of the regulations--well, let me ask that as a question. Is
11 that the concern?

12 CHAIRMAN MCKEE:

13 Not really. You know, like the issue of lobbying,
14 the Moorehead Amendment, those kind of things. You'll have
15 out of, say, 17--17 newsletters we've gotten from 17 centers,
16 and maybe out of two--and two or three of them, as the very
17 last sentence, after it tells you about the legislation that's
18 pending, one sentence says: Write to so-and-so. So since that
19 contract was done several years ago, a lot of things will
20 happen which are not taken into consideration in terms of that
21 contract.

22 MR. FREEDMAN:

23 Yeah. But I want to make it clear. The contract
24 gives no authority to violate the law or violate the regula-
25 tions. And I don't think anyone's made any complaint over the

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1 past. I just want to make sure we're talking about---

2 CHAIRMAN MCKEE:

3 Well, it doesn't say it's violating the regulations.
4 It is a question as to maybe you would be helped better if the
5 contract set forth certain basic things about what are in the
6 regulations or other laws.

7 MR. OLSON:

8 One of the interesting things about one of the con-
9 tracts I saw was that it said that there would be no subsequent
10 regulations which would effect the support centers. And maybe
11 that was just unique to one of them, and I don't want to give
12 anybody an idea for future negotiations; but it said something
13 like there's nothing the board could do after it signed the
14 contract to effect the work of the support center. But I
15 guess that those contracts are annual, and that's not a nervous
16 problem.

17 But the one thing that I wanted to follow-up on was
18 your saying words about the interlap and such, or possible
19 overlap in interrelation between the groups is--I've often
20 asked when--because you're here today--of Jerry and others
21 whether there was a single document which was provided to the
22 local programs which would explain to them the role that the
23 various support centers served, and then they could pick and
24 choose among them, depending on the type of case they had. And
25 I know I was given one document which is a two-column

1 presentation with the name and address and phone number of the
2 center and a one paragraph description. Perhaps you recall or
3 you know the document I'm describing. I wondered if there was
4 anything else that exists. I suspect if you're in the program
5 a while you being to know what all the support centers do,
6 but have we done either a document such as I described?

7 MR. LYONS:

8 I've prepared a list of the documents that are
9 repositied in the Corporation that touch on all of the activities
10 in the national program. There are documents. There are docu-
11 ments that talk about the need for national support, for other
12 kinds of support efforts, and which tell what the support
13 centers do. I have prepared for the board, myself, materials
14 on what activities take place in the national programs. But
15 I think the directory that we've prepared for you which you'll
16 be receiving will tell you more specifically where those do--
17 what those documents are and where they are located. So that
18 the field programs do have, as part of the program directory,
19 a listing of all the national support centers. There's a
20 national support center directory that tells where the support
21 centers are and what they do. There are also papers published
22 on the need for support, and that describes what the support
23 centers do. I might add, also, Bill, that much of what the
24 support centers do in the context of their contracts was a
25 policy decision of the Corporation at the time to, within

1 its statutory mandate, to pursue certain objectives in the
2 area of support. Now, to the extent that some of those policy
3 objectives are not shared by this board, then, I guess, the
4 negotiation about what those objectives are going to be--but I
5 don't think there's any question that those contracts are con-
6 sistent with and compliant with the provisions of the Legal
7 Services Corporation Act. This board will have to decide and
8 give it's staff directions as to what policy objectives it will
9 pursue in the area of support, and we will begin talking to the
10 support center people about those policy directions.

11 CHAIRMAN MCKEE:

12 Thank you very much. We may continue some of this
13 in the morning, because it's just a continuation anyway.

14 We have three or four people, I believe, attorneys,
15 to speak briefly about support center information and help
16 they've gotten.

17 You get kind of caught in the middle, you know, of
18 all of these issues. And, as I said in the opening statement,
19 you know, review and inquiry is not to be equated with
20 opposition, and usually in the discussions and dialogue that
21 is always forgotten. And people say if you ask me a certain
22 question, that means you are agin us, which is not necessarily
23 the case at all. But a lot on these things sometimes are
24 common sense. For example, the women's law center. There's
25 an article in the New York Times, February of this year, and

1 it is statutory prohibition against lobbying or influencing
2 legislation. I mean, there's one thing that everybody agrees,
3 that that part of the statute is clear on certain points. But
4 then, here comes the New York Times with an article saying
5 the following: "Several groups opposing the Family Protection
6 Act recently formed a coalition to stop the Family Protection
7 Act. According to Maria Gariel [phonetic] of the National Gay
8 Task Force, a legislative committee is monitoring the status of
9 the FPA in both it's House and Senate incarnations while a
10 public education committee is preparing a pamphlet on the
11 issue. Along with the National Gay Task Force, the coalitions
12 membership includes the NAACP, the National Education
13 Association, the Women's Acts Alliance, the National Organiza-
14 tion of Lesbians and Gays, the Gay Rights National Lobbies,
15 the National Women's Law Center, and many other organizations."
16 So, theoretically, maybe they are not involved, maybe one of
17 our support centers is not directly involved in lobbying or
18 pressuring on that legislation from last February, but the
19 appearance is that here's a support center that is joined a
20 coalition, the purpose of which is to kill a piece of
21 legislation. That is the kind--that's just a common sense
22 decision that is made in the support center office. Should we
23 do this or should we not? That's all this is.

24 Could you give your names and your program and about
25 three or four minutes? Mr. Sable was saying that since he took

1 all of your time, that he apologizes. But if you could keep
2 it around three or four or five minutes, or three minutes, in
3 terms of the center and just your views on this.

4 MR. AL THOMPSON:

5 My name is Al Thompson. I'm with Memphis Area Legal
6 Services. And I would like to speak of my experiences with
7 both the National Economic Development and Law Center and with
8 the Youth Law Center. So far as the Economic Development and
9 Law Center is concerned--and I'll try to keep these all to
10 about a minute and a half--I think that what you will find when
11 you look into this in more detail is the real emphasis for
12 developmental law comes from clients. It does not come from
13 the law center, nor does it come from the legal services
14 program. I know that when the training by this law center was
15 given in my area, that the clients were so enthusiastic that
16 what the project attorneys found themselves doing was trying to
17 actually tune down some of the expectations of the clients.
18 We found, for example, that just the idea that clients may do
19 some type of considered activity having impact on the economics
20 of their own community was something that people had been
21 talking about for a long time, but no one had ever given them
22 any direction or talked about any format from which they might
23 get started in doing so.

24 When the center people came to town and talked about
25 their credit unions and their community development

1 corporations, it was like a gift that had come down from the
2 skies. And I think that you should certainly look into that
3 center with an open mind and not reach any decisions about it
4 until you've really had some good contacts with a great number
5 of clients.

6 So far as the Youth Law Center is concerned, our
7 relationship to that center has been in the area of litigation.
8 Being from Memphis, of course, we found that it was much easier
9 to communicate with the center in St. Louis. I've had no
10 direct connection with the center in San Francisco. But
11 assuming that they had a similar role, and I know that, of
12 course, they were merged, I can say that as assistance in
13 litigation, they have saved us countless hours. They have been
14 able to assist us in every phase from the initial evaluation of
15 a client's complaint all the way through taking appeals to
16 various courts. I know, for example, that we have been able to
17 solve matters without litigation just because they were able to
18 give us such a clear understanding of what the issues were that
19 we were often able to frame those issues in such a way that the
20 Department of Human Services, or in some cases when we were
21 challenging the constitutionality of a law, the state
22 attorney general would simply agree. And although it would
23 catch us quite often by surprise, they also taught us that man-
24 people in those agencies do not really have any grave views
25 against our clients, but we're simply dealing with different

1 attitudes toward very serious problems. And we found that
2 that ability to just express things clearly and to have a--to
3 really see that the problems went beyond our local communities
4 so far as negotiations with the other side has been a tre-
5 mendous assistance. And I certainly do firmly speak on behalf
6 of the Youth Law Center. Thank you.

7 MS. SUZANNE GRIGGINS:

8 My name is Suzanne Griggins. I'm affiliated with
9 Central Mississippi Legal Services. I practice law in a small
10 town in rural Mississippi, about 2300 people, and the nearest
11 law library to me that has any kind of resources is about 40
12 miles away. In my county there's approximately 12 other
13 attorneys who frankly don't know anything about poverty law
14 issues, who ask me to do training sessions for them, and who
15 are continuously referring clients to our office. Being a
16 legal services front-line lawyer--I guess we're the field
17 attorneys, we're called--we're expected to be generalists.
18 I mean, I can't sit there and be an expert in consumer law,
19 and then turn around and know everything about employment law,
20 and then turn around and know everything about welfare law.
21 I mean, our clients demand that, and our clients need that.
22 It seems to me that an attorney in private practice, when some-
23 body comes into his office, he has the luxury of saying: I
24 don't want to handle your case. And he has the responsibility
25 of saying: I don't want to handle your case; I don't have the

1 expertise in that area. You commit malpractice if you go
2 ahead and do that. So here we're on the front lines demanded
3 to be generalists and know everything. If we didn't have
4 backup centers, and, in my mind, if we didn't have 17 backup
5 centers, I'd be committing malpractice everyday.

6 I've been practicing for about five or six years,
7 and I have had some direct involvement with the national
8 economic development backup center and the work here in
9 Jackson. When I first came to Mississippi I started to work
10 with the Mid-Town Implement Development Group. The group
11 began on its own as a coalition of neighborhood people who
12 were--wanted to do something about getting an overpass over
13 railroad yards right in the middle of the town. And they
14 organized around that effort and became very involved in
15 local politics. The group started first, and the group came
16 to legal services asking for assistance on a number of issues.
17 We--a member of that group and I attended a training session
18 put on by the national economic development backup center
19 on the community development block grant program. That client
20 and I have worked, you know, worked with the group since then.
21 The development--the backup center has aided us in evaluating
22 community development block grant programs and performance
23 reports here in Jackson, came to our program and did a training
24 session with our lawyers; and then, subsequently, the community
25 group organized a community training session for people around

1 Jackson on the issue of economic development that the backup
2 center did.

3 Their manuals in my office are dog-eared because
4 we use them so much. Practically anything that the backup
5 center sends us, we use, because we need it. Again, we're
6 generalists. You know, there's so many times it's just so
7 wonderful to be able to pick up the phone when you don't know
8 something, and when you know that the local area lawyers don't
9 know it either. And when you see that your own program is losing
10 the experienced people because of the high turnover and the--
11 status of not knowing where we're going to be, whether we're
12 going to be here. Rapidly, you know, you become a senior
13 attorney, yet again, you're a senior attorney who's a
14 generalist.

15 Just recently I was representing--a lady came in
16 with about a \$3,000 income and was having an IRS tax audit
17 because they wanted her earned income credit back because her
18 food stamp allowance and her Section 8 housing subsidy
19 allowance was more than half of her income; therefore, they
20 wanted their \$500 back: and the lady only makes \$3,000. Now,
21 I don't know anything about the IRS, and I don't know anything
22 about tax, and I'm not a specialist in food stamps and every-
23 thing; and several phone calls to the backup centers, you know,
24 gave me the kind of assistance that I needed, because there
25 was a tax audit coming up on this lady. I'm sure any attorney

1 on this board can give you a number of war stories, but, in
2 my mind, in our State here in Mississippi, we don't have the
3 kind of experience, we don't have a state support center
4 that has eight or nine attorneys that can have all this kind
5 of expertise. We need the backup centers, you know. I really,
6 firmly, believe in the national economic development backup
7 center, because, in my mind, poor people don't want to be
8 poor; and the kind of assistance that the backup--that backup
9 center, especially, is giving is giving people the tools and
10 the kind of expertise that, in my mind, IBM, Xerox and every-
11 body else gets; and I don't see why poor people can't have it
12 either.

13 [Applause]

14 MS. ELIZABETH GILCHRIST:

15 My name is Elizabeth Gilchrist, and I'm an attorney
16 with Central Mississippi Legal Services. Like so many of us
17 out in the field these days, I wear several hats at my program.
18 One of my jobs is to represent individuals who are institution-
19 alized at the Mississippi State Hospital, which is the largest
20 psychiatric hospital in the State. As a part of that, I
21 inherited a case in March of last year that's styled Wallace v.
22 Stubbs, which is a broad-based attack on the constitutionality
23 of the involuntary civil commitment statutes in the State of
24 Mississippi. The case was originally filed in 1975, with
25 technical assistance from the Mental Health Law Project. The

1 case remained on appeal for a number of years on some pro-
2 cedural grounds, and came back ready for discovery, ready to
3 be tried; and no lawyer from our program left who had ever
4 worked on the case. I had less than two years' experience as
5 an attorney at that time, and I was able to rely heavily on
6 the Mental Health Law Project to help me get the expertise
7 I needed to handle this case competently. They assisted me
8 with research, they helped me with litigation strategy, they
9 helped me find experts to testify in the case, helped me write
10 briefs. Their assistance has been invaluable, has freed me up
11 for my other kinds of regular case load that I had to keep
12 maintaining even while this major class action was continuing.
13 And I strongly endorse the assistance that they gave me and
14 the assistance I know they provide other attorneys around the
15 country.

16 All of the backup centers with which we have fre-
17 quent contact are able to provide us with resources that just
18 plain aren't available to us, either through law libraries or
19 from other attorneys in the State. There are administrative
20 decisions, administrative memos coming out of federal agencies
21 that they provide for us. There is, for example, in the
22 mental health area, there is a lot of material that is
23 necessary that is not necessarily legal material, psychiatric
24 and medical expertise is necessary, and they can get that
25 sort of thing to me that I just cannot get someplace else

1 without spending a great deal of time that I need to serve
2 my clients, who have more routine cases, but who need to be
3 served just the same.

4 I also serve as acting director of litigation for
5 our program, and in that capacity I'm quite familiar, of course,
6 with all the newsletters and the manuals that the various
7 backup centers have provided. They've been invaluable for all
8 our lawyers. We use them for training. We've had national
9 centers come and do training for us. We use them for our
10 own in-house training. We try our very best to keep up with
11 the changing currents in the law, to find out what's going on
12 in Congress, to find out when a new law is enacted and what
13 kind of impact it will have on our clients. There just isn't
14 the time for us to do it in a way that can best represent our
15 clients. These backup centers provide the material for us,
16 provide that information that we just don't have the time to
17 pull together and to use. And without that kind of assistance
18 I believe that we would be less than adequate in representing
19 our clients, because of the many demands on our time. And I'm
20 just grateful that they're there to free us up to do more
21 things that we can for our clients, and I strongly endorse all
22 17 of the centers and the work they've done for us.

23 MR. DAVID VAUGHAN:

24 My name's David Vaughan. I'm also an attorney with
25 Central Mississippi Legal Services, and I practice in our

1 Vicksburg office over on the river. I have dealt with almost
2 all of the backup centers at one time or another, not in the
3 sense of having them come down to Mississippi and help me try
4 cases, but more, I think, in what the average legal services
5 lawyer uses them for, which is, you've got a client who's in
6 your office, and you know there's an issue there, and you're
7 not sure exactly what it is, and you've got these people that
8 you can pick up and call with substantial expertise in various
9 areas of the law. In a time when we've got budget cuts within
10 legal services--our program has had to cut back on personnel,
11 and most of the other programs have--it's absolutely crucial
12 to me that when an employment case comes in--it's not an issue
13 that I've ever seen before--that I can call the National
14 Employment Law Project, ask Barbara Morris what she thinks
15 about it and what the other attorneys up there, what they
16 think about it, and if not get a definitive answer, at least
17 get pointed in the right direction. Without the ability to do
18 that, my choice is two days of research in the library or tell-
19 ing the client I don't know what the answer is.

20 We in Vicksburg also have the same resource problems.
21 By being a rural area we don't have access to law schools, law
22 professors, law students who have the time and the willingness
23 to do that sort of thing for us. In looking through Mr. McKee's
24 opening statement I noticed that the backup centers comprise
25 about 2.4 percent of the total funding for Legal Services. To

1 the extent that this is a resource allocation issue with our
2 own programs budget, which I am no expert on, and my own math,
3 which is not always real good, a 2.4 percent increase in our
4 programs budget would not fund us one brand new lawyer fresh
5 out of law school. I think from our programs point of view,
6 in terms of efficiently representing our clients, I would much
7 prefer to have 17 backup centers than one green lawyer.

8 [Laughter and applause.]

9 They have always been very helpful in terms of supplying
10 materials, as well as answering telephone calls. I think it's
11 crucial that we're provided information as to what is going on
12 in Congress. I don't think it's crucial in the sense of tell-
13 ing clients to call Congressmen, but any attorney will admit
14 that it's tremendously useful to know in advance if a law is
15 about to change, because that effects the advice that you're
16 going to give your client, especially if they come in three
17 days before the amended law is effective. And I think that's
18 just a crucial service they provide to us. Thank you.

19 MS. GLORIA GRAVES:

20 My name is Gloria Graves. I'm a paralegal represent-
21 ing another component of legal services front line workers.
22 I'm current with the Mississippi Legal Services Coalition,
23 which is a State supported office, and my title is public
24 benefits specialist and training coordinator. I guess I'm one
25 of the few members on the panel who has had some experience

1 with several of the backup centers, from the National Economic
2 Development and Law Center to _____, to NHEL, to the
3 National Senior Citizens Law Center. Basically, I suppose I
4 support them all, the reason being, I've been in legal ser-
5 vices for seven years now. When I first started being a para-
6 legal in 1976 it was: Here is a position, we want you to do
7 public benefits. I had no idea what that was going to entail
8 and what my responsibilities were going to be. At 1976 the
9 backup centers were important because those were my training
10 sources; that's where I got my start. These were the people
11 who taught me how to effectively and competently represent
12 clients so far as public benefits are concerned. As I've
13 gathered more experience in the area of public benefits, they
14 are now assisting me to train others in that area. Part of my
15 responsibilities as a public benefits specialist is to dis-
16 seminate information to the field on the regulations that are
17 changing. As you know, public benefits is one of those areas
18 that seems to be changing like every three months now.

19 The centers just really are--I just cannot express
20 how valuable their services that they're giving to me in the
21 State support office, and, in turn, the field people that I'm
22 responsible to. By the time we get used to dealing with one
23 set of regulations, here comes another set of regulations.
24 They've been invaluable so far as the way that they train us
25 to not be dependent upon them in some instances for that

1 basic stuff, but we know that they are there when we get a
2 complicated issue, that we can always call on them.

3 And I just want to direct another issue about dupli-
4 cation between national support and state support centers. I
5 don't think there is any. Basically, for the state support
6 centers, we're like that first step. In my responsibility I'm
7 the person that--a paralegal who's involved in a public
8 benefits issue or an attorney who's involved in a public
9 benefits issue, they will call me. If I can't answer the
10 question, then I know who it is in the national backup center
11 I can call to get the information to them. If I feel like
12 the staff needs some training in this particular area, I know
13 who in that national backup center can come into Mississippi
14 and do that for me. Or we can do some--getting their manuals
15 and them assisting me with doing the training myself. I
16 think that the Corporation's move in the last year to 18 months
17 to decentralize the training was a good move, because it has
18 made it possible for more of us in the field to have experience
19 as trainers, and for us to be closer to the individual training
20 needs in our individual states and for our local programs.

21 Thank you.

22 MR. LEON JOHNSON:

23 Thank you. My name is Leon Johnson. I'm serving
24 as managing attorney with North Mississippi Rural Legal
25 Services in the Grenada office. I've been associated with

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1 the legal services program friends in the State of Mississippi
2 for the past ten years. I've been an attorney with the
3 legal services, North Mississippi Rural Legal Services, for
4 the past eight years.

5 First, I'd like to say to Mr. Clarence McKee:
6 Welcome to the State of Mississippi; and to the board: Welcome
7 to the State of Mississippi.

8 [Applause]

9 This is not usual for the Legal Services Corporation to meet
10 in the State of Mississippi. I want you to know, too, that I
11 was--how do you say it? bred and born--born and bred in the
12 State of Mississippi. I've been here all of my life, and I'm
13 familiar with the problems of poor people. But I'm not here
14 to talk to the board about all of the problems of poor people;
15 we're talking about backup centers. I support all 17 backup
16 centers, and I'm particularly concerned about the one that I've
17 utilized most, and that is the National Consumer Law Center.
18 What they have done in assiting me in my cases, as Bob Sable
19 talked about, what do you do when you have a problem where
20 there's a wife and no husband, and somebody comes and just
21 takes your car? Now, I don't know if that happens in your
22 state. I don't know if any of the board members or any of the
23 people here in this group has ever experienced that. I don't know
24 if we fall in that income. But there are people out there in
25 that community where prejudice will just come and take it.

1 And what do you do? I've utilized National Consumer Law
2 Center on numerous occasions. It's almost as though I know
3 a guy up there by the name of Bob Harms [phonetic]. I talked
4 to him for two or three years before I met him. And the
5 consumer law center has been to North Mississippi; they've
6 done training. I've been to different training sessions with
7 the National Consumer Law Center, and I'm known now as a
8 consumer specialist for the State of Mississippi. We do a
9 lot of work with the consumer law center, and I'm constantly
10 calling and talking to those guys, and raising questions about
11 how do you do this? In fact, I have been in court in a trial
12 and the judge raised an issue, and there just wasn't time to
13 go to the library and research an issue. So where do you go?
14 You go to the backup center. You call, and you get some
15 ideas about how to put together a strategy to work on. Now,
16 you may say, well, once you learn something about a consumer
17 law, it's basically the same. Well, what you're dealing with
18 on issues, especially in Truth and Lending Law, that are very
19 technical. So you have to look at each contract and interpret
20 the language of that contract; and sometimes a few lines or
21 a few words in a sentence may change the entire meaning of a
22 litigation. So--and I've been responsible for a major piece of
23 litigation that has come as a result of the assistance from the
24 National Consumer Law Center. It's a very good case. I
25 litigated it myself. I tried it, and I won it in the

1 Mississippi Supreme Court.

2 [Applause]

3 If you want to read it, it's Ford vs. _____.

4 [Laughter]

5 It's a case that sort of sets the law in the State of
6 Mississippi. Now, you may talk about other support systems.
7 Well, there is no other support system in the State of
8 Mississippi that I know of, and I think I know of all the
9 support systems that deal with consumer law. And then you--if
10 you talk about the private bar, you're just not talking about
11 anything at all, because you're still not talking about lawyers
12 that's going to deal with the kinds of problems that legal
13 services and the backup centers are going to deal with. I
14 have a genuine interest and a genuine concern for the poor
15 people's law. And I'm going to tell the boarders, I think it
16 was the Queen of Sheba who had heard about Solomon's temple--
17 I believe that's who it was.

18 [Laughter]

19 And when she heard about it, she eventually had an opportunity
20 to go and visit Solomon's temple. And when she got there she
21 saw the temple had been--it was more than what she thought it
22 was. And she said to King Solomon, the halves have not been
23 told. So, board, I say to you, come--I cannot say come to
24 North Mississippi and visit the office, but I can say to you
25 come to the Grenada office, visit the office, and sit down and

1 let's look at some poor people's problems. And let's deal with
2 them. Because the haves have not been told, yet. And it
3 won't be told until you get out there and find out what these
4 problems are all about. It's very easy to sit up and read it
5 on a piece of paper, but I'm out there on the field and I know
6 what it's about. And I welcome the board to come out there on
7 the field, and let's find out what it's about.

8 [Applause]

9 CHAIRMAN MCKEE:

10 You don't have a church on the side, do you?

11 [Laughter]

12 I want to particularly thank Bob Sable. It's an
13 oversight on my part not to have suggested that we have some
14 attorneys comment on their viewpoints. This presentation
15 of Bob Sable has said that we really should get some attorneys
16 who have worked with support centers. I would like very much
17 and appreciate very much if you could send to this record,
18 submit something in writing in your statements--and then
19 if you want to mention the centers--but it would be very,
20 very good to be shared with the other members of the board.

21 Are there any quick, quick, quick questions for the
22 panel?

23 Thank you very much.

24 Before we finish, I know that everyone is very, very
25 tired, and I think that there may be some people--two people

1 actually--they had some questions, in the audience. And we
2 usually do that, but I would think if we do, if you could
3 limit your comments on today to about 30 seconds and no more
4 than three people if we could. -Then we will adjourn until
5 tomorrow morning.

6 LADY IN AUDIENCE:

7 I want to say something. I'm not an attorney, and
8 I'm not a paralegal, and I'm not one of the clients who will
9 be able to do a presentation as scheduled but I am a person
10 that works on welfare issues. I am a client of the
11 Columbus legal aid program in Columbus, Ohio. And I have
12 the need, because I've been involved with the welfare issues
13 and the welfare litigation that, because of my involvement
14 and some of the training I've been--had an opportunity to take
15 advantage of, I, myself, am able to conduct administrative
16 hearings. And as a result, from that I got to Step 2 and have
17 that opportunity to participate on a number of other advisory
18 boards. And I have to call different centers, request
19 different material. I work with both the state support centers
20 and the national support centers, because our state support
21 center has a limited number of staff people, and they spend
22 a lot of their time trying to search what the impact of the
23 national legislation is going to mean on our state. And we
24 have some folks in Ohio that we have to work with like 88
25 counties and 88 different general relief policies; and we've

1 got to have some way of coordinating what the federal change
2 is going to be; so I'm able to give some direct help. I also
3 serve on a center on social welfare policy and law board. I
4 am client. I am the board chairman, and I work very vigorously
5 in getting the lawyers to provide us clients the kind of tools
6 that we can help ourselves, because in my local program, the
7 program was cut back. And with our client organizations,
8 we're going to have to, you know, sort of coordinate this
9 stuff and help do some of the things for our own selves. So
10 it's important that we be able to have, like, the employment
11 and law center, who deals on CEDA issues and how they're going
12 to impact on the economy, changes back in my local community,
13 because I sit on the Manpower Advisory Council and the client
14 community is expecting me to carry to the local client
15 sponsors the interests of how the training programs are going
16 to change, and I need to know that information. And all the
17 time our state support does not have the time to do both
18 state and national impact; so we've got to rely on all of them
19 to help sort of give us the information and help equip us with
20 the truth. And I think it's very important when you look at
21 whether you can combine it or not. I think everybody has
22 some expertise that they can share that it won't be duplicated,
23 because I'm telling you, when you begin to deal with the
24 different policies changes, you go to the welfare department
25 this day and it's something, and the next week it's something

1 changed. I know myself, for a long time I've been concerned
2 about the application process. Twenty-six pages just to get
3 welfare. And by the time you get that, then you've got to
4 bring out all these documents. And I know we initiated our-
5 selves as a client group contacted the center and said: Isn't
6 there something that we could do with NHHS? Can't you arrange
7 some kind of meeting that we can get something that we could
8 have a uniform policy in applications or something? And it was
9 through our efforts as a client group that we had several
10 meetings with HEW, and that our welfare department has, you
11 know, made some changes. But that's because the impact of
12 people not being able to get the services. You know, they got
13 all these regulations and rules on their books, and we got to
14 understand how we could use them, and, you know; so we have to
15 have somebody that's got the time to do the research for us and
16 then help us to understand all these documents. And both--we
17 use both our state support and our national support centers.

18 CHAIRMAN MCKEE:

19 Thank you very much. Anyone else?

20 I want to do two things. First of all, commend Kay
21 Miles, the reporter, whose arm must be---

22 [Laughter and applause.]

23 ---exhausted; and to recognize Mr. Curtis Coker, who's the
24 president of the Mississippi Bar Association, for his presence
25 and attendance and support and advice as well.

1 Thank you. We adjourn until 10:00 a.m. in the
2 morning.

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5 [Hearing adjourned at 6:30 to be continued
6 at 10 a.m., Sunday, August 29, 1982.]
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1 CHAIRMAN MCKEE:

2 Before we get started, Mr. Lyons, the
3 acting vice president, vice president, et cetera,
4 of the corporation is going to give a brief
5 outline to set the framework. The issue today and
6 the topic of discussion is the allocation of
7 funding and the minimum access process, which is
8 rather technical. It's the formula whereby when
9 the corporation determines who gets what money and
10 what states and on what basis, very important
11 formula. It really has not been revised-- it's
12 been continually reviewed, but it hasn't really
13 been changed in about several years. It's based
14 upon 1970 census data. We have a new 1980 census
15 out.

16 The preliminary data of the 1980 census
17 indicates, for example, that Mississippi has a
18 poverty rate of 24.5 percent. But what we want to
19 discuss and get the input of the people here is
20 should there be some other means by which we can
21 determine the minimum access or dollar per client
22 formula. Should there be certain contingencies?
23 For example, for Mississippi you have a high
24 proportion of poverty rate in the United States;
25 shouldn't that mean something in the dollar amount

1 you get? And there are all kinds of variables.
2 Should the poverty formula be based upon 125
3 percent of poverty level, should it be based on
4 100 percent poverty level, etc.

5 And those are some of the things we're
6 going to discuss to begin the discussion for that
7 committee and for the board. It will be an
8 ongoing situation for quite a long time because
9 it's not something that can be changed quickly.

10 Mr. Dana and Mr. Olson have come in
11 from church, so they are with us.

12 People were saying why are you having
13 this meeting in Mississippi. It seems to me
14 everything that the Legal Services Act
15 incorporation represents in terms of history is
16 epitomized by the Legal Service's operation in the
17 state of Mississippi from the beginning of their
18 existence. It's been an organization that has gone
19 through trials, tribulations, hardships, hard
20 knocks, to accomplish a great deal of things. And
21 it really, to me, is representative of what the
22 Legal Services Corporation is and the dedication
23 of the attorneys here.

24 Mr. Wilhelm Joseph, I know known for a
25 off for some time, and he's done a great job here,

1 as all of the people here, in the Legal Services
2 program and he is now about ready to take a
3 sabbatical from the program in about two or three
4 days to go to the great institution of Harvard
5 University for a few years to get even further
6 institutionalized in terms of the area of public
7 administration, and he will return with even more
8 flame and fire.

9 Before we have this panel start, I
10 would like to have Mr. Lyons to give a quick
11 overview of what minimum access is, how it was
12 derived. It's rather technical, hard for me to
13 understand, so that everybody who's here can think
14 about the basic underlying counts that we're going
15 to be dealing with and then we'll proceed with the
16 panel.

17 MR. LYONS:

18 Good morning, I would like to be as
19 brief as I possibly can.

20 There's one thing I would like all of
21 you to know. That when I worked in the regional
22 office in Atlanta, I had the responsibility for
23 the state of Mississippi. And I would like to
24 take pride in the fact that I worked with a number
25 of people on the panel to start the program here

1 in Mississippi. And I would like to take credit
2 for some of the great work they do. The problems
3 I don't have anything to do with.

4 So with that in mind, I think it's
5 important, in terms of having useful discussions,
6 for us to have some idea of the beginning of the
7 funding and some history of the funding approaches
8 for Legal Services and its function. Discussions
9 of funding are very technical and we won't really
10 be able to explain all of those technicalities
11 today.

12 But, just very briefly, I would like to
13 review with you one, some of the history of the
14 minimum access funding approach, two, to indicate
15 to you the components of that minimum access
16 concept, and three, to give you some idea of what
17 this board and this community is going to have to
18 deal with in terms of trying to fashion
19 alternative approaches to funding. All of that
20 governs what we do, as we learned by experience.

21 That I have learned over the years,
22 just an editorial comment, that the more
23 straightforward the approach is and the more
24 simple the approach is, the better it's going to
25 be understood and consequently it's going to be

1 acceptable. It's very difficult to sell a funding
2 approach in a national context to a funding source
3 that is very complicated. So the minimum access
4 formula did reach, perhaps above all things, for
5 simplicity, although equity was the driving factor
6 behind it.

7 All of you know that Legal Services in
8 this country really began with probably in the
9 early 1900s for most of the country. In 1950, in
10 the early and middle 1950s, some private
11 foundations began to experiment with some
12 different ways of delivering legal services. And
13 based on those experiments, the Office of Poverty,
14 created by the Johnson Administration, set up an
15 Office of Legal Services in the executive branch
16 of the government. And that office began to fund
17 and expand the funding of the experimental project
18 of delivering legal services throughout the
19 country.

20 Most of these projects were located on
21 the east coast and on the west coast and they were
22 funded by proposal. There was no formula approach
23 to the funding of these projects so, consequently,
24 projects were funded at different funding levels,
25 they were sporadic in terms of coverage.

1 throughout the country. And in the south and in
2 the midwest and some parts of the northwest, there
3 were no programs at all funded by the federal
4 government.

5 When the corporation was created in
6 1974 and actually came into existence in 1975, the
7 corporation went to the congress and presented its
8 minimum access plan. And what that plan purported
9 to do was to achieve, by 1980, universal coverage
10 of all the poor people in the United States at the
11 minimum access level of seven dollars per poor
12 person.

13 Now, some of the programs that have
14 been funded under the executive branch that
15 existed in some parts of the country were already
16 above that seven dollars per poor person at the
17 time the corporation presented and the congress
18 accepted its minimum access plan.

19 The minimum access plan is based simply
20 on a calculation of two attorneys per 10,000
21 individual poor people. And each attorney was
22 calculated in 1970 costs at being \$35 per attorney
23 unit. That meant salaries, support, and that kind
24 of elements included in the \$35,000. But when you
25 work out the mathematics of it, the \$35,000 per

1 attorney, two attorneys per 10,000, you work out
2 the mathematical calculation and it works out to
3 be seven dollars per poor person.

4 As I said, that formula was designed to
5 achieve a couple of goals. One, to achieve some
6 equity, as much as was possible to do so. Two, to
7 give some sense to the congress of how we were
8 going to make the decisions about funding and the
9 amounts. And three, to have a fairly simple
10 straightforward approach so that every person in
11 the congress and the United States could
12 understand it without too much time and effort.

13 We have been using that funding
14 approach with some adjustment increases for the
15 cost of living, some special-needs money-- what we
16 call the discretionary money-- where the
17 corporation allocated a certain number of dollars
18 to target on the specific problems that we had
19 identified. But the basic funding level for the
20 national Legal Services Program is that seven
21 dollars per poor person based on the 1970 census
22 count.

23 Now, given that history there, any
24 approach that attempts to reanalyze that and make
25 better funding approach in terms of equity, in

1 terms of achieving access, and in terms of making
2 a program as qualitative as we can possibly make
3 it, necessarily incorporates more money if for no
4 other reason than due to the ravages of inflation.

5 But there are other problems involved
6 with fashioning a new proposal. As Chairman McKee
7 indicated, the 1980 census figures are being
8 compiled now. They have been compiled on a
9 national level. The accounting data on which we
10 base our accounts will not be available until
11 later on in the year, but that will involve some
12 population shifts of poor people that presumably
13 have to be taken into consideration as we
14 reexamine our funding approaches.

15 Secondly, the cost of doing business in
16 different parts of the country vary. The
17 corporation at one time attempted to do a cost
18 variation study, and came up with some results,
19 but basically was not able to conclude that the
20 results of that inquiry captured all of the
21 nuances of trying to develop an equitable funding
22 approach that took into consideration cost
23 variations, the bottom line being that the more we
24 got into the study, the more complexities we
25 recognized until, you know, it just sort of wound

1 itself out. But at some point we're going to
2 presumably have to revisit the issue.

3 And I guess finally one has to decide
4 what the particular goals of a funding approach is
5 going to be: access, quality, equity, simplicity.
6 All of those things that may in some instances be
7 contradictory. You may not be able to achieve
8 equity and simplicity at the same time.

9 So I think that-- I believe that all of
10 these issues are long-term debates but I think
11 they have to begin and hopefully we'll all be
12 prepared to address the issues and recognize the
13 level of complexity that they involve.

14 Thank you.

15 CHAIRMAN SOKKEE:

16 Before we introduce the panel, I want
17 to introduce, for the benefit of those who were
18 not here yesterday, the members of the committee,
19 my colleagues.

20 You've met Mr. Lyons, the acting vice
21 president of the corporation. To my left is George
22 Peres from the state of California. To my right
23 is Annie Slaughter from the state of Missouri,
24 William Olson, the initial chairman of the board,
25 from Washington, D. C., Howard Bone from Portland

1 Maine, and Josephine Worthy from Boston,
2 Massachusetts.

3 Did any member of the committee have
4 any questions of the Mr. Lyons or the staff? No
5 one at all?

6 Who will run the panel? Who is the
7 spokesperson for--

8 MR. JOSEPH:

9 We will have-- Mr. Raff will act as a
10 moderator for us.

11 CHAIRMAN WCKEE:

12 Could you introduce everyone so we can
13 record your names.

14 I just want to express a note of regret
15 to Mr. McIver who is the director of the Jackson
16 Program because I wasn't able to go on that tour
17 yesterday. But on behalf of the committee I want
18 to thank you and the Jackson office for your
19 hospitality and the coordination of efforts in
20 putting this all together.

21 MR. RAFF:

22 Thank you. We appreciate this
23 opportunity to meet with you, to share the
24 Mississippi Legal Services' experience with you.

25 On my far left is Wilhel'm Joseph,

1 director of North Mississippi Rural Legal Services.
2 Next to him is Jesse Pennington, who is-- will be
3 becoming the director this week of North
4 Mississippi Legal Services while Wilhelm goes on
5 to Harvard. We're looking forward to this
6 experience. I don't know whether Harvard will be
7 different or Mississippi will be different. Next
8 to him is Harrison McIver. Harrison is the new
9 executive director of Central Mississippi Legal
10 Services. And next to me is Representative David
11 Green. Representative Green is the chairman of
12 the Mississippi Legislative Black Caucus. On my
13 right is Dorothy Colom. Dorothy is the director
14 of Judicare of Mississippi. And on the far end is
15 Stanley Taylor. Stanley is the director of South
16 Mississippi Legal Services.

17 You can see we're very original on
18 these titles.

19 And back here, with her hand up, is
20 Martha Bergmark. She's director of Southeast
21 Mississippi Legal Services. Next to Martha is
22 Jackie Epsom. Jackie is the deputy director of
23 the Judicare Program with Dorothy.
24 Directly behind me is Maudine Eckbert and Maudine
25 is the director of East Mississippi Legal Services.

1 If we had a map I could show you all
2 this.

3 And on her left is Larry Harold. Now,
4 Larry is the new director of Southwest Mississippi
5 Legal Services.

6 And my name is Michael Raff. I'm the
7 director of the Mississippi Legal Services
8 Coalition which is the state support program for
9 the state.

10 I couldn't do any better than what Leon
11 Johnson did last night or yesterday in giving you
12 an official welcome. But we do welcome you for
13 the record. Perhaps in your next visit here, as
14 Leon said, we could get outside of the Holiday Inn
15 and get into the field where all this is happening,
16 what we're going to talk about today.

17 Also perhaps we cannot do it on Sunday
18 morning. As you know, you have heard and we have
19 heard that a number of our clients and our staff
20 and friends go to churches in Mississippi on
21 Sunday morning.

22 CHAIRMAN MCKEE:

23 And committee members too.

24 VOICE FROM THE FLOOR:

25 Maybe we can have a prayer.

1 MR. RAFF:

2 I saw Reverend Bass in the lobby. Is
3 he here? Would you please pray.

4 REVEREND BASS:

5 Our Father in heaven, the eternal and
6 the everlasting, Thou art our God, creator and
7 maker of the earth and all mankind, the Father of
8 our Lord and Savior Jesus Christ, we beseech you
9 in this hour, in the most precious and grateful
10 hour, that we have been led to come. Oh, God we
11 thank thee for all these thy people that come
12 today, that are here.

13 Oh, God, Thou art the ruler and the
14 super ruler of the universe. Oh, God, Thou know
15 our thoughts and prayers. Thou know our uprisings
16 and sitting downs and our getting ups.

17 Oh God, we pray today that man will not
18 act on their emotion but on common sense and man
19 will think about justice. God, you said in your
20 word that render the things to Caesar that are
21 Caesar's and render things to God that are God's.

22 Jesus Christ, Thou Son, as he walked
23 this earth, He was concerned about the poor and
24 the needy, which He said in his own words that the
25 poor you will have with you always. Oh God, You

1 know that we got more wealthy and rich folks than
2 we have-- God, got more poor folks, got more poor
3 folks than we have rich and wealthy people.

4 Oh God, You know the people in whom You
5 live and move and have our being. Oh God, the
6 poor double the wealthy one hundred percent. Oh
7 God, You said in Your word that if man would
8 humble themselves and pray and turn from their
9 wicked ways, when they hear from heaven then
10 you'll help the humble. You said in Your word
11 that justice roll down like water's righteousness
12 like a mighty sea.

13 You said in Your word that blessed is
14 the man that consider the poor. Oh, God, we pray
15 that the panel of these men that have come, oh,
16 God, to look at the situation, one of the poorest
17 states in the nation-- You know about it because
18 you made it, You know all the habitations that
19 lives here. Oh, God, we pray that Thou will not
20 let-- Oh, God, I ask You in faith in Jesus' name
21 that Thou would not let the good service and the
22 programs and the jobs be taken out of Mississippi.

23 Oh God, we have no where to go. Oh,
24 God, we pray that these men, oh, God, will search
25 in their hearts and think seriously, oh, God,

1 about the poor and the needy and the outcast and
2 the downtrodden.

3 Oh, God, we pray that justice will be
4 done because Thou art a just God. You said in
5 your Word that the whole human man is to love most
6 and do justice and walk honorably before Thy God.

7 Oh, God, Thou has heard the prayer time
8 and time again, oh, God, let justice be done, and
9 righteousness. Oh, God, You said in Your Word
10 that you would bruise the serpent's head, You will
11 raise your people from the sea. Oh, God, their
12 feet shall walk in their blood. Oh, God, men--
13 oh, God, don't let the unrighteousness and the
14 ungodly trample on the poor and the needy. Oh,
15 God, I ask You, oh God, don't let them do it.

16 You sit high and You look low. Thou
17 are a merciful, kind and long-suffering father.
18 Oh, God, I ask You this morning to hear my prayer.
19 Oh, God in the name of Jesus I ask You through
20 faith, oh, God, when it's all over here, when the
21 book shall be opened and the small and the great
22 and the rich and poor shall stand before Thee, the
23 sea shall give up the dead, oh, God, shall stand
24 before You and give an account of the deeds that's
25 done in their body before Thee. In the name of

1 Jesus, I ask You through faith right now, and for
2 His sake, amen. And thank You for answering our
3 prayer.

4 MR. RAFF:

5 Thank you, Reverend Bass.

6 I hope the committee does not feel
7 overwhelmed when, well, you see as many bodies
8 here. We're going to present our presentation,
9 within a hour and half, and in that hour and a
10 half we're going to share some history with you,
11 we're going to hear some testimony from Legal
12 Services' clients from the programs, we're going
13 to hear from Representative Green from the Black
14 Caucus, we're going to hear from the Mississippi
15 State Bar Association, we're going to here from
16 Judicare and we're also going to respond to your
17 letter regarding the formula.

18 With that I call on Wilhelm Joseph to
19 start the presentation.

20 MR. JOSEPH:

21 First, I like to say good morning to
22 everyone here. And I would like to say thank you
23 to Reverend Bass for those words of inspiration
24 and I hope we keep those words as guidance as we
25 continue through these deliberations and go back

1 to the respective places.

2 I would like to make a special
3 acknowledgment of Mr. McKee with whom I have
4 spoken several times in the last few weeks. I had
5 never known who the individual was, heard his name
6 and we spoke many times and was glad to meet him.

7 I think it is a very special privilege,
8 honor for us, to be able to host this meeting in
9 Mississippi. Mr. McKee and I shared a discussion
10 in which I said that I don't think any Legal
11 Services board or committee or any of the members
12 had ever come into the state of Mississippi since
13 the inception of the corporation in 1940. And we
14 thank you very much for considering us important
15 enough to bring this very important discussion
16 here. I thank you very much, Mr. McKee. I want
17 to thank all of the board members for coming here.

18 We have a very special relationship
19 with Josephine Worthy, who participated in our
20 sixth annual staff conference this year and we
21 love her very much.

22 We understand that Miss Annie Slaughter
23 is actually a native daughter of the state of
24 Mississippi. In fact, I understand she was born
25 in Marks, Mississippi, in Quitman County, which is

NEAL R. GROSS

1 one of the counties we serve in now. It happens
2 to be, I think, the poorest county in the U. S.
3 of A.

4 We would like to thank the corporation
5 staff for being here. I would also like to thank
6 the staff, the board members and clients of all of
7 the various Legal Services funded programs from
8 all over the state who are here. I must give
9 special thanks to those folks from north
10 Mississippi, North Mississippi Rural Legal
11 Services.

12 That program is very dear to me. I
13 spent many years there and I had some very good
14 experiences there and it's a very difficult thing
15 for me to leave that thing. But I leave in body,
16 my spirit will stay with it.

17 In fact, I like to ask all the people
18 in this room who have been present or past
19 employees of that program, please stand.

20 Keep standing. I would like to ask all
21 the clients from the North Mississippi Rural Legal
22 Services area to stand. And would like all the
23 clients in the room, all the clients in the room,
24 please stand.

25 That is really to demonstrate the in

1 Mississippi clients take an interest in what is
2 taking place. They don't leave us alone.

3 We would like to acknowledge the
4 presence of any of the friends we have here, and
5 any enemies today.

6 My name is Wilhelm Joseph, and I am the
7 outgoing director of the North Mississippi Program.
8 I have had a 14-year involvement with that program.
9 I began as a client in 1968. I was a law student
10 at that time. I left the state for a couple of
11 years and I moved to New York. And I remained
12 co-counsel in several matters. I was received as
13 a staff attorney, and since 1975 I have been
14 serving as director of that program. So I have
15 gone the whole gamut, from client to director.

16 Maybe one day I'll be on the board of
17 directors. In fact, yesterday I visited with Mr.
18 McKee on the questions about the status and the
19 priorities regarding legal aid. I also have the
20 unique position to be described as "illegal legal."
21 I have to in fact explain that.

22 I was admitted to practice law in
23 Mississippi but attempting to become a permanent
24 resident and employed by the North Mississippi
25 program. And to be employed, the employer had to

1 certify that no American citizen was willing,
2 ready for the job, and that the salary offered to
3 me was equal to minimum wage. It so happened they
4 offered me the job of \$13,000 to be a staff
5 attorney administrator.

6 It so happened the IRS discovered that
7 \$13,000 was too low to offer me, so they called me
8 a scab, that I was depressing the wages of
9 attorneys of Mississippi and I couldn't be
10 certified.

11 By the way, the program sued and we won
12 that case.

13 I must say also I'm a professional who
14 happens to be black, not a black professional.

15 It's a real honor for us to come to
16 what we consider to be a real honor, to be a
17 worker within the Legal Services' movement. We
18 have great pride, and sometimes of course
19 arguments. We understand the Mississippi work,
20 talking about some of that.

21 We feel very honored about what we do.
22 We love it, we're very committed and we're very
23 aggressive. Of course, that has consequences when
24 we maintain that position.

25 I think before we talk about funding

1 formulas and so on and so forth, it's necessary to
2 understand the context within which we practice
3 law and work in Mississippi, the background
4 against which we must work. I believe that we're
5 products of our history and our environment. At
6 the same time we make history and fashion our
7 environment so that we are here in both capacities,
8 as products and as people who are fashioning.

9 My review will begin with some events
10 that are relative to Mississippi, national points.
11 And I talk about some very special facts about our
12 area which I included in the report here recently.
13 And then we will move on to the panel.

14 The nature of practicing law for Legal
15 Services means that when you represent poor people
16 on one side, usually, there are other interests on
17 the other side that are different. It's
18 adversarial in nature. In this state there is no
19 secret that race is a very predominant issue
20 historically, and still is. There are many vested
21 interests that are affected by the work we do on
22 behalf of poor people. That is no secret. In
23 counties like Quitman County and Leflore County
24 and Sunflower County, Washington County, the
25 populations are 70 percent, 80 percent black.

1 Race is very prominent factor. But things moved
2 very swiftly.

3 It's strange that right now we have the
4 possibilities of sending to congress the first
5 black congressperson since 1893. To us it doesn't
6 make any difference whether that man is a
7 Republican, a Democrat an Independent or any other
8 kind of Cat. It is very significant that a black
9 person be sent to congress from the Delta of
10 Mississippi.

11 Continuing against that background, I
12 want to read you excerpts from something that was
13 said in 1967 by a gentleman who was a student at
14 the University of Mississippi, as a law school
15 attendant. The gentleman was talking about-- this
16 was the year after that university was integrated.
17 Of course, up to that time legally a black person
18 could not attend the University of Mississippi by
19 law. That was enforced by troops. The gentleman
20 was saying, referring to that student, "In my
21 opinion," he said, and this was in the New York
22 Review, "In my opinion," he said, "the south made
23 its biggest mistake because they hated to do it,
24 that is integrate, out of love and affection for
25 the nigras, but our mistake is in talking states'

1 rights instead anthropology."

2 And then he is talking about
3 intergration, and he said "Yes, ma'am," talking to
4 the interviewer, "I expect there'll have to be an
5 occupation before they'll be integrated in
6 Mississippi, and the Kennedy twins are ruthless
7 enough to do it without batting an eye if they are
8 reelected. It would probably be the most tragic
9 thing that could happen to our beloved state, but
10 afterward, when the troops leave, everything will
11 be just like before, only the poor nigras would
12 lose all the friendship and goodwill they have."

13 And he said later on, contemplating the
14 possibility of negro political control in the
15 Delta, through it's 65 to 70 percent negro
16 residents, he said, "Although it would never
17 happen without having the white man's control,
18 othewise there will be chaos." The gentleman
19 concluded by talking about the south's most
20 precious-- to him the southern white women, he
21 said this. "If the social system is pulled out of
22 kilter as moderates would do, there would be more
23 danger than there is now under the patient hand of
24 white leadership. I would certainly take up arms
25 to protect our women. So there's nothing more

1 wonderful than a southern lady. Gosh, it's really
2 undefinable but she's cultured, genteel,
3 intelligent, beautiful." Usually beautiful,
4 anyway. The importance-- and that's the end of
5 the-- the importance of the statement is that that
6 gentleman is now a prominent attorney in one of
7 the counties we serve, and one who we find we must
8 come up against very often, and he has taken a
9 very strong position against the interests of the
10 clients we serve.

11 It's not to say that is representative
12 of all lawyers or people of Mississippi, but it's
13 to give the range within which we have to work.

14 Legal Services of Mississippi began in
15 1960 during the height of the civil rights
16 movement or civil rights era. That meant
17 something in Mississippi. What did it mean? What
18 were the issues alive at that time? School
19 integration. People saw Legal Services as a
20 vehicle for change, as hope, access to justice and
21 equality, freedom from real and overt forms of
22 oppression, schools, school law was important.

23 We had many cases. Stan Taylor
24 on the end here, one of the original lawyers with
25 North Mississippi Rural Legal Services, had many

1 cases in school law. Employee misconduct, abuses
2 and inadequacies in public benefits, housing and
3 job discrimination, family housing, et cetera, et
4 cetera.

5 And people here welcomed the advent of
6 Legal Services. The program with which I now work
7 was the first program. It began, I understand, as
8 a Judicare project, under the aegis of the
9 University of Mississippi in Oxford, but it
10 lasted a very, very short while.

11 There was controversy from the first
12 day. Some professors like at Harvard and Yale
13 came down to work at that university, teach there
14 and work with Legal Services. Very quickly they
15 where given an ultimatum. Say all right, the
16 other professors here, you must quit either
17 working at the law school or quit work at Legal
18 Services. Couldn't do both. Even though other
19 teachers there could practice law privately and
20 teach. Most teachers wanted to do both and they
21 sued.

22 Mike Rister (spelled phonetically) was
23 the lead plaintiff in this case which was finally
24 won. Then the school-- the program had to leave
25 the University of Mississippi and then became

1 subject to the veto of the governor. And at that
2 time he vetoed federal programs because this state
3 did not want federal dollars. And the school, the
4 program had to go on to another school, Mary
5 Holmes Junior College, I believe, to get away from
6 the governor's veto. Controversy from the very
7 beginning.

8 The state government was hostile to
9 Legal Services. The State Bar took annual
10 official positions against the funding of Legal
11 Services, consistently. That has changed however.
12 We are very proud to say that. From open
13 hostility, we have now moved to a point where
14 we're working hand in hand with the State Bar
15 Association. And it was very nice for me to look
16 back here yesterday evening and see Mr. Curtis
17 Coker, the president of the Bar this time, being
18 in the room, saying he is now supportive and
19 working with all the programs in the state to help
20 develop what would be the best pro bono project in
21 the country.

22 And we have many lawyers who have good--
23 who have shown good leadership and would work in
24 Legal Services. Comes to mind Spencer Gilbert,
25 who is very involved with the ABA and on the board

1 with the Jackson program and, of course, Mr. Coker,
2 who we met the first time two years ago.

3 Imagine the Legal Services directors
4 going to the State Bar convention and saying hey,
5 we're here to meet with you. That was a meeting,
6 sitting in the fancy suite of the then Bar
7 president, with all the drinks and everything.
8 They drank quite a lot, I think they were nervous.
9 I think they were nervous. It was quite a meeting.
10 I will tell you about it, but let me move quickly.

11 Comes to mind Bill East, who we should
12 mention very specifically. Bill East, who is now
13 the chairperson of that pro bono project, I
14 understand who is an attorney from Vicksburg,
15 Mississippi, has shown great leadership in trying
16 to get support in this program and supporting
17 Legal Services nationally.

18 We have developed-- moved from having
19 all so-called Yankee lawyers being in Mississippi
20 to the place where we have many indigenous sons
21 and daughters who do great jobs. Mr. Pennington,
22 Mr. Taylor, Barry Powell, who was former director
23 of the Central Program, Martha Bergmark, more
24 directly behind you. We have Leon Johnson, who
25 you heard yesterday, very distinguished counsel,

1 and who all are sons and daughters of the state of
2 Mississippi.

3 About the programs. I said North
4 Mississippi Rural Legal Services began as the
5 first program. We merged in 1976 with a small
6 program in Coahoma County, which was within our
7 service district. The clients of that program
8 made a lot of noise. They were not satisfied with
9 the service they were getting. Project was being
10 run by the local Bar Association and they felt
11 with North Mississippi, felt they had a better
12 reputation of representing its clients, and that
13 merger came about. It's funny that since '76, we
14 had been in court with the board of that program.
15 They refused to release the money, \$10,000, we had
16 left in the account. Only this last week the
17 judge had signed the order releasing that money to
18 continue that program.

19 We have now programs like Central
20 Mississippi Legal Services who also went through a
21 merger with Community Legal Services which have
22 been the Bar controlled program. I believe in '75,
23 South Mississippi became the newest program under
24 the corporation. And '76 and '78, we had
25 Southeast Mississippi, East Mississippi and

1 Southwest Mississippi.

2 And those programs didn't just start
3 very easy. Many of them had hostile reaction in
4 the Bar. At one time, our great senator, Mr.
5 Eastland, intervened specifically to prevent the
6 funding of all of those programs on behalf of the
7 poor people in the state, of the largest number of
8 poor folks.

9 That is the history very briefly of
10 Legal Services in Mississippi.

11 Then we also are in tune with what has
12 happened nationally, in '74, our programs then,
13 during the War on Poverty, and in the 60s. But we
14 had to live through that era of while we trying to
15 practice law and represent our clients against all
16 those adversities, our president who came, and of
17 course Mr. Nixon, who had attempted to abolish the
18 program.

19 It means a lot in Mississippi to have a
20 Legal Services Program. It means a lot. To have
21 that program abolished means the denial of hope,
22 of access to justice. It means hopeless future.
23 Where do we turn to?

24 We didn't appreciate the attempt to
25 abolish Legal Service by Mr. Howard Phillips at

1 all. And we make no apologies. We didn't like it
2 at all. But we were happy when the corporation
3 lived in '74, and a new corporation was born, with
4 the proviso that the corporation would be free
5 from political interference.

6 That is very important in the state of
7 Mississippi, to be free from political
8 interference, because they represent people who
9 don't have political power. If they have
10 political interference, it affects our clients
11 most adversely here usually.

12 We did not appreciate the attempts of
13 the present administration to talk about
14 abolishing Legal Services. No. I ask the client.
15 I know they feel very strongly there must be a
16 Legal Services to provide service for the poor
17 folks of this state.

18 We did not appreciate any attempt to
19 abolish it. I must say I pledge my personal
20 energies, and so many folks here, to fight tooth
21 and nail, fight to the last breath, for it. We
22 think it a right for people to have it.

23 Ladies and gentlemen, this is the
24 background against which we work here in this
25 state. I don't think it differs very

1 significantly from state to state.

2 Just to mention a few things that makes
3 it probably even worse. This has further been
4 substantiated by technical difficulties of being
5 managers for public agencies like Legal Services.

6 Few points. Setting goals and objectives and
7 comparing with what is in the private sector. We
8 hear why don't you run the program like folks run
9 a business. That sounds good. It's not easy.
10 How does private business operate? They set goals
11 by the board and they get there setting down--
12 setting goals and objectives. That is it.

13 Who sets objectives? The national
14 congress, the national board, the national staff,
15 the clients, the staffs of the programs, the
16 opposition. Even the opposition has a voice in
17 setting objectives for the program. It's very
18 difficult. Who controls the process? Privately,
19 in private business, it's very easy and it's
20 direct.

21 It chief AG says this is the line, and
22 everybody follows. Who sets and who controls the
23 process in the public agency like Legal Services?
24 Everybody.

25 In the private business, you take large

1 resources and deal with limited goals. We have
2 just the opposite to do. Take very small
3 resources to satisfy grandiose goals.

4 When a program is started in private
5 business, you are told to continue towards the end.
6 Legal Services, we don't even know what will
7 happen three months from now. How the hell do we
8 set goals and objective when three months down the
9 pike we might be defunded or cut back? It's
10 difficult. It's very difficult.

11 What is the forum within which private
12 business makes decisions? It's very private and
13 very often secret. We must do business in the
14 glare of the public, with television lights
15 flashing, reporters writing, and so on and so
16 forth. That's how we make decisions. It isn't
17 that easy, I think, to decide something within the
18 Legal Service Program. Everything you say is
19 written down, and many times the reporters are not
20 so accurate. Of course, I don't expect that from
21 our Mississippi reporters.

22 Before I conclude my introductory
23 remarks to this panel, I wanted to share with you
24 the findings of a study we did recently that Mr.
25 McKee asked me to share with this group.

1 Before I begin to tell some things
2 about the study, I want to read two statements and
3 those two statements are statement by-- made by
4 Mr. McKee himself, one in Louisiana and one in the
5 piece he submitted yesterday. In Louisiana he
6 said, in speaking to the National Clients' Council
7 of that state. Directors of any corporation have
8 a duty to the stockholders or members to exercise
9 good faith, loyalty and commitment in exercising
10 their duties and responsibilities. In this case,
11 you are the members or stockholders to whom we, as
12 directors, owe that duty, and he's talking to
13 clients, I believe. In the piece, opening remarks
14 yesterday, he said, in too many instances and in
15 too many programs designed to assist the poor, the
16 viewpoint and opinions of the poor take a back
17 seat to those of others who purport to speak for
18 the poor or who have their own public policy
19 agendas.

20 We did not know Mr. McKee was going to
21 say that, but in advance of that, we in North
22 Mississippi attempted to do just that, find out
23 what the poor were talking about, what were the
24 views of the poor. We are required to do that,
25 set priorities. We're charged with, hey, we are

NEAL R. GROSS

1 social engineers, united to see what the poor want
2 and go find the clients. We say we will go find
3 out what the clients want and do it very
4 competently and do it very practically.

5 We called 29 counties. Each county has
6 five beats. We say we're going to get people
7 from every county and every beat in north
8 Mississippi to tell us about what they are feeling.
9 We're going to try to ask them very personal
10 questions. We do feel we do have the credibility
11 better than U. S. Census Department to get into
12 the houses of these people and I'm sure they
13 respond. All would not, most would. Most would.
14 Furthermore, we say will you, the clients
15 themselves, get this information for us. We send
16 them out to get the information.

17 We did exactly that. And what the
18 clients wanted, what the various data-- we took
19 the data and used all the high speed and modern
20 technology of computers and correlated the other
21 existing data, and did a very comprehensive study
22 which we use as guideline to setting our
23 priorities and knowing what clients wants. We
24 have summarized that data into a very small
25 document, 17 pages. I think some people on the

1 board have seen it before, I don't know. We will
2 send you copies that you get. Have you seen it?

3 MR. CLSON:

4 No. No.

5 CHAIRMAN McKEE:

6 We will make it a part of the record.

7 MR. JOSEPH:

8 It's a summary into the problems.

9 We're now trying to get the corporation a grant to
10 disseminate the study of the program all over the
11 country.

12 I will share it with you very briefly
13 for the findings. First of all, we talk with some
14 2,314 clients, largely a black population, very
15 poor. Total of 33 percent of those folk had
16 income of less than \$8,240. That is below poverty
17 level. Forty-six percent had income of less than
18 \$3,140. Thirty-seven percent of those folks are
19 unemployed. Sixty-eight percent were female, 94
20 percent black. Sixty-seven live outside the city
21 in the rural area. Sixty-nine percent of the
22 folks had less than a high school education.

23 And I say before, 27 percent had no
24 jobs and 33 percent had incomes below the poverty
25 line.

1 In those 39 counties, several counties
2 had poverty populations above 50 percent. At
3 least one, two, three, four, five, six, seven,
4 eight. Benton County, Marshall County, Tunica,
5 Quitman, Tallahatchie County, Sunflower County,
6 Humphreys County, Holmes County have 50 percent
7 population below the poverty line.

8 Many of the counties had poverty
9 populations of 25 to 49 percent. At least one two,
10 three, four, five, six, seven, eight, nine ten,
11 eleven, twelve, fourteen counties had poverty
12 population 25 to 49 percent poor. One, two, three
13 four, five twelve had property populations of 35
14 percent poor. We talk about very, very, very poor
15 counties here part of the state.

16 The survey attempted to gather data in
17 certain areas, energy, housing, health, nutrition,
18 income, family, land, municipale services,
19 information needs, legal services, legislative
20 change, and social priorities, demographics. We
21 also examined data once that was completed on
22 personal income, personal educational level,
23 median county educational level, median income by
24 county, per capita county welfare expenditures,
25 per capita county foodstuffs expenditures, per capita

1 county, HEW allotments, per capita total county
2 federal aid, percent of the county population
3 which is below poverty, percent county population
4 which is black.

5 Through the statistical information of
6 the above hard data, by high speed computer, the
7 program has got precise insight in not only how
8 the poor people think but why they tend to think
9 the way they do. According to our indication,
10 based on this significant evidence, several
11 statistical and significant trends begin to emerge
12 and these are stated in general formula. I
13 mention these to you.

14 The problem we found represents the
15 highest priority of concern. And we find that
16 family is the area which represents the highest
17 amount of treatment. After the family, the areas
18 of the great priority in descending order were
19 income, health, nutrition, and housing. We found,
20 however, that personal income, personal education
21 level, occupation, and per capita total county
22 federal aid have the greatest impact in explaining
23 why the persons think the way they do.
24 Respondents who have higher incomes and
25 educational levels tend to be more positive in

1 their perspectives. This underscores the
2 importance of education in improving the condition
3 of the poor.

4 The sex and residence of respondents
5 have the least impact on the attitude we found.

6 A majority of the disadvantaged
7 respondents recognize the problem, but are unaware
8 of the services and programs which can help them.
9 For example, a majority have difficulty in paying
10 utility bills and buying food. And, at the same
11 time a significant percent are unaware of energy
12 assistance programs or do not receive foodstamps.

13 Four, a great majority of the
14 respondents feel there is a lack of access to
15 justice for the poor. Many respondents simply did
16 not know how to make the justice system work in
17 their favor or what services are available.

18 Five, three-fourths of the respondents
19 perceive unequal treatment in the delivery of
20 local services. Of crucial significance is the
21 perception of unequal treatment in the areas of
22 streets, fire protection and public sanitation.

23 Six, a majority of the disadvantaged
24 persons simply do not have enough money to meet
25 their monthly bills. This low income problem

1 causes other problems in areas of financial
2 management, the ability to buy food, ability to
3 obtain medical care, and to secure decent housing.

4 Seven, majority of the respondents
5 indicate some form of family problems. Of crucial
6 concern is the perception of child abuse and the
7 needs for programs which can address this issue.

8 Seven-- Eight, an overwhelming majority
9 of the respondents want to work but cannot find
10 jobs. When jobs are obtained, the pay is too low
11 to meet expenses. A majority of respondents must
12 accept low paying jobs which did not allow them to
13 overcome the poverty condition.

14 Nine, the NMRLS findings suggest
15 evidence that contrary to the common myth, many
16 poor people do not receive a broad range of social
17 services. Many are not on foodstamps or ADC. An
18 overwhelming majority grow their own food to
19 overcome their deficiencies. A majority have no
20 medical insurance and many receive poor federal
21 care. Many social services are fragmented and
22 uncoordinated and present an obstacle more than
23 help to the poor.

24 Ten, three-fourths of all respondents
25 indicate that existing levels of ADC aid, food-

1 stamp benefits, and Medicaid benefits are not
2 adequate to meet even substandard living
3 conditions. Seventy-five percent of the
4 respondents favor increases in these programs.

5 We suggest that the proposed cuts
6 cannot but adversely affect the poor
7 Mississippians.

8 Furthermore, the highest demand for
9 increase in social programs comes from respondents
10 in counties which already are most dependent on
11 federal aid. Since these same counties will be
12 most severely hurt by federal budgets cuts, poor
13 people living in the poorest Mississippi counties
14 will then be hurt the most. This means the state
15 and local government must address as part of their
16 social responsibilities the gaps in social
17 services which are likely to occur once the
18 federal government pulls back.

19 Lastly, disadvantaged persons want more
20 citizen involvement and participation in local
21 government affairs. They are highly favorable to
22 education programs which address this concern.

23 I want to conclude by saying, talking
24 about some of the social and economic cause of
25 poverty. I read briefly.

1 The impact that the poverty has on the
2 social and economic fabric of Mississippi's
3 society cannot be overstated. First, it's
4 strongly related to race. The highest poverty
5 rates coincide with those counties which have the
6 highest percentage of black in the population.
7 High poverty rates are not conducive to economic
8 development and low cost government. In fact,
9 high poverty rates are strongly correlated with
10 extremely low median education levels at the
11 county level.

12 We found that the higher the percentage
13 of blacks, the greater the poverty, the lower
14 education, the less development economically. The
15 result is that by not spending federal and state
16 money on constructive enterprises such as
17 education and job training, the poorest
18 Mississippi counties spend proportionately more
19 per capita on foodstamp expenditures, ADC
20 expenditures, and other social programs which
21 increase dependency rather than independency on
22 welfare programs.

23 By not educating disadvantaged persons
24 and not having them obtain jobs, the state ends up
25 spending more on welfare. High poverty is also

1 related to more county based welfare spending,
2 higher administrative overhead costs and greater
3 dependency on non-county based revenue. In many
4 of these counties the chief source of income is
5 federal payments.

6 The same counties with high poverty
7 rates stand to be hurt most severely in the
8 federal budget crunch and increase the reliability
9 of such counties on an already overburdened state
10 government expenditures.

11 And on the issue of housing problem. I
12 will give you a few examples.

13 Fully 71 percent of all respondents
14 recorded difficulty in paying utility bill. And
15 housing. Counties with the highest poverty rates
16 are negatively related to public assistance
17 housing. Public assistance housing is mainly
18 found in the more populous counties, counties with
19 large cities, the large towns, yet higher poverty
20 levels are found in those counties with lower
21 population levels.

22 Public housing, yes. Public housing in
23 Mississippi is mainly found in those counties with
24 high poverty levels.

25 Talk about most folks growing their own

1 food. We found fully 55 percent of the sample
 2 suggests that their monthly bills are more than
 3 their monthly income. And, 53 percent have
 4 difficulty in affording the basic necessities of
 5 life. We found a great majority, 63 percent of
 6 all respondents, do not feel adequate access to
 7 justice systems for the poor. Access to the
 8 justice. We found 32 percent of the respondents,
 9 32 percent, have legal needs for legal assistance.
 10 That was important finding which we will have
 11 toward the end. Thirty-two percent of all
 12 respondents said they had at present need for
 13 legal assistance. We found many folks didn't even
 14 know where the office to serve them was, and so
 15 forth. We found the information was a great need
 16 among these folks.

17 I will conclude my remarks by saying thank
 18 you for the opportunity to do this. We will have
 19 the panel towards the end I then present a very
 20 direct statement on the questions raised in the
 21 letter regarding the funding formulas and
 22 allocation of funds.

23 CHAIRMAN WOLFE:

24 Thank you. What we will do, I'm not in
 25 major rush because this is really your forum. Mr.

1 Paras wants to hear as much as as he can. He has
2 to catch an airplane to California. What we will
3 do, we will withhold questions and have you run
4 down the panel with brief statements, an overview,
5 and then we can pick up and ask questions based
6 upon all of those. But I will say one thing. A
7 lot of us have concern about what the term
8 "research" means. And the statute says, and we
9 looked at support centers yesterday, that row,
10 general research, you know, the general issues,
11 unless its related to clients, should not be
12 funded. So what you have provided in that
13 specific study is, to me, exactly what the
14 corporation's money should be directed towards in
15 terms of research and funding of programs of that
16 sort. Where it related directly to the people of
17 your state, you take that information and, based
18 on that, set priorities and get clients'
19 viewpoints. A very good sample to me of what
20 research means on our statute and what we should
21 put our money into, and I would certainly hope
22 that out of all those support centers that exist
23 out there, they might find some money to provide
24 the basis for you to send that all around the
25 country to get it to everybody.

1 Would you care to proceed, Mr.
2 Pennington? Or how did you want to-- Okay, we--

3 MR. RAFF:

4 We have been talking about clients for
5 two days now and we would look forward to the
6 opportunity now to listen to the client. There
7 are representatives from each program here and I
8 would like to call up, first, Miss Louise Gunn,
9 from Bailey, Mississippi, a client of East
10 Mississippi Legal Services.

11 MISS GUNN:

12 I'm Louise Gunn, Lauderdale County,
13 next door neighbor to Kemper County, and I'm here
14 representing not only myself but, shall I say,
15 several hundred people in my area who are not able
16 to attend meetings and have to depend on someone
17 else to represent them.

18 Most of us in that area are my age and
19 older that need the help. Many of the young
20 people do. We're farming people. I grew up on a
21 farm. Most of us depended on the farm for
22 living. We did without, went hungry and
23 everything else to hang on to what little property
24 we had to make a living.

25 Our first-- my first contact with how

1 went to Legal Services, Lauderdale County. Thank
2 God they stepped in to help us.

3 The next time, I went to them
4 personally, I carried my brother who had been ill
5 for quite a number of months and just gone back to
6 work for about two and a half weeks and was laid
7 off. He was paying for a home, repairs on the
8 home and other little bills. Of course, the
9 minute he got behind, they started hounding him.
10 Him contacting them had no effect whatsoever. But
11 Legal Services stepped in and took care of it.
12 He's paying his bills now, he's back at work, but
13 at that time there was no way in the world. He
14 was off for months.

15 Another case in my county, we got a
16 black man up there, neighbor of mine, known him
17 all his life, all my life, had a young boy dropped
18 on him, the mother deserted him. He could get no
19 help. Old, retired, his wife was ill. Legal
20 Services helped him adopt that child so he could
21 get some money to help him take care of him.

22 Another case in my community of my
23 knowledge, a father abused the child, a mother.
24 The only way that mother could get those children
25 back-- they had taken them from her, was to her--

1 was to get a divorce, set up separate living
2 conditions and all. She had no money. Legal
3 Services did that for her.

4 We don't have the funds to contact a
5 lawyer for anything. Without Legal Services we
6 would be absolutely helpless. Not just myself.
7 You talking about Marks, Mississippi. I can give
8 you names worse than that. You've got Bailey,
9 Susqualena, Toomsaba, Marion, Blackwall,
10 Lauderdale and that's just part of it. That is
11 the community up in my area that needs it. And
12 that covers a lot of Keemper County that I
13 personally know the people.

14 And I think that is about all I have to
15 say. Thank you. We need them.

16 MR. RAFF:

17 Thank you, Mrs. Gunn.

18 I would like to call Edna Lee Boyd from
19 Central Mississippi Legal Services. Mrs. Boyd
20 lives in Hinds County but for the panel this is
21 Hinds County which the city of Jackson is in.

22 MRS. BOYD:

23 Well, if it hadn't been for Legal
24 Service, I wouldn't-- many times I didn't have any
25 food. Got seven children so I think that we need

1 Legal Service. So that is all I have to say.

2 MR. RAFF:

3 Thank you, Mrs. Boyd. I'd like to call
4 on Mrs. Vassie Patton from Hattiesburg, client of
5 Southeast Mississippi Legal Services.

6 MISS PATTON:

7 I live at Hattiesburg, Mississippi.
8 Live at 1022 Louise Street. And I heard about the
9 Legal Service through a Patricia Bester, a lady
10 that worked there, a friend to my granddaughter.

11 I'm 73 years old and I had a serious
12 operation which was cancer, I'm not ashamed to say,
13 and my insurance failed to pay some of my premium
14 and tried to cancel the other.

15 And I went to the Legal Service for
16 help, for aid, because I didn't have money to go
17 any place else. And they taken it, taken it over,
18 and they did get some of my payments, what had
19 been sent in, for me. And they are still working
20 on it because I want to cancel all the insurance
21 and receive my benefits back because they tried to
22 cancel me. And they are still working with it and
23 I'm still looking to them for service.

24 And there's others there has gone to
25 them for help, divorces and support for children,

1 and they have been helped. And I think we need
2 the Legal Service because there's some of them not
3 not able to pay lawyers to help them get their
4 needs and their rights. Thank you.

5 MR. RAFF:

6 Thank you, Mrs. Patton.

7 Rev. Leon Wells, from South Mississippi Legal
8 Services, with his wife Mrs. Eddie Wells.

9 REV. WELLS:

10 I'm Leon Wells, president of the
11 Southern Christian Leadership Conference in
12 Jackson County. This is my wife Eddie, my right
13 arm, of course, as you can see.

14 I've worked with the Legal Services
15 ever since they have been in Mississippi, south
16 Mississippi area. But before they came, I used to
17 have to work alone with the public housing, the
18 foodstamps, welfare, SSI recipients. Of course I
19 was trained in these areas to do so.

20 I had to get unsighted before I could
21 really see and to find out that there were so many
22 blind peoples in the world. My office, from where
23 I worked at, we collect and distribute information
24 to those persons in Jackson County that need to
25 know different areas of different agencies where

1 they can receive benefits from. Unlike North
2 Mississippi, there are agencies that when clients
3 try to find out where they are, there's no one to
4 tell them so they come to my office I think more
5 so than they go through the Mississippi State
6 Employment Office in Jackson County. And, in
7 fact, we have more peoples come and go through our
8 office daily. Up to a hundred seventy-five
9 peoples coming to our office daily for information,
10 one thing or another, jobs.

11 Jobs is one of those things.

12 Assistance in utilities, wanting to know where
13 those agencies are.

14 But, anyway, to the public housing
15 projects where some of our clients was being
16 thrown out for no reason at all, late charges on
17 the rent, et cetera, before Legal Services came,
18 we had to sell pop corn, maybe have a fish fry, to
19 get money to get attorneys to defend them.

20 In one case, I don't think the lady would mind me
21 saying so, Mrs. Martha Bergmert, from Hattiesburg,
22 their law firm represented us once in a housing
23 project. And they done a very good job I think up
24 to date.

25 But after Legal Service come there they

1 alleviate some of our problems as far as having to
2 raise money to obtain a lawyer. And immediately
3 the Legal Service there in south Mississippi began
4 to answer our prayer and work on the cases that we
5 had recommend them, our clients, to.

6 I would like to cite out a few of those
7 cases to you. One of the cases, one of the mens
8 got shot, both hands tied, bandaged up. But even
9 so, he didn't have insurance. He was off of the
10 job and they didn't want to accept him in the
11 hospital. Of course they had to because of his
12 condition. So he wasn't waiting for care first.
13 They didn't want him to have it. In fact, they
14 wanted to run me out of the office for asking them
15 for it.

16 We need someone to look in on these
17 agencies and tell our clients about them. A lot
18 of times they won't know. But Legal Services was
19 there to defend me because they sent information
20 we need to have and couldn't get. So Legal
21 Service got that information for us, such as
22 letters from the job, his monays that he earned
23 the year before, or the initial year that we were
24 working on the case. But at any rate, Legal
25 Service, we got this. Got over three thousand

1 dollars in debt paid to the hospital through the
2 health care system and by the Legal Services.

3 Some of our cases wherein they were
4 getting thrown out of housing projects and Legal
5 Services also came to our rescue and we had those
6 peoples to remain in those apartments.

7 Divorces that our clients couldn't
8 afford to get and needed them. Legal Services, of
9 course, was there to assist us in that and got
10 those divorces.

11 And it goes on and on, what Legal
12 Service means to south Mississippi, not only in
13 the past but in the future. Due to our economic
14 poverty, Legal Services is going to be needed just
15 that much more.

16 Thank you.

17 MR. RAFF:

18 Thank you, Mr. Wells and Mrs. Well.

19 Next call on Mrs. Gail Wiederhoert from
20 the State Coalition Against Domestic Violence.

21 MISS WIEDERHOERT:

22 Yes, I'm with the Mississippi Coalition
23 Against Domestic Violence and I'm also director of
24 the Gulf Coast Women's Center which is a program
25 for victims of domestic violence and a shelter.

1 One of the things that I'm so glad that
2 Legal Services is available is that many, many
3 times we get women and children coming to our
4 shelter with nothing but the clothes on their back
5 and their children. They have been severely
6 beaten, sometimes abused with a weapon, sometimes
7 requiring hospitalization. And of course many,
8 many times this abuse spills over onto the
9 children. They need immediate legal action.

10 One of the things-- I have been
11 involved in this since 1978. And one of the
12 things that was quite obvious to me from the very
13 beginning was that it took three to four months to
14 get a woman into court to get some kind of order
15 of protection, divorce or whatever it was that she
16 was going to need to guarantee her safety and the
17 safety of her children.

18 The Legal Services Coalition here,
19 along with local Legal Service Program, lobbied
20 and helped get passed a Protection - Abuse Act
21 which now makes it possible to get a woman into
22 court within 10 days and to get a hearing and get
23 a temporary order of protection. She had no such
24 recourse a few years ago. That has been in effect
25 just a little over a year.

1 Now we can get a woman into court on
2 order of protection and a cessation of that
3 violence within a period of 10 days.

4 I can't tell you the plight of what is
5 happening to many, many families on the level of
6 domestic violence. But I recently also had a
7 woman who I sheltered for eight weeks. She had
8 undergone tremendous abuse and her children had
9 undergone tremendous abuse. She had to go back to
10 her home. She came to me from another county,
11 actually Meridian. She had to go back because
12 Welfare told her that she could not own property
13 and get welfare and not live on her land because
14 it was income producing. She had three acres and
15 a shack. She didn't want to sell her land. It
16 had been her property for three generations. She
17 left my shelter because she couldn't sell that
18 land. Six days later she shot her husband five
19 times in the chest. That is the kind of violence
20 we're talking about and that's the kind of
21 protection and legal services that these women and
22 children are needing.

23 And I just can't stress enough how
24 thankful I am these women are now getting services
25 made available to them because of Legal Services,

1 for no matter what their husband's make, the women
2 who come to us, come to us with nothing and do not
3 have any access to that money.

4 Thank you.

5 CHAIRMAN MCKEE:

6 One quick question. Have you had any
7 contact with or assistance from our Center on
8 Women and Family Law in New York?

9 MRS. WIEDERHOERT:

10 I believe so. I believe that South
11 Mississippi Legal Services has referred to them
12 many times in responding to domestic abuse cases.
13 I also know that we have used them and when we
14 have defended women who have killed their husbands
15 because of domestic violence. (Nodding
16 affirmatively.)

17 CHAIRMAN MCKEE:

18 All right. Thank you.

19 MR. RAFF:

20 Thank you. I would like to call a
21 woman from Quitman County, same county Mrs.
22 Slaughter's from, Mrs. Erma Wilcher, a client of
23 North Mississippi Legal Services.

24 MRS. WELCHER:

25 I'm Erma Wilcher, from Quitman County.

1 I am speaking not only for myself, I'm speaking
2 for all the poor peoples from Quitman County. I
3 have problems-- I haven't dealt with Legal
4 Service yet but I have an appointment with Legal
5 Services September 12th for my children. I have
6 many friends have recommend Legal Service to me.
7 They didn't turn me down. I have-- I have-- I'm
8 filing for divorce for the welfare of my children
9 and I'm sure hoping that Legal Service will help
10 me.

11 We need help, a lot of help, in Quitman
12 County from the Legal Service and I'm sure they
13 will give it to us. Thank you.

14 MR. RAFF:

15 Thank you. Mrs. Barbara Edwards, from
16 Coahoma County, a client of North Mississippi
17 Legal Services.

18 I'm sorry, she's from Quitman County
19 also.

20 MRS. EDWARDS:

21 I'm Barbara Edwards and I'm very
22 concerned about the continuation of the Department
23 of Legal Services because Legal Services have
24 helped me quite a bit with my disabled child. She
25 needs help who have seizures, cerebral palsy. And

1 they are still trying to help me get some medical
2 benefits for this child. The child need to be fed.
3 She have to have special food and special
4 everything while I try to work. She cannot talk,
5 she cannot sit alone, she cannot walk.

6 The state of Mississippi should have a
7 medical needs program but we did not. The
8 Mississippi legislature have not seen the need to
9 pass such a program. In order for my child and
10 many others in the state of Mississippi to get
11 assistance, the legislature must pass a law to
12 create a medical need program.

13 Every special interest group in the
14 state have full-time paid lobbyist who represent
15 them in the-- before the state legislature. What--
16 poor peoples also need representation before the
17 legislature, but without state support centers,
18 like the Mississippi Legal Services Coalition, we
19 could not have representation. Legal Services
20 should not be restricted from providing
21 representation before the legislature bodies
22 because they are all the laws that need to be
23 changed that poor peoples cannot afford to hire
24 high paid lobbyist to work for them.

25 And I'm not the only person where I

1 live at that have children who are disabled. You
2 can get some services, but the only service that
3 we can in Mississippi would be the Mississippi
4 Crippled Children's Service. That will not pay
5 for our children to be cared for in Mississippi.
6 They'll pay if you need a special doctor in the
7 state of Tennessee, where we have to go for the
8 special doctors.

9 So as far as your needs, I have a lot
10 of problems trying to get help for the needs. And
11 I know I have met many families in many parts who
12 need this help. Legal aid is the only source that
13 we can go to so we need legal aid. Thank you.

14 MR. RAFF:

15 Thank you, Mrs. Edwards. I would like
16 to call on Mr. Jerry Hunsucker who is from
17 Octibbeha, a client of the North Mississippi Legal
18 Services.

19 MR. HUNSUCKER:

20 I'm Jerry Hunsucker from Ripley,
21 Mississippi. I would like to let all of the
22 American people know this one time that what I'm
23 fixing to say will lead up to North Mississippi
24 Legal Services.

25 I incurred an injury, Fort Polk,

1 Louisiana, 1963, and I have been permanently
2 disabled, not able to work, take care of my family
3 or anything, since 1963. I have never drawn any
4 VA benefits there. North Mississippi Legal
5 Services is working on it for me.

6 Also I applied for SSI disability. I
7 was approved, then cut off; I was approved and
8 then cut off again. Henry Boyd came into the
9 picture with North Mississippi Legal Services and
10 helped me get my SSI started back.

11 And I believe that we need North
12 Mississippi Legal Services. That is as blunt as I
13 can put it. I believe in it all the way. Thank
14 you.

15 MR. RAFF:

16 Mrs. Corrine Cook from Holmes County.
17 Mrs. Cook will be our last witness. There's many
18 others who would like to speak but because of the
19 time factor I'm afraid we're going to have to move
20 on. Wish we had more time, but--

21 CHAIRMAN FOSKEE:

22 At the end of the session we always
23 have a period for people to make comments, so any
24 people who do not have a chance now, we can do it
25 at the end of our session.

1 MR. RAFF:

2 Thank you.

3 MRS. COCK:

4 I'm Corrina Cook from Holmes County,
5 and I'm here to express that I am a member of
6 Legal Service. And the Legal Service have been a
7 good help to the peoples. And I am here to bring
8 their-- it was pointed out some ladies was accused
9 of foodstamp fraud in Holmes County and five of
10 them was arrested until they pleaded guilty.

11 And the United Service is what hoped
12 them, and so we came down here to meet the welfare
13 and talk to the welfare because I had-- when they
14 raised my check in July, I had sent the letter to
15 the stamps office to let them know that I had got
16 a raise. And so they still didn't cut my stamps,
17 still kept sending the same stamps.

18 So I called up there and they told me
19 that I hadn't sent them no information. And so I
20 told them that I had sent them the information and
21 had wrote a note in there and told them for them
22 to send my letter back because I needed it. And
23 so she said, no, said you haven't sent no letter.
24 And I said, I sent a letter because I sent my
25 daughter up there to pick it up and then she say

1 yes, Barbara Ann did come up here and pick it up.
2 She said, wait a minute, let me go in here and see.

3 So I waited, and when she come back out
4 she said your stamps will be cut to \$19 for the
5 three months they had sent them.

6 And I-- so we came down here to meet
7 the Welfare peoples so I could report what had
8 been did to me about the foodstamps. Course,
9 ain't been accused of foodstamp fraud but a year
10 or two from now they could have accused me.

11 But I come down here and talked to some
12 of the Welfare people, declare and let them know.
13 Some of them been accused of foodstamp fraud, they
14 could have reported it just like I had reported it.

15 And so they said, well, everybody was
16 subject to mistakes. But when a person subject to
17 mistake, he supposed to correct his mistake. And
18 so that's what I told 'em.

19 And so they asked that-- did they
20 propose to cut my stamps and the Welfare down here
21 said no, that they would look into it. So they
22 did not look into it.

23 But, anyway, the United League have
24 supported Holmes County, a lot more counties, and
25 I think that we should support the United League.

1 all we can. So I thank you.

2 MR. RAFF:

3 The next part of our panel will now
4 turn to Representative David Green.

5 Representative Green is the chairman of the
6 Mississippi Legislative Black Caucus.

7 CHAIRMAN McKEE:

8 How do you plan to-- Is it Mr Green and
9 then you are going to introduce briefly the rest
10 of the panel?

11 MR. RAFF:

12 Mr. Green and the State Bar and
13 Judicare and finish up.

14 CHAIRMAN McKEE:

15 Okay. By the way, Mr. Paras has got a
16 different plane. He said I want to stay, I don't
17 want to leave so that gives us a bit more time in
18 terms of that one o'clock shouting deadline. We
19 can relax.

20 I still want to take a break, though,
21 after the session is finished and have our period
22 for the questions.

23 REP. GREEN:

24 My name is David Green and I'm an ex-
25 legislator in the Mississippi House of

1 Representatives. I'm also chairman--

2 CHAIRMAN MCKEE:

3 Excuse me. Can everybody hold the
4 noise down a bit because their mike is not coming
5 through as well.

6 REP. GREEN:

7 I am also chairman of the Mississippi
8 Legislative Black Caucus. And just for the record,
9 I would like to have it entered into the records
10 that I do have copies, for the members of the
11 board, of this prepared statement that I have.

12 CHAIRMAN MCKEE:

13 Good, that will be helpful.

14 REP. GREEN:

15 I also have enough copies for some of
16 the other people present if they would like to
17 have a copy of the statement.

18 We've just heard a litany of unmet
19 needs and injustices confronting the Mississippi
20 Legal Services client community. It's very
21 depressing to hear these problems, these fears and
22 injustices. Unfortunately, naturally, though, we
23 have to hear them all too often because they are
24 over-present realities. Many of these injustices
25 affecting Legal Services' clients did not involve

1 a right that is enforceable through the courts of
2 Mississippi. Or in some instances even through
3 there-- even though there may be a potential
4 judicial remedy, the legislative process affords
5 the client faster and more comprehensive relief.
6 In other words, meaningful equal justice can only
7 be achieved for the Legal Services' client
8 community provided they have the capacity to be
9 effectively represented before the Mississippi
10 Legislature and state administrative agencies as
11 well as the courts.

12 Over the last few years, I have
13 witnessed the impressive work done on behalf of
14 clients by the local Legal Services Program. On
15 several occasions I have called upon Legal
16 Services to provide testimony on issues of vital
17 importance to their and my clientele. I've made
18 those requests based on the skill and expertise
19 that Legal Services has displayed during the
20 course of its legislative and administrative
21 work.

22 I would like to highlight five issues
23 in which Legal Services has represented their
24 clients in the legislature and in the
25 administrative arena.

1 Number one, low-income tenants
2 basically do not have rights in Mississippi, not
3 even warranty of habitability protection afforded
4 to renters in 48 other states. In representing
5 their clients on housing issues and in responding
6 to our request for assistance, Legal Services
7 programs have undertaken research as well as
8 analytical work and proceeded to draft proposals
9 that could bring some relief to lower income
10 renters. Due to their excellent preparation and
11 testimony, these proposals have received serious
12 consideration during the last four years by the
13 Mississippi House of Representatives. In the
14 course of our last legislative session, the
15 Mississippi Legislative Black Caucus, with the
16 assistance of Legal Services, was able to work out
17 a compromise of a landlord/tenant bill with the
18 Mississippi Association of Realtors. We now feel
19 that the prospect of the landlord/tenant bill
20 becoming law next year is favorable.

21 Number two, Mississippi Legal Services
22 programs have been on the forefront in
23 representing the low-income community in opposing
24 the numerous and excessive rate increase requests
25 sought by Mississippi utilities companies during

1 the last three years. At this stage the entire
2 legal community including state officials and
3 legislators are ready to fight. However, for
4 literally two years, Legal Services was nearly
5 alone in their battle to represent the poor before
6 the Mississippi Public Service Commission and in
7 the courts. Presently, Legal Services have
8 appealed two cases to the Mississippi Supreme Court,
9 in addition to their intervening before the Public
10 Service Commission on three other matters. Based
11 on the knowledge and experience amassed through
12 the reputation of our clients, they have been
13 requested by numerous legislators and the governor
14 to assist in drafting a utility reform package for
15 the 1983 legislative session.

16 Number three, the Mississippi Legal
17 Services programs have also undertaken active and
18 productive advocacy in the administrative arena.
19 For example, on November 1st, 1982, 9,800 mothers
20 will be able to continue to work part-time
21 minimum-wage jobs and still receive Medicaid
22 benefits for their children. This is due to the
23 accomplished and successful advocacy role that
24 Legal Services programs executed before the
25 Mississippi Medicaid Commission and the State

1 Department of Public Welfare on behalf of their
2 client community. That advocacy focused on a
3 proposed change in the Standard of Needs
4 regulations. During the course of this week,
5 these agencies have agreed to raise the Standard
6 of Need by 30 percent beginning in November.

7 Number four, the troublesome and
8 problematic economic times are indeed having a
9 negative impact on all of us, but no one is
10 feeling the crunch as much as the poor. This is
11 evidenced in the increased number of domestic
12 quarrels and the larger incidents of domestic
13 violence arising because the economic pressures
14 are literally demolishing the family structure.
15 Legal Services has attempted to respond to the
16 situation and the multiple needs of their clients
17 and my constituents in a comprehensive way.

18 Therefore, on behalf of their clients, they have
19 assisted in securing legislation that requires
20 treatment for alcoholism and drug abuse.

21 Concurrently, they have represented our clients on
22 other important issues, such as the use or
23 possession of residence and child support. In
24 representing our clients and responding to the
25 request of legislators over the last year, they

1 have assisted-- they've assisted in the passage of
2 a funding bill for domestic violence centers in
3 the Senate and near passage in the House. We will
4 once again be requesting their testimony and their
5 support to move this much needed proposal along
6 when our session starts in January of 1983.

7 Number five, in 1978 the maximum limit
8 for welfare payments for a family of four in
9 Mississippi was \$50. After consideration of the
10 professional research and testimony provided by
11 Legal Services on behalf of our constituents and
12 clients, the maximum benefit levels were doubled
13 by the Mississippi Legislature. From my
14 perspective, the current level is appallingly low.
15 However, the work of the Legal Services Program in
16 upgrading the benefits of our clientele has to be
17 complimented.

18 In my conclusion, there are a number--
19 numerous other cases through which I could
20 document the positive impact of positive
21 legislative advocacy undertaken by the Legal
22 Services programs on behalf of our clients and at
23 the request of myself, as a legislator. The
24 low-income community needs this legislative and
25 administrative capability to address the ongoing

1 injustices and inequities that pervade their lives.
2 We in the Mississippi Legislature also place
3 premium value on the high-quality testimony that
4 has been historically given by the Legal Services
5 Program.

6 Mississippi has about 800,000 person
7 potentially eligible for Legal Services which is,
8 of course, far more than the limited Legal
9 Services resources can possibly serve. We urge
10 you, as board members of the Legal Services
11 Corporation, to support representation of clients
12 in ways that can effectively and efficiently
13 address the problem. Legislative and
14 administrative advocacy from my viewpoint presents
15 a mechanism to accomplish maximum good within the
16 limited amount of money available. It is
17 important to realize the efforts of the
18 Mississippi Legal Services programs are being
19 conducted within what I currently understand to be
20 the parameters of your regulation. Therefore, I
21 unequivocally present my presentation this morning
22 to underscore a key Legal Services' client
23 resource, and we ask you to preserve it. If you
24 were to support the prohibition of Legal Services
25 programs from legislative and administration, you

NEAL R. GROSS

1 would be encouraging the obstruction of poor
2 people's assessibility to vitally important
3 institutions that make up our governmental system.
4 You will also have impeded us as members of the
5 Mississippi Legislature from receiving valuable
6 input and direction that we need in providing
7 composite response to the needs of all our
8 constituency. Thank you.

9 CHAIRMAN McKEE:

10 Thank you very much, Mr. Green. This
11 is really the first time that I recall in all of
12 our meetings of the board or committee, with all
13 of the dicussions we have had on legislative and
14 administrtive advocacy, that there's been a real
15 live legislator who will say, this is a good issue
16 and a good area that needs to be undertaken, it's
17 undertaken in the correct way and here's how it
18 helps in Mississippi. I think it's the first time
19 we've heard that and it will be very, very
20 important in terms of helping the board, as we
21 meet in Indiana, frame the terms of the guideline
22 on that issue, acceptance and direction as to how
23 and when it could be done. So your statements
24 will be just very, very very useful. Thank you
25 very much.

1 REP. GREFN:

2 Thank you.

3 MR. RAFF:

4 I would like to call on Martha Bergmark
5 who will introduce our next speaker from the State
6 Bar Association.

7 MS. BERGMARK:

8 It's a pleasure this morning to
9 introduce to you Mr. Bill Bost. Bill is from
10 Vicksburg, Warren County, and he is a member of
11 the Mississippi State Board of Bar Commissioners
12 and he's the chairman of the Bar Association's
13 Committee on Lawyer Referral Service, which that
14 is actually a more limited title than it should be.
15 It covers not just the Lawyers Referral Service,
16 which has been in effect for the past few years,
17 but also covers other areas of the Bar's service
18 to clients in Mississippi.

19 It's been my pleasure to work with Bill
20 and with Ben Piazza, who is in the back of the
21 room, who is a member. He was back there a minute
22 ago. Is Ben Piazza still in the room?

23 Ben has been, along with Bill and Ben
24 Coal, who is a Legal Services person from North
25 Mississippi, and I have worked as a committee to

1 establish the Mississippi pro bono project which
2 is what Bill is here to tell you about.

3 MR. BOST:

4 Thank you. Ladies and gentlemen, it's
5 my pleasure to appear today and talk to you a
6 little about what the State Bar is now doing in
7 connection with and in conjunction with the Legal
8 Services Corporation here in Mississippi.

9 I just had the pleasure of meeting Mr.
10 Joseph, whom I have heard a lot about and heard a
11 lot from, really, this morning.

12 The State Bar, what he said about the
13 entry of the Legal Services Corporation is true in
14 connection with the State Bar, although I must add
15 there are two sides to all stories. This is an
16 old story, and today I'm here to tell you that
17 we're in a new era. We're not worried about what
18 happened between the private Bar and Legal
19 Services Corporation five years ago or even two
20 years ago or in a whisky filled room on the Gulf
21 Coast. We're here today to explain that the
22 lawyers of Mississippi hope to support Legal
23 Services Corporation.

24 Contrary to public perception, lawyers
25 don't mind giving away their time to people who

1 truly need it. Now, lawyers do mind giving away
2 their time to those who just rip them off. A lot
3 of pro bono work turns out to be inadvertent pro
4 bono and you find that out after you've done the
5 work, that you're not going to get paid. Pro
6 bono, as we understand it, is knowing before you
7 ever start the case that you are not going to get
8 paid for the work that you do.

9 A recent Bar poll ABA conducted
10 indicates that some two out of three lawyers feel
11 it's their duty to give away their time, if you
12 will, to do pro bono legal work, whether it's in
13 the indigent legal work or whether it's
14 environmental issues or other public issues. They
15 feel the duty is there.

16 We're planning to tap that
17 responsibility and that duty here in Mississippi.

18 Members of the State Bar attended a
19 workshop in Atlanta last December and then,
20 subject to a call by ABA president David Bring, we,
21 several of us, including myself and Ben Piazza,
22 attended another meeting in Kansas City. In
23 Kansas City we were explained all of the different
24 ways that the private Bar can utilize the Legal
25 Services Corporation Set-Aside Fund. We were told

1 about Judicare, we were told about contract
2 service, told about pro bono. Seemed apparent and
3 obvious to us if you can get lawyers to give away
4 their time, that must be the most economical and
5 cost efficient method of providing indigent legal
6 services.

7 I was requested by the president of the
8 State Bar to take on this responsibility because I
9 was president of the Lawyer Referral Service
10 Committee, which, basically, is a committee and a
11 method of referring clients, who can't find
12 lawyers, to a lawyer in their home town. When
13 they call in, we refer them to the next guy on the
14 list, that sort of thing. That's a for-pay deal.

15 A week or two after the Kansas City
16 meeting the ABA sponsored a lawyer referral
17 workshop in New Orleans at which I tended. And
18 there they told us that if you have got a lawyer
19 referral service organization in being and you
20 want to use it, it's an ideal way to start off a
21 pro bono program if you want to.

22 We started from that basic concept.
23 Use the same sort of referral call-in, except our
24 client's from the reservoir of clients that walked
25 through the door, all Legal Services' offices.

1 We're going to work out the details but
2 basically we want to take care of the people that
3 we're qualified to take care of, leaving Legal
4 Services organization the time and ability to take
5 care of those that maybe the individual attorney
6 hasn't got the time for or hasn't got the
7 qualification to take care of.

8 It develops, I suppose, that our
9 organization, and I don't know really why, that
10 all of a sudden it is receiving a good deal of
11 national attention. It was my pleasure to speak
12 to the National Conference of Bar Presidents at
13 the ABA conference in San Francisco about our
14 program.

15 There are other pressing things, I
16 suppose, things going on at the same time. We're
17 right on the very verge, and Martha and Ben are
18 going, after this meeting, to make our selection
19 of coordinators, so we're fixing to be working,
20 coordinate our program. I will be recruiting
21 lawyers.

22 I spoke this past Friday to the
23 Local Conference of Bar Presidents in Mississippi
24 and the response, in my estimation, was very,
25 very good. The ones I talked to afterwards, after

1 I spoke, all felt like when we come to their home
2 town, talking to their lawyers, that we're going
3 to be well pleased with the number of percentage
4 of attorneys who will say yes, I will give you two
5 cases a year if you will give me the kind of
6 support that if it's something I don't know
7 anything about, you'll help us take care of the
8 type cases we're not used to taking care of.

9 All of the State Bar leaders from
10 Curtis Coker, the president, down to the very last
11 commissioner, have all agreed that they'll
12 undertake pro bono projects. I still think most
13 of these local bar presidents I spoke to Friday
14 will do the same.

15 We're confident that a large
16 percentage of the Lawyer Referral Service panel
17 will also undertake the pro bono project. And all
18 we're asking them to take is two cases a year. If
19 we can get six or seven hundred lawyers in
20 Mississippi, we can do a large percentage. We've
21 got 15 to 20 per cent. Most people I've talked to
22 feel like if you can get 10 percent, you have done
23 a pretty good job. And I really think we'll get
24 better than that. But if we have that many
25 lawyers take two maybe three cases, we really

1 believe that our responsibility to the public and
2 to-- at least the lawyers of the Legal Service
3 Corporation will be greatly enhanced. They can
4 use that help because we hope to compliment their
5 work as much as possible in this fashion.

6 I understand that the money is possibly
7 temporary, and we're giving due consideration to
8 other ways of providing funds if this happens. We
9 hope it never happens, hope we never have to worry
10 about what happens to Legal Services Corporation,
11 because the lawyers in Mississippi will be
12 overwhelmed with indigents and they know it now.

13 Nobody ever thought about it
14 until the president started talking about getting
15 rid of Legal Services Corporation, but the lawyer
16 knows he'll be overwhelmed with indigents who need
17 legal representation. And it's not just a
18 question of not having the time necessarily to
19 take care of them, this many poor people, but it's
20 a question of expertise. Matching up the client
21 with the right lawyer would be an overwhelming
22 responsibility. We hope we can do this through
23 our referral procedure, intake procedure. But if
24 we had to do it without the help of Legal Services
25 Corporation, I'm afraid it would be such an

1 overwhelming job that it could not be done.

2 I hope that I have made you understand
3 that what we have, we're starting, is a permanent
4 project. We're delighted to work with the Legal
5 Services Corporation. The spirit of cooperation
6 between the State Bar leadership and Legal Service
7 Corporation is so much better than I had thought
8 it would be, this soon, that it's very refreshing.
9 I hope you leave with that idea, that we're not
10 fighting these people any more and I don't think
11 they are fighting us any more.

12 Mr. Wilhelm Joseph was just telling
13 me don't worry about it, and I'm telling you the
14 same thing. We need them in court.

15 MR. PARAS:

16 Don't leave. Just a moment. This is a
17 fascinating subject to me. I'm wondering, first
18 of all, you look relatively young, younger than I.
19 Do you remember, do you go far back enough to
20 recall, the years before governmental subsidized
21 legal services, early 50s, 60s?

22 MR. POST:

23 Yes.

24 MR. PARAS:

25 Was there any Bar involvement on a pro

1 bonoi basis at that point?

2 MR. BOST:

3 No, not organized at all. It was a hit
4 and miss sort of thing. Most lawyers today will
5 tell you, if you talk pro bono work, do you do pro
6 bone work, do you take care of indigents, they'll
7 tell you yes, they wouldn't send somebody out the
8 door, they'd feel bad about doing it. But the
9 problem has always been whether or not on a given
10 day they can handle a given client.

11 MR. PARAS:

12 And there was no organization before
13 and no advertising of a legal aid panel?

14 MR. BOST:

15 Most certainly no public interest.

16 MR. PARAS:

17 When was this approach made most
18 recently, this contact made between the legal aid
19 attorneys and yourself and the Bar, as such, with
20 the request for cooperation and pro bono work?

21 MR. BOST:

22 I think it would be contact at a time a
23 year or so ago in the State Bar office. Nobody
24 particularly talked necessarily with each other
25 until that time. That wasn't a very good-- Then

1 sometime in September of last year, Martha
2 Bergmark and myself talked, through the Lawyers
3 Referral Committee, about taking Judicare Program
4 on a private basis, and we voted on it at the
5 Board of Bar Commissioners. It failed very
6 narrowly. Still, there was a resistance with
7 cooperating with Legal Services Corporation. Then
8 it came to our attention in December, January, and
9 then we did a little better job of lobbying with
10 our own people, you see, and when it came time to
11 vote on participating with Legal Services
12 Corpraton with indigent money, it was unanimous,
13 go ahead and do it.

14 MR. PARAS:

15 Bill, do I understand that there's an
16 anticipated trade off of Lawyer Referral cases at
17 least in part for pro bono volunteer work? Is
18 that your basic concept?

19 MR. BOST:

20 We expect all-- most of the Lawyer
21 Referral Panel people, to answer your question, to
22 participate in pro bono matters as an adjunct.
23 Not on that level but prior to this point.

24 Did I answer your question or did I misunderstand
25 it?

1 MR. PARAS:

2 I don't know. I'm a practicing lawyer
3 and I put my name in as a pro bono, make myself
4 available to the legal aid office for two cases a
5 year or a half a day a month or to work at the
6 office or whatever, would I then automatically go
7 on a panel so that when cases are referred out, I
8 would come up in rotation for cases to be referred
9 to me? Something of that sort?

10 MR. BCST:

11 Not automatically. We haven't
12 approached it from that standpoint. You have
13 people who don't want to be on the Lawyer Referral
14 Panel. It's not-- A lot of those people say
15 that's pro bono work anyway, they are not going to
16 get paid for it. But we haven't decided to do
17 that. If it proves to be a good idea, and I
18 appreciate your suggestion, we may very well try
19 something like.

20 MR. PARAS:

21 No, the only reason I mention it was
22 because there was a time many years ago when that
23 did work in my area. We did exactly that. And
24 the lawyers who were on the one panel were also on
25 the other, and in those days we appreciated the

1 referral cases which came to us because in case it--
2 But I don't know of any one in these times who is
3 trying to work that kind of system and I was
4 wondering if those considerations were involved.

5 MR. PARAS:

6 We may very well do that, I suppose, as
7 a sort of reward for being on the pro bono panel.

8 We have also received the attention of
9 the Council On Aging here in Mississippi. They
10 have a Legal Services Development Coordinator, and
11 they have agreed to participate financially in the
12 panel in exchange for us setting up an elderly
13 referral panel. And we're going to do that with
14 separate intake procedures and some special
15 requirements but it's going to be coming about
16 with the same coordinators.

17 MR. PARAS:

18 The important thing, though, is that
19 you have gotten a good reaction from the Bar. At
20 least as you feel--

21 MR. BOST:

22 I was very pleased. Those were the
23 people we had to sell it to. We feel like the
24 client population, the public, is going to
25 understand and appreciate it. It's a question of

1 making lawyers understand that we're not trying to
2 overwhelm them with a load of poor people. All we
3 want is their time for two cases a year. And I
4 think we're going to be able to do that and feel
5 good about it.

6 MR. PARAS:

7 Thanks, Bill.

8 MR. RAFI:

9 Very interesting.

10 Our next speaker on the panel is
11 Dorothy Colom who is director of Judicare of
12 Mississippi.

13 MS. COLOM:

14 My name is Dorothy Winston Colom and
15 I'm the acting director of Judicare of Mississippi,
16 and that is a correction.

17 Judicare is a small legal services
18 program in north Mississippi and it began as a
19 demonstration project in 1977 under GSS. Our
20 program is the oldest Judicare project in the
21 southeast. Our staff consists of one director,
22 one deputy director, one paralegal and one
23 secretary.

24 We have approximately 20 panel
25 attorneys who have agreed to provide legal

1 services to clients at a-- for a nominal fee.
2 They range from attorneys with two years
3 experience to attorneys with 20 years experience,
4 and, as you can tell, we're able to utilize the
5 vitality, flexibility, and versatility of the
6 private Bar in delivering quality legal service to
7 poor people.

8 The program has strong support among
9 the local Bar because we keep the private Bar
10 involved in the delivery of legal services.
11 Contrary to popular opinion, particularly the
12 opinion of staff attorneys, there are people--
13 members of the private Bar-- who are concerned
14 with the delivery of legal services to poor people.
15 I work with 30 of them every day. They don't do
16 it for money because we only pay them half of the
17 hourly rate in our area. They do it because they
18 are concerned.

19 When we allocate a specific number of
20 hours to a case and they exceed that number of
21 hours, oftentimes the attorney takes the case
22 further on his own at no fee. This is
23 particularly-- this has been particularly true in
24 appeals to the Mississippi Supreme Court. We have
25 several there presently that we're not financing,

1 the attorney's taken it on himself.

2 I have worked in Legal Services myself
3 since 1978. And I have worked with in-staff
4 attorney programs, North Mississippi Rural Legal
5 Services programs as well in Alabama, and I have
6 seen the commitment of staff attorneys to
7 providing legal services to low income people.
8 And I have seen the commitment of my panel
9 attorneys in providing legal services to poor
10 people. Yet our program has the smallest budget
11 of any program in the state of Mississippi.

12 We have never been funded at minimum
13 access. Two years ago, I believe, we were funded
14 at \$2.43 and with the budget cut of 25 percent,
15 you can tell we have been substantially reduced.
16 Yet we have struggled to continue to provide legal
17 services and we have made budget cuts in personnel,
18 we have closed offices, two offices in two other
19 counties.

20 I'm very pleased that this committee is
21 looking into minimum access funding in developing
22 the effect of budget cuts on programs throughout
23 the country and particularly in this region.
24 While the across-the-board 25 percent cut may have
25 been fair on its face, in effect, it's-

1 practically speaking, it puts smaller programs,
2 not only Judicare but other smaller programs,
3 almost out of business. It's very difficult to
4 operate a program with inadequate funding. It's
5 very difficult to keep parale attorneys involved in
6 a program when you don't know from month to month
7 how long you are going to be funded. But I would
8 like to say that whatever minimum access funding
9 means for my program, it's not enough.

10 Thank you.

11 MR. PARAS:

12 Dorothy, have you been in contact with
13 any of the other Judicare programs throughout the
14 country to coordinate comparing notes and what not.

15 MS. COLOW:

16 Yes, I have.

17 MR. PARAS:

18 Have you--

19 MS. COLOW:

20 We have attended the-- there was a
21 Judicare conference in Wisconsin a year ago that
22 some representative from our program went to, and
23 I have met with other Judicare project directors
24 at the project directors meeting that we go to.
25 But there's only been one conference that I know

1 of in this region. I have only met two or three
2 other project directors of Judicare programs.

3 MR. PARAS:

4 Did your project come about
5 historically because of the geographical nature of
6 the area that you serve?

7 MS. COLON:

8 No, I do not believe that is how it
9 came about. It came about because of the
10 increased economic development and problems in
11 north Mississippi along with Tenn-Tom Waterway
12 that was being, at that time started, in what,
13 1977. GSS was looking into all type means for
14 delivering legal services and we presented a
15 proposal for the specific Judicare project for
16 this area.

17 MR. PARAS:

18 Is your area largely urban or--

19 MR. PARAS:

20 Very rural, very rural.

21 MR. PARAS:

22 That seems to be what we found wherever
23 Judicare seems to be working. It appears it's
24 where we're dealing with rural areas primarily.

25 MS. COLON:

1 It has very little industry in the
2 three counties. The principal office is located
3 in Columbus, Mississippi, which has the highest
4 employment of the three counties, and it has
5 perhaps the largest number of attorneys also in
6 Columbus. And they-- most of our attorneys come
7 from the Columbus area.

8 MR. PARAS:

9 One last question, Dorothy. Do you
10 feel that your area is being adequately served?

11 MS. COLOM:

12 At the present time?

13 MR. PARAS:

14 At the present.

15 MS. COLOM:

16 Not with the funding that I have, no.

17 MR. PARAS:

18 So there are poor people in need of
19 legal service who are not receiving them in your
20 area?

21 MS. COLOM:

22 Yes, there are.

23 MR. PARAS:

24 Even though you're doing the best you
25 can with what you have. Thank you.

1 MR. RAFF:

2 The Mississippi project directors will
3 now conclude their presentation with a joint
4 statement in response to the request of Chairman
5 McKee regarding how we feel about the present
6 formula and what recommendations we would have
7 regarding the future.

8 Wilhelm Joseph will read the statement.

9 MR. JOSEPH:

10 When Chairman McKee asked me about the
11 problems, I thought it was a very, very heavy
12 responsibility. I mention to Mr. McKee that I was
13 not excluding the formula and so on and so forth,
14 and that while I was very concerned about how
15 these formulas and application of formulas affect
16 the state of Mississippi and our programs, I felt
17 a responsibility not to try to represent just my
18 program or my personal views on the subject but I
19 should seek the input of as many people as
20 possible around the country on the issue. We have
21 done so.

22 This will not be the product of Wilhelm
23 Joseph or North Mississippi or Mississippi, but we
24 have gotten the input of several folk in the Legal
25 Services' communities on the question. I don't

1 think it will be the state of the art, and this
2 subject needs very, very comprehensive study,
3 needs evaluation of data which we have not had the
4 opportunity to do of course. Very general
5 statement, but it sets out some general principles.

6 I guess the bottom line will be in the
7 statement we need more money.

8 Let me read.

9 The original minimum access concept for
10 funding Legal Services, that is to have two Legal
11 Services attorneys for every 10,000 poor people,
12 never came close to being realized in Mississippi.
13 The presumed cost of an attorney unit within the
14 concept was \$35,000, an unrealistically low figure.
15 And two attorneys for \$10,000 was a minimum not
16 ever thought of as adequate to meet the actual
17 needs of poor people. I think at the time that
18 formula was created it was estimated in the
19 general population was one lawyer to about 500
20 person.

21 According to preliminary estimates
22 by the Bureau of the Census, in Mississippi in
23 1980 there was 772,079 poor persons eligible for
24 Legal Services. Of course there are many more now
25 as the severe state of the economy has driven

1 thousands of nonpoor people into poverty.
2 Applying the minimum access concept to
3 Mississippi today, and using a more realistic
4 attorney unit cost of \$50,000, it would take
5 \$7,700,000 to pay for the 154 lawyers needed in
6 order to provide two attorneys for each 10,000
7 eligible. Of course, if we use a unit figure of
8 \$50,000 per attorney it would mean \$9,000,000.

9 Yet today, Legal Services programs in
10 Mississippi receive only approximately \$5,000,000
11 in annual LSC funds, a loss of \$1,647,000 from
12 1981 and \$2,624,398 short of achieving minimum
13 access.

14 A recent Legal Needs Assessment Survey
15 conducted by North Mississippi Rural Legal
16 Services indicates that 32 percent of the poor
17 people in the region served by NMRLS have a
18 present need for legal assistance. Assuming that
19 same approximate need applies throughout the
20 State, it means that 247,000 poor people require
21 the services of a Legal Services attorney right
22 now. Even if we assume, contrary to established
23 fact, that those clients experience only the one
24 legal problem per year-- other surveys suggest it
25 is more likely they will suffer 2, 3 legal

1 problems annually-- it would require 1,235
2 attorneys handling 200 cases per year to meet
3 their needs. At an annual attorney cost of
4 \$50,000, the actual need for Legal Services
5 funding in Mississippi is \$61,766,240, an
6 obviously impossible resource under the
7 Congressional appropriation.

8 Therefore, there are certain
9 conclusions that can be drawn from this brief
10 analysis:

11 One, there is a huge unmet need for
12 Legal Services today in the state of Mississippi.

13 And two, even if LSC only returns to an
14 application of the minimum access concept using
15 accurate attorney-unit cost, substantially more
16 money would be required in Mississippi than is
17 presently received.

18 How to meet the need? The simplest
19 response to the problem would be to say take the
20 funds from somewhere else in Legal Services. But
21 we do not believe that approach is sound because
22 Legal Services programs in all the rest of the
23 nation have their own client communities with
24 their own large unmet needs. In fact, by one
25 standard of need-- the number of eligible

1 clients-- it could be argued that Mississippi has
2 less of a need than programs in many other states
3 because preliminary Census Bureau estimates
4 indicate that the number of poor people in
5 Mississippi and throughout the South have gone
6 down while the number have increased in many other
7 parts of the country.

8 For instance, the number of eligible
9 clients in the 50 states increased from 1970 to
10 1980 by 735,947, whereas the number of eligible
11 clients in Mississippi decreased by 160,497.

12 Indeed, the number of eligible clients increased
13 in no less than 27 states. Figures are not yet
14 available for Puerto Rico, Micronesia and the
15 other outlying areas.

16 Thus to reallocate funds on a straight
17 per capita basis, as in the minimum access
18 formula, would lead to a further loss of money to
19 Legal Services in Mississippi. In any event, such
20 a reallocation is not possible at this time
21 because Census data will be unavailable at the
22 county level, where it is needed for the
23 application of minimum access to local programs,
24 until sometime in 1983.

25 In the past, extensive analysis has

1 been made of other possible funding factors. For
2 example, cost-of-living differentials that might
3 affect the number of defined poor, cost of doing
4 business within a geographical area, difficulties
5 serving rural versus urban poor, incidence of
6 poverty. What the Corporation found, after
7 expending considerable time, energy and money, was
8 that it was extremely difficult, if not impossible,
9 to isolate objective grounds sufficient to justify
10 funding allocation differences between field
11 programs on the basis of those factors. Moreover,
12 any one factor which a program in a given state
13 could assert that favored it would be countered by
14 other, offsetting factors in other states. For
15 example, the higher incidence of poverty in
16 Mississippi comes up against the higher cost of
17 living in the Northeast, etcetera, etcetera.

18 Nor should we look to take the money
19 from national or state support centers. Those
20 support centers are an essential part of our
21 capability to assist low-income people. Were we
22 starting over again to set up a national Legal
23 Services program, surely one of the obvious
24 fundamental steps to take would be the creation of
25 support centers to provide the kind of research,

1 analysis and assistance to local programs that now
2 occurs. Such centers should not be sacrificed
3 because local programs such as those in
4 Mississippi would be deprived of their help and
5 thus be forced to use our own precious resources
6 to make up for that loss. Ultimately our clients
7 would be the losers.

8 Therefore, the only realistic way, in
9 our judgment, to serve the unmet legal needs of
10 poor people in Mississippi is to significantly
11 increase the size of the Congressional
12 appropriation. Supplementing grant funds with pro
13 bono private Bar delivery will be of some help but
14 cannot relieve the magnitude of problems.

15 The basic reason why Legal Services
16 programs in Mississippi and elsewhere are
17 underfunded is not because somewhere else in Legal
18 Services there are programs too highly funded.
19 It is because the United States Government,
20 through the Congressional process, has not chosen
21 to back its commitment to equal justice under law
22 with the necessary resources. Only when we are as
23 serious about the commitment to equal justice as
24 to national defense will the legal needs of poor
25 people be met in any substantial way.

1 In conclusion, the comments I wanted to
2 make, it goes to members of the board of directors
3 of this corporation and some explanations that I
4 have.

5 We have talked today about what it is
6 to be a legal worker in Mississippi, in many
7 states. We look to the board of directors and try
8 to examine, analyze what is the proper rule, what
9 will be your rule. We see that the board
10 yesterday has the responsibility to demonstrate
11 leadership. Give us the direction and guidance
12 and support during these difficult times.

13 Mr. McKee referred yesterday to things
14 like, well, whenever we're asked a question, one
15 assumes it's opposition. We did not want to be in
16 a position to feel this board or board members
17 individually oppose us, what we do. We think the
18 proper role for a board is leadership, direction,
19 and guidance, bring some control and support.

20 It would be very difficult for us to do
21 this kind of work thinking that the board or board
22 members may not support the funding request or
23 board members may support very different
24 amendments that inhibit our basic capacity to
25 represent more poor folks in Mississippi and

1 others states.

2 The funding questions keep coming up at
3 all times. Lobbying is lobbying. I think it is
4 very, very clear from what you heard this morning
5 that that's a vehicle that people, particularly in
6 the state of Mississippi, need. We don't have
7 laws protecting the poor people. You got to have
8 laws. The only place to go for that is to the
9 Mississippi Legislature.

10 Presumptive funding in my mind is the
11 worst thing, the loss of that, that ever happened
12 to Legal Services program. We're not similar to
13 other federal agencies. If we're a medical
14 program or a child care program or other such
15 program, every individual in the project, like
16 doctors, nurses, is involved in helping the
17 patient.

18 We happen to be an agency that has to
19 do with an adversarial forum. Everybody is not
20 there to help the patient. But we represent the
21 clients. There is in fact opposition; therefore,
22 uncertainty. A lack of support from the
23 leadership, your board and your president and your
24 Congress makes it even more difficult to represent
25 your clients.

1 I have a very personal fear of the laws
2 of presumptive funding. We have had instances in
3 this country in recent times where the president
4 and administration have used executive power to
5 cut off funds of programs and projects that were
6 unpopular, to award political friends and punish
7 political foes.

8 The laws of presumptive funding, I
9 submit to you, will be subject to all these
10 difficulties. And I can see very easily in North
11 Mississippi, where we have to take some very
12 aggressive and militant positions against interests
13 that have much more political influence than poor
14 people have, that would easily be cut off at the
15 end of a year, with no recourse whatsoever. I
16 think this board should reassess its role and
17 understand what we're talking about today and we
18 wouldn't have to hear that you support a
19 restrictive amendment or that you are in favor of
20 the abolition of Legal Services.

21 Mr. Olson, I believe-- but I'm still
22 very concerned about the role he played in that
23 transition and report, which up to now we cannot
24 even make public to the clients that we say are
25 the stockholders of Legal Services. I think that

1 the report should be made public. Let us know
2 what are your views. Let us know what are the
3 views of that transition team in terms of the
4 stockholders of this corporation.

5 Thank you very much.

6 MR. RAFF:

7 That concludes our formal presentation.

8 CHAIRMAN McKEE:

9 This is probably the most-- I just wish
10 that the members of the Senate and House
11 Appropriations Committee could have sat and
12 listened. In fact, you ought to tell Mr. Whitten
13 to have a hearing and have your same presentation
14 before him. This is one of the most fantastic
15 presentations that I have heard since I have been
16 on the board. Very enlightening, very thorough,
17 very impressive, and the recommendations were
18 great. It will help us a lot.

19 I think everywhere we go, we have to
20 say this again to disabuse that notion. I don't
21 think that there's anybody on the board of
22 directors of the Legal Services Corporation who is
23 of an opinion that the program should be slashed
24 and gotten rid of tomorrow morning.

25 Now, people have gotten that impression

1 because of certain recommendations that came out
2 of the Office of Management and Budget. And what
3 people forget, we try to emphasize to people, is
4 the minute we accepted President Reagan's
5 appointment and said "I do solemnly swear to
6 uphold the Act of the Legal Services Corporation,"
7 we then get in the vein of being officers and
8 directors. And if we did not exercise the duties
9 to carry out what the law says, then we're
10 violating the law.

11 So there is a certain political
12 philosophy which says, and has been saying,
13 get rid of Legal Services. And then there's a
14 statute that says you need a Legal Services
15 Program. And people on this board are sworn to
16 uphold the law, and that is to look at the statute
17 and enforce it and implement it.

18 Unfortunately, you probably heard more
19 negative things about members of the board coming
20 out of the press in that hearing than the positive
21 things. The point was that every member of the
22 board went before Senator Hatch's Committee,
23 stated very unequivocally that they supported the
24 role and concepts of the Legal Services Program,
25 but that wasn't reported nationally.

1 And I would tell all of you that that
2 was what was said to the Senate of the United
3 States, that members of the board will uphold the
4 Act. There's no desire, I'm sure, that I've heard,
5 that we want to-- or anybody wants to-- wipe out
6 the Legal Services Program.

7 The issue that we face with the
8 Congress and the legislators, as Mr. Green will
9 tell you as member of a legislative body, he who
10 pays the piper, calls the tune. And when you ask
11 the Congress for 3 hundred million dollars, 2
12 hundred million dollars, they say yes, we will
13 give you the money, friend, however we're going to
14 tell you what you can or cannot use it for.

15 So the board of directors sits here in
16 the middle. We have to enforce the Act. Congress
17 says we're going to give you so much money, and we
18 try to take the money that we get and look at the
19 unmet needs and see how do you allocate that. But
20 I can say there's no desire by individuals on the
21 board of directors to wipe out the Legal Services
22 Program.

23 There are a lot of concerns about some
24 of the things that have been going on in this
25 program, not necessarily by local programs at all.

1 But that does not mean that people on the board or
2 in the staff particularly are out to gut or kill
3 the program.

4 I wanted to make that clear to the
5 clients who are speaking who are worried about
6 whether this thing is going to be killed tomorrow.
7 That's not true. We need your help and support
8 and advise on how to take the old dollar and get
9 the best, most maximized use of the dollar for
10 your needs. So if I can just get that point
11 cleared up.

12 I have some questions but I would like
13 to go around the table and have members ask
14 questions of other members of the panel regarding
15 their testimony and statements. And then after
16 that, we will take about a 15-minute, 10-minute
17 break and then have the panel clients this
18 afternoon. After that, we will discuss possible
19 resolutions and then we will have the floor opened
20 up and then we will adjourn.

21 Mrs. Worthy?

22 MRS. WORTHY:

23 I don't have any questions. I just
24 wanted to say I'm just really pleased with the
25 panel this morning. Better of fact, even with the

1 panel yesterday, very pleased that the most
2 important people in this room today had a chance
3 to speak. And those were the clients. I go to so
4 many meetings and we wait until the end and we
5 have to say you have three seconds to speak. And
6 the clients have so much to talk about and they
7 don't get a chance to say it.

8 But I just feel really good today that
9 they came forth to let you know, so many of your
10 staff, hear your attorneys or whoever that works
11 with these clients, how important it is that you
12 work with them, how important Legal Services is to
13 their everyday survival, how important the support
14 centers and the information that comes out of
15 those centers-- which people say should not be
16 coming out to us. That means we will know too
17 much. How important that is to us.

18 I would not at some point know how to
19 direct myself if I did not receive information
20 from some of your support centers.

21 I am very pleased with the statements
22 that Wilhelm has here before us. Recommendations,
23 I guess, you'd call it. He didn't just say-- talk
24 about Mississippi. He talked about other areas
25 around the country, areas that this board is

1 concerned about.

2 Now, I just want to emphasize and be
3 pleased to talk about the fact-- and if I'm wrong,
4 I'll just go jump off a bridge and they'll be
5 responsible for my murder-- that this board is
6 concerned about the quality service that you
7 deliver to clients. They are concerned about
8 clients involvement. I have said this to programs
9 over and over. That this board is not going to
10 sit back and see programs go on and on and not
11 hear anything from clients and not know how they
12 are being serviced. That is our job. The program
13 is all about us. Until you realize that, you are
14 going to continue to have problems. (Various
15 "amens" from the floor.) Until you talk about
16 that, until you let clients tell you, until the
17 board lets clients tell them (various "amens" from
18 the floor), say here we are, you are all about us,
19 we are looking to you to help us. And until we,
20 as board members-- and I'm sure my fellow board
21 members are listening to this, that otherwise they
22 would not be in Mississippi today.

23 I came back because they fed me so well.
24 They presented me with the most beautiful silver
25 platter. I told my kids we're going to keep that

1 so when we run out of food we can pawn it. I made
2 sure I had it appraised. We can eat for days from
3 that.

4 But we came back because we care. And
5 I hope I'm speaking for the majority of my fellow
6 board members. I'm sure I am. I would not sit
7 here and say that if I was not sure. Because if
8 you are wrong, I'm going to let you know. And if
9 they want to throw me off the board, fine, because
10 I'm going to be out there working for the benefit
11 of poor people.

12 MR. DANA:

13 You just heard why we aren't going to
14 get into too much trouble.

15 I want to say-- and I'm embarrassed
16 that I'm not going to be able to adjust my
17 schedule to remain after the break-- this has been
18 an excellent two-day meeting and I'm very, very
19 glad you suggested we do this. I have been a
20 director of the Legal Services Corporation for
21 seems like several years but it's only been a few
22 months and this has substantially enhanced the
23 educational process that has been going on. It's
24 been a remarkable program and I and all of us have
25 learned a great deal.

1 And thank you for taking the time, and
2 we thank everybody here for participating and
3 coming and being as cordial and friendly and
4 understanding as you have been.

5 We hope to come back soon.

6 MR. OLSON:

7 I want to try a novel approach, which
8 is to use the time that I have allocated for
9 questions to ask a question.

10 I knew that might not get a round of
11 applause but I would like to get a little more
12 information on the one aspect of the hearing that
13 we wanted to focus on this morning. And that is
14 having to do with the type of formula that we as a
15 board should focus upon in determining how to
16 allocate various services across this rather
17 enormous country. As we travel it, we begin to
18 find out more and more how diverse and unique
19 every situation is.

20 And I think we have got to, fairly
21 soon, if we're-- in the next year, anyway, come to
22 a resolution as to whether we're going to continue
23 with the current formula for the allocation of
24 funds among the programs. And I'm not speaking of
25 the support centers at the moment. That's really

1 a different issue. We're dealing with simply the
2 local delivery units, 325-some-odd recipients.

3 And I have read through the statements
4 and I understand, I think, what is said here is,
5 basically, it's not enough money and that's the
6 problem.

7 But given the fact, given a finite
8 amount of money, is it the feeling that we should
9 stick with the current funding formula or to make
10 some allocations to try to take into account some
11 other factors that have been raised by the
12 chairman of the committee and by the chairman of
13 the board? In terms of diversity and different
14 levels of unemployment and various factors that--

15 MS. COLOW:

16 I think you're going to have to take
17 into account all the factors. Number one, before
18 you deal with minimum access, I think you have to
19 make sure that programs are at minimum access.
20 But once you start cutting programs who never made
21 it to that level, it's going to be unequal just,
22 you know, across the country. Okay, so you have
23 to take into consideration the funding level that
24 each program is at, number one, okay?

25 Number two, I think you have to take

1 into consideration unemployment, poverty
2 statistics, a lot of other factors than just what
3 other formula the appropriations presently uses
4 for minimum access.

5 Like I said, I have never known what
6 minimum access means because I have never been
7 there. So I don't know what funding feels like,
8 I don't know what you can do with it. It's very
9 difficult for me to address what the funding
10 should be until I have some understanding of how
11 some programs are at, let's say, seven dollars and
12 some programs are at two dollars. And how do we
13 get those two dollar programs up to seven before
14 we start talking about reducing everybody's grant?

15 MR. JOSEPH:

16 I would agree. But I also want to take
17 note that where there is a will, there is a way.
18 I think before we accept the level of funding that
19 we're at, I think we must satisfy ourselves that
20 we have exercised our national will to its maximum
21 to support the commitment to equal justice under
22 law for poor folks.

23 I submit to you very humbly that I
24 don't think we can say at this point in time that
25 241 million dollars represents the limit of the

1 national will towards providing access to justice
2 in the legal arena for poor folks. And I would
3 never want to believe that that is all the money
4 available from all the billions of dollars. I
5 think I would count that, get the access. Let us
6 push that national will.

7 MR. CLSON:

8 But let's return to the fact that
9 regardless of how much money is appropriated, even
10 if it were a hundred billion dollars that were
11 appropriated, you have to find some formula to
12 allocate it among the programs around the country.
13 And to discuss the level of aggregate funding is
14 not as helpful as it might be to determining what
15 kind of formula should be used in allocating the
16 funds.

17 Clint, let me ask you. We have
18 discussed this at prior meetings. I don't know
19 what the latest information is from the Census
20 Bureau to get the new poverty figures by county.
21 Is that now more close to being available or is it
22 not available?

23 MR. LYONS:

24 The last best information I have is
25 that the county level 1990 census data should be

1 available sometime toward the end of 1982 or early
2 1983. That is the best information I have.

3 MR. OLSON:

4 I guess if it's available to us in
5 December it's going to be awfully difficult to use
6 in January.

7 MR. LYONS:

8 I think if there's one thing we have,
9 that is time. So, you know, we can take the time
10 to get the data and to analyze it. And by the
11 time we make all the short-term decisions we have
12 to make, we will be ready for another funding
13 cycle September, so I think this issue is more of
14 a long-term issue in terms of maybe 1983 and '84
15 than it is for 1982. We're going to have so many
16 things that are pressing upon us in terms of 1982
17 decisions you have to make. That's my own
18 personal judgment.

19 But as soon as that data becomes
20 available, the staff will begin working trying to
21 sort it out and see what it means in terms of our
22 present allocation of funds. But I don't think
23 we're going to have it to be able to in fact
24 render a decision in 1983, decisions which you are
25 probably going to be making in October or November

1 and December.

2 MS. BERGMARK:

3 I would simply like to add to that in
4 the couple of weeks that the Mississippi project
5 directors have had to try to address this question,
6 the main lesson that we have gotten is that it is
7 an extremely complex question with a lot of
8 different variables and, you know, a lot of
9 different areas of the country need express
10 problems addressed. So I think I speak for some
11 of us at any rate in seconding Clint's comments
12 that this is something that we urge you to study
13 fully and thoroughly before taking any action on
14 it.

15 MR. OLSON:

16 Anybody who's given a look at the memo
17 that Gerry Hinson (phonetic) brought out as the
18 underlying analytical study, with all those symbols,
19 I don't have any idea-- the pluses and minuses and
20 division signs I could deal with, but all the
21 underlying calculus is absolutely astounding.
22 When he first showed it to me, he said don't worry,
23 there's a layman's version too. He gave me the
24 simple one and that one-- I was still confused by
25 it. It's inordinately difficult.

1 MISS SLAUGHTER:

2 I would just like to say thank you to
3 the Mississippi Legal Services. I have really
4 enjoyed myself and it's good to be home even
5 though St. Louis claims me and Indianapolis claims
6 me for two years so, really, I have about three
7 homes. But, really, as my mother says, this is
8 where your roots are, this is where I come home.
9 I'm very happy to be back.

10 I don't have any questions. I think
11 your program is well run.

12 And I appreciate all the niceties you
13 have given to me. Thank you.

14 CHAIRMAN FOKER:

15 Mr. Paras.

16 MR. PARAS:

17 Wilhelm, I have a question to ask of
18 you, but before I do I'd better let the others in
19 on the background of it.

20 It appears as though we have something
21 in common. My mother and father came from a
22 foreign country a long a time ago and I was born
23 here. Wilhelm came from a foreign country, his
24 progeny will be born here, or have been born here.
25 The question was: who is first generation, he or I

1 or both? And the question is, did you resolve it
2 since we talked the other night?

3 MR. JOSEPH:

4 Well, no, I haven't resolved it.

5 MR. PARAS:

6 Have you suggestions as to what I
7 should call myself? First generation American or--
8 well, I think I'm entitled to that anyway. I was
9 born here. The question is are you entitled to--

10 Wilhelm, I wish you well. I really
11 wish you well in Harvard. You're an outstanding
12 person, certainly a credit to this state, and I
13 hope you come back and do a lot of great things
14 here. Obviously they are needed. I have much
15 enjoyed hearing from you.

16 I wanted to say, as to all the rest of
17 you, I enjoyed hearing every word you had to say,
18 I heartily endorse and support every thing you
19 are doing. I'm only sorry that we do not have it
20 within our power to snap our fingers and solve
21 your problems, which is essentially a financial
22 problem. That's the financial problem that we
23 don't really get to address. We don't really
24 control that.

25 Ultimately, Congress will give us a

1 certain amount of money. And then once we get it,
2 we must then allocate it round the country. And
3 from everything we have heard here, no matter what
4 it is, it isn't going to be quite enough. That's
5 why these alternatives are being inquired into,
6 that's why I congratulate you on your Judicare,
7 congratulate you on your pro bono efforts.
8 Whatever else you are doing to supplement whatever
9 moncy's will become available is something that I
10 truly applaud.

11 I think that every single person on
12 this board, in order that nobody misunderstand
13 what happened yesterday, I don't believe anyone on
14 this board at this point advocates an elimination
15 of support centers generally. I don't think there
16 is any one of the 17 support centers that anyone
17 wants to see gotten rid of so long as we can
18 continue to afford to maintain them.

19 But, anticipating the reality of the
20 possibility that we may end up with a budget cut,
21 then the problem is going to be ours to decide
22 what to do realistically. Where do we shave and
23 where do we cut? And in those areas, we are going
24 to have to get into the question of the centers.

25 Obviously, some of us are going to have

1 certain preferences. Mine, for example, the one
2 on women and family law. The support center for
3 women and family law is one to me that would be
4 absolutely sacred. With what I know about
5 battered women and children, on that subject, that
6 would be probably on my list of priorities. That
7 would be last one that I would let go.

8 But I do want it made clear that nobody
9 on this board contemplates cutting out anything.
10 It's just the-- having the good judgment to
11 anticipate that something may have to happen in
12 the future and trying to educate ourselves to the
13 best way to do it.

14 One last thing I want to say. Jo
15 Worthy doesn't know how grateful I am to hear her
16 words of support of the board in its entirety and
17 particularly of me. There have been certain
18 things said that I'm not going to bother to answer
19 right now except to say this. With people like Jo
20 Worthy saying I'm okay to sit on this board, I
21 think that's all the rebuttal I have to put out.

22 I do also want to echo sentiments
23 spoken of earlier to the effect that I can't for
24 the life of me fathom where this idea came from
25 that this-- the majority of the board that sits

1 here today and occupies the position of directors
2 has any sort of idea in the world of scuttling
3 this corporation or doing anything in the world to
4 harm it.

5 Frankly, I resent the fact that this
6 idea, conceptual idea, lies somewhere against this
7 board. What is being said of us, when these
8 accusations are made, is that we are traitors,
9 among other things, to our own profession as
10 lawyers. We have an ethical duty, if you will
11 recall, never to turn down the cause of the poor
12 and the oppressed for financial reasons. That is
13 our number one oath. And we are lawyers. I'm
14 speaking now for the lawyer members of the board.

15 We also undertook the oath, as Clarence
16 indicated, we have signed an oath, to uphold the
17 Act. Now, when people, in the face of my
18 undertaking these responsibilities, when they
19 start off accusing me of coming on board with the
20 idea I'm going to destroy the very corporation
21 that I took an oath to support and work for and
22 work against the interests of the poor people whom
23 I am obligated by my ethical duty and moral duty
24 to support and aid, then I really have to come
25 away offended.

1 I am glad for the opportunity to clear
2 the air on this. I'm glad Clarence started it by
3 saying what he said.

4 Jo, thank you once more for what you
5 said. And it was a real pleasure to be here and a
6 marvelous education for me and I'm sure for the
7 rest of the board.

8 MR. JOSEPH:

9 Mr. Paras, if you will allow me a small
10 response to that series of questions.

11 On the question of support centers, I
12 think we will all have to accept the fact that if
13 the funds were cut, then, in programs, we were cut,
14 so we have to lose something. We cut a section of
15 our staff away. Some programs have had to cut out
16 offices. I think the point, though, is not so
17 much the preservation of the backup centers as
18 such but the preservation of capacity to do the
19 work they do.

20 Somewhere along the line there's the
21 feeling people are opposed to the fear of that
22 capacity, that somehow it gives an extra punch or
23 extra power to the poor folks they shouldn't have.
24 I think it's we're more concerned about the
25 capacity to do our work than to have a center here.

1 and a center here and a center in Washington so to
2 speak. It's a question of that capacity we want
3 to retain.

4 MR. PARAS:

5 I see.

6 MR. JOSEPH:

7 On the issue where the notion comes
8 from, Board Members, I want to be very frank with
9 you. We're realists in this state, and
10 particularly we have to deal with that. The last
11 statement made by the highest official in the
12 country on the question of Legal Services is that
13 it wants it abolished. That is the president of
14 the United States of America.

15 You are appointees by the president. I
16 have no idea what your political position is.
17 That really is not the point. But we understand
18 how the political process works. The way things
19 have gone down, including the December 30, 81st
20 board meeting and so on, raises the presumption--
21 that might be rebutted by your own actions in
22 the future-- that there's some opposition to the
23 very idea of Legal Services to the poor.

24 , So at this point, I make no
25 particular accusation of any individual or the

1 board as a whole, I only explore and ask you, by
2 your actions in the future, remove that
3 presumption that arose because of the other
4 action that you have taken.

5 Thank you.

6 MR. PARAS:

7 That's fair enough.

8 CHAIRMAN MCKEE:

9 I raise three quick questions, then we
10 can take this break we're trying to get to.

11 Wil made a very good point about the
12 support center issue, and I'm glad he raised it
13 because the concept of need and necessity for the
14 kinds of backup and specialization of Legal
15 Services that those particular vehicles were
16 created to do is needed very, very, very much.

17 The idea you need, up in the
18 Foxubee County, for example, expertise on
19 Medicaid/Medicare, that's a given situation.
20 There's no doubt but that service is needed. The
21 question comes up as to how it should be done.
22 That is pretty much the point.

23 Quick question on funding, presumption
24 of funding. Last year, I guess when we had the
25 budget cuts, they had an across-the-board cut. My

1 concern with that, dealing with statutory
2 restraints, is if you are going to decide, like
3 they did last year, 25 percent cut across the
4 board, a project, say, in Mississippi would be
5 hurt more with that kind of a cut than say a
6 project maybe in Alameda County, California. So
7 maybe we should examine the process of
8 across-the-board cutting and don't say across the
9 board but let's take a look at individual needs.

10 The other point is that at the
11 Corporation for Public Broadcasting several years
12 ago there was a great concern to insulate the
13 political process and the funding process, which
14 many of you raised here. And I was talking to
15 Clint about the possibility in terms of the
16 deliberations of Mr. Olson's committee and Mr.
17 DeMoss' (phonetic) allocations, one of the things
18 we should think about-- I don't know how feasible
19 it is. Is there any way, for example, that a
20 project is prefunded, say, for two years as
21 opposed to one? The second year funding would be
22 continued, as you were talking about, on a
23 congressional appropriation to deal with your
24 first remark about how can we plan when we only
25 get one year and get it later, something of that

1 sort. Those are some of the issues.

2 I just have a basic problem with saying
3 or thinking that if you have a state like
4 Mississippi where 24.5 percent of the people are
5 poor, why does that state get a level of money
6 that is much, much less in many instances than the
7 state that has a much less degree of poverty in
8 terms of population proportion. It just doesn't
9 seem equitable to me. And how to balance that is
10 what we have to do. Two different contingencies.

11 I think the support centers on the
12 elderly, on the concept of the Senior Citizens Act,
13 they have formulas in that. Once you have a
14 contingency plan, they have a base rate for
15 allocation, but then let's look at contingencies.
16 If a state has "X" percent of poor, if it has "X"
17 percentage of poor, if it has "X" percentage of
18 minority, "X" percentage of elderly then we'll
19 take the contingencies and reallocate and build
20 upon the base. So you're building for various
21 poverty populations and groups.

22 These are some of the questions and
23 concerns that we want to deal with. And this
24 takes a long process and Mr. Lyons will be working
25 all hours in the night to develop all of this.

1 MR. JOSEPH:

2 If he's retained by the corporation.

3 CHAIRMAN McKEE:

4 That's what you all-- if you have any
5 questions on that, and then we will have a-- take
6 a 10-minute. You have any comments on the formula
7 of presumptive funding for the two years as opposed
8 to one?

9 And I would ask all of you to make sure
10 that all of these comments get to us so we can put
11 them in the record, particularly your study, as
12 that, I think, should go all over the country, and
13 any additional comments.

14 I think it's very important to build
15 important records, and every little comment is
16 very important to make sure that when we make the
17 recommendations we say we had a legislator in
18 Mississippi who said so-and-so. That's very
19 important.

20 Anyone have any quick comments on that?

21 MR. JOSEPH:

22 Well, I think you're right. I believe
23 that we should be considering all those factors in
24 addressing the poverty program but I think, as
25 we've already said, that will take some time,

1 examination of data.

2 I think, you know, Mr. Olson's
3 questions earlier, if you got a 100 million, or
4 100 million, 200 million, once you got it, you got
5 it and then you got to decide what you are going
6 to do with it. The cuts, I think, will determine
7 it. But once you got the cut, you have the cuts.
8 I think the most difficult issue, though, was not
9 so much the cut as it was the uncertainty beyond
10 the cut. If I know I've got a hundred million for
11 the next six year, I can plan with that. I got a
12 hundred million for six years.

13 But when the funding is cut 25
14 percent and you don't know from day to day whether
15 or not you are going to be eliminated, period, I
16 mean, do you know what it is to do this kind work
17 under that kind of cloud? Do you know what you
18 tell the attorneys, paralegals?

19 People say, hey, smart rats jump off a
20 sinking ship. That's what attorneys told me, went
21 from office to office. Say, smart rats jump off a
22 sinking ship. I hear this thing on your mind, it
23 works when you go to sleep at night. And you have
24 clients, you see poverty and see problems and your
25 own future. You got children, you got bills to

1 pay and you're wondering-- and I'm seeing the
2 highest person in the country abolish it. And
3 you don't know.

4 It was only in March of 1982, March of
5 1982, that we knew that we had funding through
6 September of '82. And then folks talk about fund
7 balances. Every time a vacancy occurred in 1982,
8 we refused to refill it. Obviously. We were told
9 that we would be out of business in December of
10 1981.

11 And then we had the Bar Association
12 saying you have responsibilities for closing those
13 cases throughout. Yes, some folks build up some
14 fund balances. I mean, this contingency plan.
15 What else could we do? It's difficult.

16 It's now August, almost September of '83,
17 you know. We have no authorization bill passed
18 that says we're going to be in business one or two
19 or three years. We don't know if the president
20 still maintains the position abolish legal
21 services. He probably does.

22 That is a difficult situation in which
23 to work. That is much more difficult than how to
24 allocate the money once appropriated.

25 MS. COLON:

1 In relation to that, I think you have
2 to consider, I know my board of directors is
3 having a difficult time in relation to the
4 Judicare program because they don't know how long
5 the program is going to be around. What's going
6 to happen to it? They feel their hands are tied.
7 That's a very frustrating thing for the board,
8 very frustrating thing for the staff and
9 frustrating for the clients because they don't
10 know.

11 So, you know, we need some type of
12 continuity in funding because you can't plan year
13 by year.

14 CHAIRMAN McKEE:

15 I'll conclude this by saying I don't
16 know who is in the more difficult and frustrating
17 position, the program we're trying to help and
18 advise, those on the boards, you who are trying to
19 help and work with clients. The price for public
20 service is dear sometimes.

21 We'll take a 15-minute break and we
22 will come back with our second panel.

23 (BRIEF RECORDS WERE TAKEN ON 1:15 P.M.)

24 CHAIRMAN McKEE:

25 This afternoon I thought it would only

1 be fitting, proper and appropriate that we had a--
2 kind of a national clients-- client
3 representatives and local board prospectus as the
4 board-- the committee has gone around the country
5 rather extensively in the last four or five months
6 and had occasion to meet a great cross section of
7 people. Many of those people have disappointed us,
8 others have been people really representative of
9 what the program represents to the clients. And
10 what we have done as we go around the country,
11 there are people who have given the board and the
12 committee some very, very helpful information. So
13 in the processing and putting together of the
14 meetings, we thought it would be appropriate to
15 have those persons come and speak their points of
16 view just based upon not only their background and
17 experience but also to come on to the proceedings
18 prior today.

19 We think we have a rather distinguished
20 group of people whom I will introduce and make
21 some comments to you and then we will proceed.

22 They are not sitting necessarily in the
23 order in which they will be speaking. The first
24 person on the panel-- could you raise your hand,
25 by the way, when I-- Miss Ann Bailey from East

1 Longmeadow, Massachusetts, who is with the Center
2 for Law and Education, Inc., Western
3 Massachusetts Legal Services. And Mrs. Worthy,
4 before Mrs. Bailey begins to speak, will have a
5 few words to say about her.

6 The second person on your panel is
7 Norma Jean Moore-- hand raised, please--
8 Indianapolis, Indiana, the Legal Service Program
9 of Greater Gary, Inc., and she is, I believe,
10 chairman of the Indiana State Clients Council.

11 The third person on our panel is Miss
12 Avis Holmes, from Detroit, Michigan, Wayne County
13 Neighborhood Legal Services.

14 The fourth person is Miss Phyllis Carr,
15 Indianapolis, Indiana. She is the chairman of the
16 State Legal Services Board in Indiana and she is
17 on that board as a representative of the Southern
18 Christian Leadership Conference.

19 Number five, last but not least, is a
20 lady by the name of Mary Ellen Hamilton from New
21 Orleans, Louisiana-- I don't know if any of you
22 know her, though-- who is kind of a veteran in the
23 Legal Services program, chairman of the Louisiana
24 Clients Counsel.

25 This lady came to the attention of the

1 board through various persons in the community and
2 you should all know the Presidential Service
3 Committee and Mr. Howard Dana, who has had to go,
4 has invited Miss Hamilton to be one of the persons
5 to advise the board on our selection of the new
6 president. I didn't know how many persons knew
7 that but I thought I'd inform you.

8 Also, because of image and reputation,
9 the National Clients Council has an award-- I
10 believe they call it the Mary Ellen Hamilton Award--
11 which is issued every year to an outstanding
12 client in the nation.

13 I also understand the National Clients
14 Council Board of Directors is meeting this weekend--
15 that's why Brother Healey (phonetic) isn't here--
16 in Minneapolis. And I also understand that at
17 that meeting yesterday they selected this year's
18 Mary Ellen Hamilton Award-winning recipient as the
19 outstanding client in the nation. And it turns
20 out it's none other than Norma Jean Moore, who's
21 sitting over here.

22 So if you could all proceed and give
23 your brief comments on just generally your views.
24 We'll start with Miss Bailey. I know that Mrs.
25 Cortly wants to introduce you because she wanted

1 to make sure that you were included in this panel.

2 MRS. WORTHY:

3 Well, you have already introduced her,
4 but I would like to say a little bit about Ann.
5 Ann not only serves on the Center For Law and
6 Education. Ann is a very strong supporter of our
7 Title I program. She fights something fierce
8 about that. Ann also serves on our local board of
9 directors and she's a client and works very hard.
10 She's not just on the board to be on the board.
11 She works.

12 I wanted to bring Ann in because I
13 wanted you to have a cross section of ideas and
14 what support centers meant in other areas also.
15 So I introduce you to Ann Bailey.

16 CHAIRMAN MCKEE:

17 I forgot to make this announcement.
18 Attorney Anna Campbell here? Tell her she has a
19 phone call from Dr. Campbell to call as soon as
20 possible.

21 MRS. BAILEY:

22 I want to thank Josephine for that
23 introduction and I want to give you my
24 appreciation for having a clients panel here and,
25 as I understood, at your other meetings. I think

1 that is just a great commitment to clients and
2 shows your understanding of the importance of our
3 role in this.

4 Wilhelm Joseph said earlier that we
5 didn't need to hear anything about the support
6 centers. However, since I wasn't advising him I'm
7 not going to take him on. I'll take Jo Worthv's
8 advice.

9 I wanted you to hear something from the
10 client that has been very deeply involved with a
11 backup center and that is the Center for Law and
12 Education. I'm the president of the board.

13 And just to answer some of the
14 questions you asked the other centers yesterday,
15 our staff is 40 percent minority and 50 percent
16 women. Our board is 70 percent minority and we
17 have a rule that, of all training events, 50
18 percent of the participants must be clients.

19 Our priorities were set not only by the
20 staff and board but by the clients in the area.
21 And while we have our one-third clients as a
22 constant, we also have a waiver from the
23 corporation where we have three people that are
24 either-- neither clients or lawyers. Two of those
25 people, one is the past president of the National

1 Clients and the other person is a paralegal who
2 was a Legal Services client and was part of a suit
3 in Rhode Island.

4 My involvement began in 1969 when a
5 letter came from the school about a federal
6 program that had been started and that they wanted
7 parents to come in. And my son said why don't you
8 do it, so I decided I would go in and see what was
9 happening. And I think that's changed all of our
10 lives because I became so involved in education at
11 that time.

12 Title I, as you may or may not know, of
13 the Act was compensatory education for low income
14 children who are not achieving at a rate with
15 their peers. For the first time ever the federal
16 congress mandated that parents would be involved
17 in the education of low income children, and it
18 was a giant step for us. However, soon after I
19 became involved on our parent state advisory
20 council, we found out that involvement wasn't as
21 easy as it looked. And so we went to our local
22 region's office.

23 We also found out that the section of
24 the city where I lived and where my children
25 attended schools, which was about 90 percent

1 hispanic children, they were not receiving the
2 same proportion of funds as the other sections.
3 So we went to the local director's office and he
4 said I can't really help you but there's another
5 organization I think can. And that is when I
6 began my relationship with the Center for Law and
7 Education.

8 They came in and they trained us. They
9 interpreted the laws for us. We knew virtually
10 nothing about what was going on then. Enforcement
11 of the laws, told us what our rights were, what we
12 could do, what our client's rights were in schools.
13 They began setting up publications letting us know
14 what was happening, letting us know strategies
15 that other communities had used and other poor
16 parents.

17 The Center is involved in a great many
18 activities. Part of their litigation, I want to
19 mention a few of their cases briefly.

20 The Debra Pugh (phonetic) in Florida
21 was a minimum competency case. And in that case
22 they found that 40 percent of the black children
23 were not going to graduate from high school after
24 spending 12 years in the system. They were being
25 tested on items which they had not learned in

1 school and because of past segregation. And the
2 Center went in and did that case.

3 They also did, in Rhode Island, a
4 parent involvement case which was around Title 1
5 which the parents were not involved. We won that
6 case and found that parents could and should be
7 involved in the education.

8 The Alaska case is the largest
9 educational settlement case ever. That involves
10 Indian children who could not attend school
11 without leaving their homes. They had to go to
12 boarding schools or they couldn't go to school.
13 And that was another successful case.

14 And presently now, in a few cities they
15 are fighting for minority teachers to be retained.
16 Instead of using the seniority of last-hired first-
17 fired, they are saying the children need a role
18 model in the schools and they are attempting to
19 work on that case.

20 Our center, which does have an office
21 in Washington, does quite a bit of administrative
22 advocacy with the Department of Education in terms
23 of the regulations and terms of enforcing OCR
24 regulations and in seeing to it that what congress
25 has decreed is carried out by the department.

1 What we have learned through that is to
2 get our local administrative advocacy, work with
3 either the school department or the state
4 department of education and go in ourselves and
5 trying to get problems resolved.

6 I want to talk a little bit about
7 legislative advaocaty because, as I listened
8 yesterday and I read the material, I cannot see
9 what is wrong with legislative advocacy for
10 clients.

11 We have lawyers from Legal Service,
12 just like anybody else has lawyers. And anyone
13 else's lawyers, you can tell them what's going on
14 in Congress, and I really think our lawyers should
15 be able to do that. I would make a suggestion to
16 you. That you go to clients throughout the
17 country, either with a written survey or whatever,
18 and ask them if they feel that it's important that
19 they find out how changing laws are going to
20 affect them or in some cases their children or
21 their families, because that is vital.

22 We don't need Legal Service to lobby
23 for us, we don't even need them to write our
24 congresspeople. We have become sophisticated. We
25 can look at, for example, there is now in congress

1 a bill called the Defense Education Bill. We
2 needed to know about that because we need to look
3 at it. Not only so much money is still going to
4 go to Title 1 plus perhaps have general aid to all
5 the schools. We're not opposing that but we do
6 need to look at it and analyze it and we need to
7 know what it says before it's law. It does us no
8 good after it's law to find that out.

9 Another issue I would like to talk
10 about are the manuals because there's been some
11 discussion and written materials on the manuals.
12 The manuals are just extremely helpful because we
13 have found at Education and Law that the same
14 problems happen over and over in every district.
15 It's not as though something that happened to a
16 mother in Mississippi doesn't happen again to a
17 mother in Massachusetts. And the manual makes it
18 so the local leaders can look at these problems
19 that happen over and over and have a solution
20 without having to spend hours and hours.

21 Another way that they are useful is I
22 have heard corporations, when they have legal
23 corporations, when they bring on new young lawyers,
24 they assign older lawyers to spend time with them
25 to get them into the swing of what's going on.

1 This is what the manuals do for the new young
2 lawyers that come into Legal Services. Gives them
3 some extra information.

4 Also, now that we're going to have
5 private Bar involvement, the private Bar has not
6 been involved in the concepts of education or
7 other substantive issues cases and they do need to
8 have specific information.

9 One of the things that has really
10 helped parents that the Center has just completed
11 is called the Effective School Study. That is
12 going to tell parents throughout this entire
13 country how they can work with other parents in
14 their neighborhood, because we found out where the
15 action is is in the local district. The laws come
16 from Washington, the training comes from national,
17 but where-- the only place you really have an
18 effect is in your child's school and city or town
19 in which you live. The the Effective School Study
20 tells parents what you can do to make your child
21 receive a better education. And it talks about
22 the things that can be done by a group of parents
23 without outside help very often.

24 Much of the essence of this and what I
25 really want to talk about is what happens through

1 this kind of advocacy for clients is not
2 immediately visible. You have to be involved in
3 it.

4 First of all, you have to understand
5 that poor parents have been disenfranchised from
6 the school. They don't really feel that they can
7 make sound educational decisions for their
8 children. But they can get this child up in the
9 morning, feed them, dress them, see them on to
10 school and then turn them over to other people,
11 assuming that the other people know better what is
12 best for their children. Teachers-- when we get
13 to school, teachers often have low expectations
14 for poor kids. They consider that they're
15 culturally deprived and they come from homes
16 without books and without parents that value
17 education, and they don't really expect these
18 children to learn.

19 If that happens, it doesn't take these
20 kids long to get a very poor self image of
21 themselves. And then that just starts it and it
22 goes on from there. And it's very hard to stop
23 that once it starts. So more parents, up until
24 Title 1, and in some of the other federal programs,
25 were not involved in education before. Through

1 the Center, throughout the country, parents have
2 found out not only how to be involved but how to
3 be involved most effective;y.

4 We learned the reason why our children
5 weren't learning. We thought there was something
6 wrong with us because you send your first child,
7 and the child repeats, and the second, you say,
8 well, it must be us. But it wasn't us. We found
9 that out. And when we found that out, somehow
10 that gets passed on to the children. If the
11 parents have a positive feel for themselves, the
12 children have that also.

13 We found out that by increasing the
14 community role in the schools, we will not only
15 help poor children, that the community gets in
16 there and they are working together. And it's not
17 fighting but it's working cooperatively about what
18 can we do to best serve these kids.

19 The most important thing is to-- that
20 we finally learned that we, as parents, and our
21 children, as students, do have certain basic
22 rights in the school. And we didn't know that.
23 We thought whatever happened had to happen and we
24 had no rights to change. And we have found out
25 through the Center that this did not happen.

1 And as I speak for the Center for Law
2 and Education, I know the same is true for the
3 other centers in different areas. I'm just only
4 talking about the one that I know about.

5 Also we have learned that state, local,
6 national and administrative legislative advocacy
7 has made a great deal of difference. And one of
8 the ways it made a difference is in us, as much as
9 it's made a difference in the rules, because we
10 feel now we can go to congress and have the
11 knowledge that they are going to listen to us.
12 But our congressperson is elected by us as well as
13 by the other people.

14 The other important role that we have
15 learned is monitoring successful law cases.
16 Lawyers can come in and fight a very good case and
17 win it, but unless you have somebody there
18 watching to see what happens after, you haven't
19 really won anything.

20 But the issue is clients that are
21 involved in Legal Services, I don't think that is
22 ever their real issue. They are even involved in
23 education, housing, welfare rights, tenants rights,
24 whatever. You see, our cases with Legal Services
25 last a very short time, maybe three to six months.

1 maybe a year at the most. But if you have six
2 children in 10 years, as I did, you are involved
3 with public schools over 20 years of your life.
4 This is a long time to have children in school and
5 to have this kind of involvement. So our
6 involvement in Legal Services and what makes
7 effective clients is the fact that they have
8 become aware of another substantive issue and have
9 become knowledgeable about it.

10 Some of the gains that have been made
11 for clients through the backup centers and
12 directly through the backup center is, as I said
13 before, the knowledge just gives clients a real
14 sense of selfconfidence that we didn't have before.
15 Some 10 years ago not only could I have not sat in
16 front of you on a panel, I could not have gone to
17 the local school principal and told him the needs
18 of my children. And that is just what has
19 happened to me and it's happened to many other
20 clients. We have become politically active
21 through legislative advocacy. We found that we do
22 have the same votes as everyone else, and we have
23 more numbers. We have learned to vote, we have
24 learned to become active in campaigns and many of
25 us have started to run for office and have been

1 elected. We have a woman in the room that is on a
2 city counsel, the first poor person ever that is
3 on the city counsel.

4 We very often have gotten off welfare
5 and gotten jobs through becoming knowledgeable
6 about different areas. Many of these jobs are in
7 the school where you do a double thing. Number
8 one, you become independent and number two you
9 serve as a role model to the children.

10 We have to learn how to be able to
11 stand up for our own rights in other areas like no
12 matter what your original involvement, and I give
13 you a case. The gas company sent me a bill for a
14 hundred dollars gas I hadn't used. Well, the
15 Legal Services lawyer couldn't go to court with me
16 so I went by myself. I hate to tell you but,
17 unlike the Legal Services lawyer, I lost my case.
18 But it was important that I had my chance to stand
19 up and tell that judge why I felt I shouldn't have
20 to pay it. And then also I was given five dollars
21 a month payments to make which was a lot different
22 than having to make a hundred dollars all at once,
23 which was what the gas company had originally
24 wanted.

25 We are all the time helping other

1 parents to become active and who've been working
2 with Legal Services with others. And they call
3 you when they have a problem and you very often
4 can help them, if only by going along with them
5 when their children are having a problem in school
6 and just being there for morale.

7 Also in terms of people involved in
8 education, parents, many, many, many of us, have
9 returned to school and have become better educated
10 because we didn't value it before-- that's true--
11 in the sense that we do now. But we do now and
12 it's making a difference in our kids.

13 With backup centers, make sure your
14 client's along with the lawyers. What happens is
15 the clients stay in the community. People that I
16 was working with 10 years ago are still there and
17 I can still call them with a problem whereas we
18 have gone through education of lawyers in that
19 time. But in giving clients training, you always
20 have them there as part of the community and plus
21 their children become involved because they know
22 where their mother is all the time and they come
23 along and it kind of sinks into them.

24 And also we become lay advocates.

25 Educationwise, we go with parents and we don't try

1 to say we're lawyers, don't try to give them
2 advice, but we can say don't sign anything unless
3 you are sure, make sure your questions are asked
4 and make sure that what is being recommended is
5 what you really want.

6 This kind of involvement has helped
7 children tremendously. It helps them to escape
8 poverty. We all know there are lawyers who took
9 active benefit of a good public school education
10 and got-- and that is one of the things that we're
11 doing in terms of helping children.

12 Also many studies have shown that
13 increased parent involvement in the schools have
14 helped student achievement. It's proven over and
15 over with the-- when the parents become interested,
16 they become interested and they do better.

17 I just have one more suggestion. That
18 would be that you survey more local programs in
19 terms of the manuals. Ask them how helpful
20 they've found them and ask them if they feel they
21 are necessary to keep them on.

22 CHAIRMAN McKEE:

23 Thank you very much.

24 Mrs. Moore, Congratulations.

25 MRS. MOORE:

1 i just wanted to say just a little
2 background to the Mary Ellen Hamilton Award. In
3 1959, when I first went to my first conference
4 with Legal Service, it was just-- it was stated to
5 lawyers bring your poor along because it don't
6 look too good for us to travel by ourselves, and
7 so I got a chance to see Mrs. Hamilton, who at
8 that time, I think in Puerto Rico, had just began
9 to talk about the fact that when they go to those
10 meeting, the poor go in the room and talk about
11 the poor's problems and the lawyers go in and talk
12 lawyer's problems. Nobody ever talked together.
13 Of course they looked at you nice when you went
14 back home.

15 Well, over that first meeting, you know,
16 I was kind of like a novice then. Not a novice at
17 being poor but being, you know, vastly involved in
18 our commuhity. So I kind of looked at Mrs.
19 Hamilton as a who does she thing she is. Every
20 time I raised my hand, well, we'll get to that in
21 a minute. I'd raise it again and she'd look right
22 at me like she was disgusted.

23 So that went on for numerous of years
24 and she and I both gained a little more knowledge
25 and everything. And when they created the award,

1 Mary Ellen Hamilton Award, we were talking about--
2 we were talking about it, say oh, that's great,
3 Mrs. Hamilton is so nice. And some of us said it
4 doesn't make no difference cause you know they're
5 not going to give it to me. Give it to whoever
6 she want to have it. That's been some years ago.

7 Well, at our recent state contact
8 meeting this past spring, I was nominated for the
9 award. There again-- I'm a real negative person--
10 well, you know, it's going to go out of state.
11 Went to the regional, it passed the region, and,
12 well, I thank you all for nominating me, you know,
13 but things like that you don't get it because
14 after all, I had the national exposure because of
15 my involvement. Usually I don't like particularly
16 big, big meetings. I like family meetings, which
17 I feel very much at home here because my husband
18 comes from Canton, Mississippi, and we have
19 relatives in Jackson here who he hasn't found yet.

20 It's not like Chicago. You say I want
21 to see Norma Jean, well, they'll tell you go on
22 down Elm Street or the Diamond Derby, where she's
23 affiliated. That's a local tavern. You know, we
24 pride each other.

25 Here everybody acts like, you know, do

1 you know any Palmers? Do you have any Clarks?
2 No, don't know any Clarks. Now, I still feel at
3 home because this is my husband's home state.

4 However, back to the nomination, it's,
5 well, I want to get it. But this morning, it's
6 something like they say your dreams be fulfilld
7 because I fashioned and I'm very honored in
8 thinking that I'm somewhat like Mrs. Hamilton,
9 that I earned these gray hairs from my children,
10 my family, my community-- not my age, but, no, I'm
11 not old enough. And I'm going to do something
12 about this as soon I can get back to it.

13 However, want to say publically that
14 I'm so appreciative of that ward and I hope that
15 I'll always live up to what it means to me and
16 others of us who have followed in the footsteps of
17 Mrs. Hamilton. And I'd like to clap for her, not
18 me.

19 Now, an opportunity to be as adverse as
20 I can. I did a lot of different things at home.
21 I asked Mr. McKee, Clarence, what I'm supposed to
22 say. It's a long ways to come to be me. He said
23 that's exactly what I want you to do. In my
24 community they was pround of the fact I was asked
25 to participate in this meeting that the CSA-- they

1 gave us a van to travel in, which I don't have a
2 car. Not a van, a stationwagon. Got all those
3 names on the side of it, Headstart and all. As we
4 come through Coldwater, what my mother been
5 attempting to keep from happening to me for many
6 years, I finally got racial-- you know, I'm
7 sitting up in the car, tired, and one little young
8 white guy said, driving government vehicle, go
9 home, nigger. Say, well, I will very happily, but
10 you get this tire out of the way because I'm not
11 used to saying that. If I do, be saying that
12 backward and forward to each and I don't run from
13 nothing like that.

14 But, anyhow, my kids are all happy
15 about it and everybody in East Chicao, Indiana,
16 they proud of me, know I'm in Mississippi.
17 Because it was when we were in Indianapolis,
18 Clarence came back said how do you think our
19 meeting went. I said I think the meeting was
20 great but it was something missing from it because
21 you had a lopsided view of day-to-day Legal
22 Service and Judicare.

23 Judicare, I'm not familiar with day to
24 day. But I think that it need the clients to say
25 one way or the other to say that which one would

1 be the most effective or needed or however. But
2 when you got a room full of folks talking about
3 against what you believe in and no clients saying
4 anything, it just didn't seem like it was the
5 right kind of meeting for me. Said well, would
6 you be willing to come to Washington. Yeah, it's
7 not easy to get to Washington now adays.

8 Then when I did, would you be willing
9 to come to Mississippi, said my good goodness, I
10 think I'm going to go to Washington. And really
11 it's going to-- everybody think you're a very
12 important person.

13 But I'm going to Jackson, Mississippi,
14 and a large part of the percentage of the people
15 from home is from Jackson, Mississippi, Canton,
16 Mississippi, Coldwater, and ever other kind of
17 Mississippi and Alabama. To them I was going to
18 where they'd been so it didn't really mean
19 anything.

20 But I'm a nervous person, okay?

21 I want to thank the board again. I
22 want to say to Mr. Olson, who I enjoyed talking to
23 yesterday, and I wrote this down so I wouldn't --
24 trying to get him to sway his mind. And I been
25 excellent in this, that area now. I have the

1 welfare director and the caseworker in my pocket.
2 I call him on his private line when things go
3 wrong. However, I have to respect Mr. Olson
4 because I didn't even wait for him. In fact, he
5 left me puzzled. Is he right or am I wrong?

6 But I'm affiliated with the Legal
7 Services Board for-- since 1968 and I'm trying to--
8 because Mr. Olson, his self-perpetuating board,
9 it's not always true.

10 I was elected to the Legal Aid Board
11 through the OEO system. And then I was reelected
12 after that process on an every two year term
13 through the Welfare Advisory Organization. That's
14 I'm on that board, not selfperpetuating. You got--
15 we got a lawyer who was our director who's not our
16 director now because this was his problem,
17 worrying about who perpetuating. And he attempted
18 to give it to our board so we had to deal with him
19 sure enough.

20 And we tried to get somebody from
21 Mississippi to come up there and be our director
22 but I can say I respect these fellows down here
23 because they stay. And that is something that you
24 don't see usually, somebody that get someplace.

25 I'm currently the board president, and

1 tell you how that came about. The longer you last,
2 more--- what you say, value that the lawyers see
3 in you. Now I can't argue my points, I have to
4 sit up and direct and until I learned a little
5 slick operation. I give the chair to the vice
6 chair and then I go, and then I take it back.

7 Most of my life is through Legal
8 Service. I have been-- received extensive
9 training that allows me to be a-- I would say an
10 expert advocate for poor people. I believe I'm
11 that. Ann says she lost her case. I lost only
12 one I didn't participate in and that was my own
13 when I was trying to pay my medical-- Medicaid.
14 Because I was a welfair recipient and because I
15 served on-- I served as a chairperson on our Human
16 Rights Commission, because I chaired on that, we
17 received a fifty dollar stipend if you went. If
18 you didn't go, you didn't get it. But the welfare
19 department decided that was added income, so fifty
20 dollars plus what I earned was too much money for
21 me to remain on welfare. I had some help from the
22 backup centers in that particular area. I still
23 couldn't have won that case because that's a local
24 thing that they just wanted to do. I haven't
25 stopped anything. I'm still here on the cane and

1 everything else.

2 But the training that we have received
3 through the Legal Services has-- is even hard to
4 explain how important it is to-- not to have
5 places that you can go to.

6 And I was not asked to specifically
7 support nor do away with state support or national
8 support, but I'm trying to tie in how the
9 affiliation with those organizations has helped to
10 put some-- the dollars that you-- for Legal
11 Services should, in some way, enhance the
12 community and the clientel, okay?

13 What I'm saying is that the dollars
14 that has been spent in our community has afforded
15 us clients, who act as advocates, who are very
16 efficient, know who to go to, don't have to bother
17 with Legal Services lawyers and paralegals. We
18 know about the national support centers and are
19 able to pick up the phone and call and ask for
20 advice, if we need it, and receive it.

21 And the most recent contact that I have
22 had is-- has been with the Employment Law Center,
23 who, through the newsletters, we found out there
24 was a chance to get a child's bill passed. I
25 think it's the House Joint Resolution 514. And

1 that would create two hundred, three thousand jobs.
2 And where I come from almost everybody, even
3 worked thirty years in the mill, is laid off work.

4 Some younger people I work with,
5 because they have learned to be specialists, they
6 are apprentice, apprentice programs, and they have
7 special jobs that the plants can't afford to lay
8 them off because that's the men-- the plants can't
9 afford to lay them off because the plants go down
10 completely, and they're not ready for that yet.

11 But we have information being received
12 and it did us no good to receive it unless we can
13 disseminate it some kind of way.

14 But who decides what you going to do
15 with the information? And the organization
16 decided that we had to do something that would
17 involve those who were laid off work and try to
18 pressure the bill to be passed and also doing
19 something in the community to let them know we
20 still existed rather than having, you know, to
21 answer problems all the time. So we did. We had
22 a postcard deal going where the community
23 participated with. We were advocating the fact
24 514 should be passed. And our Congressman Adam
25 Benjamin (phonetic) was on the committee that deal

1 with the money-- I know that much. I don't know
2 what the name of it is.

3 But we had our community people,
4 unemployed, whoever come into the community, come
5 in the center where I worked at, and pay 13 cents
6 per head-- that was to reimburse us for the cost
7 for the postcard. And if they didn't, still ask
8 them to fill out a postcard for Congressman
9 Benjamin asking him to support this bill. Now, if
10 that's called lobbying, we're lobbyist.

11 I think the other week when I looked at
12 TV, I got so mad because the same day I had
13 received a copy from the welfare department of a
14 list of things that were going to have to--
15 welfare starting October 1st. Because me being
16 involved in this information, I got to tell 5,000
17 welfare recipients that beginning October 1st all
18 these terrible things are going to happen to you.
19 If you are alien and your child is 16 years of age,
20 you would not be able to receive welfare any more.
21 Going to turn a 16-year old child loose and tell
22 him he can-- this is his money. He can do what he
23 wants to with it. And it's just a whole lot of
24 different things. I'm sure almost everybody in
25 this room has this information.

1 But, anyhow, I received this. That
2 same night I had to listen to President Reagan say
3 call to your congressman to support this tax bill.
4 Now, he lobbied and it was okay. But there's no
5 way for me to reach him to ask him to tell these
6 welfare recipients all the bad things that are
7 going to happen to people come October 1st so that
8 they can call their congressman about that. I
9 can't reach every congressman or state senator or
10 anything in the whole United States and Hawaii and
11 whoever else get welfare. But he could use that
12 method.

13 Now, when I tell Mr. Olson, he say,
14 well, he's the president but he didn't break the
15 law. Whose law is that? What's the name of that
16 man. Mr. Morehead? That's okay for him but with
17 me it was, you know, if the state support just
18 advise me of the fact that something was going to
19 happen, I mean national support or the state
20 support, all of sudden they beginning to, you know,
21 gorge you up a bunch a poor folks going to break--
22 you know, the cards and letters the welfare office
23 going to send, that's lobbying because there's not
24 too many poor people up receiving that information
25 that's going to Washington to march on anything.

1 When you go, you usually have the money to go stay
2 at some of their organizations that got money.

3 However, just the knowledge these
4 things going to happen puts you in a better light.

5 We will be going, starting October--
6 September 1st in the state of Indiana, we're
7 going to go month to month reporting. I received
8 that information. Well, what do I do? Go around
9 telling everybody we're going to month to month
10 reporting? Say I'm not the welfare recipient in
11 Indiana, say what do I care? But that wasn't the
12 point. The point is that 75 percent of my friends
13 are still welfare recipients and 100 percent of
14 the folks I know. So what we did was we asked the
15 Welfare Department to come in when we approached
16 them with the information. Said, well, how in the
17 hell do you know? Excuse me for cussing. As my
18 little boy says, that's not really cussing: How
19 do you know this? You know, I said okay, we know
20 it's going to happen, blah, blah, blah, okay?
21 Yeah, we know it's going to happen. It's nothing
22 we can do, it's done. I mean the Omnibus Act of
23 1982 and it's going to be we have to do it and
24 it's mandated. Good, but what have you done to
25 protect the rights of the welfare recipients to

1 let them know that they are going to be required
2 to do this prior to September the 1st? Well, we
3 haven't really thought about that.

4 To make a long story short, we were
5 able to get the welfare department to send out
6 advance notice, the first thing, and number two,
7 to provide training throughout Lake County,
8 Indiana, as to how to fill out these farms.

9 Now, that's saying, well, what good
10 will that do. One thing it has done, the sample
11 copy they sent out for advance notice. And it's a
12 lot of recipients sent it in, the report, last
13 month, the report, but they didn't have to send it
14 had it last month. They got to start sending it
15 in September.

16 Well, I'm saying that all this type
17 information affords us knowledge to help
18 recipients, clientele in the area, and that
19 relieves, hopefully, the Legal Services office to
20 deal with things that they need to deal with. The
21 cut in staff and various other things as far as
22 money. There's no way they can pick up that piece
23 of paper and start to counting, answer all the
24 questions that would have come back if they would
25 have got this notice on September 1st without any

1 advance knowledge about it.

2 I am a member of the state support
3 board, and Phyllis is here, too. And our state
4 support, we have worked with them to create the
5 program that will be used under this state support
6 structure. The money they getting, which is to
7 say they listened to what clients had to say and
8 to the needs that we needed from that particular
9 unit, and that being training manuals and
10 literature and things of that sort. I also think
11 we might have been one of the few that were able
12 to obtain our own grant, with some strings on it.
13 They holding the money because we don't have all
14 of the 501Cs and and all these things, but we got
15 the money secured to provide training for clients
16 throughout the state of Indiana.

17 And we will have-- very proud of that
18 fact because it took a lot to sit around a room
19 with about six or seven lawyers and maybe about
20 three strong low income board members and maybe
21 another one didn't believe it was going to happen
22 anyhow. And in Indiana, that's a conservative
23 state. You know, to get anything from them was
24 really saying that we did get something
25 accomplished.

1 We accomplished quite a bit. Our
2 first training will be a few weeks and we have a
3 challenge for a lawyer. He don't believe we can
4 do it. We will do it. And we will have a better
5 community, have a better state able to support
6 Legal Services in the sense that they will be able
7 to take up the slack that's lacking in a lot of
8 programs.

9 I said before that, uh-- and that's a
10 word I can't stand, uh, but I'm nervous now for a
11 lot of reasons. I just want to say that also--
12 what do you call it? -- the national support group,
13 the food and reserve committee, that's one backup
14 center that does the thing on foodstamps for
15 information that they have provided us allows us
16 to-- well, with foodstamps, the welfare recipients
17 don't have that much to say. Somebody in the room
18 is going to do your little certification and
19 that's it. But the problem is what is the rest of
20 the community going to do in relation to
21 foodstamps for people who have never had to go to
22 the foodstamp office. And once they go there,
23 they rejected in a sense they can't stand all this
24 prying and going on and they reluctant to sit
25 there and take the type of abuse you get in the

1 foodstamp office. Well, receiving information, in
2 my work in the office that I work at, which is the
3 Neighborhood Center, and I work for the City of
4 Chicago. It's just we have a mayor that is kind
5 of sensitive to the needs of the poor and the fact
6 that it takes a lot out of his office to ask the
7 questions about poor people about the foodstamps
8 and all, and so we kind of put together a package
9 where I act as a street lawyer in East Chicago
10 handling Gary, anyplace else that those people
11 have people-- that I'm over there doing this.

12 And having this type information have
13 allowed me to inform people that-- of their rights
14 to foodstamps and to let them know that the
15 congressional bodies control the foodstamp program,
16 not the staff. This means that they'll go back
17 again, and, knowing whether they asking for
18 foodstamps, makes them feel, you know, they have a
19 right to go back and get them. Many people now
20 need foodstamps who never got it before.

21 Well, I'm going to-- I'm kind of like--
22 I don't know who it is to use for an example
23 because I don't know anybody talks as much as I do.
24 But I am nervous and so I will just stop talking
25 now and allow somebody else to talk. Or ask me

1 some questions in relation to anything that I have
2 said. I will be happy to.

3 CHAIRMAN MCKEE:

4 Thank you very much. Next speaker will
5 be Mrs Avis Holmes from Detroit, Michigan.

6 MRS. HOLME:

7 Thank you very much, Mr. McKee, and
8 ladies and gentlemen. This is my first visit to
9 the state of Mississippi. But there-- I'm from
10 Michigan but there's a famous-- there is a famous
11 man in Michigan who was first elected to the
12 Senate and then he was elected to another higher
13 office, and he did that primarily with the
14 fantabulous speech which was entitled Michigan, My
15 Mississippi. So I'm glad to say that even though
16 I'm not from Mississippi, I have listened to the
17 very wonderful presentations and there is not
18 really that much difference, when it comes to
19 poverty and poor people, between Michigan and
20 Mississippi.

21 I will probably differ a little bit
22 from all of the speakers that I have heard today
23 because I am going to answer some of the questions
24 that were posed and I'm also going to be critical
25 of the program because I feel that, and every on

1 who has been affiliated with Legal Services knows,
2 we have a lot of problems in the program. And I
3 reject the attitude in the past and now, if they
4 still exist, that if you criticize Legal Services
5 Corporation, or any of the programs or anything
6 that is going on, then you are fighting the
7 program or you are fighting service or you are
8 trying to deny people service. This is not true.

9 I don't feel that I have to defend
10 anything that I might want to say about this
11 program because I am a volunteer. I do not draw
12 a salary from Legal Services in any form either
13 directly or indirectly. And also I was-- I am one
14 of the original founders. I did not serve on the
15 first board but I'm one of the founders of Legal
16 Services program in Detroit, which was the first
17 one in Michigan. And this was in 1965.

18 One of the things that we wanted and we
19 mandated, and it has continued somewhat, is that
20 we have strong client-- not just participation but
21 all throughout the program, from jobs to policy
22 boards and to all kinds of participation in the
23 Legal Service program. So the Wayne County Legal
24 Services is and remains a community based
25 organization. It's not a Bar Association program.

1 The bar Association is a part and the community is
2 a part of it, so we have still managed to keep
3 that.

4 I think that what Legal Services really
5 needs, and I think we have a great opportunity for
6 it, is it needs to be reformed significantly.

7 We have never defined what a case is in
8 Legal Services. What is a case? Some-- What is a
9 case in Mississippi? Nobody knows. What is legal?
10 What part of this program, what part of our
11 activities, are legal and what parts are not and
12 what parts to do we need to insure that we can
13 still function in the legal aspect? We have not
14 delt with attorney unions. Now, you cannot say
15 that-- Now, that might not be a problem in
16 Mississippi but it will be here because it has
17 already left Michigan and it's on it's way. Now,
18 how does this relationship work between attorney
19 unions and attorney Bar associations in giving
20 serviuce to the clients? How does this affect us?

21 I can tell you what has happened in
22 Michigan. Accountability of attorneys. I think
23 that the corporation has used-- and with the
24 concurrence of the American Bar Associaton and the
25 Bar associations-- used this noninterference with

1 attorneys relationships to his clients as a screen
2 to prevent, at least in Michigan and in Detroit,
3 to prevent clients who sit on boards and the
4 Clients Council from questioning these attorneys
5 about the kind of service or the lack of services
6 that they give to clients. Now, when attorneys
7 give good service and programs give good service,
8 we applaud that. But we never want to discuss
9 those areas where the clients are not really being
10 served.

11 I'm also a member of the Clients
12 Council, Wayne County, which is the oldest Clients
13 Council in the country. It's older than the
14 National Clients Council. National Clients
15 Council was patterned after the local Clients
16 Council. I think there is as great a need for
17 local Clients Councils and also for state Clients
18 Councils.

19 And I noticed today, I must say, that I
20 did not see or hear a representative of Clients
21 Council for Mississippi. Today I heard clients,
22 but I don't know if they have a Clients Council or
23 not. But I think that, whether or not they have
24 one, I know some states do and some don't and some
25 programs do, but I think every program or every

1 program area, there needs to be a Clients Council.

2 I have a paper that has been approved
3 by the Wayne County Clients Council and Michigan
4 State Clients Council. And it will deal with
5 about eight or ten issues that have been raised by
6 the various Legal Services board meetings.

7 On the issue of whether or not--

8 CHAIRMAN McKEE:

9 We'll make that part of the record, by
10 the way.

11 MRS. HOLMES:

12 On the issue of whether or not the two
13 hundred thousand with restrictions or the one
14 hundred thousand without restrictions, we take--

15 CHAIRMAN McKEE:

16 Two hundred million.

17 MRS. HOLMS:

18 Wayne County Clients Council sports the
19 two hundred forty thousand-- the two hundred forty
20 million dollar level based often the fact that
21 there are already unmet needs of currently
22 eligible clients in Wayne County and throughout
23 the state of Michigan. And we do not feel that we
24 can afford to pass up the two hundred forty
25 thousand dollars if we have a choice.

1 On the issue of lobbying, and we're
2 referring here to lobbying that is paid for with
3 Legal Services Corporation's funds, the position
4 is that the Clients Councils are opposed to all
5 forms of lobbying by attorneys and staff of Legal
6 Services recipient programs and support programs
7 and centers, except the local, state and the
8 National Clients Councils. The lobbying is not a
9 direct delivery mode in the delivery of quality
10 legal assistance and/or services to eligible
11 clients but instead it is the opinion of
12 policymaking and politicking. Only board members
13 rightfully should determine the policy. Clients
14 and Clients Councils are entitled to "grass roots"
15 lobbying because clients themselves have the right
16 and opportunity-- must have the right and
17 opportunity to determine what policies are in
18 their best interests. Lawyers can and should
19 advise and counsel clients but lobbying before
20 legislative and administrative bodies in a paid
21 staff position is clearly inappropriate if not
22 illegal. Moreover, many states, including
23 Michigan, have strict laws governing paid lobbyists
24 which might conflict with such practices. We feel
25 that lobbying is an area in which clients and

1 clients board members can be effectively utilized
2 as a visible and valuable resource.

3 On the issue of support centers,
4 Clients Councils are against the funding,
5 maintenance and/or continuance of support centers.
6 Support centers are not really needed unless they
7 are actually serving clients who are not in the
8 area of service of another Legal Service provider.
9 The specific needs of our service population
10 demand would be better met if the local program
11 was given direct funds to undertake its own
12 training and provision of requisite support
13 servicess. Additionally, in many cases boards of
14 directors of state and/or regional support centers
15 will be dominated by staff because board members
16 are so widely dispersed and lack adequate
17 informatin necessary for the decision-making
18 process.

19 Frequently, the composition of boards
20 do not in any way meet the requirements of Legal
21 Services Corporation and are rarely monitored by
22 the corporation. Local recipient programs and
23 clients can and do build good relationships with
24 administrative and legislative bodies. Thus the
25 only national organization needed is the National

1 Clients Council. However, it should be noted that
2 the National Clients Council needs to be
3 reassessed and reformed to make it more relevant
4 to clients' needs.

5 Wayne County Neighborhood Services is
6 the largest program in Michigan and has never seen
7 the need for paid lobbying. Lobbying is a
8 function that clients and board members can and
9 should undertake. Paid lobbying was undertaken by
10 a support center in Michigan which resulted in
11 severe criticisms and backlash against all the
12 local recipient programs because of public opinion
13 and perception.

14 CHAIRMAN McKEE:

15 Excuse me a second. How much longer is--

16 MRS. HOLMES:

17 Well, I don't have to read it all.

18 CHAIRMAN McKEE:

19 Okay. What I'd like you to do is
20 summarize it.

21 MRS. HOLMES:

22 All right. On class actions, we feel
23 that local boards should approve each class action
24 suit and we have background to substantiate that.

25 We feel that the board of directors are

1 too often overlooked as a program resource. We
2 feel that boards of directors have value in
3 advocacy, fund-raising, public relations and so
4 forth. And they are volunteers, they are not paid
5 for what they do.

6 We think that clients, eligible clients,
7 should have greater involvement in the private
8 attorney involvement of all programs.

9 On the funding, we feel that the
10 present methods of allocating has not been fair as
11 as far as Wayne County Neighborhood Legal Services
12 is concerned because there are other programs who
13 receive greater per capita allocations. There are
14 programs which were not able to save their-- to
15 spend their money and they have continued to fund
16 these programs and we think it unreasonable to
17 just have the money lying around when there are
18 other programs that could use the money and give
19 good service.

20 We feel on the enforcements and
21 sanctions that defunding, suspensions and
22 reductions are so severe that the board of
23 directors of Legal Services Corporations should
24 approve each one before they are enforced.

25 And on the House Bill 3480, we're

1 opposed to Section 14(A), which is the section
2 that provides for some special funds to Bar
3 Associations. We feel that would constitute a
4 conflict; that the Bar Associations, through their
5 service on the non-profit boards and through their
6 ability to be a resource for training, pro bono
7 services, reduced-rate services and referral, make
8 it unnecessary for congress to mandate they
9 receive a set-aside portion of Legal Services
10 funds.

11 Thank you.

12 CHAIRMAN MCKEE:

13 Thank you. We'll make that part of the
14 record.

15 By the way, Mr. Paras' plane leaves in
16 about 35 minutes so he's rushing to the airport.
17 We have most-- a lot of staff is going back on a
18 flight that leaves around four o'clock and so we
19 will try to get the basic information out now and
20 then go into questions. Of course, I can stay
21 here all day and the clients can but I wanted to
22 set the frame work in terms of the time for them
23 to leave so we can get all of the information

24 Miss Phyllis Carr from Indiana.

25 MISS CARR:

1 Good afternoon. I'm Phyllis Carr and
2 and I'm the chairperson of the board of directors
3 for Legal Services Organization of Indiana.

4 We have four programs in the state of
5 Indiana and my program covers the central and
6 southern part of Indiana. Norma's program covers
7 the northern part of the state. And there's also
8 two other programs, the Northern Indiana Program
9 and the Mauman (phonetic) Vally Program.

10 We have come together, Norma and I, on many
11 occasions and we have fought and disagreed but we
12 have also set down and come to a concensus on how
13 to deal with client issues in the state of Indiana
14 so that the total client population can be well
15 served.

16 I would like to thank the Mississippi
17 Legal Services Program and its staff for its
18 generous hospitality. I have not been in the
19 south in a long time and I have enjoyed my stay
20 here.

21 A couple of things came to my mind as I
22 listened to the testimony of some of the clients
23 today. There but for the grace of God go you or I.
24 The other one was I am not free, and will not be
25 free, until all my brothers and sisters are free

1 and have a better access to living conditions and
2 other things that affect the quality of their
3 lives.

4 As the board travels around the country,
5 as it has been doing, to the various cities, it is
6 my hope that you will listen very intently and
7 weigh all the information that you get from
8 everyone who gives you information before you do
9 any kind of changes or make any kind of decisions
10 because the decisions that you will make will
11 affect the lives of the clients that come to the
12 Legal Services programs.

13 And we hope that your decisions will be
14 very definitely for a better quality of life for
15 all the total client population.

16 The clients on our board do serve an
17 active part. I got on the board as a
18 representative from the Southern Christian
19 Leadership Conference. I was not really
20 interested in being on the board but there were
21 attorneys on the board, there were other
22 nonattorneys on the board who were kind of helping
23 me along to get to the point where I am today. And
24 I thank them for it.

25 Our clients do not always agree with

1 the decisions that are made by the staff or the
2 executive director or the board. But they do have
3 the option of sitting down, fussing, cussing,
4 almost going to blows, and coming up with a
5 decision that will be better for all of the
6 clients.

7 As far as legislative advocacy is
8 concerned, our program has been active in this
9 area. It has also been an asset to our state
10 legislature, of which I'm a part of. I work in
11 the State Legislature.

12 Many of the legislators were very-- had
13 no idea about certain bills, about how it would
14 affect the lives of poor people. But with the
15 help of the people from Legal Services, they now
16 come to the program and call the program and ask
17 me to contact someone who can give them specific
18 information on an issue that is of great concern
19 to them. So I would suggest that perhaps a
20 reevaluation of legislative advocacy, as far as
21 the Morehouse Amendment is concerned, should be
22 looked at first.

23 From the reports given yesterday, I
24 learned more about the centers that I had no
25 knowledge of. And I also gathered information

1 about the things that I did have knowledge of. I
2 found it quite interesting and very enlightening.
3 As a matter of fact, I found these two days very
4 enlightening in a lot of ways.

5 I have received training from the
6 National Economic Development and Law Center which
7 has been very beneficial to me. It has helped me
8 to be of assistance to the people in my program
9 and also to the people who live in my neighborhood
10 who want a better quality of life, and we are
11 striving for that goal.

12 The National Clients Council has also
13 provided me leadership development training and I
14 try to disseminate the information that I gather
15 through my involvement in Legal Services with
16 other people, poor people, that I come in contact
17 with.

18 The staff of Legal Service of Indiana
19 and the other programs in Indiana have also used
20 the backup centers. The housing in-help, social
21 welfare and youth law specifically.

22 I was also asked to convey to this
23 board that the clearing house publication is a
24 very useful informational tool to the staff in our
25 programs as well as the staff across the country.

1 The centers provide specialized support in
2 substantive areas that may or may not be available
3 to program attorneys across this country. To
4 tamper or abolish any of these centers, especially
5 in these austere times, would result in a void in
6 the Legal Services Community in analysis of issues
7 which would carry throughout the country.

8 Perhaps you can-- you could consider offering some
9 changes, constructive criticism that would be more
10 productive as a way to proceed.

11 Legal Services programs are law offices. The only
12 difference is that they represent poor people and
13 those who would otherwise have no access to the
14 legal system or the courts. These attorneys are,
15 first and foremost, lawyers and bound by certain
16 canons of professional ethics. Any

17 attempts to distinguish the type of assistance
18 that Legal Services attorneys may provide to their
19 client or clients from the type of assistance that
20 a private attorney in private practice could
21 provide his clients sets up a dual system of
22 justice. Second class justice would be the result
23 of Legal Services' attorneys being prohibited from
24 utilizing the full range of remedies that are
25 available to them to resolve the specific problems

1 a client or clients brings into his office simply
2 because they are paid with public funds.

3 Thank you.

4 MRS. HAMILTON:

5 As usual with Legal Service, clients is
6 always put in the cruch for time. I will attempt
7 to make it very short and ask Mr. McKee, don't let
8 this happen no more, including the board. But the
9 clients is pushed in a position for time.

10 I will just talk on some of the things
11 that have not been talked upon. I have worked
12 with quite a few of the backup centers. The
13 backup centers offer a lot of support for state
14 support centers. If your state support center is
15 not doing the job, then get on your state support
16 center's behind because that's the way we did ours,
17 and we obligated to make it work. The clients are
18 doing it. So I think we have to take some
19 responsibility ourselves.

20 Next thing I'm concerned about that I
21 have been hearing, have not been mentioned, is the
22 publication they put out by the state-- by the
23 national backup centers. A lot of publications is
24 a real asset to the client, make the clients able
25 to realize what the lawyers are doing or not doing.

1 Prive Bar involvement. I can take that
2 same publication, go out to the Bar, ask them what
3 this mean, and I can get a different
4 interpretation of it. Yet, if I would use that
5 Legal Service lawyer and put the two together, I
6 come up with the real meaning of what it really
7 mean.

8 As far as legislative advocacy is
9 concerned, I have been confused today and ever
10 since Legal Services has been, what do they mean
11 in terms of-- the attorneys and Legal Service
12 board, what do they mean by Legal Service advocacy
13 lobbyists. To me it means two different things.

14 So I think I will write a paper, I will
15 put my difinition of two different things, of
16 lobbyists and legislative advocacy.

17 CHAIRMAN McKEE:

18 That would be good.

19 MRS. HAMILTON:

20 Because I feel that we need both of
21 them. And they can be did by lawyers and by
22 clients on different scales.

23 Phyllis talked about the clearing house.
24 The clients, surprisingly enough, is concerned
25 about the clearing house being cut out. The

1 clearing house afford them a lot of informaton
2 that they don't ordinarily get.

3 Now, back to the corporation itself,
4 board of directors. You telling us what-- you
5 trying to find what is the problem and I'm going
6 to tell you what your problem is. The corporation,
7 you got a whole bunch of regulations up there
8 which you do not enforce. And until you become a
9 board that is going to enforce those regulations
10 and make the programs do what they supposed to do,
11 you going to have a problem. I'm sorry I got to
12 give it to you like that.

13 You have a lot of loop holes in the
14 regulaton. 1620 is a big loop hole. Anybody who
15 want to can take 1620 and fill it to suit their
16 needs. You need to tighten up. Until you tighten
17 it up, the clients is going to get screwed. And
18 we're the ones that feel it but you start playing
19 games with Mr. Reagan, anybody else you want to
20 call it, and we're the ones that getting screwed.

21 When we have a case in Legal Service
22 and they hesitate to handle it because it might be
23 a long case and they don't know for how long they
24 going to be there or not, we're the ones suffering.

25 And I like to say it mean a lot to

1 clients in 1982 to be able to take the case to the
2 courtroom and instead of on the streets. I don't
3 know if you know what I mean. Once upon time
4 clients was just put on the sidewalk for eviction,
5 didn't know what else to do. Now clients will go
6 into the courtroom. All the time they are not
7 wrong when you're evicted but they don't know
8 they're not wrong. But when they go to a lawyer,
9 the lawyer got an appointment, quite a few times,
10 clients is saved.

11 Just a couple of weeks ago through the
12 National Housing Center I got some information
13 under Section 8 Act. But it came to me from the
14 backup center in housing.

15 So I just want to say-- I'm sorry I
16 don't have more time-- that you talking about
17 minimum access. I have problems with taking money
18 from one program and giving it to the other to try
19 to get minimum access. I think you need to do a
20 comprehensive study and comprehensive evaluation
21 on each program to see why that program have
22 carried over money, what they plans for the carry-over
23 money. Now, if you just giving the program a lot
24 of money you don't need, well, that's different.
25 But my program need it and we know why we have

1 carry-over money. Because we're planning on
2 buying the building, and that's accumulated over
3 a bunch of time. And, that is what the clients
4 want and that is what the clients told the board
5 that they wanted.

6 Another thing that I wanted to say to
7 you that I have said to the Legal Service lawyers,
8 you, the board of directors of Legal Service, have
9 to be accountable to the clients just like the
10 attorneys have to be accountable to the clients.
11 And the clients have to be accountable to each
12 other. And until that formula is fixed, we going
13 to have pleant, pleanty, pleanty trouble.

14 And there's everything I've tried to
15 say but I would like-- but I don't want to-- until
16 Legal Service promises me something better, I will
17 pledge my full support to what I have because it's
18 better than what I had when I was coming up. And
19 I think that a lot of clients around the country
20 feel that Legal Service is coming.

21 As Mrs. Holmes talked about 241, I
22 agree with her. 241 with restriction, but we need
23 to sit down with our congressman. See, I am a
24 client. I'm not like Mrs. Holmes, I'm a client
25 and I know what I need. But I don't-- when they

1 cut across my rights and I have to find money just
2 I keep them from cutting off my lights and they
3 put \$10 on my bill, if they say they're going to
4 cut it off and they ever come out, and that's an
5 extra \$10 I got to dig up. I know what it is
6 because I'm on a fixed income now. So I'm talking
7 as a client. And I've talked to other clients
8 before I came down here, to get their own opinions.

9 Private attorneys. I have always kept a
10 private attorney somewhere, some way. I've never
11 paid him but I have always kept him. My
12 attorney's now a judge but I still call on him out
13 of his judge capacity to come and give me some
14 advice. I have no problem with doing-- private
15 attorneys and the staff program, but I have
16 problems with going to try to substitute the staff
17 program of Judicare-- a private attorney of
18 Judicare for the staff program. Private attorney
19 in Judicare should supplement the staff program.
20 I'll go into that further in my report to you.

21 In the state of Louisiana we have a
22 problem that we think needs all three combination:
23 private attorney, staff program and Judicare,
24 which we feel, and some of the Bar people, that it
25 can work. Maybe you could look at it. Maybe it

1 would be one of the first places you need to try
2 it out.

3 Talking about the unions, yes, the
4 unions is a lot of trouble. We need to look at
5 the unions on both costs, the pros and cons of the
6 the unions.

7 And I will just stop there, keep you
8 from missing your plane. But I will answer any
9 questions and I also will put a lot of this in
10 writing since I was asked to react to what went on.
11 Thank you.

12 Oh, wait, I missed my most important
13 point. I'm sorry, I missed my most important point.

14 Mr. McKee, you was concerned about some
15 of the clients concern about the backup center.
16 There's two major concerns that lots of clients
17 want you to look at. I told it to them so it's
18 not new to them.

19 We're concerned about the minority
20 training involvement. We're concerned about the
21 "buddy buddy" situation when it comes down to the
22 training. We also want to know what type of
23 client training do they have. If they-- if the
24 clients don't know what they are doing, then train
25 them to go out and to do some training program.

1 So we are concerned that you look into that.

2 Okay.

3 CHAIRMAN MCKEE:

4 Because-- the meeting is not going to
5 end. I know some people are going to leave but I
6 don't have to leave and Mrs. Slaughter doesn't
7 have to leave and that is a quorum for conducting
8 business. And the recorder does't have to leave,
9 do you? What time to you have to go?

10 THE REPORTER

11 Yes, I do. By 4 o'clock.

12 CHAIRMAN MCKEE:

13 Oh, that's all right. So in terms of
14 the discussion, that's not a problem at all. A
15 lot of people have mentioned they have long drives
16 to make, but the time is open.

17 Bill?

18 MR. OLSON:

19 I too regret that I have a plane
20 problem here and reservations have been made for
21 us that we have to keep. I hope we can continue
22 with this time pattern of being interestesd and,
23 you know, in terms of finding out how the program
24 should be run to meet the needs. of clients.

25 But in a way I had a feeling I had the

1 wrong panel. I had the feeling we were dealing
2 with at least five Perry Masons working the jury
3 there and I thought in terms of advocacy skills we
4 have a lot to learn as opposed to anything else.

5 So I have appreciated this very much
6 and I regret that I have to get onto that plane or
7 I'm going to be in trouble. And I hope we will
8 have a chance to do this again as we have done in
9 the past. Thank you.

10 CHAIRMAN McKEE:

11 Mr. Olson sits on Appropriations and--

12 MRS. MOORE:

13 Before Mr. Olson leaves, I want to
14 compliment him, say something. Because I be
15 trying to psyche you out in terms of Perry Mason
16 and information discussed.

17 MR. OLSON:

18 I think any lawyer, somebody saying he
19 was like Perry Mason, would be a compliment. And
20 besides-- (several people speaking
21 simulatenously.) Just think how Hamilton Burger
22 felt.

23 MR. MOORE:

24 I plead ignorance to him too.

25 MR. OLSON:

1 He was the prosecutor.

2 VOICE FROM THE FLOOR:

3 I don't want to disrrupt you but to say
4 before he goes it was nice meeting you because I
5 came to look for you in how could I determine how
6 you were going to plan to cut our program. And I
7 think that is something that is of interest to
8 clients in the community because only you know
9 what your informaton is. I'm glad I had an
10 opportunity to talk to you.

11 I think I would try to help coordinate
12 some information to you in terms of the clients
13 community because we want everybody that's on any
14 committee that has to make some decision to know
15 really that these programs are necessary, what
16 they mean to us. And I think, you know, you only
17 heard a small echo and you might have to make some
18 decisions about what you heard, but you need to
19 hear the communities in some way. That might help
20 you, and I wanted to tell you that before you left.

21 I did talk to Mr. Paras before he left
22 and we did communicate but I want to tell him,
23 tell you, because I came to try to see which way
24 you coming from or which way you going to vote to
25 ax the people.

1 MR. OLSON:

2 Well, I'm not sure about the
3 characterization but I'm flattered by the
4 attention. Thank you.

5 CHAIRMAN MCKEE:

6 Jo?

7 MRS. WORTHY:

8 I don't have all of the questions. I
9 am a little confused. I'm hearing one thing
10 National Clients Councils and when it came out I'm
11 hearing another. The starting up of the National
12 Clients Council was the oldest and whatever, that
13 interests me a lot. And I think that needs to be
14 cleared up on that.

15 And I guess I have to address that to
16 you, Mrs. Hamilton. I have a plane too but if I
17 miss that one, something else is going to fly.

18 MRS. HAMILTON:

19 I left Puerto Rico in nineteen
20 sixty-something, I didn't even know there was a
21 National Clients-- I had never gone up to Chicago
22 and back. And what really got me in Puerto Rico,
23 involved me at the start, all the lawyers wore
24 white shirts and black tie. And they got in a
25 little room and the clients was in a little room.

1 When clients came in the room, they stopped
2 talking. And I have always been taught by my
3 parents nobody can plead your own case better than
4 you. And I wanted to know how they was going to
5 take up and solve my problems unless I told them.
6 Because they couldn't tell me how my shoe hurt
7 unless they had it on their feet.

8 And that was the reason we challenged
9 the way they did and Legal Service to the fact of
10 getting clients involved in what they were doing.
11 They offer us-- we had friends even then on the
12 Legal Service in the private sector. They told us
13 they would meet at one o'clock the next day.
14 Somebody else, our friends, say be there for nine
15 o'clock because they are going to be there at nine
16 o'clock in the morning. They expect you there for
17 nine-- I mean for one. And at nine we was in the
18 room waiting for them, which upset all their apple
19 cart.

20 And they wanted to offer us a seat on
21 Legal Service at the time. It was then the
22 National-- the Committee for CEO. Benjamin Segal
23 (phonetic) was the chairman of it. That was
24 before your time.

25 But, anyhow, it was the same thing as this

1 board. And they wanted to offer us one seat on it.
2 And some of them wanted to take it and I said no,
3 no, let's go down the hall and think about it.
4 Because they got one out of 23 votes, you'd be out
5 voted.

6 So we went into a room, decided we
7 didn't want that one seat. We wanted an
8 organization to make our own decisions, a
9 complimentary organization, and that was the
10 beginning of the National Clients Council, Puerto
11 Rico. And it was-- Mr. Bussy (phonetic) was down
12 there at the time and he became a part of the ad
13 hoc committee, and the by-laws and everything for
14 National Clients Council was not really written by
15 anybody that-- because I didn't know about any,
16 and that was the beginning of it.

17 MRS. WORTHY:

18 Thank you.

19 MRS. MOORE:

20 Mrs. Worthy?

21 MRS. WORTHY:

22 Yes, darl'n?

23 MRS. MOORE:

24 I have the-- like to echo what Mrs.

25 Hamilton has said as to my knowledge of with

1 clients groups perhaps in any given area that were--
2 board members who discussed it, you know, the
3 rights and wrongs of we're not being heard.

4 But the structure that afforded us what
5 we have now, the state, the local and the regional
6 and National Clients Councils was done under the
7 National Client Council guidance. The Natonal
8 Clients Council, I would not even attempt to say
9 which one is the best between the National Clients
10 Council and the support centers because when
11 things jump off the fire, if it's a legislative
12 issue, if it's a issue of just telling you
13 something that is occurred that has passed, mostly
14 issues that have passed, only hard times we have
15 has been the same as everybody else. We did not
16 know where Legal Service was.

17 As the gentleman from Mississippi
18 program was saying, as a board person, and as a
19 chairperson person, we were writing budgets not
20 even knowing was we going to have it cut and then
21 put back in and another cut again. There's no
22 assurance, you know, as to how you're going to be
23 funded.

24 And because the National Clients Council is
25 there, they keep us abreast as clients and often

1 have to inform the lawyers on our board, well, you
2 keep on studying it because it's getting better.

3 No lawyer on the board of directors for
4 Legal Services very seldom have time to keep up
5 with what Washington doing. But bless his heart,
6 Mr. Moorehouse, or whoever up there with them,
7 being lobbying, we know at the national level
8 almost any given point what's going on in
9 Washington in relation to Legal Services.

10 And we also know that unless Legal
11 Services Board of directors listen to what clients
12 are saying, they are going to be very disappointed
13 in their job because you cannot work without us.
14 Neither can we exist without you, and I'm trying
15 to talk about minimum access.

16 I'm like the money to be given where
17 the money is needed. Minimum access, and if
18 you're not using the money, you know, I don't
19 know what you planning to do with it. But it
20 seems to me that the less than fair thing to do is
21 to, you know, do needs assessment with the program
22 that didn't spend the money. And if they don't
23 have a reason to be spending it-- you know, long
24 time ago on the need of how many poor folks you
25 got and blah, blah, blah, it went to how much you

1 use that money.

2 I'm saying that if Mississippi, I don't know
3 which is north, east, west, but I know it's a big
4 place. But if they show the need for that funds
5 and if the clients and-- if it's not a bigger
6 state or even bigger city -- and I ain't talking
7 about the example she gave where they have plans
8 and it's a board decision to hold back money to
9 cover still another corporation so they can
10 protect it and preserve a building for legal aid.

11 We have that in our PSA program. We
12 had a separate corporation so that we could always
13 spend it and we got a separate account than what
14 the federal government give us. And then what
15 happened, the next thing is reality and they come
16 up with what--- block grants. And now they
17 talking about taking the block grant money and
18 giving it to 92 counties whether they need it or
19 not. But then everybody will have a little piece.

20 I'm saying, and I'm going to sum it
21 up, if Mississippi Legal Services show that they
22 have a need for that money and they can show they
23 give better services, 'cause they got more poor
24 folks out there that need it, and they need it to
25 be changed-- the basic needs in Indiana is so

1 awful it's a shame but we're not as worse off as
2 these people down here. We don't get but \$195 for
3 a mother and one child, and I know ain't nobody
4 from down here going to come up there for that,
5 needless of what they say.

6 If they can show me, that's the way I
7 feel about it. In reality, we don't have any for
8 you all to get in Indiana. As far as I'm
9 concerned, if we have any in Indiana give it to
10 you. If we're not serving the people or changing
11 a lot of things and going to affect the black --
12 America and all the people, you don't need no
13 Legal Service because you don't need more than a
14 divorce.

15 You need more than somebody sitting up
16 here helping you to do a problem that if you would
17 take time to listen you would learn how to deal
18 with that problem yourself.

19 That's the only thing that's bothering
20 me and maybe one of the things that Legal Service
21 people can answer. Where are your clients on your
22 board? Are they here? I mean board
23 representatives, advocates and things like that.
24 Anytime I go into a city, I look forward to
25 meeting somebody there, a client type of person or

1 somebody like that. Do you have any such people?

2 We don't know.

3 MR. PENNINGTON:

4 Yeah, we do.

5 MR. JOSEPH:

6 We have--

7 MRS. MOORE:

8 Well, could I just say a word from the
9 dummy? That I would have appreciated it, hearing
10 some of the skills that they have accomplished
11 from being associated with you.

12 In working with them, you know, the
13 local community people, and as well as I heard the
14 stories of the folks that in-- and I know because
15 I'm a client. And next week I'm not going to be
16 removed because next week I aint getting no raise
17 until-- they say, I think, a year, we get five
18 percent, and the housing authority supposed to get
19 that part of it so I don't have any problem being
20 poor. But I'm saying I would appreciate having
21 had a chance to identify either them or they hook
22 up with us so that we would know that you got
23 those type of folks in the community because they
24 are very important.

25 And it's not being critical. It's just

1 something I thought you ought to have.

2 MR. JOSEPH

3 We had all those folks down this
4 morning.

5 MRS. MOORE:

6 No, no, no, I'm not talking about
7 clients. I said board people and advocate taught
8 people from being involved in the board. That's
9 what I'm talking bout.

10 Stand up there and tell me what you do,
11 Brother.

12 CHAIRMAN MCKEE:

13 Before we-- all our people, what we
14 ought to do is have-- Annie didn't have any
15 questions.

16 What we ought to do is have any quick
17 comments that you have in response to anything.
18 Then I will have any persons who want to say
19 anything from the floor and then I will give the
20 staff some direction as to these two days of
21 hearing as to some reviews and analysis regarding
22 what we talked about today, support centers and
23 similar things in terms of what people are saying,
24 and then we will adjourn.

25 Any other comments. Mrs. Homes?

1 MRS. HOLMES:

2 I wanted to repeat, to say, that my
3 printed statement is not just from Avis Holmes.

4 CHAIRMAN McKee:

5 It's a board statement, isn't it?

6 MRS. HOLMES:

7 It's a board statement from the Clients
8 Council. And there are problems in Legal Services.
9 And I don't think, from what I'm hearing, nobody
10 wants to deal or even acknowledge that these
11 problems are out there. Clients are not getting
12 service in a lot of instances. Legal Services is
13 dominated, as far as policy is concerned it's
14 dominated, by people who draw salaries from the
15 program. It's dominated by these people. They
16 have the resources where they can put out the rule
17 book for you. Call it Legal Services, when you
18 get clients who are really outspoken and
19 knowledgeable, then they can call in Legal
20 Services Corporation or the region, the county,
21 and regulate those clients, get rid of them, and
22 get some more. And as soon as these get on there,
23 don't have to sit there long before they know
24 what's going on, and as soon as those get on there,
25 then the staff, and not necessarily other lawyers

1 on the board, but the staff, because they resent
2 what they call interference.

3 I say if clients in the community are
4 complaining that they can't get service and it's
5 the duty of those clients that sit there on that
6 board to bring these things to the attention of
7 the entire board. And I don't think that that is
8 taking place.

9 We have the ridiculous spectacle of
10 staff attorneys in Michigan bringing a lawsuit
11 against clients on the board. I mean-- of course,
12 the good part of it is the judge has clarified
13 what attorney client confidentiality means.

14 I still think we have some problems
15 with the Legal Service Cooperation and the manner
16 and the direction of this program. I would like
17 to see some reform all the way down the line.

18 CHAIRMAN MCKEE:

19 Before we end this up, I want to make a
20 comment. This has been very, very helpful to
21 me and all members of the committee, especially
22 the comen's of yesterday and today as relate to it.
23 And what we want to do, based on a lot of
24 information we had today, yesterday, legislative
25 advocacy and things of that sort, Representative

1 Green is to give direction to the staff. And we
2 have kind of a consensus of the committee to
3 undertake a review and analysis of the entire, you
4 know, support concept, basic theory being, you
5 know, there's a need for specialized services and
6 informational tool lawyers in the field.

7 What we should do I think is to have
8 the staff look at the overall situation in terms of
9 legal services programs and support centers, look
10 into the issue of duplication and overlap in
11 substantive areas of law as well as the population
12 groups; have them look at the concept of training,
13 particularly as was mentioned about minority
14 involvement training, seek out the views of local
15 programs and persons such as we heard today, so
16 that once and for all I think we can kind of
17 resolve some of these issues.

18 I think the issue of legislative
19 advocacy and representation, as was stated, a
20 client as a citizen of the United States has a
21 right to talk to any congressman, senator or any
22 agency of the government because they are
23 regulating on their needs. The issue has always
24 been the degree to which clients do it, which is
25 their right to do it, and the degree to which

1 other people are doing it, which is not the way
2 the statute is written.

3 So if the staff takes a look at the
4 concept of legislative advocacy and representation
5 and support centers and our contract that we have
6 with the support centers-- it's out of date, make
7 it more current-- and give us recommendations on
8 it in terms of the statutes that we have, the
9 amendments, and then the committee can then
10 present that to persons in the Legal Services
11 community and seek their comments and views upon
12 it so we can finally, I think, come to a
13 resolution of all the subtleties and really the
14 misapprehensions about what the original concepts
15 and structures are.

16 There are many competing vehicles to
17 achieve certain ends. As Mr. Lyons has said very
18 well in his information that he put together for
19 the board, never forget the underlying principle
20 and concept, as Wilhelm said, for the need for
21 certain essential needs and services. The only
22 question becomes what is the structure to
23 accomplish and maximize the services to eligible
24 clients and client organizations. And when we
25 have the staff put that all together, then we will

1 take a look at it and make recommendations to the
2 board. I will now accept comments from the
3 audience.

4 That won't be a big problem for you,
5 will it?

6 I think it's only fair to solicit the
7 views and recommendations of the support centers,
8 particularly the centers who appeared in
9 Mississippi. It seems me if eight could appear,
10 and then another additional one, nine; that we
11 should take priority on those centers and their
12 staffs who undertook the time to come to
13 Mississippi to express their viewpoints, those who
14 were invited as well as those who came on their
15 own initiative, such as Miss Ivey and the
16 gentleman-- I'm sorry, I forgot your name-- from
17 the Center For The Elderly and the gentleman from
18 the Law and Education Center.

19 It was very important to me to
20 understand with all this controversy going around
21 the country in terms of support centers and
22 information. And given the type frame in which
23 the board has to operate in terms of budget and
24 money, it would be nice to plan a meeting where
25 everyone had seven months to prepare. I really

1 want to commend Mr. Joseph and the people from
2 Mississippi for, in a very short time, putting
3 together an excellent presentation and the support
4 centers who appeared for them.

5 The support centers are the ones in
6 many ways who have more money than a lot of people
7 who were able to come. So I think when Mr. Lyons
8 directs questions on recommendations, the nine or
9 ten questions should go to those centers who did
10 appear. So I thank all of you very much for
11 coming. And I would like to take any questions--
12 not a whole lot from the field, the audience, and
13 then we will adjourn the meeting.

14 It's been a very interesting
15 experience. I wish I could share with you the
16 comments of my colleagues as they sat and heard
17 you. It's one thing to sit in Washington and have
18 a philosophy and a theory. And it's another thing
19 to hear people-- and sometimes after people will
20 say, after they hear this, on the board or other
21 places, in executive session, I remember what
22 Mrs. Baker said or Mrs. Moore said or Mrs.
23 Hamilton said or what Wilhelm said. And you'd be
24 surprised, a meeting like this, when it comes to
25 changing a few words or two in a regulation, it

1 can have one major impact. It may take a few
2 months for it to come out, but it's very helpful
3 to us, and we thank you all very much on behalf of
4 all members of the board and all members of the
5 committee.

6 Now we'll have about 15 minutes or 10
7 minutes to hear from anybody who has spoken or in
8 the audience.

9 MRS. MOORE:

10 Mr. Joseph asked if he could speak.

11 CHAIRMAN McKEE:

12 Mr. Pennington? Mr. Pennington and I
13 went to Harvard Law together so I have an affinity
14 for him.

15 MR. PENNINGON:

16 On behalf of all the clients in
17 Mississippi and all the staff who represent them,
18 I like to commend you on this historic hearing in
19 Mississippi. And not only that, but for the whole
20 Legal Services community.

21 And all the bad things we heard about
22 this board, I think we come away with some very
23 positive evidence. We like to just impress upon
24 you to talk to the chairman of your board about
25 continuing this process before-- before decisions

1 are made about the future of Legal Services.

2 CHAIRMAN McKEE:

3 Thank you. All right. You know it
4 doesn't really matter how many people are at this
5 meeting because there can only be one person up at
6 this table, and as long as she is doing this and
7 getting everybody's words, that's what really
8 counts.

9 Jodie? Jodie Smith is with the
10 National Legal Aid Defender Association He is
11 also, in addition to Mrs. Hamilton, a person who
12 is one of the five persons selected to help the
13 board select a new president and be involved in
14 that process. He's a veteran of Legal Services as
15 well as the full struggle.

16 MR. SMITH:

17 Thank you. I want to follow up and
18 comment. If the human dynamics were to be
19 different, the real issue is how to address those
20 issues. I think over the last two days we've
21 certainly shown capacity both within the local
22 programs, between the client community and on the
23 board, to approach differences from all sides.
24 The information obtained might well be described
25 as healthy.

1 There's been a great deal of active
2 sharing and listening from all sides. Certainly I
3 think everybody is going to go-- walk away with an
4 improved understanding of each other. We now know
5 more specifically what each of our respective
6 views may be, what our desires are, what our
7 interests are. And this to me is critical if the
8 board is going to be able to undertake the type of
9 effective analysis it has to take of various
10 policy issues, be it the national support issues,
11 the funding issues or any other issues, and
12 ultimately be able to determine and implement the
13 types of policies that ultimately they settle on.

14 The bottom line of all this, however,
15 is to make a serious pursuit of solid legal
16 service for clients. And I hope that we can
17 continue this type of exceptional experience that
18 we have here. The capacity to learn has been
19 exemplified on all sides and has to be sustained
20 because that is the only way that we will
21 realistically attain our broad goal of, as someone
22 said earlier, moving beyond poverty and having an
23 abundance of quality of life in our society as
24 opposed to a society that is riddled by the
25 numerous ills that we have heard talked about in

1 great detail today.

2 Thank you. And, certainly, anything
3 that we can do to further that process, we remain
4 committed to.

5 CHAIRMAN MCKEE:

6 Thank you.

7 MR. JOSEPH;

8 When Jodie heard, we knew these
9 hearings were coming, he came down to Mississippi
10 and spent several days working with us to make
11 sure that we fulfill--

12 CHAIRMAN MCKEE:

13 You did a good job.

14 MR. SMITH:

15 Thank you.

16 CHAIRMAN MCKEE:

17 Sylvia. Sylvia Ivey, head of the
18 National Health Law Project in Los Angeles.

19 MISS IVEY:

20 I just wanted to ask that the total of
21 what has been presented to the committee in these
22 last two days, particularly the individual
23 statements by the support centers from whom you
24 heard, will be taken as evidence of the need not
25 only for the types of support that they provide,

1 but for the excellent work and the critical
2 concerns that each of those individual centers are
3 serving.

4 And I hope that a passing comment by
5 Wilhelm will not be used by the committee to say
6 the function is necessary but we can roll these all
7 up into one ball or do any other sort of
8 configuration that we feel would be more efficient,
9 because I think the strength of what we have in
10 these 18 centers is the diversity, the experience,
11 the geographical distribution of all of our
12 service.

13 And I wanted to make that observation a
14 part of the record and the staff is instructed to
15 look at.

16 CHAIRMAN MCKEE:

17 Eighteen? I thought there were 17.

18 MISS IVEY:

19 Last year there were 17 but--

20 CHAIRMAN MCKEE:

21 Oh, the draft one. Okay.

22 VOICE FROM THE FLOOR:

23 I just wanted to say that I think that
24 even though you presented some information and
25 some analysis of clients and problems, I still do

1 not think that just this information alone should
2 help you in deliberation about what kind of
3 changes you have to consider because, I grant you,
4 some of our kinds of concerns, we differ with
5 clients even, okay? We can differ with our
6 programs and some of the times we may have more
7 concerns and things that we want our programs to
8 do at the local level, at state level, and at the
9 national level because our needs are overwhelming
10 and a lot of times they cannot be addressed by
11 Legal Services in a vacuum. They have to be
12 correlated with other service agencies.

13 And I hope you keep that in mind
14 because what I'm involved with, I need the
15 information, I need the technical assistance to
16 help me do the job because clients alone do not
17 have the expertise. We do not have, in the state
18 support center, the kinds of staffing or local
19 programming. When the intake is fulfilled there
20 we don't-- don't have the time to help us work on
21 the usual issues and other things that needs to be
22 done. So we need a shared response, so I hope in
23 your deliberations, you know, because some areas
24 may have a problem and not being-- doing as much
25 as they could or something, that you'll judge that

1 decision on that area and not penalize all the
2 other areas or programs.

3 CHAIRMAN MCKEE:

4 I don't believe that no one else has
5 anything else to say. Any more questions or
6 comments? Well, I have one or two.

7 MR. JOSEPH:

8 Miss Holes made some statements and I
9 think she repeated by saying no one is listening
10 to what she's saying.

11 In North Mississippi we like folks who
12 dissent. That is part of the process. If she
13 were here, we'd definitely make her a chairperson
14 of a committee.

15 I think these reasonable questions.
16 Some of the things I think are valid questions. A
17 couple, I would differ with her definitely.

18 I think one could easily resolve that
19 and should be taken up. The issue of staff
20 attorneys, unions, that's an issue that is a very
21 critical one. We don't have unions in Mississippi
22 but I sit on the board and we had the situation
23 where staff, in one particular program, were
24 accused of harassing our clients to the point of
25 going to the person's house, putting signs on the

1 lamp post, making telephone-- threatening
2 telephone calls, those kinds of things, problems
3 like union tactics.

4 I think these things need to be
5 addressed on that.

6 When she is against lobbying by staff,
7 I'm unclear what she means. I don't have time to
8 lobby, but I surely would like to have 50,000
9 clients lobby. Maybe we don't need to disagree on
10 that.

11 In terms of-- I think the evidence that
12 has been presented here today and yesterday would
13 force me to say I differ very, very strongly with
14 her on the question of she's against the
15 maintenance-- clients maintenance backup centers.
16 I think the majority of folks would go, get that,
17 and I hope she takes that in the spirit of how we
18 do business in North Mississippi. Because if we
19 differ on issues, we differ, but we understand
20 what we're trying to do is come away with a
21 unified position. If your individual position is
22 not the winning position, then you support the
23 collective position made by the group. So I hope
24 Miss Holmes, her clients councils, ultimately
25 maintain the National Clients Councils-- I mean

1 maintain backup centers and that she and her
2 clients will support.

3 I think she talked about something of
4 the uniqueness of Legal Services. I mentioned a
5 little of that. It's very difficult. She said,
6 well, you know clients want to get involved in
7 decision making and some lawyers and some programs
8 will believe they meddle. That is the unique
9 nature of Legal Services. It's good but also
10 makes it difficult.

11 Some people are less sure, some more or
12 less trained and it's, you know, it's not easy to
13 deal with that. We don't have clients going into
14 the U. S. Attorney's office, for instance, and
15 demanding that they try a case certain kinds of
16 ways. Clients don't go to the prosecutors and say
17 we want to decide who you indict and how you
18 indict people.

19 Legal Services has the mandate to
20 represent poor folks and we also have a mandate to
21 involve poor people in the process, and it should
22 be like that but it makes it more difficult. And
23 I think perhaps a program should never be afraid
24 to let defenders and people who criticize that
25 program be involved in that process, that we

1 ultimately win, you know, from the experience.

2 CHAIRMAN McKEE:

3 Thank you.

4 MRS. MOORE:

5 I want to answer about the unions and
6 involvement on the board. Last year we had unions
7 organize. We went through the process of the
8 bargaining and whatever. We currently have
9 straggled a little.

10 I received a letter before I left home
11 that the union had decided that they would give us
12 60 days before they, you know, we would go in on
13 bargaining because the contract was up August 3rd.

14 Now, what I'm saying is when the union
15 came about, it was because staff people had
16 problems with not so much the board but they had
17 problems with the director and against him
18 domineering and being bossy.

19 So when people have problems, it's no
20 different than when you form welfare rights
21 organizaton or a tenant's council. You get your
22 best hope and start getting the best thing you can
23 out of it.

24 I think the reason why they was able to
25 go along with the waiting for the new contract to

1 be signed, they don't have any more issues. They
2 really don't have any more issues. The director
3 is gone, there's no more money in Legal Services,
4 so we can't give them any more money.

5 CHAIRMAN MCKEE:

6 We will find some.

7 MRS. MOORE:

8 I hope so because I believe in money
9 coming to people that are doing a good job. What
10 I'm trying to say to her, that-- and I'm not
11 trying to be critical of what she said, only this
12 thing, I have not ever been able to say there's
13 not any problems with Legal Services. You have
14 young attorneys or you have attorneys that has
15 been there for a long time and they do get mad
16 about the board. In fact I was told that my
17 position as board chairperson was to get some more
18 money and leave the community to them. And I
19 differed with them.

20 You know, the community is me, and any
21 time a client is abused, it's up to me as a client
22 representative to bring it to the attention of the
23 staff person in charge so this don't happen any
24 more. And if you sit on the board and you not
25 participating, it's something wrong with the poor

1 folks on that board. Because I have sat on
2 numerous of boards and because anyplace they
3 talking about poor people and money, I'm going to
4 try to be. And any time I take time and leave my
5 children, which I had eight when I got involved.
6 I had a son been deceased since '74. I have seven
7 children and grand children and everything else.
8 But when I take my time to go, I'm not going to go
9 and be a silent body, espceially when the law
10 gives me the right to say something, that be
11 whatever it is.

12 And all I can say is that I listened to
13 what Wilhelm said-- and I was frustrated and I
14 probably wouldn't have said anything if he hadn't
15 said something-- but the unions and board problems
16 is something that you have to deal with locally.
17 And if anybody wants to start a union, it's
18 usually because they offended about something that
19 is going on. And if we had of known, and the
20 union said so afterward, well, we had talked to
21 the board, we wouldn't have formed a union. Now
22 they don't even know what to talk about. You know,
23 that's like I said, I will tell them, Mr. McKee,
24 that you are going to find more money.

25 CHAIRMAN MCKEE:

1 Okay.

2 MRS. HOLMES:

3 I would like to reintroduce myself.

4 I'm Mrs. Holmes.

5 Mr. Joseph, on the issue of the support
6 centers, you, as a project director, you probably
7 have a different perspective. I, as a board
8 member and a client representative-- and I have
9 been a client-- I have another perspective. I
10 think we're talking about yes, they might be
11 something nice to have. But that is not what
12 we're talking about.

13 There are many problems that I have
14 with the support centers that I know something
15 about. Number one, the board. The lawyers on the
16 boards are appointed by the directors, by project
17 directors. They decide who they want to be the
18 clients that sit on the board. Now, this might
19 not be with all the boards but this happens with
20 many of the boards. And many of them just do not
21 give that amount of service to clients. Yes, it
22 might be good to have the information. I'm not
23 going to dispute anybody else's involvement with
24 their experience. But I'm speaking of the
25 experience of the Wayne County Clients Council and

1 the State of Michigan Clients Council.

2 I think that the whole concept of the
3 support centers, you know, support centers and all
4 the funding they give these various organizations,
5 it's part of a specialized family type of thing.
6 You know it, and I know it. And I would like to
7 see those things corrected. If they have clients
8 that they are serving in areas where there is not
9 a Legal Service program, we don't have any problem
10 with that and it's not what we're talking about.

11 I think my record of support for the
12 Legal Services program-- I'm a volunteer, I don't
13 get any money. It's not going to make me one
14 penny. It's not going to mean one more penny to
15 the Wayne County whether they have the clients
16 council or not-- or whether they have the support
17 center or not. That is not my concern. I think
18 it's bigger than what we have heard here today.

19 And if you would like for me to draft
20 you a specific position paper, I'll be happy to do
21 that.

22 CHAIRMAN MCKEE:

23 What we want to do right at this moment
24 is to allow the acting vice president of the
25 corporation-- just a second-- he has some comments

1 to make. I can assure all of you that all the
2 various positions and viewpoints that we hear,
3 that's what we search for is balance and to bring
4 every viewpoint into consideration. It's good to
5 get varying viewpoints.

6 I would like to have Mr. Lyons, the man
7 who will be putting this together for us, be able
8 to make a few comments. And I will thank you all
9 very, very much for your attendance for such a
10 long session.

11 MR. LYONS:

12 I know you have all had a very long day
13 and I want to thank you for coming. I hope that
14 what you have heard today will give you--

15 CHAIRMAN MCKEE:

16 Excuse me, she cannot hear.

17 MR. LYONS:

18 -- well give you some reassurances that
19 the level of service you need to go back and serve
20 your clients will be there. I can tell you from
21 where I sit, there's an old saying. If it ain't
22 broke, you don't fixt it. But you're always open
23 to improvement, you're always open to change. I
24 can assure you that in terms of my recommendations
25 that if it's not broke, I'm going to recommend

1 that we don't fix it. But if it is broke, then we
2 have to try to find ways to fix it.

3 I have been around this work a long
4 time and I believe in it, I'm committed to it, I
5 know the various roles that people are playing, I
6 know the value of those roles, and I think all of
7 you can be assured that your values and the work
8 you have done and the contributions you will make
9 will be reflected in whatever recommendations I
10 have an opportunity to make.

11 Thank you.

12 CHAIRMAN MCKEE:

13 Thank you very. The meeting is
14 adjourned.

15 (Concluded at 3:56 p.m.)

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CERTIFICATE OF COURT REPORTER

I, Kay Miles, Notary Public in and for the County of Hinds, State of Mississippi, hereby certify that the foregoing pages, 1 through and including 221, contain a true and correct transcript of the proceedings as taken by me at the time and place heretofore stated, and later reduced to typewritten under my supervision to the best of my skill and ability.

Witness my signature and seal this the 4th day of September, 1982.

Kay Miles
KAY MILES,
My commission expires, March 9, 1985

CERTIFICATE OF COURT REPORTER

I, Dale N. Milford, CSR, RPR, and Notary Public in and for the County of Hinds, State of Mississippi, hereby certify that the foregoing pages, 222 including and including 438, contain a true and correct transcript of the proceedings as taken by me at the time and place heretofore stated, and later reduced to typewritten form by computer-aided transcription under my supervision to the best of my skill and ability.

Witness my signature and seal this the 3rd day of September, 1982.

Dale N. Milford
DALE N. MILFORD, CSR, RPR
My commission expires April 18, 1986

ORIGINAL