

LEGAL SERVICES CORPORATION

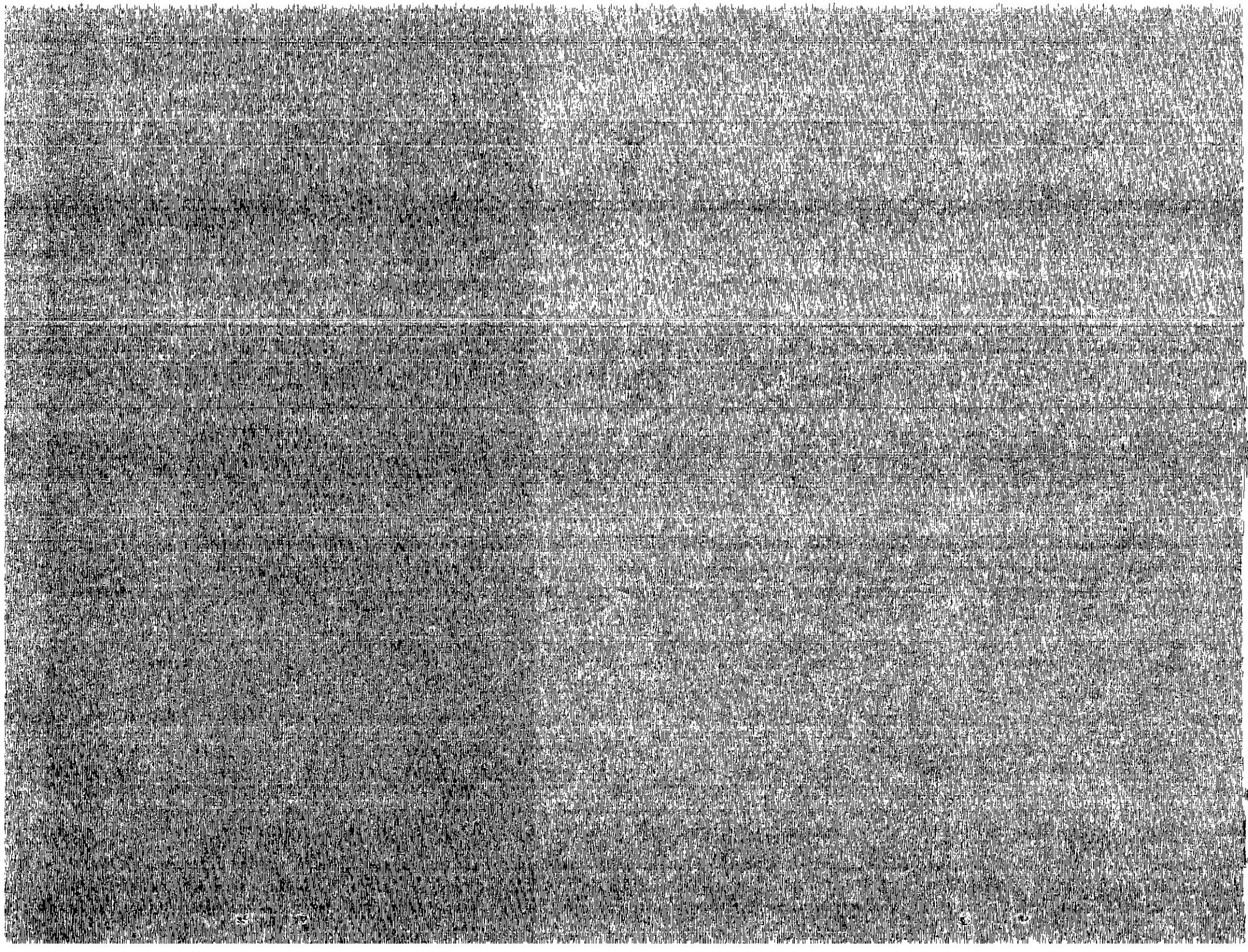
CLIENT SELF-HELP CONFERENCE

8:25 a.m.
Friday, July 7, 1989

Ballroom C
Old Colony Inn
625 First Street
Alexandria, Virginia

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547
WASHINGTON, D.C. 20005
(202) 628-2121



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P R O C E E D I N G S

(8:25 a.m.)

1
2
3 MR. WEAR: My name is Terry Wear. I'm the president
4 of the Legal Services Corporation. I'm standing in for Clark
5 Durant who will be here later this morning. The first thing I'd
6 like to do is introduce to you, for those of you who do not know
7 her, Lorain Miller.

8 Lorain is one of our eleven board members on the
9 Corporation. She has been very interested in client issues and
10 training, both client board member training and client training.
11 She and Hortencia Benavidez have been the driving force behind
12 this meeting here this morning.

13 So, if I may, I'd like to introduce to you all Lorain
14 Miller. (Applause)

15 MS. MILLER: Thank you, Mr. Wear. Good morning,
16 everyone. I just want a couple things to let you know what
17 we're here for. I would like for everyone here to be sure to
18 get involved in everything that we're doing.

19 We need everyone's input because being all over these
20 United States, everyone might have similar problems but they
21 might be just a little different from the area that you're from.
22 So getting involved, getting it out in the open and said works,

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1 acts as an interchange to knowing what's going on in everyone's
2 area.

3 So be sure if there's anything that you want said or
4 you want to do, you want to get involved with doing, be sure
5 that we do this. There's one thing I would like to add to the
6 agenda which is nice and you probably have it in your package
7 you just received.

8 I would like to just add that we need to put on there,
9 Maureen, priority settings. That means more training for
10 clients that get involved in the local legal services. Can we
11 add that on? For the small group conferences, just add that as
12 a fifth priority setting. Maybe the four different groups can
13 come together and get this at the end of the day.

14 MS. BOZELL: The priority setting is on the agenda
15 after the small groups come back together again after lunch.
16 It's there.

17 MS. MILLER: Oh, it is on the agenda? I didn't see it
18 on there; I'm sorry. I just wanted to make sure we got that on
19 there.

20 MS. BOZELL: Yes, we do.

21 MS. MILLER: I was wondering if you wanted me to maybe
22 have an introduction of each other, everyone introduce

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1 themselves because some of us know each other and some of us
2 don't.

3 (Introductions were made.)

4 MS. MILLER: Okay, thank you. Is there anyone in the
5 audience that we need to introduce? You know most of our staff;
6 Ms. Bozell, Mr. Moses, and Ms. McCollum. I don't believe I've
7 met this lady.

8 I really want us to just focus on -- the main thing is
9 to come out of these two days with something solid that we can
10 ask the board, Can we have this if we narrow 100 things down to
11 maybe 6 or 7. We'll pick out the best of maybe 3 of 6 or 7
12 because we can't get greedy and ask for too much.

13 In these two days, we want to do the best we can and
14 maybe something will come out of it good for us. If it's not
15 but one thing, we want to get that in writing and ready for the
16 next board meeting. Someone here will ask to put in on the
17 table and say can we have this for the class.

18 We don't want to get this confused with the national
19 client. That's not what we're about. We're not even thinking
20 about the National Clients Council. This is different. This is
21 for all of the clients.

22 Any questions?

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1 (No response.)

2 MS. MILLER: If there is none, then we'll have the
3 invocation right now from Ms. Barnes.

4 MS. BARNES: Thank you, Ms. Miller. Good morning. A
5 month or so ago in a conversation with Clark Durant, Lorain and
6 myself, we decided that we needed to put together some type of a
7 little, you might say, preamble or mission as to why we are here
8 today.

9 We came up collectively and individually with this. I
10 would like to share it with you before I attempt to do an
11 invocation. To bring together clients and non-clients from five
12 geographical regions of the Legal Services Corporation for the
13 purpose of sharing information, ideas and issues relative to the
14 needs for client-based training, to prioritize the basic needs
15 individually and collectively and establish goals and objectives
16 for such a training package, to study plans already in place for
17 client training that has national concept but local in scope,
18 all to create and formulate a training program that would be for
19 the motivation and enhancement of the client communities as they
20 learn through doing the true meaning of client advocates
21 performing in a self-sufficient manner as they take control of
22 their lives.

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1 May we bow.

2 (Invocation was given.)

3 MR. UDDO: Thank you. As I said when I introduced
4 myself, my name is Basile Uddo. I'm from New Orleans. I am a
5 member of the National Board of Legal Services Corporation.
6 I've been asked to take a few minutes and address the topic of
7 what we hope to accomplish here in these two days. Clark is
8 also supposed to be here to do that. He's running late. He'll
9 be here and you'll hear from Clark too.

10 I think to a large extent Clark and I share the same
11 vision of what this meeting is about. Before I get into that, I
12 do want to take just a couple of minutes to acknowledge a few
13 people that I think have expended a great deal of effort and
14 energy to make this possible

15 Ms. Barnes has already indicated that she's one of
16 those. I would have said it if she hadn't because she's one of
17 the people that did help generate the idea and the enthusiasm
18 for this particular meeting.

19 In addition, Lorain Miller and Hortencia Benavidez,
20 our client board members on the national board, have been very
21 dedicated to seeing that this meeting became a reality and that
22 clients had an opportunity to come here and talk about self-help

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1 and talk about self-sufficiency and talk about ways that they
2 can become more capable of controlling their lives, particularly
3 where it impacts the law and legal matters.

4 On our staff in Washington, Ms. Bozell, who you
5 probably all talked to at one time or another, Maureen Bozell,
6 has done Yeoman's work in getting this conference together.
7 It's been a tremendous amount of work.

8 I don't think you can imagine how difficult it is to
9 bring this many people together from around the country and put
10 together a program like this, but I think she's done an
11 excellent job as well as Mr. Moses who has been helping her.

12 Anytime we meet anywhere, Ms. McCollum is always an
13 important actor in getting things together and organizing and
14 keeping things running smoothly. So I think it's appropriate to
15 acknowledge those people because this is a very difficult
16 logistical task and they are all responsible for that.

17 I think the reason that I was asked to be here and to
18 say a few words is that I am the chairman of a subcommittee -- I
19 think it's called a task force, frankly, on client board member
20 training where we've been emphasizing the question of training
21 client board members in the programs around the country and how
22 we do that and the importance of doing that.

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1 All of our meetings that we've held -- and we've tried
2 to hold meetings at different places around the country -- I've
3 limited those meetings to the question of board member
4 training.

5 Invariably, there are people who come to address us to
6 indicate that there's another part of client concern that we
7 need to address. That is the question of training clients to
8 become self-sufficient, training clients to help themselves,
9 training clients to become independent, if you will, of the
10 needs of some of the services of our grantees.

11 Even though I would always keep my meetings away from
12 that particular topic because we were dealing with board member
13 training, it was obvious to me and to others that we needed some
14 occasion to talk about this other aspect, this other dimension
15 of client self-sufficiency and self-help training.

16 That's really, I think, the genesis of this meeting
17 here today because Ms. Miller, Ms. Benavidez, Ms. Barnes and
18 others said we need an occasion to talk about this other part.
19 So I can speak from first hand experience from chairing these
20 meetings that there is great deal of concern among the client
21 community in this country about the kind of thing that we are
22 here to talk about today.

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1 I'm extremely excited about the group of people that
2 have been brought together here today. Just the little I know
3 about the backgrounds of some of the people who are
4 participating and some of the things that I've read, I think
5 we've got a unique group of people here, people with experience
6 and expertise that I don't think has ever been brought together
7 in one room before to try to talk about and brainstorm about how
8 do we help clients out there in the field who need legal
9 services to do more to help themselves, to be able to represent
10 themselves, if you will, to be able to avoid problems that might
11 give rise to the need for lawyers of legal representation, to
12 give them, as Ms. Barnes said, self-sufficiency, independence.

13 so I think that we've got a very, very rare
14 opportunity here. It's my hope, as I think it's Ms. Miller's
15 and Ms. Benavidez' that this conference will produce something
16 that we can bring back to the board to say that we think this is
17 a good project.

18 We think this is a good proposal to help us achieve
19 this goal of a greater degree of self-sufficiency and self-help.
20 I can tell you also from experience, if we can't help clients to
21 become more self-sufficient in the legal realm, a lot of needs
22 will go unmet because one thing that we're all pretty sure of is

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1 resources, federal, state, private, however you want to slice
2 it the resources are not sufficient to assist all clients that
3 have legal needs.

4 Therefore, the only way that we can be assured that
5 clients are able to fend for themselves in a world that's been
6 created that requires legal assistance in so many different
7 turns, is that they become capable of dealing with those
8 problems themselves to as large an extent as possible.

9 So I think this is an appropriate time to say that the
10 resources are not growing. We can't look forward to tremendous
11 new resources to put more lawyers out in the field to take care
12 of client's needs, so we have to accept the fact that we are at
13 a point where if we can leverage -- leverage is the word they
14 usually use -- those resources by helping clients to become more
15 sufficient, more self-sufficient, more able to help themselves
16 and help each other in many ways, then we will have gone a long
17 way to trying to meet the needs that are really out there.

18 So it's very important in that sense. It's just not a
19 time in our history where we can say, oh, if we just double the
20 budget of the corporation, we wouldn't have to worry about
21 this. We could have enough lawyers out there to meet all these
22 needs.

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1 We're not at that point and we're not going to be at
2 that point anytime soon if ever again. Even if we were at that
3 point, I think -- and I think Clark will say this when he comes
4 -- it's probably not a good idea even if we had twice as much
5 money as we have now. The goal of sufficiency and independence
6 and to be free of the need for lawyers is a good goal.

7 I'm a lawyer. I'm not saying that in any way to
8 denigrate lawyers, but I understand that to the extent that
9 clients can fend for themselves, protect themselves, avoid legal
10 problems and solve some of the ones that arise on their own,
11 they are better off.

12 So I think that's why this is an important conference
13 with an important goal. I echo what Ms. Miller said when I
14 encourage you all to be involved, to participate, to share your
15 experience, your knowledge, your expertise with us all so that
16 when it's over we can come away with these two days with
17 something concrete to take to the board to say this is how we
18 perceive that we can leverage resources and help clients help
19 themselves.

20 With that in mind, I would again thank you all for
21 being here. Thanks to the people who are responsible for
22 getting us together and making it a reality and invite any of

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1 you who have any questions of me as a member of the board not to
2 hesitate at any time during the conference to stop and ask me.

3 I'll be happy to listen to your concerns and advice,
4 information, whatever. In the meantime, I think the schedule
5 now calls for a brief break which -- Hortencia is deferred to
6 your welcoming comments.

7 MS. BENAVIDEZ: I just want to say we're very happy to
8 have you here. I hope something good comes out of this.

9 MR. UDDO: Mr. Wear has a couple of quick words and
10 then we'll have a brief break.

11 MR. WEAR: Again, let me add my welcome to those that
12 you've already received. We're glad to have all of you here. I
13 know from the backgrounds of you, which I went over before we
14 made up our attendance list, that you all have something to
15 contribute.

16 We have a number of people here with practical
17 experience in the self-help area. We have a number of client
18 members on various legal services boards and other client
19 organizations who've had a lot of experience with what people
20 need and some experience in how they've been able to get it or
21 how they've not been able to get it thus far.

22 So I think that all of that is going to be helpful.

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1 Let me just echo a couple of things that Mr. Uddo said and that
2 is that indeed resources are not going to expand, whether we're
3 talking about the federal -- and I'm more concerned, I guess,
4 about the federal resources because that's the ones over which
5 we have the greatest control.

6 It's not because people don't like Legal Services or
7 they don't think it's worthwhile, it's because of the federal
8 deficit and the way that the budget act and the budget
9 committees on Capitol Hill are driving expenditures.

10 It's just a fact of life. It's true in every area of
11 the federal expenditures. I spent six years on the Hill and I
12 can tell you that it hasn't gotten any better since I left the
13 Hill.

14 So that's the reason for it. It's not because people
15 don't like Legal Services or because Legal Services doesn't have
16 its champions. It does and they are trying to do everything
17 that they can.

18 The bottom line is that the deficit is such that I
19 just don't see that expanding. Because of that, we have to, if
20 you will, get the best result of this benefit, the best bang for
21 the dollar for ever dollar that we have here.

22 We simply don't have Legal Services dollars to waste.

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1 We won't be wasting them. That's not to say that we can't look
2 at this issue and find things that would be helpful and things
3 that we could do.

4 I don't want anybody to get the idea that there's a
5 money tree someplace on Capitol Hill because I've been all over
6 that Hill and it doesn't exist. So that is one of the things
7 that I wanted to mention to you all.

8 I'm looking forward to listening to everybody's
9 comments as we move along and get into the self-help area and
10 get a better idea of what, for example, the people who work in
11 that area, how they see it, what the experience has been with
12 them.

13 We've got some materials here that have been prepared
14 for us. The one on the so-called Self-Help Law, I think, was
15 prepared some time ago. I think that there are things in that
16 and things in your experience that will be helpful to us.

17 So I think that that is all that I had here at the
18 moment. We're a little ahead of schedule, which I guess is
19 good. We'll take our 15 minute break and then try to get back
20 and begin with the issues of self-help scheduled on the second
21 half of the first page of the four page agenda that I have.

22 (A brief recess was taken.)

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1 MR. UDDO: As you can see on your agenda, the first
2 panel discussion deals with the sort of broad topic of what is
3 self-help. The members of the panel, as you can see again from
4 your itinerary, your agenda, are people who have experience in
5 this area.

6 We're going to ask them to lead us in the discussion.
7 I'd like to encourage any of you and all of you -- this is a
8 panel discussion. I think it might be productive if you've got
9 questions just to raise the questions as they come up. If you
10 have things to contribute, feel free to do that.

11 The people who run the panel we've selected to help
12 get the discussion going, but that's not to exclude anyone else
13 from jumping in and helping with the discussion. So I'm going
14 to sit down and do this.

15 I think the way I'd like to start it is, if we could,
16 to ask Mr. Fry, whom I can't see from here, if maybe he'd give
17 us a little bit of insight into we define self-help and some
18 thoughts of what we're talking about when we talk about self-
19 help. In the process, you may tell people a little bit about
20 your background and experience in that area.

21 MR. FRY: Maybe I should start with that. The
22 National Public Law Training Center is a paralegal training and

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1 we train non-lawyers to represent essentially poor people.
2 Typically, we work with specific groups of advocates who work in
3 a system with focuses on the elderly or mental health or
4 handicapped clients.

5 So some of the training programs that we do would
6 include going to a state where there are state-based advocates
7 for mental health patients. We'll teach them about three to
8 five days of intensive training the basic law of mental health
9 patient's rights, advocacy skills, fundamental lawyering skills,
10 because in a sense we're teaching them how to be mini lawyers.

11 The skills that we cover will include interviewing,
12 fact gathering, getting information from a client,
13 documentation, some basic concepts of evidence, how to do
14 research into statutes and regulations, how to negotiate -- we
15 very often have role plays and drills -- how to prepare for a
16 hearing and how to present a hearing.

17 We very often have mock hearings in which the
18 participants, the trainees, have to prepare and present a case
19 before a hearing officers. That's the kind of training we do.
20 As I say, it's almost always focused on specific subject matter
21 with a group of people who have very specific kinds of
22 clients.

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1 We teach both basic skills and the law of the subject
2 area. We've ranged all over the lot over the years on the
3 subject areas. We've trained mental health and protection in
4 advocacy, handicapped, SSI, social security, medicare, medicaid.

5 We've also trained Indian advocates in tribal courts.
6 We once trained anti-trust paralegals. That was kind of off our
7 beaten track. So that's the background.

8 What I'm going to say about self-help is going to be
9 necessarily rambling, partly because I didn't expect to be
10 called on for the definition.

11 MR. UDDO: It's your impressionist definition. We're
12 not holding you to anything specific.

13 MR. FRY: Let me start with looking back in the early
14 days of Legal Services. The concept of self-help, I think, had
15 a couple of images involved in it. I think it started from the
16 premise that people were going to be represented by lawyers.

17 The legal problems as defined and is perceived by the
18 corporation and its predecessor OEO, were legal problems because
19 you needed a lawyer to handle them. So one of the concepts that
20 arose in the early days was that clients should participate in
21 their cases.

22 It was, in some ways, a concept slightly peculiar to

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1 Legal Services because you didn't hear the private bar talking a
2 great deal about how their clients should participate in their
3 cases.

4 If you were representing a corporate president, there
5 wasn't a great deal of thought about getting that person
6 involved in handling the case. So there was what I saw was an
7 interesting disparity between the standard view of private legal
8 representation and the view of Legal Services attorneys.

9 In Legal Services, the idea was that to the extent
10 possible, the client should be involved in the case. Sometimes
11 it had the label self-help. The gist of it was that if there
12 were documents needed, the client could get them.

13 Perhaps the client could be told how to get them and
14 instruct them how to assist in preparing the case. Similarly
15 with other kinds of evidence, if something was needed in the
16 case, the client might be able to get it, therefore reducing the
17 amount of lawyer's time and having the client participate.

18 There was also, to a certain degree, a sense that in
19 some kinds of administrative proceedings where you have, in
20 effect, a negotiation or, in fact, a hearing, that it might be
21 possible for clients to represent themselves in those hearings.

22 If they were totally informal -- and this would be a

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1 judgment call, I think, on the part of a Legal Services lawyer-
2 - if the proceeding was totally informal and it simply meant
3 going in front of a person at an agency and presenting a simple
4 proposition, then the thought was perhaps the client can do it
5 and the lawyer would instruct the client what to expect, what
6 the situation looked like, what kinds of documents, what kinds
7 of questions you might be asked and then let the client do it
8 themselves.

9 So I think in some ways the early roots of self-help
10 were around the idea that a client should participate in their
11 own case. Now I think other kinds of early self-help out of
12 Legal Services involve the general proposition of instructing
13 people in the community about their rights and about how to get
14 access to rights.

15 I think there was a time when self-help from the
16 corporation's perspective meant informing people about the
17 existence of rights, many of which they could simply reach for
18 and take themselves if they had the knowledge that they existed
19 and knew where to go and where to get the forms.

20 I remember -- I think it probably still exists -- that
21 there are some Legal Services programs that have in their
22 waiting rooms not only information but videotapes about

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1 information about where to go, where to seek help, what agencies
2 exist and what their rights are.

3 So that's always, I think, been in the background in
4 Legal Services. Part of the mission was to help people to help
5 themselves either as part of the case that the lawyer was
6 working on or on their own initiative; to go out, if they know
7 where the agency is, to get the form to make the application and
8 so on.

9 Now I think self-help recently has taken some very
10 interesting turns. I'm not sure how to label them all. There
11 are a lot of people here that could do a lot better than I can
12 on talking about self-help in various ways such as child
13 support which was an initiative under the law that seems to me
14 to have been almost specifically designed for self-help.

15 I think it must have been in the contemplation of the
16 legislators that a part of this was that people shouldn't need
17 lawyers; that you could actually create a system providing self-
18 relief where you didn't have to retain a lawyer or even an
19 expert to help you.

20 I think it's one of the interesting aspects of that
21 law that I think represents a drift in that direction; that when
22 legislators are creating rights, more and more they are thinking

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1 about creating rights in a form where people can do it
2 themselves.

3 You see it in things like probate reform. Maryland
4 just passed a probate reform law and I think there are statutes
5 pending around the country where the purpose of the legislation
6 is specifically to allow people to do it themselves.

7 You could rattle off a number of other areas where
8 laws are being written for that sole purpose, where the
9 legislators are saying we have a system for relief. We have
10 some provision in our legal system for people to get help, but
11 it's not working because it's too complicated.

12 It's got too many technicalities. It cost too much.
13 Lawyers are reaping a profit, but nobody is getting great
14 benefits out of it. So they're simplifying laws for that sole
15 purpose.

16 I think probate reform is a nice example of it, nice
17 partly because it's always been such a lucrative area for
18 lawyers. I had a kind of an unnerving experience recently which
19 I was talking to someone about, paralegals in the legal system
20 and what's the matter with lawyers.

21 I started talking about these damn real estate
22 lawyers and how they're ripping people off and how when you go

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1 to buy a house, you have to hire a lawyer to do the most simple
2 proposition, to fill out something you could get in the drug
3 store.

4 You still have to hire them. They fill in the deed
5 when you buy a piece of property. I was making observation that
6 the law permits a realtor who's not a lawyer to prepare for you
7 the most complicated document in a real estate transaction which
8 is the contract.

9 When you go to buy a house, you're asked to sign a
10 contract. That can have all kinds of complicated provisions
11 about conditions, inspections, how much money you put up, how
12 you get your money back if the deal falls through, what the
13 seller has to do and what you have to do.

14 It can be real tricky. The realtors do that. When it
15 comes time to the deed which is a printed form in which the
16 seller says I give you everything I have, that's it, you have to
17 hire a lawyer in Virginia and a lot of states and pay them a
18 good sum.

19 My embarrassment came when the other -- the person
20 that I was talking with turned out to be a real estate lawyer.
21 I didn't want to retreat from the point which is there are lots
22 of things people are required to hire lawyers for that they

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1 shouldn't have to.

2 One feature of self-help is this idea of
3 simplification, making it possible for people to handle their
4 own matters by legislating a simplification that anybody can
5 handle.

6 MR. UDDO: Let me ask you a question before you get
7 away from it. The kind of stuff that you do, the training that
8 you give people to represent themselves, how difficult is it?
9 How elaborate is it? How long does it take?

10 I assume it has something to do with the areas you are
11 training them for. Give us a little idea of the actual process
12 itself.

13 MR. FRY: All right. It's very difficult I would say
14 because we started -- this goes back about 15 years where the
15 roots of this training designed. We started with the
16 proposition that paralegals who were going to represent people
17 from the Legal Services had to be able to handle substantial,
18 serious and difficult matters.

19 As you may know, federal law permits non-lawyers to
20 represent people in a whole bunch of public benefit areas; SSI,
21 social security, food stamps, AFDC. Those cases are not simple
22 cases necessarily.

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1 In fact, the cases that come into Legal Services are
2 usually complex cases because something has gone wrong. There
3 may be problems of evidence. Is there somebody living in the
4 house? Is this income -- the kinds of issues that come up in
5 public benefit cases.

6 What we wanted to do was start with the proposition
7 that a non-lawyer can learn how to take a case from the
8 beginning to end. That means that they need to know how to sit
9 down with a client and get the facts.

10 We usually have interviewing drills in our training in
11 which we try to explain to people the importance of the
12 interview and the kinds of things that need to happen in an
13 interview.

14 If you think about it, an interview is a very complex
15 relationship and a very important one. There are books written
16 on interviewing skills for advocates. They were usually written
17 for lawyers, but they apply just as well for non-lawyers who
18 have clients.

19 We try to explain the nature of the relationship. For
20 example, it's a representative relationship with an obligation
21 to it and that it starts at a certain time. When you interview
22 a client, there has to come a time when you say I take the case.

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1 Before that time, you may not represent. You may not
2 have committed. After that time, you have a professional
3 obligation because you've established a professional
4 relationship.

5 We talk about the importance of getting basic facts,
6 what are important facts in certain cases, the importance of
7 knowing the law, for example. You can't conduct a good
8 interview on rights to AFDC unless you know what the rights are
9 which means you have to know what the regulations are.

10 You have to know how to ask a question like, "Do you
11 have a man living with you?" You have to know the significance
12 of the answer. If the answer is yes, you have to know that it
13 is significant whether you were married, whether you are married
14 and so forth.

15 You have to know what questions to ask and that means
16 knowing the law. That's why I say it's difficult training. We
17 then, on the skills side, we proceed through a state we call
18 fact law analysis in which we teach people how to take a set of
19 facts, compare them with the existing law found in the
20 regulations and the statutes and line up arguments.

21 What is your argument on this point that this person
22 is eligible? What is your argument that this person did or did

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1 not do this thing?

2 Sometimes a case, for example, that is crucial whether
3 a person knew something at a particular time, we will set up a
4 hypothetical set of facts and we will say, "How do you argue
5 that the person didn't know this thing and how will the other
6 side argue that they did know?"

7 Let's get the arguments in line so we know what we're
8 doing. Then we may take a person through a mock negotiation.
9 Sometimes the trainees will negotiate against each other in
10 which they will present the case to, for example, an
11 administrator of a government agency. In turn, the
12 administrator will argue back.

13 I'm going awfully fast over this because we have
14 sessions on negotiation skills, what is negotiating, what are
15 the skills that you use, what are good ways to make arguments,
16 and so forth.

17 In some trainings, not all, we go through preparation
18 for administrative hearings in which we ask trainees to line up
19 the evidence, the facts, the arguments, prepare a witness often,
20 and then do a mock hearing before a training with people playing
21 both sides and witnesses.

22 So there's a lot of role playing. That's basically

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1 the skill side. On the substance side, we kind of teach the
2 basic substantive law. Usually in the context of the skills
3 training, if we're teaching SSI and we take somebody through the
4 interview negotiation hearing, an SSI case, along the way we're
5 dealing with the basic statutes; what are the eligibility rules,
6 what are the exceptions and so forth.

7 So in the end, the skills in the substantive training
8 kind of meld together. A training like this can be five days
9 long, 9:00 to 5:00 with homework. We like to do the training in
10 retreats where we have people away from their office and away
11 from their home and completely under our control so we can work
12 with them all the waking hours.

13 I should add, I suppose, that one of the things we
14 talk to paralegals about is ways of helping people to help
15 themselves. Paralegals very often come from the community. I
16 should take that one step further and point out that it's not
17 just the neighborhood.

18 They often have background in the particular area that
19 they're working on. So that advocates for the handicapped are
20 often handicapped. Advocates for mental health patients very
21 often have had brothers, mothers, sisters, relatives who are
22 currently suffering mental health problems and may be in

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1 institutions.

2 So for that reason, I think the paralegals we train
3 are often more interested in self-help because they're closer to
4 the problem. They come from the general community that they're
5 serving.

6 Let me veer back again to the question of self-help
7 and how I think some pieces of it have evolved. I think a piece
8 that is very important that started to evolve about ten years
9 ago is the production of self-help manuals and the encouragement
10 of self-help.

11 I think before two national organizations were formed,
12 self-help was kind of random. That is to say, somebody might
13 write a book on how to do your own will. People were always
14 writing books about the intricacies of real estate, what to do
15 when you buy your own house. Those have been around forever.

16 About ten years ago, an outfit in California called
17 Nolo Press was formed for the exclusive purpose of putting out
18 self-help law books, detailed, careful instructions on how to do
19 certain things.

20 They must have now about 25 books out. They're
21 perfectly clear about what they want to achieve. That is, they
22 want to convince people that they can do it themselves and they

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1 want to give them detailed instructions on how to do it.

2 Some of their books are extraordinarily good. Some of
3 their subjects are pretty tough. Self-help -- and I'm going to
4 get back to this point -- self-help isn't for everybody. I
5 guess the most famous Nolo Press book is the wills book.

6 It consists of a big book on how to write your own
7 will and also computer software which you can run. When you run
8 it, it comes up on the screen and says we're going to go step by
9 step through devising a will.

10 Who do you want to be your executor? You type it in
11 on the computer. What are your assets and what specific
12 properties do you want to dispose of? What are your banks
13 accounts and insurance and so on?

14 Then who do you want this to go to? You type in the
15 name of my son. Then the software says, "What if your son is
16 not alive when you die?" So then you answer that one. It takes
17 you through this.

18 Then when your finished, it types out a will which
19 they say is valid in any state of the union except Louisiana.
20 Louisiana is a problem because their legal groups are different
21 from the other states.

22 Then Nolo Press has books on how to form your own

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1 corporations, landlord tenant laws. They even have a book on
2 law governing pets. I think they call it the "Dog Book."

3 MS. JERMANY: Dog law. It's just about dogs
4 primarily. It doesn't deal with cats. Cat law is next,
5 separate statutes and everything.

6 MR. FRY: One of the interesting things to me is that
7 Nolo told me at one point that the will book, which is extremely
8 popular and sells incidentally for very little, I think around
9 \$29.00, is purchased mostly by engineers.

10 I think you can guess one of the reasons is it comes
11 with software. Engineers usually work with computers and they
12 like to play with software and they're comfortable with the idea
13 of using software to write your will.

14 I suspect there's another reason and that is that the
15 book that comes with it is extremely technical and detailed and
16 you have to be ready to take the plunge on that book. I
17 happened to study trust in the states in law school.

18 I thought it was a fascinating subject. I might even
19 want to practice it, but it's a very complicated subject, one of
20 the hardest subjects of law school. This book from Nolo Press
21 is about the best thing I have read. It's thorough, detailed,
22 careful, explains all kinds of complicated stuff that I had

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1 trouble with in law school.

2 Another groups that buys the book are lawyers because
3 it's so full of information that they can use it in their
4 practice as a reminder of what some of the laws and issues are.
5 The point I want to make about some of these books -- and let's
6 take the will book in particular -- is it's a hard book.

7 It doesn't sugar coat anything. It's written by
8 people who want to tell you what the law is. The law in writing
9 a will can be complicated. It doesn't try to make it easy.
10 Still, thousands and thousands of people using this book have
11 produced their own wills without going to a lawyer. That's a
12 real step forward.

13 I'm sure thousands have created their own corporations
14 using the do-it-yourself books. The Nolo Press stuff isn't
15 aimed toward poverty. It's aimed toward everyone. They don't
16 focus on the legal problems of the poor; they just focus on
17 legal problems that people might handle themselves.

18 The other organization that started about ten years
19 ago is HALT. You have a big pile of materials here from HALT.
20 HALT's roots were purely self-help. It started by a couple of
21 guys who decided that the legal system really needed reform;
22 that there were terrible problems with it.

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1 It was a perspective that was very critical of the
2 legal profession. That was the basis for it. It wasn't just
3 favorable towards self-help as a good thing; it was favorable
4 towards self-help because the legal profession was doing such a
5 bad job. That was the gist of it.

6 I think HALT now has about 150,000 members all over
7 the country. When they join the organization, what they get are
8 self-help guides and manuals; how to -- HALT recognizes that
9 sometimes you need a lawyer, so one of their books is "How To
10 Hire a Lawyer."

11 Other books are similar to the Nolo Press books; how
12 to do it yourself and how to get remedies against problems that
13 the legal profession present." HALT just published a book which
14 lists the names of attorneys who will sue other attorneys.

15 One of the things their members suffer from and one of
16 the reasons the members have wanted to do self-help is because
17 they've been burned. They've had bad experiences with lawyers.
18 Some of the stories are horrifying.

19 One of the reasons they've joined HALT is they want
20 some way to get a remedy. They want to get back at the lawyers
21 in addition to helping themselves. What they find is that one
22 of the greatest areas of self-help is when you want to go for

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1 your lawyer.

2 The reason it's self-help is because you can't get
3 another lawyer to touch it. So most of the HALT members, I
4 would say, or a great number of them are self-help even going
5 against the legal profession.

6 So HALT puts out a book, "How to Go Against the Legal
7 Profession" that includes a handful of lawyers around the
8 country who will take these cases. I think these two
9 organizations started people thinking a lot about the potential
10 of self-help.

11 In a sense, they spawn yet another self-help process
12 which is stirring around the country and certainly California.
13 That is -- there is no official name for it. It's sometimes
14 called a typing service, but it's a street corner place where
15 people can go and get the papers and the books and the
16 instructions on how to do a simple process and get it typed.

17 The reason they're called typing services is partly as
18 a protection because lawyers operate under laws which say you
19 can't practice law without a license. The street corner
20 operations are nervous that if they appear to do more than hand
21 out forms and do typing, they'll be charged with practicing law.

22 They may well be. Some of them have been around the

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1 country, less so in California because the bar in California is
2 really on the run these days. For many years, the bar has been
3 subject to so much criticism on so many fronts that one of the
4 things they said kind of as a defensive reaction is we're not
5 going to go after unauthorized practice of law anymore.

6 If somebody's practicing law and they do something
7 real bad, the DA is going to prosecute them for a crime, but
8 we're going to stop chasing these people. The reason they said
9 that was that these people, many of them, were providing first
10 rate services at prices people could afford and the public
11 deeply resented the bars trying to stop these folks.

12 So the environment in California for self-help is very
13 positive, partly because the bar is not at the moment
14 interfering with the self-help processes.

15 MR. UDDO: Mr. Fry, let me stop you at that point and
16 see if we can get Ms. Jermany in here because she has something
17 of a diverse background with respect to experiences with LSC
18 client training and her new involvement or recent involvement
19 with Nolo Press.

20 What thoughts do you have about this idea of getting
21 clients to be able to do more for themselves, the kinds of
22 things that Mr. Fry has been talking about?

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1 MS. JERMANY: First of all, I am a former client and a
2 former board member and former chairperson of the Center on
3 Social Welfare Policy Law for New York. As a client and a
4 member of the California Welfare Rights Organization and the
5 National Welfare Rights Organization which is my background, my
6 initial background prior to coming to Legal Services, we have
7 always been involved in what we consider self-help law
8 principles.

9 Those principles arrive from two different kinds of
10 ways. One, there was law sayers. People who are from the south
11 know what law sayers are. Those are people who are trained from
12 early childhood to say the law.

13 I mean, you talk about the law. You learn the law.
14 You kind of give the law back to people in the community because
15 most people were not literate, so there was an oral tradition of
16 providing law sayers.

17 I was trained very young as a law sayer by my
18 grandmother who was an independent paralegal in the state of
19 California. With that background coupled with being a welfare
20 recipient and a client board member, I've always viewed self-
21 help law as something that was not just something to look at, to
22 do, it was something that was necessary to be done and was done

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1 prior to the funding of a Legal Services Corporation.

2 All law for people that wasn't taken care of by the
3 Little Legal Aid programs before the corporation and before
4 corporation programs and funding within states was done by a
5 variety of means.

6 What I see the corporation's needs and the needs of
7 the clients is to kind of go back and pick some of that
8 tradition up and move it forward. As far as I'm concerned in
9 relationship to what is self-help law, self-help law is the
10 process by which any of us can do our own legal -- solve our
11 legal problems in the same way as we go to a drug store and
12 solve our headache problems.

13 Most of the problems that self-help law are involved,
14 in including the things with Nolo Press, are procedural matters
15 which anyone can undertake to do themselves. Any client who
16 has done it once and done it well can learn how, with some
17 systems, to do it again.

18 Nolo Press writes books and they take forever. It
19 takes approximately two years to get a book out. We've been
20 working on bankruptcy so much I eat it, sleep it and drink it
21 because it takes -- we look at a system and develop a uniform
22 way by which people can go through one, two, three, four, five.

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1 Secondly, after looking at the process of the system,
2 we look at the pitfalls that people can fall off into so that we
3 know when to tell people to go to see a lawyer or they need
4 additional advice.

5 Most of the things that we teach through the book
6 process -- and we also run the Nolo Law School -- is we help
7 individuals go through these procedures.

8 MR. UDDO: Excuse me, Nolo Law School?

9 MS. JERMANY: There is a Nolo Law School. It was a
10 Saturday morning law school. It is a weekend law school where
11 we bring in people who need more than just the book. It started
12 in 1981 because we clearly saw a need to supplement the books.

13 Well, some of us saw a need to supplement the books
14 and those of us who saw the need made a decision that there had
15 to be some connection between the authors who sometimes got away
16 because you spend a lot of time writing books.

17 We needed to have those authors listen to some of the
18 people who have the problems so that they could make the books
19 better and also serve a client community. Half of the students
20 in the law school are legal services eligible clients.

21 They come there because they need to know how to do
22 the divorce, how to do the child support modification, how to

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1 incorporate their low non-profit or how to do the kinds of
2 things that they might need to do.

3 We have 55 titles now and I'm going to hand out some
4 stuff later so people can look at what those are. The law
5 school and the self-help movement assists clients in doing the
6 things that they need to do and want to do.

7 MR. UDDO: Can I ask you a question?

8 MS. JERMANY: Sure.

9 MR. UDDO: How many people would come to that law
10 school?

11 MS. JERMANY: The average class -- we restricted the
12 classes to 24 because I still operate under the model very
13 similar to what Mr. Fry describes as the model that we do with
14 the advocacy and the training.

15 We believe that 24 is a sufficient number in a class
16 to be able to have the kind of interaction necessary to get
17 their own problems done.

18 MR. UDDO: So those 24 people would come once or they
19 would come a series of Saturdays?

20 MS. JERMANY: Well, depending on the subject matter.
21 We do a class on "For Sale By Owner." People come once to learn
22 how to sell their house. They come back a second time to learn

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1 how to do negotiations.

2 We took the same kind of negotiation to teach home
3 sellers how to negotiate their own contracts because that's
4 something they need to do. We teach people how to write their
5 own wills or how to do their own divorces.

6 Sometimes it takes a couple of meetings. We also
7 provide supplementation to local tenant organizations. We train
8 their tenant advocates so that they can go back in turn and do
9 what they need to do in relationship to that.

10 See, that's not the only thing we do because we're
11 kind of married in a strange sort of way to the National
12 Paralegal Institute which is a trust fund program in California
13 with the sole job of providing paralegal training to people who
14 are in California who worked in Legal Service programs.

15 So coupled with that, we sometimes bring those groups
16 together. We use a lot of the no load material. We enhance on
17 that. We run workshops that enable the paralegals to serve as
18 well as the independent paralegals or the legal technicians as
19 they are sometimes called in California to bring these services
20 together.

21 We have found that there are certain advantages -- and
22 they are not necessarily all cost efficient advantages -- having

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1 clients do their own self-representation and self-assistance.
2 One is it empowers the clients to take control in their own
3 cases because a lot of times when we go to Legal Services -- and
4 this is the good intention of Legal Services. It doesn't have
5 anything to do with what somebody wanted to do wrong -- we try
6 to do complete diagnosis and we wanted to solve their whole
7 legal problems for life.

8 The difference is that they attempted to do the
9 institute and paralegals and legal form preparation service, if
10 you want to lump them all together, legal providers, is to solve
11 the immediate problem, help the person walk through the process,
12 learn something from the process.

13 We attempt to identify leadership and further
14 development skills within the individual client who comes in so
15 that if they in fact are trainable, we set up training programs
16 by which they go out part of the low cost, reduced cost or no
17 cost that they have to pay for services.

18 They in turn go out and do some assisting or
19 networking in helping. It's sort of a way of multiplying. It
20 costs a lot of money to develop the materials. If you don't
21 have good materials, you don't have good end product because the
22 materials are really the basis for which it works.

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1 It takes a lot of people a lot of time to develop each
2 entity or each part of the product.

3 MS. BYRD: I'd like to know how are you funded and
4 what does one have to do in order to be trained in this school?

5 MS. JERMANY: If you're talking about -- I'll have to
6 break it down in three parts; the National Paralegal Institute,
7 we provide training for Legal Services staff members and
8 volunteers as selected by the project training responsible
9 person.

10 That's a long-winded conversation, but whoever their
11 TRP is, their training responsible person, their TRP -- every
12 Legal Services program is supposed to have a training
13 responsible person.

14 We send information to them about our schedule. We
15 have a schedule that goes through June 30th of next year. We do
16 a needs assessment. We send out this information to collect
17 information back about what the training needs are.

18 There's a meeting -- see, lawyer training and
19 paralegal training is all designed by the same group of people
20 because we see the parallels. We do something called the
21 College of Advocacy once a year for new lawyers and new
22 paralegals in California so that they get the same information

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1 and so they can get indoctrinated by me about self-help law and
2 about not making their clients dependent.

3 One of the things we are interested in is dependency
4 prevention. We have a tendency within Legal Services -- and I
5 say we because I'm part of the problem as well as the solution--
6 - to make our clients as dependent upon us as possible because
7 we sometimes treat them as victims.

8 I'm saying them as not meaning me, but we oftentimes
9 treat them as victims; whereas, I want to have people move from
10 that mode and look at clients as responsible people who happen
11 to have a problem today, who have the capacity to solve that
12 problem giving a little assistance.

13 With the institute, there's no charge for training.
14 There's a \$10.00 material charge to help offset the cost of
15 books.

16 Then there's the Nolo Press Seminars which is a law
17 school. The classes range from \$45.00 per session up to \$95.00,
18 depending on the author's whim, what I can negotiate the person
19 down to, if I can get him to do it for nothing, then the class
20 is cheaper, of course.

21 With the National Association for Independent
22 Paralegals, we charge a lot for the training because we have no

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1 other resource or recourse. Those classes run \$95.00 a day.
2 For a four day training event, it cost \$495.00.

3 Our next training is in August in Dallas, Texas. We
4 go around the country. We've done that for the last four years.
5 It's called the Paralegal Connection. Those are kind of the
6 only things that I really do.

7 MR. UDDO: Why would people be willing to pay \$400.00
8 and something for that training?

9 MS. JERMANY: Because when they leave, they have an
10 independent paralegal business that serves low and moderate
11 income clients. We teach people how to do divorces for \$25.00
12 or \$35.00, how to take the will writer and how to do -- how to
13 develop a typing service and to supplement what's going on
14 legally.

15 We've decided that you've been giving \$305.00 for the
16 last -- since I left the corporation in 1980. There's no more
17 money; the well is dry. To look to Legal Services or to look to
18 Congress or some master up there to give us money through the
19 vehicle of Legal Services is sort of like spitting in the wind.
20 It doesn't get you nothing but some water on your face through
21 tears.

22 We took kind of a business model. We looked at

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1 marketing and all the aspects of starting a business. Using
2 some of the products, I did some beta testing on some of the
3 books as part of a recovering process.

4 We've looked at helping people to develop businesses
5 so that they became self-supported. They start out very small.
6 Some of them start out like Nolo. Nolo started in an attic by
7 two frustrated Legal Services lawyers who got tired of doing
8 divorces. The Independent Paralegal Movement in a lot of ways
9 started from that.

10 These are clients who have worked on boards, who have
11 been members or whatever within Legal Services programs, who see
12 a need out there and can find a niche for themselves to work.
13 Some of them do consumer law. Some of them do a variety of
14 other kinds of things, but they render service.

15 We've been able to get legislation. There's a Malina
16 (phonetic) Bill in California which assists in immigration. If
17 a person is willing to write out the kind of contract that is
18 required and learn what's necessary to carry out an immigration
19 case, they can become an immigration consultant and set up a
20 business, not being dependent on Legal Services for their
21 resources in order to be able to serve. We've just decided to
22 leave you all.

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1 MS. MURPHY: I have a question. In these training
2 sessions or whatever, do you ever specialize in the area of
3 child support? When you are travelling, like you say you are
4 going to be holding this in Dallas --

5 MS. JERMAN: This is the first one outside the state
6 of California.

7 MS. MURPHY: I was going to say, the laws in child
8 support vary from state to state. So would you address them?

9 MS. JERMAN: When we do -- the Paralegal Connection
10 is a "business development course utilizing a Nolo book as a
11 framework but requiring that people develop or have their own
12 law."

13 We don't teach substantive law in any areas except
14 national. We'll use Colliers for bankruptcy because they've got
15 all the national forms on the computer so we can teach
16 bankruptcy as a national thing.

17 We don't teach child support as a national thing.
18 Child support has always been done in California using
19 California law, using the California requirements and the
20 California publications.

21 MS. MURPHY: Do you expect to expand to address that
22 in later stages?

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1 MS. JERMANY: We expect the people to determine, the
2 client community as well as the providers which are basically
3 derived from legal consumers, to decide what are the laws that
4 they want to do and help them develop whatever they are.

5 When we don't come in with a set program -- people
6 decide they want to do X, Y or Z because that's what's required
7 in that particular area. The call in Texas has been for
8 divorce, so we have put together -- we have a divorce book for
9 Texas that we'll use as the substantive law vehicle by which the
10 training is done.

11 We may use the law, but we still use the old Jefferson
12 County Independence, which is a state that was created in Legal
13 Services back before Legal Services, way back in 1968 or 1969
14 with Esther J. Penniless which was our hypothetical. We'll
15 still use that as our basic format.

16 We have to also teach things like unauthorized
17 practice prevention using the state law where the majority of
18 the people come from plus we do kind of the general thing. I
19 don't see us doing state specific stuff. We help people to
20 develop.

21 You can take a Nolo book -- we give them a Nolo book,
22 how to find a statute of the legal research book, and they can

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1 take that if they are conscientious enough and really want to
2 develop the material, they can take that and go and develop
3 state specific information from a California based book using
4 that as how to apply the law.

5 We have asked all the questions that are necessary.
6 Sometimes there are other issues, but that's kind of the only
7 way that we can do it.

8 MR. UDDO: So the people that go through your
9 training, in a sense, come out with a career?

10 MS. JERMANY: They come out with a career. They come
11 out with a business. It's a business career in law for people
12 who don't want to become lawyers.

13 MR. UDDO: There's enough demand for their services
14 that they can make a living?

15 MS. JERMANY: Of course. It's more than a living,
16 okay.

17 MR. UDDO: What do you do in those states that have
18 unauthorized practices, which most states do?

19 MS. JERMANY: We require -- if a person is going to
20 make a commitment and spend \$495.00 with us and come from -- we
21 had people come from as far away as Australia to our last
22 conference and from Canada as well as the rest of the United

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1 States and they all came to San Francisco -- they are required
2 to do certain things before they get there.

3 One of those is to look up and find out what their
4 unauthorized practice statutes are. We send them a little
5 booklet that tells them how to find statutes. They have to do a
6 certain amount of market research because there's no point in
7 coming to develop a business around an area where there is no
8 business.

9 We need to know from them before they come and they
10 start working -- people have been working on getting ready for
11 the August conference since last August. Who's there? What
12 are the needs? What is Legal Services doing? What is it not
13 doing? Who's doing what? What is the niche? Where is the
14 money to be made to support what you do?

15 We also teach auxiliary kinds of things. If you're a
16 typing service, you can type resumes, contracts, other kinds of
17 things for people to keep your doors open while you're waiting
18 to build your legal business.

19 I'm in the process of writing a book called "Fifty
20 Ways to Leave Your Competition Behind," which is something that
21 helps people to look at the various aspects that -- and I took
22 the model from Legal Services monitoring out of field services

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1 to look at a law office and what it could be and what it
2 couldn't be.

3 I did a lot of client questionnaires. I did a lot of
4 stuff that a lot of paralegals throughout the country have had
5 to contribute to that process by looking at what the ideal
6 situation can be for a client and a client's needs.

7 What does a client need to have in an office when they
8 come in to get their divorce? They need a place for their
9 children. They need a place to relax. They need a place to
10 feel comfortable and they need something very similar to a
11 Christian Science reading room with somebody there to hold their
12 hand and also to guide them through the legal process and have
13 all the forms that are necessary.

14 We're looking at a variety of ways by making that
15 happen. We train a lot of copy center owners, people who own
16 copy centers who can't make it because not enough people are
17 asking for copies.

18 We have kind of things that we help them do to expand
19 in that area. We're having a wonderful time. It's all done on
20 a part-time basis.

21 MR. UDDO: Let me ask you, I guess most of your people
22 in California now, the ones that you've trained, because I

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1 assume most of them have come from California --

2 MS. JERMANY: Yes, but they're springing up all over.

3 MR. UDDO: I want to ask you sort of a retrospective
4 question. Do they perceive themselves as in competition with
5 Legal Services grantees or as a supplement or complement to
6 Legal Services grantees?

7 MS. JERMANY: They consider themselves a complementary
8 service to Legal Services. A lot of Legal Services programs are
9 the people who refer most of the -- see, most of the clients of
10 independent paralegals, since we are off on that subject at the
11 moment, come from lawyers and Legal Services and Social Security
12 Administration and welfare departments and other agencies, Legal
13 Services being the primary one.

14 I mean, I would think that the program in Santa Cruz,
15 for instance, could not really operate without the Santa Cruz
16 program in Watsonville. I mean, it has gotten so busy and there
17 has been such a volume in increase in the number of clients that
18 the board member has opened up her own business in Santa Cruz to
19 help meet some of that need that the programs can't meet.

20 We pick up the pieces, primarily. Mostly we do what
21 is procedure. We do not -- we are not engaged in the practice
22 of law. We do not give legal advice, although we sometimes have

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1 the capacity to do so. We just don't.

2 We teach people how to use the book, how to go through
3 the book with the client so that there is no unauthorized
4 practice and we don't advise people to go out of areas and do
5 work that is not in the book.

6 We recently did a guardianship book because
7 guardianship has gotten to be an issue directly related to crack
8 cocaine, where grandparents want their kids. We have to have a
9 mechanism by which to make that happen.

10 So the first step will be to -- we got the book out.
11 The next step is to train paralegals and others who want to and
12 need to do guardianships in the state of California because that
13 is where we are.

14 MR. UDDO: Now your training sessions, weekend
15 training sessions that aren't -- paralegal trainings that people
16 pay \$45.00?

17 MS. JERMANY: The Nolo Seminars are \$45.00.

18 MR. UDDO: Those are people who are learning that for
19 their own purposes?

20 MS. JERMANY: For their own purposes.

21 MR. UDDO: Not necessarily to represent --

22 MS. JERMANY: I would say sometimes I've had as many

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1 as 90 percent of those people being Legal Services eligible
2 clients. It just depends on the subject matter. We do eviction
3 defense training.

4 We try to do eviction prevention which is the step
5 before that, getting your house in order so that you don't have
6 to get evicted. We believe that part of the cause of
7 homelessness is the lack of sufficient eviction prevention
8 rather than the eviction defense, although we know how to do
9 eviction defense and we have put out eviction defense materials
10 or worked on the materials that are put out by a lot of the
11 programs and have run conferences on eviction defense. We are
12 more into prevention.

13 MR. UDDO: That does sound like exiting stuff that you
14 are doing. Do you have questions?

15 MS. BYRD: I have another question. In other words,
16 you said something about you send out a monthly statement to the
17 Legal Services? I'm wondering how then can people like us have
18 access to your booklet.

19 MR. UDDO: The schedule of training; is that what
20 you're saying?

21 MS. JERMANY: I'm here today and I'll have all your
22 names. I'll just mail it to you. I don't have any problems.

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1 We've got a postage meter. Sometimes it's hard to get money to
2 put in it, but that's beside the point.

3 MR. UDDO: Any other questions for Ms. Jermany?

4 MR. WEAR: Let me just ask a couple of things. When
5 you get these clients and you work with them, how are you all
6 able to cover your expenses on that? Are they paying you?

7 MS. JERMAN: Clients are resourceful people. You
8 have to understand that. Those who are serious, who are really
9 serious about doing what they're doing -- we teach people how to
10 go out -- we learned as client board members how to get to
11 meetings, okay, through our Legal Services program. We also
12 know how to get resources from other people.

13 We'll teach people how to go to Safeway and other
14 businesses and other places to get sponsorship, the phone
15 company, PG&E which is Pacific Gas and Electric Company
16 sponsors people, women's centers.

17 Different people will sponsor a person to get to a
18 training. We don't know what is going to happen in Texas.
19 Texas will probably be -- a lot of people who live in Texas will
20 come to that program plus people from Alabama and other places
21 who have already signed up, who are conscientious and have been
22 saving their money, who have non-refundable \$68.00 airline

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1 tickets.

2 They get there and they -- because they are serious
3 about doing it. We are unable to fund anyone.

4 MR. WEAR: I understand that. When you've trained a
5 person and gone through this \$495.00 course and they're out
6 working with people --

7 MS. JERMANY: You mean, how do we get them started?

8 MR. WEAR: Well, yes, you can say how to get them
9 started. Are they collecting money from the people that they're
10 helping?

11 MS. JERMANY: It depends on whether or not they set
12 themselves up as a 501(c)(3) or they set themselves up as a
13 general business, a business. It just depends. Some people set
14 themselves up as a 501(c)(3) and go after grants.

15 In those cases, they might be competing directly with
16 Legal Services programs but they are asking for -- I mean, Legal
17 Services traditionally doesn't ask the utility company for
18 money.

19 It doesn't generally go into businesses. We teach
20 people about the resources because this country has vast
21 resources all over the place. Legal Services is one tiny,
22 little resource.

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1 We have them look at the other possibilities. There
2 are credit unions. There are employer associations. Some
3 people render services just for a particular group which that
4 particular group will pay for that service.

5 We also help them to get loans. A person on AFDC can
6 get an equipment loan when it can't get a loan to buy food. If
7 you are going to set up a business, there are mechanisms. That
8 paper may be F. You know, paper starts with A, B, C, D, E, F.

9 Well, they may look like an F on paper, but if they
10 are going to buy a piece of equipment like a computer because
11 they have typing skills because they went in the WHIN (phonetic)
12 program and that's all they learned how to was input data, we
13 can take that F paper and sell it, get them a computer, get them
14 the software and start them into typing wills and they can do
15 wills and they can do incorporations.

16 So they can start that way. It's an alternative. We
17 get people off welfare. We help people to develop their self-
18 esteem, their self-reliance and become less dependent. That's
19 kind of what it's really all about.

20 MR. WEAR: Once they start typing and stuff, whoever
21 they are typing it for pays them and that's how they keep going?

22 MS. JERMANY: Right, unless they are 501(c)(3) and

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1 have a grant from somebody to do it.

2 MR. WEAR: Right, I understand. You've got two
3 choices there. If you go the 501(c)(3) route, you get the money
4 and you provide the service for free.

5 MS. JERMANY: Right.

6 MR. WEAR: Yes, okay.

7 MS. TURNER: Do you issue certificates or anything to
8 show you've had this training?

9 MS. JERMANY: You have to understand, in the absence
10 of certification and in the absence of license, the certificate
11 means something to the customer or the client as well as the
12 participant. It has no "legal" significance.

13 Every class has a certificate that says what it is a
14 person has completed and what it entails. Some people use it
15 because they can take it off their taxes at the end of the year
16 because we have a statement on there that allows them to do
17 that.

18 Other people use it to put it on their wall to help
19 people and themselves to feel proud of what they have
20 accomplished.

21 MS. NEWSOME: I would just like to ask, do you do
22 community workshops, workshops in other cities like one day or

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1 two day?

2 MS. JERMANY: Generally we haven't. It's kind of been
3 enough to do the institutes training which is like 10 programs a
4 year trying to keep that together and to do the weekend classes
5 which have generally been two weekends a month and to do the one
6 big event and run around the state doing unauthorized practice
7 and testifying before bar hearings and stuff.

8 We don't have the resources. We could invest in the
9 resources, but somehow if we took some of the energy -- took the
10 beta test, the books and the material which I think is a primary
11 and important thing -- I think everything that goes out from any
12 place has to be tested not only by the people who do it, not
13 only the first level testing but the second level. We would have
14 to sacrifice some of that in order to produce new programs.

15 So we haven't gotten to that stage. We would like to
16 have people who are interested in any of the aspects that we do
17 to become involved in that kind of delivery mechanism.

18 MS. NEWSOME: All right, say if my community -- I'm
19 from Indiana -- were to send two clients to California for this
20 \$495.00 class, if they made the grade, whatever your grades
21 are, A, B, C, or D, and they graduated from your class, would
22 they get a certificate or a degree saying that they are

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1 certified, have completed your class and did pass your -- well,
2 the same thing as if they maybe came out of Head Start; he
3 passed.

4 Would he or she be able to go back home with your
5 literature, all of your factor sheets, and educate the community
6 on that?

7 MS. JERMANY: It depends on what they brought with
8 them. The reason I say that is because people consist of a lot
9 of skills, energy and knowledge. If they have the right mix,
10 that is they have a legal form preparation skill or an aptitude
11 or they have knowledge of a particular area --

12 MS. NEWSOME: I don't think you understood me.

13 MS. JERMANY: No, I'm saying --

14 MS. NEWSOME: What you are saying -- you still have
15 not understood me.

16 MS. JERMANY: You are saying do they get a certificate
17 and can they use --

18 MS. NEWSOME: I am saying, if they pass -- when you go
19 to school, if you fail your grades, you flunk. If you get an A,
20 which is the best that you can get, or an A-, then you
21 automatically pass.

22 If you are giving out a degree, you get a degree

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1 because you've graduated. Now you have gotten what you went
2 there for. What I'm asking you, I came to you with everything
3 in what I'm coming for. I came out of your class with 190
4 percent.

5 So am I going to get a certificate stating to that
6 effect and that I am a qualified trainee for my community?

7 MS. JERMANY: You will get a certificate, but see --

8 MS. NEWSOME: No, I don't just want a certificate.

9 MS. JERMANY: What I'm trying to say is that --

10 MS. NEWSOME: I want a certificate that says what I'm
11 qualified for.

12 MS. JERMANY: You're qualified to go away from that
13 training and implement the plan that you have developed while
14 you were there.

15 MS. NEWSOME: That's what I want to know.

16 MS. JERMANY: That's exactly what you're able to do.
17 If everything works perfectly and you can go back and get the
18 resources together, get the people together and make it happen,
19 it will happen; okay.

20 What we try to do is help people along the way to make
21 that happen. The class teaches people how to take what they
22 have and put it into a framework by which they can make it work

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1 out there in the economy, in the national economy, and render
2 services to clients at the same time.

3 MS. MERRITT: There is a program that was established
4 back in 1978 by Housing and Urban Development that talked about
5 some of the kinds of things that you are talking about. As a
6 result of that, the National Housing Counselling program did
7 establish a system that you could become a certified
8 comprehensive counselling program to deal with these same kinds
9 of things.

10 There were a lot of people in the community who had
11 lots of skills in the same kind of area, but they did not have
12 the type of experience in developing a program in their local
13 areas.

14 As of now, they are still certifying people. These
15 people have to go and take a test. It's like if you go to
16 school for real estate, you've got to go to the state and take
17 the test before you can become a real estate salesman.

18 From that, the consumer counselling program
19 (inaudible). They are now in existence in a lot of states right
20 now. They do the same kind of training, counselling and working
21 with low income people and they get contract through different
22 programs and companies as you stated like electrical companies

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1 and banks and various other areas.

2 Listening to what you were saying, I realized that a
3 lot of the programs of Legal Services is looking at the need to
4 have some economic development projects going on. The approach
5 that you were using seemed to be far more effective to introduce
6 economic development projects to clients.

7 It's like a growth. It's like they are moving from
8 one stage to another. I cannot possibly go to a client
9 community and say you should be involved in economic development
10 because they just don't respond to that.

11 If they are welfare recipients, they do need to have
12 some system, some stage, some way of getting from one point to
13 another. To just say that that person is going to be a part of
14 an economic development, they will not do that because they may
15 see their check as economic growth.

16 That's the only lively income they've got. So
17 therefore it's important to talk the awareness around them and
18 what they can utilize to make it possible to do something around
19 economic growth.

20 I believe there is a time for this and I think there
21 should be some involvement as far as programs, not really
22 talking about legal services but programs, human services

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1 programs who are all talking about clients need to take control
2 of their own lives.

3 They are not doing the kinds of things that, you know,
4 we need to do collectively to make this change. Also, it is the
5 need to have funds. You cannot get anything if you don't really
6 learn the basics.

7 MS. TURNER: I totally agree with you as far as moving
8 from Legal Services right into the economic development. This
9 is one of the qualms we have had in Detroit with the Legal
10 Services program.

11 The client council, at one point or another, we saw a
12 need to develop programs that would deal directly with the
13 client aside from the Legal Services program. The director
14 always told us if you want a program, you have to come by me.

15 I think that at one point or another if Legal Services
16 remain in existence especially in Detroit, we ought to talk
17 about some discretionary funds whereby the clients can develop
18 this kind of program to help move our people along in the states
19 of self-help.

20 MR. UDDO: That may be one of the suggestions that
21 comes out of the conference, seed money for something like Ms.
22 Jermay is doing which, I think everybody would agree, is very

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1 impressive and sounds quite successful.

2 Ms. Speir, you've got some experience with actual
3 kinds of self-help with particular kinds of problems. Maybe you
4 can tell us a little bit about your experiences with that kind
5 of people being able to assist themselves in certain areas.

6 MS. SPEIR: Well, I got involved with self-help
7 because of a personal experience. I was a young mother left
8 with two children and went to the local district attorney's
9 office and, of course, didn't collect my child support.

10 I didn't collect it for about seven years. After the
11 seven year period, I decided that something was very, very wrong
12 with this system. That's when I founded my organization. One
13 of the things I decided was I needed to learn as much as
14 possible about child support.

15 Incredulously, at that time, there was almost nothing
16 in writing on child support. In fact, most of what we have in
17 writing now has come about maybe in the last four years. So
18 what I did was to learn as much as I could on the issue of child
19 support, to learn what people's rights were, what the laws were,
20 what the district attorney does, what attorneys do.

21 What we do on child support is mainly information and
22 referral, although I have personally taught some paralegal

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1 clinics how to do wage assignments. Wage assignments in
2 California are very easy.

3 One of the things I'd like to see California do -- and
4 it just gave me an idea now, although I don't know if we can do
5 it or not -- but one of the problems that we run into with the
6 court clerks, of course they are not allowed to --

7 If you walk up to them and say I need the forms to get
8 a wage assignment, they will say what forms do you want because
9 they are not allowed to give you those forms. Getting a wage
10 assignment in California are two forms; that's it.

11 So I would like to see someone be able to walk up to
12 the court clerk and say I would like the forms for a wage
13 assignment and be handed those forms. Maybe that can come
14 about.

15 One of the things that we -- unfortunately, we're the
16 only child support organization in LA County. If you want to
17 know about child support, we are the only organization to call.
18 We can't possibly reach everybody.

19 In LA County alone, there are 8,000 new child support
20 cases through the district attorney's office every month.

21 MR. UDDO: Every month?

22 MS. SPEIR: Every month, yes. People hear about us

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1 through word of mouth. We cannot literally afford to advertise.
2 We can't. We would be absolutely swamped because our child
3 support office doesn't do their job.

4 MR. UDDO: What does your organization do
5 specifically when you do get calls?

6 MS. SPEIR: On child support, we first of all have to
7 determine what the problem is. A lot of people think it's very
8 simple. They call in and they say how can I collect my child
9 support.

10 It's not a simple question. Do you have an order?
11 Were you married? Were you not married? Is he in California?
12 Is he out of California? Is he working? Is he not working?
13 Does he have bank accounts? Does he have property?

14 You have to go through the whole list to determine
15 what kinds of tools they can use. If they have to locate him,
16 there are various sources they can use that are relatively
17 inexpensive.

18 So they've got to start with locating him first,
19 obviously, before they can enforce the order. So we kind of
20 take them step by step. If they locate them, then they call us
21 back and we say, okay, what have you found out.

22 Then we go from there. So depending on what they

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1 found out, there are paralegal clinics, and thank God there are
2 or there would be millions of people not getting help. We have
3 paralegal clinics in our area who do wage assignments for
4 \$40.00.

5 They can do bank levies. They do property liens,
6 contempts. Everything is less than \$100.00. Most of our forms
7 ar really designed for people to either do it themselves or have
8 someone do it for them.

9 They really don't need an attorney. In fact, on child
10 support, what we found is most attorneys don't know anything
11 about child support or maybe this much if that much. We get a
12 lot of attorneys calling us because we have information on
13 bankruptcy, on enforcing child support for self-employed, social
14 security.

15 The director of one our legal aid services called me
16 last week and said I know that there's a statute of limitations
17 on child support in California and I have a lady that I need to
18 renew her order, how do I do it. This is a director of one of
19 the Legal Services.

20 So, you know --

21 MR. UDDO: So you are resource for the Legal Services
22 grantees?

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1 MS. SPEIR: Yes, for clients and Legal Services.

2 MR. UDDO: What's your overall relationship with Legal
3 Services? Is this something that they have not, in your area,
4 made a priority and therefore you're sort of taking up the
5 slack?

6 MS. SPEIR: None of our Legal Services do child
7 support in our area. The attitude, unfortunately, seems to be
8 that that's what the district attorney's office is for, never
9 mind the reality that the district attorney's office is not
10 doing their job.

11 One of the other things that I do -- I'm on an LA
12 County child support task force -- we looked at the statistics
13 provided by the state of California for every county. In LA
14 County, you have maybe about a 10 percent chance of establishing
15 paternity.

16 You have about a 20 percent chance of getting your
17 order enforced through the district attorney's office, maybe a
18 20 percent of them actually locating an absent parent, something
19 going into the system.

20 You're losing. I mean, you're going to lose because
21 you're probably not going to get your case worked. In fact, we
22 determined three out of four people that go to the child support

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1 office will probably not get help.

2 So our Legal Services, and we have three of them in
3 our area, are just kind of -- to us, they have just put on
4 blinders and they've said the DA's office is supposed to collect
5 child support.

6 We'll make them do their job. Of course, they don't
7 make them do their job. That's their job and it's not our field
8 so we're staying out of it.

9 MS. MURPHY: I believe the majority of the states are
10 like that. I've found that in Missouri when I went to them for
11 help.

12 MR. UDDO: Legal Services?

13 MS. PHELPS: That's the same thing in Pittsburgh in
14 Allegheny County, most of the state of Pennsylvania, Legal
15 Services does not handle child support custody or divorce. As a
16 matter of fact, most of our referrals to my organization are
17 from Legal Services and legal aid.

18 MS. SPEIR: All three of our legal services in our
19 area refer people to me. We are drowning. We have no funding
20 and we're getting referrals from three Legal Service areas.

21 MR. UDDO: I was going to ask you that question. How
22 are you funded?

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1 MS. SPEIR: We aren't.

2 MR. UDDO: Just volunteer work, basically?

3 MS. SPEIR: Yes. We have an office provided by the
4 city of Long Beach and we only have to pay \$10.00 a month plus
5 our telephone. All my time is volunteer. I've got really one
6 74 year old retired guy who comes in four mornings a week and
7 then I have --

8 When we started with the office, the agreement with
9 the city was three afternoons a week. We have been absolutely
10 swamped and the director has asked us to come in five full days
11 a week.

12 We have so many calls that he won't let the
13 switchboard operator take messages. He asks them to call back
14 because they literally don't have the time to take messages.

15 MS. NEWSOME: I would just like to ask a question
16 between the three that says their Legal Service does not do
17 divorces.

18 MS. SPEIR: Child support.

19 MS. NEWSOME: Child support; I'm sorry. You don't
20 have a priority list? That does not start at your local
21 advisory council and into your board to make that decision?

22 MR. UDDO: They are not on the boards of the --

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1 MS. NEWSOME: I'm just saying, don't their board do
2 that. They do have a board of directors, don't you, at your
3 legal services? You do have an --

4 MS. SPEIR: You mean for our organization?

5 MS. NEWSOME: I'm talking about legal services.

6 MR. UDDO: In Los Angeles.

7 MS. SPEIR: Yes.

8 MS. NEWSOME: It should be a priority list from that
9 board, I mean from the whole governing body. I'm just not
10 talking about one city.

11 MS. SPEIR: My sense would be that child support has
12 never been a priority with legal services. I don't think I'd be
13 wrong in saying that.

14 MS. TURNER: You're correct.

15 MS. PHELPS: In our area, they're stating that there
16 are too many cases for child support, custody and divorce for
17 them to handle. Therefore, they just completely ignore it.

18 MS. NEWSOME: But what I'm saying is we don't do our
19 office -- northern Indiana -- don't do divorces but if there is
20 child abuse --

21 MS. SPEIR: No, support.

22 (Simultaneous conversation.)

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1 MS. NEWSOME: Now if you get a divorce, you've got to
2 get child support for that child. What I'm saying is, the way
3 that it gets into there, there is child abuse or spouse abuse.
4 Then our agency has to handle that case. Well, then, that
5 mother will automatically get the support for the child.

6 MS. SPEIR: We don't have that:

7 MR. UDDO: I think your program is apparently
8 different from Los Angeles or maybe they do have an exception if
9 there's an allegation of child abuse.

10 MS. SPEIR: No, the only thing that we have -- legal
11 aid has a temporary restraining order clinic four days a week,
12 two hours a day, and they help people get a temporary
13 restraining order.

14 If the violence is bad enough, they will help them
15 with the divorce. That's it. They stop at the divorce. They
16 don't go as far as enforcing the child support order. They get
17 the child support order, but there's a difference between
18 getting the order and getting it enforced.

19 MR. UDDO: What percentage of the cases that come
20 through your organization involve abuse, do you think? Is that
21 the exception or the rule?

22 MS. SPEIR: We don't usually get the abuse ones.

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1 MR. UDDO: So you're getting swamped with calls that
2 don't have abuse which therefore probably wouldn't qualify even
3 in northern Indiana?

4 MS. SPEIR: Right.

5 MS. PHELPS: What happens in Pittsburgh is that the
6 legal services will handle the protection from the abuse order
7 and then for the child support, it sends everything up to my
8 organization.

9 MS. BRIGGS: That's exactly the same thing in my area.

10 MS. JERMANY: In Los Angeles County, we have trained
11 the paralegals to do child support modification. The problem
12 has been that they are only able to do it when it's coupled with
13 something else and they are not able to do the enforcement.

14 If they have an AFDC case and there is money out there
15 and all the nice little pieces fit together, they're able to use
16 the service. What their primary interest in the training was
17 getting the enforcement orders to work with the child abuse
18 cases.

19 She is out there and the only person doing it. Every
20 once in a while we'll do a seminar and we'll pick up the Los
21 Angeles folks, but it's very difficult. One, legal services
22 clients are not aware of -- except where there's an issue or a

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1 problem or they happen to hear about the service being offered
2 by them -- that there is the mechanism and the law to get the
3 modification done.

4 Oftentimes, they don't have, without some kind of
5 system, which they can't provide as a volunteer organization--
6 they clearly should be a funded program that can provide the
7 mechanism and a checklist whereby people could find out whether
8 or not they were eligible so they could use the services or they
9 needed to be able to use the auxiliary typing services better.

10 It is a difficult problem because with the 8,000 case
11 a month and the legal services sees maybe three -- each program,
12 the Long Beach program, may see three or four people out of that
13 8,000 who happen to have another legal problem going on at the
14 same time.

15 It's not that they don't do them, they don't know that
16 they should be doing them. The board is not aware that that
17 should be a priority or they're aware that guardianship or a lot
18 of the other real issues that are happening because the client
19 community has no real mechanism to bring the information to the
20 legal services program to say, here, this is what I need.

21 This would help me more than anything else. There's
22 no mechanism for that within legal services.

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1 MR. UDDO: No mechanism for the legal services board
2 knowing?

3 MS. JERMANY: I mean, it's sort of like the notices of
4 the board meetings, okay, are not put in the Los Angeles
5 Sentinel and in the local papers and they're not publicized. So
6 people are not there.

7 There's a few meetings, but there's no real mechanism
8 at the time that a person has a problem to call legal services
9 and get the non-taken case recorded. I mean, that's been a
10 problem since the inception of Legal Services.

11 MR. UDDO: Theoretically, the client board members on
12 the program's board ought to be bringing those concerns to the
13 board with respect --

14 MS. JERMANY: As a former member of the Los Angeles
15 Legal Aid Foundation Board, the best that any client can do if
16 you have an area of interest, you tended to collect information
17 around that area of interest.

18 Secondly, although you might be out there in the
19 client community every day of your life, you don't see the
20 people when they have the problem. The people call the Legal
21 Service receptionist and say can I get an ex, can I get a
22 divorce, can I get a bankruptcy, can I get a child support

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1 modification.

2 That information never filters back down to the -- I
3 hate to say this -- the client board member who comes to a
4 quarterly meeting. There is no mechanism by which even that call
5 is recorded.

6 There is no mechanism within legal services to say
7 this is how many cases I had to turn down because the
8 receptionist has got 40 other lines ringing and doesn't have
9 time to record that kind of information.

10 So you really don't know what the need is unless you
11 happen to stumble on her organization or another organization
12 who has found a need out there and started to meet it. That's
13 kind of how people come about.

14 MR. UDDO: That's an interesting observation.

15 MS. MURPHY: I'd like to clarify something that is
16 some misconception among the general public about child support.
17 Number one, we have no way to quantify the immense number of
18 cases that are not handled by the state child support agencies.

19 Everyone seems to assume that if you have a child
20 support order, that your case is automatically handled by your
21 state child support agency. That is not true. There are many,
22 many different plans.

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1 This program was only opened up to the non-welfare
2 clients since '84 child support amendments. The states, even
3 though they were mandated to publicize the services, the
4 information still has not gotten out to the general public.

5 There are millions out there that do not even know
6 that they are entitled services from the state agency. A small
7 percentage of non-welfare clients have been able to get their
8 cases into the system, but our Congress was not prepared for the
9 onslaught of cases, the number of cases that the states have
10 tried to handle.

11 Therefore, the state legislators have been uneducated
12 about the problem. They have been unwilling to appropriate
13 enough funds to hire enough personnel at the state agencies to
14 handle the cases that they have presently.

15 So if we had every direct pay case to come into the
16 state system, it would just blow them away.

17 MS. MERRITT: In listening to what everybody is saying
18 around child support, we have to realize one of the things is in
19 each state it is operated differently. I have heard two
20 different systems that I am not aware of.

21 That doesn't happen in North Carolina. However, what
22 this lady is doing, Ms. Speir is doing, is badly needed. It's

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1 needed across this whole nation. A child support program -- I'm
2 not going to talk about what happened in my own state -- the
3 child support program in North Carolina handles all of the
4 cases, the majority of the cases that come through for welfare
5 recipients.

6 Those cases are handled. It is a priority. On the
7 other hand, this is important to what Rosie was saying, where
8 there is a need to prioritize certain things that you want the
9 legal services program to handle, there is a process that needs
10 to take place, but it tells me that there is a need for client
11 involvement to have that policy at all levels.

12 Now if a child support program will take care of all
13 the welfare recipients plus they charge \$15.00 for a non-
14 welfare recipient to apply for those services, that doesn't mean
15 that they are going to get any assistance.

16 That's why there's a need for her services. If you
17 are receiving a check from the Department of Social Service,
18 they enforce that with no question. You are put in jail if you
19 would not pay that money.

20 People who are paying \$15.00 to the child support
21 program in North Carolina, they only pay that money. The never
22 find the person to pay child support for you. You've just paid

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1 your \$15.00 because you're eligible for the services.

2 It seemed to me you'd have the same problem. The
3 child support policy has the same problem as the Department of
4 Social Service program, a different program. Every state has
5 different policies for local and state.

6 Therefore, if I go to California, you may be getting
7 more benefits than the people in North Carolina because of your
8 policy in the state. It seems to me there is a need to have
9 across the board policy for benefits and the same thing if you
10 are a welfare recipient, you can get it; if you're not a
11 welfare recipient, you can get it.

12 There are so many programs out here that prohibit many
13 of the people we see are eligible for the services. They don't
14 have benefits, so therefore there's a need for the service.
15 There's a need for the advocacy.

16 There's a need for a lot of things without even
17 defining what legal services does. I think this is very
18 important that we look at it from that point. We don't even
19 have to complain about legal services.

20 We can just complain about the need of getting the
21 services that doesn't have anything to do with legal services.
22 This is my concern because we don't need to criticize what legal

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1 services does from that standpoint because they are really doing
2 -- it's like intake.

3 In order to try to meet some of the needs, percentage
4 needs of the community people, we set certain days and do
5 certain intake. That's not saying that they don't want to serve
6 you. That's saying that this is all we can do with what we
7 have.

8 There's a better way to improve this situation, that
9 is any assistance. I think that's the way we should be thinking
10 in terms of thinking about it.

11 MR. UDDO: You're on the board of a program in North
12 Carolina; are you?

13 MS. MERRITT: No, I coordinate the statewide client
14 council and affiliate organizations in North Carolina.

15 MR. UDDO: Do the North Carolina legal services
16 grantees do a lot of child support work?

17 MS. MERRITT: We have a child support program.

18 MR. UDDO: Legal services funded?

19 MS. MERRITT: No, it's funded by the state. That's
20 what I was saying.

21 MR. UDDO: Oh, it's a state program?

22 MS. MERRITT: Of course, there are lots of people

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1 coming to our office who have a need for assistance, but we have
2 a child support program. Therefore, you are referred.

3 MR. UDDO: You get one --

4 MS. SPEIR: Every state has one. That's why I'm
5 saying people have this misconception that if you have a child
6 support problem you go to the child support program. That
7 sounds logical.

8 The problem is there isn't any state in this whole
9 United States that is even collecting 50 percent of the child
10 support that's owed. Those statistics are bad, so I take it it
11 is probably about 20 percent.

12 So when someone -- if someone would come to me, now I
13 could just refer them to the LA District Attorney's office. I
14 might as well go tell them to jump in the lake. That's how much
15 help they're going to get. I will never refer -- I can't say
16 never.

17 The only time I do is on out of state cases because
18 unfortunately the DAs office is the only one that has the
19 enforcement tools to cross state line. Again, it depends on the
20 circumstances.

21 For legal aid to just refer somebody to the local
22 child support office, they are not doing them a favor. In fact,

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1 you are not helping them at all.

2 MR. UDDO: Before I get to the next question, I want
3 to recognize Ms. Shirley Peoples just joined us. I'm glad to
4 have her with us.

5 MS. BRIGGS: Well, it's not a question.

6 MR. UDDO: An observation.

7 MS. BRIGGS: I just wanted to tell you what we do
8 about priority setting.

9 MR. UDDO: Can you tell us the program that you're
10 with?

11 MS. BRIGGS: I'm chairperson of the legal aid services
12 in Casper. I'm also chairperson for clients council locally and
13 the states clients council. I serve on the state support board.
14 I do a lot of other work with senior citizens.

15 To get back with the priority setting on our board, I
16 appointed a committee which consisted of three of the lay
17 directors and two attorneys. We didn't get any participation
18 much from the attorneys.

19 The clients members went out to each individual
20 qualifying group and we went all over the county. In Wyoming,
21 you have to realize that one town is one hundred miles from the
22 other.

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1 We did that. Oddly enough, with the child support I
2 hear a lot of concern about it. In Wyoming, the clients will
3 complain. When you come down to have them fill out that
4 priority setting, they didn't put it down.

5 They wouldn't put it down. So the education on self-
6 help is really going to help a lot because they don't realize
7 that that should be. If they don't need it, they don't put it
8 down.

9 At the priority setting, what they do is put down what
10 they need at that particular moment.

11 MS. SPEIR: We found what most people believe is
12 number one, you have to go to an attorney to collect your child
13 support or number two, you have to go to the district attorney's
14 office.

15 If you're of that mindset where that's the only way
16 you can collect and you don't realize that there are simpler,
17 easier methods to do that, then of course you're not going to
18 put it down as a priority because you think these are the only
19 two options you have.

20 MS. PEOPLES: Well, a lot of our people said -- in
21 Wyoming, we have a state program. You have to contact Cheyenne.
22 It cost you \$40.00 and you give them the information. They will

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1 not even talk to you unless you sign the arrest affidavit.

2 A lot of people don't want their husbands arrested;
3 they just want the child support.

4 MS. BELLINO: Since starting my program in Tennessee
5 four years ago, one thing that we have run across time and time
6 again is the mindset of the client that no matter what she does,
7 no matter where she goes, there's nobody that's going to help
8 her.

9 The laws for many, many years were so poor that women
10 weren't getting help. They were in the system. They'd been in
11 the system for several years with no positive results. She had
12 a child support order that was accumulating arrearages.

13 Dad would go into court, be slapped on the hand and
14 sent on his way. So a lot of the problem I find in Tennessee
15 with the child support program is that mother does not believe
16 it's going to work.

17 The child support office is extremely overworked.
18 It's severely understaffed. The waiting periods are six weeks
19 to several years for service. If she's dealing with an out of
20 state case, she might as well hang it up.

21 If she's dealing -- I know somebody here that was from
22 the state of Texas. If she'd dealing with the state of Texas,

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1 she might as well burn her child support order. It's absolutely
2 worthless.

3 In Tennessee, we have one legal services office that
4 does do child support. We have another one that will only do
5 divorce, but they will not touch the child support portion of
6 her divorce decree. They will refer her to the child support
7 office which is drawing her into a black hole.

8 She's not getting any help where legal services would
9 be able to help her because they are familiar with her case.
10 They are familiar with her circumstances to just file the paper
11 work for her or to tell her how to file the paper work.

12 We have a problem in Tennessee where legal services
13 will not even refer clients that they're turning away to an
14 advocacy group. They will just refer them to the DAs office
15 who, under no circumstances, will refer them to an advocacy
16 group.

17 MR. UDDO: Do you know why that is? Is it a state
18 policy?

19 MS. BELLINO: No, it's not a state policy. It's
20 something -- and I'm not saying all the DAs offices are that
21 way.

22 MR. UDDO: No, I mean legal services. They won't

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1 refer to an advocacy group. Is that a standing policy?

2 MS. BELLINO: In the county that I live in, legal
3 services -- I have never once in the four years that I've been--
4 - I've had my group, have never had a referral from the legal
5 services.

6 I've spoken with the attorney in that office. In that
7 particular county, there's one attorney and one receptionist.
8 It's a real teeny tiny office. Her thrust is on domestic
9 violence. That's all she will deal with or talk about.

10 She has no interest in anything other than domestic
11 violence. The only reason she does divorce is where there's
12 domestic violence involved. Now the legal services office in
13 Nashville has referred many, many clients to me and we've been
14 able to work together on a variety of issues.

15 I think one thing that people here need to know
16 working with legal services is to understand where this woman is
17 coming from. She's been in the system for a long period of time
18 and has been told no or "I'm sorry, there's nothing we can do"
19 or "we haven't had time to get to you yet" or "we haven't been
20 able to find him."

21 She has got to be encouraged to keep trying, not given
22 a pat answer and sent on her way because she will give up and

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1 she will quit and she will continue to collect a welfare check
2 and not do anything to make it better for herself or for her
3 children.

4 MS. NEWSOME: Yes, I'm trying to find out from the
5 support people, are you saying that if you go to court and get a
6 court order for that father to pay support, it doesn't mean that
7 you're going to get that support if that father still works?

8 MS. TURNER: That's right.

9 (Simultaneous conversation.)

10 MS. MURPHY: There are \$15.00 owed only on those cases
11 that are handled by the state agencies in back child support.

12 MS. NEWSOME: I know that. The reason why I say that,
13 I have my grandkids. Ms. Peoples from Ohio informed me in how-
14 - where to find the legal services in Columbus. That's where my
15 grandkids were living before I got them.

16 I took the father to court after I got the custody of
17 the kids. Now they ordered him to pay support starting five
18 years ago when I got those kids. He works for DCL, I think that
19 is, in Columbus.

20 MS. MURPHY: Is it the same agency?

21 MS. NEWSOME: It's from the support center of
22 Columbus, Ohio. Ms. Peoples, maybe you can tell them about it.

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1 From the day that that judge has ordered that support, I have
2 not missed a check.

3 MS. MURPHY: You're lucky.

4 MS. NEWSOME: They take that money out of his check.

5 (Simultaneous conversation.)

6 MR. UDDO: That is what I think Ms. Speir's is talking
7 about. That is a mechanism that not everybody knows how to use
8 it or gets access to it.

9 MS. SPEIR: Nor does the state agency do it. You're
10 lucky. I mean, you're probably one of about two percent that
11 are getting their child support.

12 (Simultaneous conversation.)

13 MR. UDDO: Let me just get this back on track if I
14 can.

15 MS. CABAZOS: I have a question to pose to the people
16 who have been very strongly advocating for helping women who are
17 in the process of obtaining child support. I used, in the state
18 of Arizona, the state attorney general's office for seven years
19 and finally gave up.

20 I guess the question I pose is, even in those cases
21 where you are able to help people in filing all the forms that
22 are necessary to get them assistance, how many of those--

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1 because I think it directly ties into more of a national
2 economic problem about where our people are in terms of
3 employment.

4 In my case, and I'm sure it's probably the same case
5 in a large percentage of these women that are trying to obtain
6 child support enforcement, if your ex-husband or the father of
7 your children is not working, is periodically working or is
8 working underground and getting paid cash, then you're not
9 getting a thing.

10 That's what I found out after seven long hard years.
11 So even in those cases -- I mean, I guess what I would like to
12 know is what percentage of women are you able to help in
13 actually getting child support where there is a parent who is--
14 the absent parent is working and you can actually attach?

15 MS. PHELPS: I happen to live in Pennsylvania in a
16 county, Allegheny, which is recognized by the federal government
17 as one of the most innovative counties in collecting of child
18 support.

19 In my county, I work with our child support system and
20 I helped to initiate the ten day late notice just as if it was
21 any other bill. If it was a credit agency, departments, you'd
22 get a late notice.

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1 Twenty days later they do an automatic wage
2 assignment. They do have a ten day late letter that we initiate
3 with our court system to notify them of this. I deal with
4 approximately 114 clients.

5 I would say out of those, 40 are on custody; the rest
6 are on child support each month. I would say 90 percent we are
7 able to get their child support. Now for those that we can't
8 get who are the independent worker who may be an attorney -- are
9 they the worst?

10 MS. SPEIR: Attorneys, doctors and judges.

11 MS. PHELPS: The thing of it is we help the women
12 learn how to be their own private investigator, how to file
13 subpoenas, how to get in documentation of bank records. We have
14 also worked on unions.

15 If somebody works for a union or they work through a
16 union, you can't do wage assignment on these. We subpoena in
17 the union records on what they're getting as far as employment.
18 We train the women how to be their own private investigator.

19 We had a woman whose husband was an independent truck
20 driver. She followed him for two full weeks documenting every
21 place he went. She took places of all his places where he was
22 dumping off his loads and picking them up.

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1 She took them into court and we got a court order for
2 her. So we train them how to not only get their child support
3 but if need be, do your own thing out there in the best possible
4 way to prove that he is working and has got an income coming in.

5 One gentleman was working under the table as a
6 bartender. We do some PI work ourselves and go out and have a
7 few drinks at the bar. We're having a birthday party and we get
8 pictures of that guy working in the bar that he is doing
9 bartending at.

10 We take those records into court with us and she is
11 able to get some type of order established. Then sometimes
12 they'll go on and quit that job and do something else. Need be,
13 you just keep following him wherever he goes.

14 You have to be very persistent. We give them the
15 training, the initiative and the support to be persistent as
16 well. I follow through with getting that child support no
17 matter what.

18 MS. SPEIR: One of the things that I think you need
19 to -- I'd like to address here is that's the third myth that
20 I've heard since I've been here. One is that they go to jail;
21 two is that they work the welfare cases; and three is that they
22 don't have the money.

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1 All three are untrue and they are myths. They don't
2 go to jail when they don't pay their support. I can't say the
3 don't. They very, very, very, very rarely go to jail. Welfare
4 cases do tend to get worked a little bit more than non-welfare
5 but there's no guarantee.

6 I've had mothers call me and say, "I've been on
7 welfare. I thought when you went on welfare they work your
8 child support case." There is no guarantee that if you go on
9 welfare, they are going to work your child support case.

10 In your case, I'd say that more than likely, they just
11 didn't work your case. Also, that's really a big myth that
12 these guys can't pay. Any study that's been done, in fact, has
13 found that it's not that they can't pay, it's that they won't.
14 It's that the order is not enforced.

15 In fact, the incidence of non-payment is higher if
16 the guy makes \$35,000 a year or more. The guy that makes less
17 than \$10,000 is more than likely to pay. You know what? He
18 sees his kids which is real interesting.

19 So please don't get into the myths. That's one of the
20 things that we do is educate people on child support. There
21 aren't all these people out there that can't pay. There are
22 some that truly can't pay, but the majority can. About 80

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1 percent of the time you can get a wage assignment.

2 MR. UDDO: Ms. Peoples had her hand up.

3 MS. PEOPLES: I was just going to comment that Ohio
4 has a state law that says wage attachments can take place which
5 might -- there are people there who don't get no money.

6 One of the things that has to happen is that the
7 client themselves have to do some of that stuff themselves in
8 order to get them things enforced. They need to know even with
9 a lawyer they're not going out to hunt and track up like she
10 say.

11 They need to know how to do that. They need to know
12 how to call the state agency and stay on their case. You had me
13 come down ever six months and do a the redetermination, require
14 that I identify who this man is and I do that and yet you
15 haven't followed through.

16 So they have to keep on the worker in order to get to
17 that. So they're things that they have to know how to do. I
18 mean, I just recently dealt with a lady who the man owed
19 \$17,000 and he was working two jobs. Plus he'd done boxing.

20 She literally had to go out. He said he wasn't no
21 boxer. She had to go out and take in the information, the
22 flier, to show that he's out boxing and making money and all of

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1 that, you know, and forcing him to bring in his W-2 forms.

2 She had to literally do that. We didn't do that. She
3 had to do that stuff, take it in there and stuff. They need to
4 know how to be able to do those things and that's what we do is
5 work with individuals to make sure that they got the
6 documentation to prove it.

7 If you don't do those steps, you don't get the child
8 support.

9 MR. UDDO: The point of the conference, and we don't
10 want to get too much further into the substance of child support
11 problems. The point of the conference is to demonstrate that
12 there are people out there who are doing things to help clients
13 to help themselves. This seems to certainly be an area where
14 the demand is great.

15 The gentleman over there has a comment or a question,
16 I think.

17 MR. WARE: Yes, somewhat of both. What I was going to
18 say is that I enjoyed this dialogue. I think that it's
19 indicative of the need for this kind of thing also some work in
20 our local programs. It kind of sounded like legal services was
21 taking a beating because their not meeting those needs.

22 My programs see a lot of folks, and I don't see how we

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1 can handle these kind of people. I was wondering if it is the
2 scope of this meeting to say that maybe we need some more
3 resources so that we can handle this in legal services and for
4 ourselves as clients, or what is the scope of this meeting
5 pretty much?

6 I don't think we could handle 2,000 more people
7 because we really are dealing with the most immediate needs of
8 legal services and me too, my client council. We make referrals
9 to people too.

10 I mean, they call us and we sometimes screen out
11 people who are not eligible because they don't meet the
12 guidelines and tell people to go to other state agencies. So I
13 don't think we can handle those kinds of things.

14 So I pose a question to you board members about
15 resources and if that's something that we are to expect.

16 MR. UDDO: Yes, I think I can answer it. I think both
17 Mr. Wear and I said it in our opening comments. The chances
18 for increased resources are fairly slim. Even if there is some
19 increase in resources, it's not going to be so much that it
20 sounds like it could meet, for example, what's going on in Los
21 Angeles County.

22 I think two questions that are clearly within the

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1 scope of this conference are the question of priority setting,
2 because that has something to do with whether or not there
3 needs to be more self-help training or whether there's a problem
4 with priority setting.

5 The other thing that's, I think, within the scope of
6 the conference is what we've been talking about and that's are
7 there things that clients can do for themselves when legal
8 services offices, through lack of resources or other legitimate
9 priorities, can't do them.

10 I think what we're hearing today is that maybe some
11 programs need to think about their priorities. That's really a
12 local decision that's got to be made by the local client
13 community and the project.

14 If they have the right priority and they still can't
15 handle child support cases, then I think clearly the conference
16 is about trying to find ways to make sure that those clients are
17 able to help themselves and they know that there are other
18 resources or whatever, training that can get them to the point
19 of being able to help themselves.

20 The overall goal of this conference is to maximize
21 delivery of legal services.

22 MS. MURPHY: I have a question in regard to when you

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1 do provide increased funding to the legal services offices, do
2 you have some -- do the board members or do you have someone
3 special that monitors how that money is spent in that particular
4 area?

5 MR. UDDO: Monitoring is done by the corporation. The
6 priorities are set by the local programs. In other words, the
7 corporation does not specify and the corporation could not
8 specify that the projects in Los Angeles make child support
9 cases a priority.

10 The tradition has been -- the tradition and the
11 regulations have been that the local programs establish those
12 priorities. There's obviously questions being raised about does
13 that system work.

14 Julie was saying that people set the priorities
15 according to what their needs are at that given moment. If the
16 people who are being asked at the moment don't have child
17 support problems at that time, then it doesn't get set as a
18 priority.

19 I think that was an interesting observation that the
20 whole process of priority setting may not be accurately
21 reflecting the needs of the client community.

22 MS. MERRITT: Realizing at this particular time, we

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1 are dwelling on child support, that's a good example. In fact,
2 there's not going to be that much resources available to
3 increase services.

4 It is also implicating that the importance of self-
5 help and the importance of not saying that legal services is not
6 providing services in child support, simply because the
7 gentleman stated a few minutes ago that they are serving just
8 about as many people as they can in North Carolina.

9 It's calculated at 10,000 people per attorney they
10 have on board. However, the problem still stems from the fact
11 we need to focus our efforts towards the involvement of the
12 people you serve so they can learn to advocate on their own and
13 do some things.

14 Another thing that I have to say is the fact that the
15 government is doing some cross the board type of thing to impact
16 the situation around child support, but it's not drilling down
17 to the local levels for services that you are referring to where
18 they attach wages.

19 They know that if you work anywhere, at the end of the
20 year you file your taxes. They will be aware of it and some of
21 that money will be subsidized to the child. With child support
22 through the agency like the Department of Social Services, the

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1 welfare recipients in North Carolina do not get that money
2 anyway.

3 So naturally they will enforce something because it's
4 not getting their money. They're not getting their money. You
5 never get your child support money. You get a check based on
6 the number of children in your household.

7 So you see the difference in those two things you're
8 saying there.

9 MR. UDDO: I don't want to interrupt you, but again
10 we're getting a little too deep into the specifics of child
11 support. I want to just -- we're going to wrap this up in a few
12 minutes.

13 I want to just get some final comments or observations
14 about the self-help part and the ability which apparently exists
15 to train clients to do a lot this stuff to assist themselves.

16 MS. MURPHY: I think it's important that explain away
17 some of these myths that a lot of these people here are under.

18 MR. UDDO: I think that's already been done.

19 MS. SPEIR: I did three.

20 MR. UDDO: Let me just explain the purpose --

21 MS. MERRITT: Do you mind if I finish my statement?
22 It'll be less than a second. What I'd like to say to you, Mr.

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1 Uddo, is this: We need to think in terms of across the board
2 things that can impact a lot of people because of the fact of
3 limited resources.

4 MR. UDDO: I agree with you. All I'm saying is we've
5 talked a lot about the specific problems of child support. We
6 have a variety of different topics we're going to talk about. I
7 think our major purpose is to see what ideas people have about
8 self-help advocacy groups, other ways of assisting the client.

9 To some extent, we've got to talk about the
10 substantive problems, but we're really interested in also
11 knowing what sort of things you folks have found out about what
12 works to assist people to help themselves.

13 MS. PEOPLES: I'm sorry I'm late. Not only is there
14 problems about just child support but public benefits and
15 general the clients can do things to help themselves. Number
16 one example is that negotiating around dealing with the problems
17 and not getting their benefits.

18 You know, deal with the Department of Social Services,
19 all the administrators once a money, bring to attention their
20 cases, how do you get it done without waiting to go to a
21 hearing, those are things our clients can do for themselves.

22 They need to know the types of forms and who the

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1 people are that do that. Those are things that they can help
2 get their benefits themselves by just being informed how you did
3 that.

4 I spend time with training and dealing with the
5 persons; when you go into apply, what you need to have. If you
6 don't get your benefits, what can you do about it besides having
7 to go to the hearing because that takes a long time for folks to
8 get their benefits, to have to go up the chain of command and
9 get it resolved that way.

10 So if they're informed how to do that, who do they
11 relate to -- and it can deal with child support, it can deal
12 with the check, it can deal with food stamps. A lot of time has
13 to be taken in terms of dealing with a hearing.

14 You've got 15 days and then 15 days they've got to
15 wait for the hearing. They may continue their check or they may
16 get cutoff. So those are things when I talk about self-help
17 projects, being able to do their own forms, who they need to
18 make contact with to speed up the process.

19 They can set that up at the local level with the
20 Department of Social Services so they don't have to go through
21 all them things. They negotiate their own. They do the same
22 thing essentially with public housing.

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1 They've got to be informed how to do their forms and
2 who is the person they're going to have to contact. That's the
3 kind of self-help things that speed up the process and make sure
4 people get their benefits.

5 MR. UDDO: Those are some of the kinds of things we
6 were talking about in different ways.

7 MS. PHELPS: On the third, Monday the third, I had a
8 woman who -- actually she came in on Sunday to pick her child
9 up. She had shared parenting with the father. He refused to
10 turn the child over to her.

11 She went to legal services. They said the attorney is
12 on vacation who handles this. You'll have to come back in four
13 weeks. So then they referred her to me. She came up to my
14 office and we typed up something very quickly that we have in
15 the computer.

16 We told her how to go through the process of going
17 before a motions judge, how to notify the father that she was
18 doing that because you have to give notification, and we went on
19 through the whole proceeding.

20 She went ahead and did everything and she has her
21 child back. We just went ahead and assisted her in filling out
22 something, told her what she had to do and then she went ahead

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1 and did it.

2 MS. SPEIR: In addition to the child support, which
3 is my first love, we got into doing divorces. As most of you may
4 or may not know, there are about 50 percent of custodial parents
5 in the United States that don't have a child support order.

6 One of the reasons is, we found, that they can't
7 afford to get a divorce. So we just kind of got into getting
8 people a divorce to get them a child support order. What we did
9 was we got together with legal aid and we worked up a divorce
10 clinic.

11 We do it in two sessions. The first session, we help
12 them do what's called a fee waiver. Most of the clients, I'd
13 say probably 98 percent, are low income and they are eligible to
14 get their court costs waived and then the service documents.

15 Then we make them -- they have to take them down and
16 file them. We have written instructions for each court. We
17 have four different branch courts in our area. We have written
18 instructions for each of the courts as to where they go, what
19 time, who they see, what they do.

20 Then six weeks later they come back for a second
21 clinic and we help them with the request to enter default which
22 gets them the court date, the incumbent expense declaration and

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1 the rest of it.

2 We also have a prepared script that they are to read
3 before the judge which gives them all the information that they
4 need to say. Some of the judges -- prior to doing this divorce
5 clinic, we did meet with the Long Beach judges and they have
6 been wonderful with the people that go through the program.

7 Unfortunately, the judges in the other courts are not
8 real thrilled. They seem to think that everybody should have an
9 attorney whether they need one or not, but Long Beach judges
10 have been very good.

11 We found this to be very successful. We've had to
12 limit how many clients we can take. We have, each class, only
13 25 because we found that's a comfortable level. So we have 50
14 clients a month.

15 Right now, the demand is so great that we're signing
16 up for mid-September.

17 MS. JERMANY: The discussion so far is basically an
18 interesting paradox. That is that when legal services is--
19 we've always asked for an increasing number of lawyers for poor
20 persons.

21 It's quite difficult to then again turn around and
22 begin to automatically start to look forward to and recommend

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1 and refer people to outside non-legal agencies. So that has
2 been one of the problems.

3 The second problem that has come from listening to
4 what is going on is that there tends to be a tendency to view
5 legal services clients as not necessarily being capable of doing
6 all of the things that are necessary to do self-help.

7 Hopefully, this afternoon we can get down some
8 specifics so that we can talk about how we overcome this problem
9 of once you have a mindset that you need more lawyers. It
10 doesn't automatically lend itself to devotion towards self-help.

11 How we get over the fact that people tend to view
12 clients and some clients view themselves as being helpless when
13 it comes to dissolving their legal problems.

14 MR. UDDO: I think that's a very good point. Maybe
15 that will be one of the other myths that will be exploded today
16 that legal services clients are not capable of doing all these
17 things by themselves.

18 MS. FIFIELD: I don't have a question, but I guess I
19 have some comments. I'm from Montana. We are a rural state. I
20 would say that the organization that I work for is Montana Low
21 Income Coalition which is a state wide organization that has
22 small grass roots organizations all around the state.

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1 The last place we refer somebody is legal services,
2 not because legal services doesn't do their job or whatever, but
3 we believe in the powerment model. We believe in getting things
4 done through legislation if we have to go that way, through
5 going out and doing actions if we have to do it that way, and we
6 believe in helping the majority and trying to get things
7 instituted where it helps not just one or two at a time but
8 institute a lot of changes that help a majority at a time.

9 That's our background. The other thing is that we
10 have really good networking in our state. I guess that's forced
11 upon us because of our distances. For instance, in our state
12 Women's Lobbyist Funds is the one who is working on child
13 support.

14 We work with them. Our state was so backwards they
15 didn't even keep records of who was paying and who wasn't at one
16 point except if you want AFDC. They do. They are very
17 aggressive on AFDC. They are not aggressive if you are not on
18 AFDC.

19 MS. PEOPLES: I want to comment.

20 MR. UDDO: After Ms. Peoples, I'm going to take this
21 question and then I think we are going to wrap up this session
22 because Mr. Durant has come in.

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1 MS. PEOPLES: I was going to say once you talked about
2 doing divorce yourself, the bar and the judges prohibit us from
3 doing that. We thought, especially if there was no dispute or
4 something, we could do it without a lawyer. That's a no-no.

5 MR. UDDO: A person can't represent him or herself?

6 MS. PEOPLES: Not without an attorney.

7 MS. JERMANY: That's your constitutional right to
8 represent yourself.

9 MR. UDDO: I thought most states allowed you to
10 represent yourself but not someone else.

11 MS. PEOPLES: We have to have a lawyer. We can't even
12 talk about no fee waiver.

13 MS. PHELPS: He was thrown out of court representing
14 himself.

15 MS. PEOPLES: So different states have different --

16 MR. UDDO: All states have unauthorized practice
17 statutes, but I thought all states allowed you to represent
18 yourself.

19 MS. JERMANY: There is no state law that we know of
20 that prevents pro se representation. In fact, they prevent you
21 to do it, but there is no law in any state in this country that
22 prohibits people from self-representation. It's just they don't

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1 let you do it.

2 MS. PEOPLES: The judge says, "Where's your attorney?"
3 and that ends it right there. He just postpones it until you
4 get a lawyer.

5 MS. TURNER: They will appoint one in Michigan.

6 MS. NEWSOME: I just wanted to ask the lady, Ms.
7 Speir, in saying you train 25 people --

8 MS. SPEIR: Per class.

9 MS. NEWSOME: About how many classes?

10 MS. SPEIR: Two classes a month.

11 MS. NEWSOME: A month?

12 MS. SPEIR: Yes, a month.

13 MS. NEWSOME: Now I didn't hear you say one time out
14 of those classes how many community people are clients are you
15 getting out of there that can go on and train 25 more people?

16 MS. SPEIR: They haven't been willing to do that. If
17 you know some way to get them to do that -- most of these people
18 are into getting their divorce and getting on with their life.
19 They're not really interested in helping other people.

20 MS. NEWSOME: The way that our community does it, we
21 had a little paper drawn up. If you want community help in
22 training and helping you to get your divorce by doing it

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1 yourself, you must in turn give us 25 hours volunteer service
2 and you have to sign that. You must give some of that back that
3 we give you to that community.

4 MS. MURPHY: What do you do if they don't?

5 MS. SPEIR: Yes.

6 MS. NEWSOME: Well, we don't do anything. You've got
7 to look at the facts. You can't demand them to give it back,
8 but you can make them sign and commit themselves and feel
9 obligated.

10 Then you can have another community person go back to
11 their door when you send them this letter telling them this
12 class is coming up and you're expected in there and you're
13 expecting them to fulfill their obligation. That person is
14 already pulled.

15 MS. SPEIR: If you're forcing someone to do something
16 that they don't --

17 MS. NEWSOME: We're not forcing.

18 MS. SPEIR: But you're saying that they're signing a
19 commitment. To me, that doesn't mean anything because --

20 MS. NEWSOME: You are not forcing that person.

21 MS. TURNER: If you're talking about legal services
22 funds, those are federal dollars.

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1 MS. NEWSOME: I'm not talking about legal services.

2 MS. TURNER: You can't make somebody sign something
3 like that. You'd be in trouble in Detroit.

4 MS. NEWSOME: I'm talking about your community, say
5 your neighborhood block. If I'm going to go and help you get a
6 waiver on your taxes on your house, you have got to tell me you
7 are going to do something to help someone else.

8 You're not going to come and tell me you want me to
9 come and help you save your house and you're not willing to give
10 me something back. You're going to have to give an attorney
11 \$1,000 or \$2,000 that you don't have because you can't pay your
12 taxes. You've got to give something back to that community.

13 MS. PEOPLES: You encourage that.

14 MS. NEWSOME: You encourage that and you usually get
15 it.

16 MS. SPEIR: I haven't found that's true. We have
17 advertised in every paper. We have our organization listed
18 with every volunteer center. We do everything we can to get
19 volunteers.

20 We ask people during the classes. We let them know we
21 need volunteers. On occasion they say they will and they
22 normally don't follow through.

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1 MR. UDDO: She's saying something a little bit
2 different though. She's saying to make it an obligation tied to
3 this service that you're performing for them.

4 MS. SPEIR: It's a nice thought, but I don't see it
5 as being real realistic.

6 MR. UDDO: Why not? Does it work?

7 MS. NEWSOME: It works.

8 MR. UDDO: People do come back and give the time?

9 MS. NEWSOME: People do come back.

10 MS. TURNER: People feel intimidated or threatened
11 when you say that in some communities.

12 MR. UDDO: They may just feel obligated.

13 MS. TURNER: Not necessarily. I agree with her. I
14 agree with Ms. Speir.

15 MR. UDDO: I'm going to lose control in a second.

16 MS. BRIGGS: I think the reality is that I have my own
17 office. I have three quarters of my clients do not pay.
18 They're welfare or just above that. I have found that initially
19 when I opened the office everybody wants to help. It's not
20 there and it's not going to happen.

21 I don't demand anything from them as long as I know
22 that they are taken care of and their kids are taken care of.

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1 I've always taken the attitude that if it's going to come back
2 to me, something else is there.

3 It always happens that way. Another paying client
4 comes in. My fee is \$30.00 an hour and I always pick another
5 one up. I found that the people who are truly grateful and
6 respect what you've done and appreciate it come back on their
7 own.

8 You don't have go out and look for it or demand that
9 it's there because they come back.

10 MS. PHELPS: I have clients that come into my office
11 and they demand they pay taxes and they demand that we provide
12 assistance. After all, they are taxpayers. It's under their
13 constitution that they get help.

14 They just had the run around from legal services up to
15 me and I'm telling them, "I'm sorry, you can't come in the day
16 of the hearing and expect me to have someone go to court with
17 you."

18 Then they get -- I mean, I just had a guy put a hole
19 in my wall. He had a big -- I had to call security and have him
20 removed. It happens at least once a month.

21 MS. NEWSOME: Let me ask one question. I'm having a
22 problem with hearing that it is a demand on people because you

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1 have them sign saying that they will give back something that
2 they take from the community.

3 I'm having a problem with that. Do you have a problem
4 with having to fill out an expense account and turning in your
5 receipts to someone proving to them where that money went?

6 MS. SPEIR: I don't have to worry about that because
7 it's all my money.

8 MS. NEWSOME: All right. If you had to --

9 MS. SPEIR: We have no funding. It's my money.

10 MS. NEWSOME: If you had to, would you have a problem?

11 MS. SPEIR: That's a different subject.

12 MR. UDDO: The reason I'm letting this discussion go
13 on is because I think it is sort of a part of what we're talking
14 about. If you are going to be doing self-help, this is one way
15 of doing it to try to network to develop more people to assist
16 by a quid pro quo.

17 If you want the assistance, we want you to give
18 something back. Maybe 25 hours is steep, but I think that is a
19 point we are pondering because it could extend the reach of
20 self-help programs.

21 MS. FIFIELD: If you want people to participate, then
22 you've got to find another avenue that they can see a bigger

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1 picture. Then you go a step farther and you say now we need to
2 fix what the problem is.

3 There's a problem with getting the divorces because
4 it's difficult and the laws are such. So would you be willing
5 to help change the law? Would you be willing to come in and
6 start learning the law better and working with people and
7 finding out what the need is. That's how we get people involved
8 in our organization. We have over 6,000 members.

9 MS. JERMANY: Independent paralegals get people back
10 for two reasons. One, they pay, in the first place, small
11 amounts of money. You pay \$25.00 and get a divorce. Then you
12 find out how simple it is.

13 Then you say well, if you get paid for doing this for
14 \$25.00 and there are 100,000 divorces out there, is there a way
15 that I can get paid as well. Here's a little card. There's a
16 number you call.

17 There's training available and may be you might a
18 prospective person to go out and do the same thing. It's very
19 difficult to obligate someone to come, although we like to have
20 people within the community in the 501(c)(3)s.

21 They sign an agreement to come and give back community
22 services. About 25 percent of the people actually do come back,

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1 but those people tend to be the ones who are already motivated,
2 who don't have self-esteem problems and who want to do
3 something and are already looking to do something out there.

4 Those who are so inundated with problems beyond the
5 little one that they've come in to solve just don't have the
6 energy, the wherewithal and whatever. You give those people a
7 rain check.

8 If a person says I want to do 25 hours, but I'll do
9 it next year, you call them back next year and find out how
10 they're doing. Invite them back. One of the things that we
11 found that works is open houses.

12 Have lots of open houses where you just bring people
13 in, tell them about the services and let them explore, let them
14 look through things. They tend to come around and want to work.
15 There are a number of mechanisms. Most of them are marketing.

16 The ways that businesses get people in are the things
17 that we have to start to use to get people to use our service
18 and contribute to those services.

19 MS. MURPHY: I think she's made some good points with
20 regard to the mind conditioning of the individuals that we are
21 working with. A lot of them have two or three children, are
22 working two or three jobs. They really don't have the time to

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1 devote other than to their own case.

2 MS. NEWSOME: If they're working two or three jobs,
3 they're not eligible in the first place.

4 MR. UDDO: They're not legal services.

5 MS. NEWSOME: They're not legal services problem.

6 MR. UDDO: They're income probably exceeds the
7 eligibility.

8 MS. MURPHY: They're income exceeds their eligibility.

9 MS. NEWSOME: If they're working two or three jobs.

10 MS. TURNER: That depends.

11 MS. NEWSOME: Even if it's minimum wage and they're
12 only holding one job in the state of Indiana, if it's full time,
13 they are over the guidelines.

14 MR. UDDO: You're not familiar with eligibility
15 requirements.

16 (Simultaneous conversation.)

17 MR. UDDO: There's a lot of other factors, but her
18 point was that she thought from her perspective when involved in
19 legal services that person may not be eligible anyway. That may
20 be a sidetrack at that point that we don't need.

21 We've been going for two hours and fifteen minutes and
22 I think it has been a stimulating discussion and I think a very

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1 interesting discussion. We're a little bit ahead of our
2 schedule, but it fits in nicely because Mr. Durant has arrived.

3 He was supposed to make some remarks this morning
4 which we will defer to him now. Clark Durant, for those of you
5 who don't know him, is a member of the National Board of Legal
6 Service Corporation, the former chairman of the board. He's
7 from Detroit.

8 He is the person on the board who I think is most
9 responsible for this conference taking place today. So I'd like
10 to turn the floor over to Clark to make some remarks because
11 it's he that we thank for having the conference.

12 MR. DURANT: Basile, thank you for that. There are
13 two things that I'd like to say. I didn't come with any
14 prepared remarks frankly. I came to try and listen. The first
15 thing I want to do is thank and I'm very grateful to Basile and
16 Lorain Miller and Hortencia, my fellow members of the board who
17 have supported the idea that we do get together and talk about
18 some of the issues that obviously generate a lot of discussion.

19 Second, I know many of you who I have met in my
20 travels around the country. I'm grateful to you also for having
21 enriched my life and the things that I thought about in this
22 problem of giving people an opportunity to have, frankly, more

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1 power in their own lives to solve their problems, to get more
2 of a sense of dignity and purpose in the things that they are
3 doing.

4 I am deeply impressed with the people that I've met in
5 the legal services community who have worked so hard at trying
6 to provide effective and adequate representation for poor
7 people.

8 I think the thing that gives dimension to the things
9 that you're talking about is that the issues transcend classes
10 of people because they effect all kinds of people. I think
11 Betty's comments and Rose's in terms of the kinds of people that
12 are being served, there's one common thread; there's somebody
13 that is being denied access to justice or denied an opportunity
14 resolve a particular problem and how can we best assist in
15 empowering that person to be able to resolve those problems.

16 As I say, I came with no prepared remarks. I came in
17 the midst of a very, very busy schedule because I wanted to be
18 here to listen. Hopefully, what will come out of this meeting
19 today and tomorrow is a game plan, ideas as to how to take
20 further some of the things that are being talked about here
21 today.

22 I will have, I hope, a chance over the two days to get

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1 to know some of you who I don't know to know better. Those of
2 you who I have met and talked with on the phone only and not had
3 an opportunity to see in person, a chance to know you better
4 too and also a chance to renew some old acquaintances.

5 I'm glad to be here. I thank again and I am very
6 grateful to Basile, Hortencia and Lorain for being here also.
7 Thanks also to Terry Wear who has endured a number of phone
8 calls from a variety of people to keep this program on track
9 and in line.

10 I hope that what can come out of it tomorrow is the
11 framework for a discussion that can go on. Ultimately, I think
12 we have a common and that is to give all people an opportunity
13 to, as I say, have more power over their own lives and dignity
14 in the things that they do.

15 Thank you very much for letting me be a part of this
16 conference. I'm glad to be here. Whatever is on the agenda
17 even if that means a break, let's proceed.

18 MR. UDDO: I think it does. Lunch is at noon.

19 MS. BOZELL: We can either proceed with the agenda or
20 break for lunch early.

21 MR. UDDO: Are we just on our own for lunch?

22 MS. BOZELL: That's right.

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1 MR. UDDO: I'm going to suggest that we break for
2 lunch. That way, judging from the way that discussion went, we
3 will get into the midst of another two hour discussion and I
4 wouldn't want to stop it for lunch, have people pass out from
5 hunger.

6 So I think we ought to break now for lunch and just
7 start again at 1:00 and get back on the schedule. We'll just
8 start at 1:00 and try to stick to the schedule after that.

9 (A luncheon recess was taken.)

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1 AFTERNOON SESSION

2 MR. UDDO: Our 1:00 session which is starting at 1:15,
3 the original or first panel members are Gladys Barnes, Rose
4 Palmer Phelps, and Dorothy Byrd. The topics are essentially:
5 Are all individual legal service clients able to help
6 themselves; and, in which areas of legal services is self-help
7 most effective.

8 We've obviously touched a part of that during the
9 earlier discussion. For those of you who just walked in, there
10 will be a final exam at 5:30, all short answer questions.
11 (laughter)

12 I think what we ought to do, as I understand the
13 procedure from the floor, is that the panel members will each
14 sort of make some opening comments and maybe respond to each
15 other initially and then open it up to this rather shy group of
16 people.

17 Again, let me just say this. My hope of what will
18 come out of our efforts today and tomorrow is essentially as to
19 where we go here. I know from some conversations that I had
20 just prior to lunch that a couple of people do have some
21 different ideas and whatever that they want to put on the table.

22 I was chatting with Bill Fry. I'm a clean slate. I

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1 want to just know what works and I'd like to get something that
2 everybody can agree on. Unanimity is possible. Obviously,
3 these discussions, I hope, will lead us in that direction.

4 Why don't we begin with Gladys Barnes.

5 MS. BARNES: I believe the first question that we are
6 being asked to comment on is, are all individual legal service
7 clients able to help themselves. I would like to respond to
8 that by saying that all legal service clients possibly would not
9 even be interested in being advocates for several different
10 reasons.

11 Some is because they are so bogged down with trying to
12 exist from day to day with their families, their children, their
13 meager income and what not that they wouldn't have time to
14 devote any necessary training that would make them proficient in
15 this.

16 Certainly, I am a believer in training to send someone
17 out to do the job. To try to embrace on others their rights in
18 any manner they need to have a broad scope of positive accurate
19 knowledge themselves.

20 For that reason, there are different levels of
21 motivation among clients, which in no sense of the matter means
22 that no one person is not able were they able to pursue, had the

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1 time and the interest and they need to some extent an
2 educational level to absorb what is necessary for them to
3 absorb.

4 Given the chance of those who would be interested,
5 those who are motivated, those persons who see the need to be
6 trained themselves in some of the same issues as are on the
7 table this morning, certainly I see that every effort should be
8 made that they would be able to do this.

9 MR. UDDO: Rose?

10 MS. PHELPS: With support, most of our clients are in
11 what I call the gray area. They are on welfare or have no
12 income at all. We sit down with our clients. We assess their
13 needs. We see if there is any educational opportunities out
14 there that they can get into retraining programs and so forth.

15 We help them fill out the forms that need to be filled
16 out for their proceedings. They do everything on their own. We
17 just make sure that they know where to go, where to file. If
18 there's a fee that has to be paid, we tell them how much the fee
19 is, where to go to pay the fee when they're filing, or we have
20 that fee waived.

21 Our clients, therefore, then come back and they'll
22 tell us that they have a hearing date or whatever set up for

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1 such and such a time, would one of the support assistants be
2 able to go over with them.

3 As I stated, my program is court approved. It's a
4 non-legal, court approved program. We assist clients on the
5 issue of child support and custody. Many of our clients are
6 with high school educations but are barely able to read.

7 A lot of them don't know how to read. Some of them
8 don't know how to write. If someone sits down and assists them
9 and tells them the basic ABCs of what to do and how to do it,
10 they're able to do it.

11 When we go into court with our clients, we may
12 interrupt the proceedings. We are permitted to take our client
13 out in the hall and talk to them if they don't understand what
14 is going on so they have a better clarification of the
15 proceedings and what's going on.

16 Most of our clients, as Gladys said, they're too upset
17 at the time to really be able to help other people. They do not
18 have the educational ability at that time to assist someone else
19 let alone themselves.

20 As they proceed and get on with their life, they do
21 eventually come back and do some volunteer work for us. It may
22 take a year or two years for them to even reach that level that

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1 they can help someone else.

2 They have to go up the step ladder of being self-
3 sufficient themselves before they can help somebody else. They
4 have to get through that stage of anger. They have to get
5 through that stage of vindictiveness before they can be a person
6 who would be able to be a beneficial resource for someone else
7 at that time.

8 We utilize paralegal externs they're called from the
9 three different paralegal schools in the Pittsburgh area to
10 become what's called a support assistant. We train them. We
11 have a training program that we do before they are allowed to go
12 over into our court system and act as a support assistant or to
13 return phone calls and give information out to clients.

14 We do have clients who are mentally retarded or just
15 aren't able to understand the basics. It was very difficult for
16 us to find attorneys to assist these clients. So what I have
17 done is contacted both law schools in the Pittsburgh area.

18 Now I have third year certified law students in our
19 office who is able to assist these clients, who can go in and
20 represent these clients. It's working out quite well. When the
21 paralegal students and the law students are working together, it
22 gives them also a training aspect of what they can expect when

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1 they actually do graduate and become in their professions.

2 One of the law students who was just with us this
3 summer stated to me that she feels very privileged to be at our
4 program because she is getting first hand experience going into
5 the courts.

6 We have a second year law student, certified law
7 student. She is working as a support assistant and not as a
8 certified law student representing clients. She said this is
9 giving her the opportunity to go into the courts, find out what
10 it's like and does she really want to be an attorney and
11 proceed.

12 We're just finding out as we're growing more avenues.
13 We utilize the business schools. We get the externs to do our
14 typing and so forth so that way we save somewhat on typing
15 expenses.

16 It would be nice to have somebody trained to be in the
17 office all the time because you're constantly retraining a new
18 office worker when you're going through this. You no sooner get
19 that person trained and they're gone.

20 It would be less stressful for me if that would be an
21 ideal situation. Our funding has been cut because the city
22 council person who represented our program lost the last

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1 election.

2 We are a 501(c)(3). We do get our fundings from
3 foundation grants and wherever else. Just in the last year, we
4 started to have a minimal donation requested for the services
5 that we go through because of our funding grants.

6 MR. DURANT: Rose, can I interrupt you just a second?
7 In terms of the area, in terms of people not able to help
8 themselves, have you primarily found that in terms of the people
9 who have either mental problems or even individuals who have low
10 reading or writing skills have still been able or not?

11 MS. PHELPS: They still -- like I said, we have to get
12 on their level and make them understand. They can do it. We
13 see no reason why -- even the ones who can't read, if you sit
14 down and explain everything to them and say, All right, first
15 you do this.

16 You go file these forms in the pathonatory's
17 (phonetic) office and get your case number. Then after you do
18 that, you go over and file it in this office. After you finish
19 those steps, if you forget, you can come back over and ask us
20 and we'll explain it.

21 We take them step by step and they're able to do it
22 with no problems whatsoever.

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1 MR. DURANT: What are the age areas? I want Gladys to
2 touch on this a little bit because she did when we were talking
3 about it before in terms of the areas where self-help is more
4 effective. Where have you found that to be?

5 MS. PHELPS: Like I stated, we mainly deal with child
6 support and custody. Sometimes involved is a name change. We
7 go through that. Subpoenas, how to file and serve a subpoena,
8 we do that.

9 A non-contested divorce, I don't like to do too many
10 of those because of the fluttering with the local bar
11 association, but we have done a few of those as well, but the
12 clients are able --

13 The one person had a fourth grade education and did
14 their own divorce. So it can be done as long as there is
15 somebody there and get to that person's educational level and
16 speaking to them on that level.

17 If you speak to them on a higher level to a first
18 grader, you're not going to get through. So you have to realize
19 where your client is at, what level of understanding they are
20 and be able to get to that level.

21 MR. DURANT: How do you know if there is a problem
22 with that person in terms of -- I mean, if you're not actually

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1 going with that person either to some administrative body or to
2 court, how do you know whether or not there really has been
3 appropriate follow throughs, some closure, if you will, some
4 satisfaction takes place?

5 MS. PHELPS: We usually keep in contact or we go with
6 that client through the whole proceeding to make sure,
7 especially if we know that somebody has a low IQ or has a
8 problem with reading.

9 We usually follow through and make sure that they have
10 done everything that they were supposed to do on the basics.
11 Like I said, they come back and report back to us step by step
12 by step.

13 If we say the first step is this, you do this. When
14 you finish this step, you come back and then we'll tell you what
15 the next step is going to be. Somebody who is learning
16 disabled doesn't mean they have a low IQ, but they have a
17 learning disability.

18 We've worked with those people, again basic step-by-
19 step, and they're able to do it. They do it quite well. One of
20 the things that we do is spend a lot of time on the initial
21 interview and assessing the clients and where the client's needs
22 are and how can we assist on various other aspects of the

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1 client's needs.

2 Some of the clients have high school education and
3 can't read. So we make referrals and make sure that they get to
4 a reading program. We want to make sure clients become self-
5 sufficient in more ways than one, not just getting through the
6 court system but how they can become self-sufficient and a
7 productive individual in our community. That's what we do.

8 MR. DURANT: Dorothy, before I go to you, I want to go
9 back and ask Gladys a second part of this area right now. That
10 is, what areas of legal services do you think self-help is most
11 effective? In other words, the other side of that, of course,
12 is where it might not be most effective also.

13 MS. BARNES: You mean in the types of cases that
14 clients could be trained to be proficient in, I believe, SSI,
15 food stamps, benefits, administrative hearings, just as a
16 starter.

17 I certainly agree. I believe that was Rose who was
18 just talking that there needs to be a communication level
19 between the person who is doing the training and the trainee.
20 You need to learn to talk in layman's terms so that everybody
21 can be knowledgeable of what you are trying to say.

22 I've had clients that have been to hearings and then

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1 it didn't go well and you say, Why didn't you say something?
2 "Well, I didn't understand what they were saying, the language
3 that they was using. I felt I was more dumb than what I was if
4 I said anything."

5 I think there's going to have to be, so to speak, a
6 workshop of mind reading things before you turn clients loose,
7 not that they're not able to handle them but that they just need
8 to know certain fundamental aspects to look for.

9 MR. UDDO: Are there cases -- let me take the other
10 side and then, Dorothy, I want to come to you -- are there other
11 cases in which might be common to clients but that are not being
12 -- you don't think clients would be able to do?

13 MS. BARNES: Well, I think in divorces, if they had
14 adequate training and something they would. I think that they
15 probably wouldn't be as comfortable maybe in starting off with
16 that as they would in benefits because it's so long they have
17 been fed the myth that, you know, only a bona fide
18 professionalist going to help them with that.

19 They might be a little leery that they might make
20 their client lose the case. I think there will have to be more
21 in-depth training for them to take on such cases as divorces,
22 not that I think they will in any way be less capable, but I

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1 think it would have to be a broader aspect from the trainer of
2 the training package.

3 MR. DURANT: Dorothy Byrd -- when this all started,
4 were people kind of introduced and backgrounds and stuff like
5 that. I met Dorothy initially when she was chairman of the
6 board of the Wayne County Neighborhood Legal Services program in
7 Detroit.

8 Dorothy, if you would address both of the questions on
9 this topic.

10 MS. BYRD: Well, I don't think all the clients are
11 able to help themselves because most clients do not know what
12 the law consists of unless someone tells them. Say, in the case
13 of food stamps, a client is more concerned about getting those
14 food stamps. They don't know the procedures to follow unless
15 someone tells them.

16 Sometimes the worker that they go to visit is not
17 helpful and they were turned away. They just become desperate
18 and maybe sometimes they just don't go back again. I find very
19 powerfully one client person has experienced something.

20 If they are really talking around with other friends
21 and have experienced the same type of problem and they say,
22 Well, I did so and so. I did this and I did that. So, many

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1 times -- like Ms. Jermany mentioned that they begin to talk, to
2 tell of your experience to someone else.

3 The other thing is well, I was shut out of the board
4 so I have a volunteer system of my own in our service center
5 where we give our commodities in our soup kitchen. People come
6 in and if I hear anyone discussing any problem, I just
7 immediately go to them and tell them where they can get some
8 help.

9 We had a young man that was on social services and he
10 has a heart condition and is not able to work but he looks like
11 he's a big healthy person. He dresses very neat and is clean.
12 People were harassing him about where was he getting the funds,
13 where was he getting the extra money to pay his bills each
14 month.

15 When he filled out his report, his rent was \$150.00 a
16 month. They only gave him \$148.00 so they wanted to know where
17 he was getting the extra two dollars. They said he was over
18 income because he managed to pay this extra two dollars.

19 He kept asking me what to do. So I began to talk with
20 him and I discovered that when he would go to the store and buy
21 his food, if he had any pop bottles, he turned them in. When he
22 said he turned in his pop bottles, I said your picking up pop

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1 bottles on the street disqualifies you because that's extra
2 income.

3 It was his own pop bottles that he was turning in. He
4 was able to explain that to the point that I was able to tell
5 him to go back over to the office and get some help over there
6 by telling them his problems.

7 He was ashamed to tell them. Many times clients will
8 talk to each other and they will tell them their problems
9 quicker than they will just come out and tell someone else that
10 they don't know.

11 I find that it's a good thing to just get down on the
12 same level with that person. It's a shame to say it but most
13 professional people make clients feel that because you are a
14 client person, then you're not intelligent enough to deal with
15 things.

16 They don't realize that maybe that person just didn't
17 have that opportunity that the professional had, but they still
18 have a certain amount of inborn abilities to know and
19 understand.

20 The other thing is, we should have some workshops
21 where clients can come in and be trained so that they can help
22 themselves. In our program, we don't have workshops so clients

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1 are not told these things, that these are things they can do
2 themselves. They don't have these workshops.

3 MR. DURANT: What kinds of things, though, when you
4 say do it for themselves? I mean, you were a board chairman.
5 What kinds of problems?

6 MS. BYRD: There's veteran benefits. I know clients
7 that wanted a divorce. I know some clients that had
8 landlord/tenant problems. When they were ready to go to court
9 and their cases -- this backlog cases -- when it came up to go
10 to court, they had to go to court without any representation
11 because the lawyers had to put their cases back.

12 I think I mentioned to you one time the power of
13 backlog cases. Those are small cases that they could represent
14 themselves. Like senior citizen benefits, I'm sure most people
15 are familiar with them.

16 We're hearing now that some seniors are divorcing--
17 getting divorces so that they can qualify for certain benefits.
18 This is a tragedy for seniors. If they knew what they could do
19 and how they could be guided into going into court and getting
20 these benefits so that they would not have to divorce and get
21 medicaid.

22 I know the family, the couple, where they say well,

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1 the husband worked. He got social security and you saved up
2 some of your monies before retirement. Now you have to spend
3 all of your money down to \$1,500 before you can qualify for
4 medicaid.

5 That poor money, every bit of her funds were exhausted
6 before they finally gave in to medicaid. I think we need to
7 look into such areas as that because most seniors, even if you
8 did work and earn good money when you were working, once you
9 become a senior and get on social security, your funds go very
10 quickly.

11 I'm sure you know that more people, more in this day,
12 are more qualified for help than they were when they were
13 working.

14 MR. DURANT: Mr. Wear?

15 MR. WEAR: Because I don't quite understand what we're
16 trying to get, I have a couple of things and probably some real
17 quick answers to these questions here.

18 The first one is, I think we ought to understand that
19 as far as I'm concerned, the clients are poor but not stupid.
20 So that question, I don't know -- I don't know if that question
21 needs to be asked.

22 I mean, we're poor people but all of us are not

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1 illiterate. I'm glad that some other agencies serve these
2 people. Legal Services serve the same ones. People usually can
3 find out where to go to get help.

4 The second thing, areas that legal services could--
5 how it could be more effective to Legal Services. I think they
6 already have a mechanism in place. You have clients on board.
7 This training right here, these things need to filter down to
8 the local levels.

9 You need to make it easier for us to have these kinds
10 of trainings. There already is a mechanism set. So I'm not sure
11 what we're really after here. I guess you have to give me that.
12 You said that you work with people in the gray areas, really a
13 black area to me, people who have little or no income.

14 That's a definite area. It's pretty much the area of
15 the people that we serve, mostly us people who are involved with
16 legal services. I don't have a problem with paralegals -- I'm a
17 paralegal -- doing a lot of this work, but I question paralegals
18 being able to do everything without the supervision of an
19 attorney.

20 You're attorneys so you should -- you're trained more.
21 We do a little procedural things. We do the dirty work, the leg
22 work for attorneys. I mean, you go in there and make the money

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1 but we do the work. That's pretty much what it is.

2 MR. DURANT: I hardly practice law any more so--
3 Shirley had her hand up first.

4 MS. PEOPLES: I disagree with the fact that every
5 client is capable of doing it. Some need to be motivated to
6 have some kind of training. Although they get their benefits,
7 they are spending a lot of time going over how a budget is
8 determined.

9 They get their food stamps but not necessarily--
10 they know how it's determined. A workshop could be on who is
11 eligible for food stamps and then how is a budget determined.
12 In different households the circumstances are different.

13 The only time they may bring up the question is if
14 their stamps are changed. They don't have to be stupid but they
15 still don't know all the process that they go through to get
16 their stamps.

17 I think there is legal services does represent clients
18 and stuff but I don't think they have enough resources that
19 clients cannot do some things for themselves so they can an arm
20 on getting more done and affecting more people.

21 If the client knows their rights and responsibilities,
22 they then know how to help themselves which a lot times don't

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1 have to be spent on that's the case when they can do some
2 things that the clients do themselves. They can do a food stamp
3 case.

4 MR. DURANT: Do you think there's any area of clients
5 that aren't effective?

6 MS. PEOPLES: Well, sometimes it's determined from
7 state to state like I was talking earlier about the pro se
8 divorce. In my state, the bar and the courts don't permit you
9 to go in there and do a divorce, although we have sessions and
10 stuff like that.

11 The law prevents us. Somebody says the law lets you
12 do anything you want to do, but not in Ohio. You have to have
13 an attorney. That would be one area. There are also times when
14 there absolutely needs to be somebody representing in court.

15 You can do some of the administrative stuff, but you
16 can just go so far. The thing about the paralegals, a lot of us
17 are not labeled paralegals because we don't have a certificate,
18 but we do the same thing as a paralegal.

19 So all the things have attorneys involved in them.
20 Through training and experience within this, you develop the
21 skills to be able to do that.

22 MR. DURANT: Catherine?

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1 MS. JERMANY: To answer to the last part of your
2 question and then to make another statement, clients -- legal
3 services clients can all contribute something to the resolution
4 of their problem. That's sort of a given. That's the kind of
5 floor that I start with.

6 They can all make a contribution towards the
7 resolution of their case if it's not more than identifying and
8 finding witnesses in a public benefit or a hearing type case or
9 doing some part of sitting that calls for the resolution.

10 At a minimum, a client needs to be required to
11 determine what the outcome they want rather than having someone
12 else determine what that outcome is from that stance, the
13 motivation to help them move further.

14 In some of the work that we've done, we found that at
15 least 40 percent of all legal services clients articulate
16 literacy and the ability to read and use self-help law
17 materials. Of those, about half which is about 25 percent of
18 the total legal services population is willing at the time of
19 intake to go through the entire case themselves with a minimum
20 amount of help.

21 So what we're talking about is 25 percent of the
22 people who, if given the opportunity, could in fact take their

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1 case from the beginning or the initial interview through the
2 resolution.

3 People fall between the cracks in various areas. It's
4 most effective, I believe, when clients are informed from the
5 beginning that they are expected to participate in the
6 resolution of their case and they are allowed to set the goals.

7 They determine what the outcome is. Well, I want food
8 stamps for me and my kids. That's an outcome. They have to be
9 able to articulate that or they don't want to leave the house.
10 They want to remain as a tenant.

11 That's their ultimate goal, to keep the premises
12 rather than to release the premises. They need to be involved in
13 that decision. Once that happens, certain steps that are
14 already out there that have been done over and over again for
15 the last 50 years of how to stay in a house, how to do such and
16 such, they can be set on the path.

17 There are things that the legal worker can do and
18 there are things that the client can do in order to make that
19 process facilitate much easier and quicker. Those are the kinds
20 of things that can be explored.

21 MR. DURANT: I have two questions if I might. Is
22 there not -- on this point that you make about determining

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1 outcomes, you've been involved in both legal services and non-
2 legal services kind of representation. Is there not that
3 ability of a client in a legal services context to determine
4 outcome or to be involved in that process?

5 MS. JERMANY: There are some kinds of cases that are
6 complex and compound that no one can understand. The clients
7 know what they want. They know what remedies they want. They
8 may not understand what the legal remedies are, but they know
9 how to be held harmless or to be made feel whole again.

10 They know what that is. They know that they want
11 somebody off their back, off their case, or they want to get
12 something from somebody. They know that clearly from the
13 beginning.

14 Once that's articulated, then a plan needs to be made
15 from which that goal can or cannot be accomplished. In the
16 interview, you can determine very quickly whether or not that
17 goal is reachable and allow the client to make the decision
18 because this goal is not attainable through legal services, but
19 they may want to look at an alternative.

20 There are alternatives out there for resolving the
21 dispute or solving the problems that may or may not be
22 appropriate to legal services.

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1 MR. DURANT: Are there areas that self-help is not
2 effective?

3 MS. JERMANY: I think it's not effective in tax cases.
4 We don't have a lot of clients with tax cases, but I don't know
5 very many people who are able to deal effectively with the IRS
6 at that particular level.

7 There are some things that are clearly designed for
8 clients to do without the assistance of a lawyer. Bankruptcy is
9 one of them. Child support modification, summary divorces,
10 those things are pretty much designed to be used by clients
11 themselves.

12 Probate is pretty much -- people are pretty much able
13 to do that. They need assistance because probate happens at a
14 time when emotionally you are not in the best state. So you
15 need someone to help hold your hand and actually get the forms
16 together for you so that you can get the information on them.

17 There are a lot of areas in which people can, in fact,
18 help themselves. Guardianship is another area which they can
19 really do. Cousins, the aunts, the grandparents, those are
20 areas that -- they're actively involved.

21 Stepparents, adoptions, there are lots of things that
22 people out there can do relatively easily because it is in their

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1 self-interest to do them.

2 MR. DURANT: Let me hear one more from over here.

3 MS. FIFIELD: I think that attorneys have to be
4 involved. First of all, I think it's highly unfair to send in a
5 person against another attorney without an attorney representing
6 them.

7 How can we expect people to come up to the level of
8 knowledge that attorneys have within a month, two months or six
9 months if it takes that long to get to court; to be able to
10 articulate well enough, know the law well enough to be able to
11 go against an attorney?

12 So I think custody cases are one of them that get
13 pretty dirty.

14 MS. PHELPS: Well, not full custody. They go shared
15 parenting and partial custody.

16 MS. FIFIELD: The contested divorces are definitely a
17 place where I think attorneys need to be there. I think that
18 that's only fair. I think it's highly unfair to expect -- I
19 wouldn't want to do it and I've done enough working with the
20 courts that I feel I have a fair knowledge of it. I wouldn't
21 want to do it. I don't think it would be fair.

22 They asked where would it be -- where attorneys needed

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1 to be. They also need -- I know in Montana where it goes up to
2 the Supreme Court, of course you have to have an attorney to go
3 there. I don't want to go there.

4 Those kinds of cases, I think, you need attorneys.
5 I'm a little bit surprised listening to everybody's talking, in
6 our state, the legal services encourages us to do things on our
7 own, to help people outside of the legal services. Because
8 we're such a rural state, they handle 600 and 700 miles.

9 It's real tough for them to cover as many clients as
10 there are. So that's like a last stop, legal services. They
11 encourage it. They've helped us with doing workshops. They've
12 trained us and we in turn have trained other people.

13 We get people involved that way. It's a snowball
14 effect. We get people who come in to get help and get excited
15 about helping other people and really delve into like
16 landlord/tenant law, not that we practice it. We don't practice
17 it.

18 We learn enough about it to be able to advise and
19 know when an attorney needs to be called in and know when they
20 don't.

21 MS. PHELPS: I think that would be one good thing, to
22 have somebody provide the information and give the advice that

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1 is needed. Then when it becomes a contested matter, then the
2 attorney from legal services will take over.

3 I think that's -- that way you can handle more clients
4 that way and not turn clients away. With the child support
5 issue, they be able to handle more child support cases. More?
6 They don't handle any in our area.

7 Like I said, the kidnapping cases, that's supposed to
8 be legal services. They don't bother with that. If you have
9 four weeks, that would be nice. This way they would be able to
10 handle more clientele and take walk-ins for an emergency case.

11 MS. SPEIR: Two of the areas that I see that legal
12 services could be most effective on self-help would be simple
13 uncontested divorces and child support. Both of those areas you
14 can basically do what we do like classes or a group setting.
15 They are very easy to do and very cost efficient.

16 In fact, it might impact your program too. A lot of
17 your programs, I notice, cover housing and benefits and things
18 like that. A lot of times if you enforce the child support,
19 they're not going to have a housing problem.

20 They're not going to have a welfare problem. They're
21 not going to have all these other problems. If you do some
22 child support, it may impact the other areas of your services.

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1 We found that if we walk through as far as -- if
2 everyone is able to do this themselves, we found most people can
3 -- if we determine that they can't then we do what Rose does.
4 We walk them through the system and they can make it. They
5 really can.

6 I just had one who reads at a first grade level. As
7 long as they have somebody there to walk them through, they can
8 manage it. One of the problems that we run into though is that
9 a lot of people have a fear of the legal system.

10 A lot of attorneys have almost brainwashed people to
11 believe that they need attorneys to get a divorce or they need
12 attorneys to get child support. We constantly get calls from
13 people who say I need to talk to an attorney.

14 I'll say what is this on. They say I need a divorce.
15 I'll say is there property, is there custody, is there -- no,
16 there's nothing involved. Why do you think you need an
17 attorney?

18 We've even heard of cases where attorneys make up
19 videos and show videos to the clients about what happens if you
20 don't have an attorney when you get a divorce. I mean, it's
21 like real horror stories.

22 Then we've got people who are afraid to go before

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1 judges. In Long Beach, when you get a divorce you have to go
2 before the judge so he grants the divorce. A lot of people just
3 have this fear, even though it's unfounded and getting a divorce
4 takes less than ten minutes, they just have this real big fear
5 about going before a judge.

6 I don't know how you can work with that type of thing
7 to get them out of that.

8 MR. DURANT: To get beyond that. Bill, you had a
9 question or a comment.

10 MR. FRY: It's already been mentioned but I think it
11 deserves a little emphasis. The contested case really falls, I
12 think, in a different category. We've been talking about all
13 kinds of simple matters that people can be coached through.

14 I think the perspective has to change when there's
15 opposition. It isn't just when the other party, necessarily,
16 intervenes as in divorce and custody battles and they fight it.
17 There are lots of processes particularly around public benefits
18 where you can say that the opposition consists of the
19 government. In other words, you get denied.

20 The government is now your adversary. There are some
21 processes like divorce which are almost guaranteed to go
22 through. Uncontested divorce, if you've filled out the papers

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1 and you've filed them, you're going to get it.

2 It's like applying for a driver's license. If you
3 fill out the form and hand it in, you get it. That's not true
4 in public benefits. When you apply for public benefits and
5 you're turned down, you're in a difficult position because the
6 next appearance you make, the government is your opponent and
7 you're going to have to argue against their position.

8 That can require a lot of skill. Some of those cases,
9 I think, fall into other classes of cases that are hard. I'm
10 not saying that a lay person can't do these things, but I think
11 the difficult gets seriously escalated.

12 I think there are areas of the law, for example, one
13 that comes to my mind besides the tax which was mentioned, is
14 discrimination. There's age discrimination, race, sex, all kind
15 of discrimination cases.

16 They tend to be very complex and very difficult
17 because they rely almost entirely on legal arguments that are
18 surrounded with statutes, regulations and precedence. It isn't
19 the kind of situation where you fill out a form and go from
20 there.

21 I think there are other kinds of cases that fall in
22 the category of petitions, applications or requests that turn

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1 entirely on interpretations of the law from the outset. Even in
2 public benefits, you get instances where the only way that
3 somebody can get what they want is to persuade the government of
4 a different interpretation than the one they've been taking.

5 In other words, you want to create new law or you want
6 to change the regulation or you want to argue the regulation
7 isn't fair or is invalid. So that is, I think, a related set of
8 cases to the types of situations where the interpretation of the
9 law is the premise of the case. I would be prepared to try to
10 train non-lawyers to handle those but it might take a couple of
11 weeks.

12 Getting back to this question of whether or not
13 everyone can do it, one of the things I noticed in the
14 discussion is when we were talking about can people do these
15 things, what we're really talking about is escalating the amount
16 of help that we're giving.

17 I haven't yet heard anybody site what would be a pure
18 cases of self-help which is, the person has a legal need and
19 without consultation, without training, without help from any
20 other source, they march in all alone and face it.

21 It does happen. We just haven't mentioned it. Mostly
22 what we're talking about is training support and, in effect,

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1 legal services because I think what's being described here is a
2 form of legal services just as the LSC projects provide legal
3 services.

4 We're simply saying that by and large people need
5 help. If it's a little more difficult, you give them more help
6 in the form of you guide them, you instruct them, you train them
7 and you accompany them to the hearing and the proceeding.

8 So one way to answer the question can people do self-
9 help is yes, but they need varying degrees of help. Now I
10 should think despite that, there are still people who just can't
11 do it and they really deserve to be mentioned.

12 There are people who are ill, whose mental faculties
13 are impaired to the point where they can't focus and can't
14 function, sickness, all kinds of disease and age, handicaps,
15 they can't get around. The process is too difficult for them to
16 do.

17 One final thought, and I think Gladys mentioned it, is
18 that some people just don't want to do it. They don't have the
19 motivation. I don't recall anybody telling the middle class and
20 the rich that they should do their own legal work, it's good for
21 them.

22 I was at a meeting the other day with two other

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1 lawyers. We were thinking of forming a corporation. We decided
2 we would probably hire a lawyer to do it because we're all too
3 busy.

4 The corporation is supposed to be, according to Nolo
5 Press, something anybody can do, any fool. A lot of people make
6 the decision they just don't want to do it. I think that in the
7 course of self-help, as desirable as it is, that we ought to
8 always be careful not to make it a requirement that if you're
9 poor you've got to do it yourself.

10 Although I think it's got a lot of positive aspects to
11 it, I think we ought to try to stay to this side of making that
12 distinction.

13 MS. SEIDEL: Can I just comment on that? My
14 experience in my office is that somebody, not everybody, comes
15 in because they want to do it themselves. They come in and have
16 to represent themselves because they can't get legal aid.

17 They can't retain counsel because they don't have any
18 money and nobody is going to cut them a break. I refer
19 attorneys at \$75.00 which is cheaper and I can't get anybody to
20 represent them.

21 They can't afford a retainer. They can't do
22 anything. People are not in that situation, I don't believe,

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1 because they're on an ego trip. They're going to go in there
2 and they're going to mandate what is going to happen in that
3 case.

4 They're there because there's a disfunction in the
5 system. We're here because there's a disfunction in the system.
6 I don't file any papers. I don't draft papers. I do none of
7 that.

8 I've got clearance by the bar to open and I respect
9 that. What I do is educate the client, the family, whoever,
10 tell them what they have to do, where they have to go, and it
11 is a form of rehabilitation for them.

12 I've had three offers to pay my tuition to go into law
13 school which I'm very flattered with. I don't know if I want to
14 do that. I bounce between Pennsylvania, New York and New
15 Jersey.

16 I can honestly tell you, with those three states alone
17 that people are in that situation in all three states because
18 they're forced into it. I can also honestly tell you that with
19 the amount of time that we give them, it's second nature to me
20 to prepare somebody for court.

21 We don't get into involved cases because it's not
22 fair. We have guidelines and we have limits on the cases as to

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1 what work we will do. We do have a real good success rate.
2 They handle themselves fairly, and I believe sometimes they come
3 out with better treatment and a better decision than they would
4 if they had counsel in there.

5 You can't control counsel. Believe me, I'm a veteran
6 of 15 years in the court system. I had counsel representing me
7 every time. That was my choice, but I know what I've seen
8 through your support group.

9 The need is there; there's no question. It's just a
10 matter of setting up a program and structuring it so everybody's
11 criteria is met when they go in. All too many times I hear
12 complaints that people go in for legal services and is rejected.

13 Some of them are the stupidest reasons. There's also
14 people who are in a crisis situation that can't get help. That
15 to me is the worst thing going when you have an emergency and
16 you can't get somebody to help you.

17 The legal aid system compared to what I got exposed to
18 15 years ago is almost getting to be very select with their
19 clients anymore. Protection orders are about all they're going
20 to touch with the female.

21 The males, the fathers have a very hard time getting
22 to work with them. Sixty percent of my practice are the fathers

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1 now. We just don't -- we turn down a lot of cases if they're
2 not what we think it should be. There's a need there.

3 MR. FRY: You make a point in the middle somewhere.

4 MS. SEIDEL: I hope. (laughter)

5 MR. FRY: It was something that Clark referred to as
6 well and that is whether or not clients are being provided what
7 they ask for.

8 MS. SEIDEL: Clients know their own cases. Who knows
9 their case better than they do?

10 MR. FRY: Clients do know their case and they do know
11 what they want. I have a feeling of something and I'm not sure
12 I can prove it, but I think in the legal services projects with
13 many of the attorneys just as in private law, there is a
14 tendency sometimes to tell people what it is they should be
15 going for.

16 I saw it once in a case in which I happened to be in
17 a legal services program I won't name, observing the way they
18 were doing some things. The client came in and said, "I married
19 this guy, my second husband, in Utah. I took all my stuff
20 there. We set up household. He was a son of a gun. He walked
21 out on me. I left and I want the furniture back. That's what
22 I'm here for. He won't give me the furniture back and I want it

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1 back."

2 The client was told you need a divorce from downstairs
3 from the divorce person, which I found kind of disturbing. I
4 think things like that do happen. I think that perhaps in
5 lawyer dominated legal services there is a feeling that the
6 lawyers know better what remedy the people want.

7 Some of these systems that we are describing here are
8 more receptive to client needs.

9 MS. SEIDEL: Don't you think it's much better -- and I
10 don't want to talk about remediation -- but my opinion is a lot
11 of times it's not necessarily that the attorney knows what the
12 client wants or what is in their best interest.

13 My opinion is -- and I monitor cases all the time, as
14 I said, in three states. I spend a lot of time in my car. What
15 happens is what is the easiest solution that we can reach and
16 get out of the courtroom.

17 That's what happens in a tragedy dealing with family
18 law issues that I deal with. The kids, for God's sake, they are
19 our future. That's really what the impact is on all of this.
20 It's not a matter of what's in the best interest of everybody.

21 Let's just shuttle along, get the case closed, and
22 keep on going. That's what so appalling. That's what the

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1 benefit is, one of the major benefits to have somebody represent
2 themselves.

3 They have a goal. If it turns out they are in front
4 of the judge and they start talking like I'm talking to you,
5 sometimes it works out better that way.

6 MR. DURANT: Shirley?

7 MS. PEOPLES: I just wanted to react to the thing
8 about benefits. There are clients that I know that know about
9 public benefits law. Going down to the welfare department, they
10 know what they're entitled to. They know their rights and
11 responsibilities.

12 When they get denied, some of them don't want to face
13 a hearing office which is just another inconvenience. If they
14 know their rights, it doesn't make any difference. The lawyer
15 don't have to go down to the welfare department.

16 I think he could spend some time in the court so that
17 you can go down and tell what you provided, how you -- you
18 brought in everything that the booklet said to bring in. Then
19 that hearing officer is going to decide if you've given all the
20 documents that are necessary and that you should be receiving
21 documents.

22 They are going to make that decision. If there's

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1 something else that needs to be challenged, then that is where a
2 lawyer is going to have to come in and do it, an interpretation
3 of the law beyond just eligibility criteria and making sure you
4 brought all the -- the broker didn't lose your payments, the
5 remuneration and everything. You don't need a lawyer to do
6 that.

7 MS. MERRITT: What I am about to say has probably been
8 summed up in the mini presentations that have been going for the
9 last five or ten minutes. I think in terms of self-help as a
10 need for patience, time, time to listen to the client to really
11 hear what that client is asking.

12 He needs patience. He cannot make a determination on
13 the clients without listening and providing basic information to
14 that client in order to follow the type of directions she is
15 talking about as far as going down to the SS or whatever.

16 A lot of times poor people get upset and they never
17 react until the last moment. So therefore, when they come into
18 the office, they are already upset and they're taking whatever
19 you give, whatever you've got to offer.

20 That's why I say I think it takes time, patience and
21 the ability to listen to what they really are saying and help
22 them to become aware of what they are saying themselves so they

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1 can make their own decisions.

2 I find that this doesn't happen only in group centers
3 where they are community based organizations where they don't
4 have anything but time and they've got to sit there and resolve
5 their problems with the resources they have.

6 So they do a lot of that. It's time consuming for
7 them because they don't have the resources. They are going to
8 take off a certain amount of time to go to this particular
9 meeting and it's at night.

10 It really boils down to patience and time, I think.
11 You cannot do self-help unless you've got patience and time to
12 help that person walk through their problems.

13 MR. DURANT: Pat, the question I wanted to ask you,
14 you said there were certain limitations in some of the things
15 that you either allow some of your --

16 MS. SEIDEL: On the cases, depending on what it is, on
17 divorces with respect to --

18 MR. DURANT: What limitations?

19 MS. SEIDEL: With equitable distribution depending on
20 what the property settlement is, what the amount of the property
21 is, things like that.

22 I don't get just low income cases. I've got very

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1 wealthy clients that come into me also. Depending on what it is
2 that the settlement would be or what has to be worked up, I
3 don't get involved in that.

4 You normally find it ends up turning into an all out
5 fight anyway when it comes to money. Money is forget it. Next
6 they're fighting over the children. So when it comes to
7 something we don't do -- if it's a very simplified process -- in
8 my county and my court, we have very simple steps.

9 I base that on what I see in New Jersey and what I see
10 in New York and what their process is. So there's limits on
11 what we'll do because I have to go in there. You're not
12 emotionally equipped when you're into heavy duty arguments.

13 MR. DURANT: Are there limitations that you think--
14 and then Rosie I'll come to you -- are there limitations in
15 terms of what you think individuals themselves can represent
16 themselves on in the areas that you touch on?

17 MS. SEIDEL: No. I'm a firm believer of having
18 basically for about five years coming out of the support group
19 and working in the support group, knowing what I saw for 15
20 years, anyone can go in and represent themselves on the
21 simplistic level even if it's the first level of the court
22 process.

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1 All I'm suggestion -- and I think whenever they called
2 me about this what I said was I think it needs to be done
3 basically under a structured program like I do. Somebody needs
4 to address the client which everybody knows on their level.

5 Having been through the system and knowing all these
6 things and being able to relate to what the client is going
7 through, it should be 50 percent of the battle. You're over the
8 first hurdle if you can identify to what they're feeling.

9 It's my opinion with a lot of these attorneys forget
10 it. You're in and you've got problems paying my money and away
11 we go, okay. It's not -- I hate to say it, but that's the way
12 it is.

13 I have very good friends that are attorneys. That's
14 just a reality, okay. I happen to believe that if there's a
15 program done correctly, it works. I say that because, as I
16 said, I bounce between three states and connect with a lot of
17 people. It does work.

18 MR. DURANT: Rosie?

19 MS. NEWSOME: My feeling about clients is that all of
20 them, I think all clients are able to help themselves in someway
21 or another. They might not be able to as far as legal process.
22 The main problem in helping a client is to assure that client

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1 that you are there to help and not be nosy.

2 When a client opens up to another client, they have
3 exhausted all walks of life, most of them. So now they are
4 desperate for help because they are coming to you to tell you
5 their business.

6 It's up to you as a client to get that client's
7 confidence, to get to someone that can help that client not fool
8 that client and build that client up that you can do it because
9 that's not your place. You can't do it.

10 So you've got all the facts from that client. You've
11 made that client feel important again. Now, I'll say me as a
12 board member -- she's been denied already by legal services.
13 She needs legal service in three days.

14 Legal services don't have an opening for three days.
15 As a board member it's up to me to get in there and see why they
16 can't get somebody there to see her. She had no way -- she had
17 been there to them before. Nobody reached out for her.

18 Now somebody has got to do something. She's got three
19 days. If you can't do it, give me some facts that I can go down
20 there and ask this judge as a client representing a client to
21 give us some days until you can get to see her.

22 We're not going to send her down there by herself to

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1 face that judge. I've got that client's confidence. My
2 director has said to me they are going to get some papers for me
3 to take in there with this client and that judge is going to
4 grant her some more time.

5 This client feels like I can do anything I want in
6 that office. So she's going to come to me and give me and this
7 attorney everything that he needs to work with. All right, they
8 didn't have to have a paralegal which we don't have, but they
9 didn't have to have a law student which we have a lot of.

10 They didn't have to have a law student to do that foot
11 work. We have made all this, this client and me, has made
12 everything out for this attorney. All this attorney has to do
13 is compile the legal stuff.

14 Well, he can either go to court with us, call the
15 judge up, call the clerk and tell the clerk, I'm sending
16 Dorothy down there with whoever, but they've got all the papers
17 they will need.

18 Do I need to come in? They say no. Then he can do
19 something else with another client. Attorneys, not just
20 attorneys, attorneys, case workers, doctors, anything when it
21 comes to poor people, they want to make them feel they are the
22 least thing going.

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1 That takes the spirit out of it. I teach in my
2 workshop don't ever feel littler than anybody. I don't care if
3 they've got \$1 million or they're sitting there in a cashmere
4 suit and I'm sitting here in my cotton skirt. I'm just as
5 important as you and don't you put nothing on me. I'm not going
6 to put nothing on you.

7 I'm telling you what my client needs and I expect you
8 to get it if the government is paying you to get it. Do you
9 understand that? I am your boss as being your board of
10 directors.

11 You are just the executive here so you listen to what
12 I'm telling you. If you don't, I'm going back and get to some
13 of my board members and call an executive meeting on you and
14 then you're going to have problems.

15 So you treat my clients like they are paying you
16 \$150.00 an hour; because if you don't, I'm going to try and do
17 something to move you out of that position just like I put you
18 in there.

19 I'm going to protect you. I'm not going to let
20 anybody talk about you if you're doing the right thing. If
21 you're not doing the right thing, I'm going to help them talk
22 about you.

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1 MR. DURANT: You think there should be some form--
2 Catherine mentioned this I think today, but I know she mentioned
3 it to me in another context. Do you think there should be some
4 form of co-payment or some way in which the client is
5 participating or contributing in any kind of a case?

6 I mean, Pat is talking about the range of people that
7 she services and deals with. Do you think in a legal services
8 context that there should be some form of co-payment so that you
9 do have that moral equivalence between a middle class person or
10 whatever in terms of having to participate?

11 MS. NEWSOME: If you say co-payment -- if the
12 government makes that a guideline --

13 MR. DURANT: Or some --

14 MS. NEWSOME: I'm just saying -- that's why I'm
15 covering everybody that walks through legal services door. What
16 are you going to use for welfare recipients? What are you going
17 to use for disability?

18 What are you going to use for social security? What
19 are you going to use for seniors that they say get to much, that
20 they don't meet that guideline? where are they going to get a
21 co-payment from? What are we talking about; some food stamps?

22 Are we talking about some children over here that

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1 their shoes are worn off? What are you talking about, somebody
2 that is going to buy a loaf of bread out of \$1.00 food stamp and
3 go back and have to buy one roll of toilet tissue because they
4 don't have enough money to buy?

5 You would be surprised the people go around getting
6 telephone books usually for toilet tissue. What kind of co-
7 payment? Where are they going to get it? No, I'm not talking
8 about that at all.

9 I'm talking about making that person feel that you are
10 paid by the government. That office is put there for them, for
11 free services. Greet them just as if they are coming in there
12 to give you a salary because they are.

13 Let me tell you, if everybody was attorneys, there
14 wouldn't be no need to have this meeting, not a bit, because you
15 haven't got any clients. Without clients, there is no need for
16 legal services.

17 If everybody was a lawyer in the city of Washington,
18 D.C., you all would be hungry too because you ain't got no
19 clients. Every attorney is going to plead his own case if gets
20 it. So that's all I'm saying.

21 MR. DURANT: I was going to say that's a description
22 of Washington anyway.

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1 MS. PEOPLES: When you talk about co-payments, what
2 do you perceive that to be like?

3 MS. JERMANY: Maybe I should answer it since he's
4 raising it based on the conversation that I had. Our
5 fundamentalists believe as a former welfare recipient on AFDC
6 that people as I felt better when I purchased certain things-
7 when I was getting \$172.00 for me and three kids in Los Angeles
8 which was no money at all, I always bought the things that I
9 wanted.

10 Our clients have resources. They may not have a lot
11 of resources and they may have to do funny little things and
12 play all kinds of things to set priorities, but I believe that-
13 - because clients come now.

14 You don't need divorces in California. Clients pay
15 \$25.00 to get a divorce in California today and are very glad
16 that they don't have to pay Hyatt Legal Services \$625.00 for the
17 same divorce.

18 People a lot of times pay for what they decide is
19 their priority. They say to do it. When we are talking about
20 co-payments, I wasn't necessarily talking about payments through
21 legal services, but co-payment would mean something similar to
22 what they tried to do and failed with the medical assistance

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1 payment.

2 When you co-pay or you pay for what you get, you feel
3 a lot better about it. You become a customer. There's a
4 difference between being a customer of someone and being a
5 client of someone.

6 It's a difference between being dependent and being
7 independent, having the ability to purchase for yourself the
8 services that you want, using and exercising your whatever in
9 the marketplace.

10 That could be by giving vouchers to people to let them
11 go --

12 MS. PEOPLES: I have a different view on that
13 altogether. Knowing what the payment scale is that a person
14 receives -- a single person in Ohio receives like \$130.00 a
15 month.

16 When you start talking about paying for your legal
17 services -- we know what attorneys fees are -- \$25.00 is cheap.
18 I try to lobby against that. I'm saying like, you know, a person
19 goes in to get a divorce in our legal services program, there is
20 no waiver.

21 They have to have \$90.00 up front. If they want a
22 bankruptcy thing, they have to have \$90.00. I'm saying you take

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1 \$90.00 out of \$130.00, that's a problem for me. So that's why
2 I'd rather advocate to people to be able to do some self-help
3 stuff and not have no attorney at all, only when it's absolutely
4 necessary.

5 MS. JERMANY: There are costs related to self-help.
6 There is no such thing as free self-help. They have to pay a
7 court cost.

8 MS. PEOPLES: I don't get paid. The welfare clients
9 don't pay me to do no administrative hearings, but I can do
10 them. I really -- my program get \$52.00 an hour. I don't get a
11 dime.

12 I have done some papers where the lawyer did not win
13 it and I went and redone it over because I'd done more homework
14 than he'd done. Therefore, I say out of \$130.00, I'd like to see
15 that people be able to live because the system is already set up
16 for the people to have to cheat to survive.

17 I mean, honestly, \$130.00 cannot -- you can honestly
18 not really exist on it because public housing isn't for -- a
19 single able bodied person can't get into public housing. So I'm
20 saying I'd rather see them keep the \$130.00 and I make my
21 sacrifice for them to exist.

22 You can't talk about working for self-sufficiency for

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1 somebody and they ain't getting no more money.

2 MS. JERMANY: My response to that is, I believe -- nd
3 this is my opinion -- if you get \$130.00 a month and you want a
4 divorce, you can pay at least \$1.00 for that divorce. There has
5 to be some kind of token payment because otherwise you don't
6 establish the relationship.

7 We're trying to change the relationship between the
8 consumer of legal services and the provider of legal services.
9 I think without payment, I don't care, you can get a voucher or
10 whatever, there has to be an active participation on the part of
11 the consumer in order to get that kind of mindset to make it
12 happen. I don't care if it's subsidized.

13 MS. TURNER: You know, I have a problem with the co-
14 payment. I talking strictly about the city of Detroit, Wayne
15 County Neighborhood legal services. We've got some crazy
16 attorneys there.

17 I'm sure if somebody had to pay \$.50 let alone \$1.00
18 and they go in and they get an attitude from one of those
19 simple-minded attorneys, then we'll have some more deaths in
20 Detroit. (laughter) I'm serious. I'm afraid about that.

21 MS. PHELPS: One of my board members is also a former
22 client. She's a welfare recipient and also made the same

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1 comments that Catherine made. She stated that it's a matter of
2 one's self-esteem as well.

3 She said whether it's \$5.00 minimum, it should be
4 something because she said it really does make you feel that you
5 are paying for the services that are being rendered to you.
6 That's just what I want to comment on that.

7 Another thing is somebody mentioned about going
8 against the opposing party who was represented in child support.
9 I would say 75 percent of my clients do go against opposing
10 parties with attorneys and they usually win.

11 We come up with guidelines and how it is to be
12 determined who is to pay or what or whom is going to be paid.
13 The thing of it is the attorney you're going against may have
14 called me two weeks' prior to ask me how did they read the
15 guidelines or it may be the attorney who called me a month ago
16 and asked me about the grandparents rights and visitations.

17 I get at least five calls a week from attorneys on
18 different issues, on child support and custody. We go up -- our
19 clients go against those same attorneys. Attorneys are not very
20 well informed on the issues of child support.

21 MR. DURANT: Rosie?

22 MS. NEWSOME: My question is to Catherine. What year

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1 were you getting \$175.00 a month welfare?

2 MS. JERMANY: You say what?

3 MS. NEWSOME: What year and what other income did you
4 have?

5 MS. JERMANY: I didn't have another income at that
6 time. That was it.

7 MS. NEWSOME: What year?

8 MS. JERMANY: That was in 1968.

9 MS. NEWSOME: Where?

10 MS. JERMANY: In Los Angeles County. The total amount
11 of the grant at that time before I became a plaintiff on 36
12 lawsuits in California to raise the amount was \$172.00 a month.

13 MS. NEWSOME: For three people?

14 MS. JERMANY: For a woman and two children. The
15 family budget unit was \$172.00 a month for three people.

16 MR. DURANT: How many lawsuits?

17 MS. JERMANY: In the whole length of time, it's been
18 301. At that particular time, it got to be up to 30 to change
19 the amount. I'm saying that I know from my own personal
20 experience I bought what I wanted out of that \$172.00.

21 I don't care what I had to do. If I had to pinch here
22 or not pay somebody there, I did what I wanted to do. To be

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1 totally honest, I have to admit that no matter what the
2 circumstances was, if I had to rob Peter, Paul and John to have
3 my own personal priority needs met -- I mean, nobody was going
4 to tell me I was not going to have my six pack of Pepsi.

5 I don't care what happened. That was something I
6 considered a priority need. If I could consider a divorce a
7 priority need, if that's what I needed to get from my husband, I
8 can pay \$1.00 for that or some token amount because I am asking
9 for the service.

10 I do not believe that anyone within this country has
11 an alienable right to free civil legal services. I believe we
12 have a constitutional right for criminal representation. I do
13 not believe we automatically have some kind of right for free
14 civil legal services.

15 Somebody is not supposed to look down and solve all of
16 our legal problems for us just because we don't have any money,
17 okay. I think we have to make a contribution, either we work it
18 off or there are all kinds of alternatives.

19 There are ways for us to participate in the resolution
20 of our legal situations.

21 MS. NEWSOME: Were you paying rent?

22 MS. JERMANY: I was paying everything at that time.

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1 (Simultaneous conversation.)

2 MS. PEOPLES: They get helping hands. You cannot
3 survive on \$130.00. You know what it takes for you to survive.

4 MS. NEWSOME: In '65, I was in California. My mother
5 was there. I had to take care of her. I had one job there.
6 I'm trying to figure out how because -- my sister was paying
7 \$680.00 a month rent.

8 MS. JERMANY: When?

9 MS. NEWSOME: In '65. Bread was \$1.05 alone.

10 MS. JERMANY: Well, that wasn't what I was paying.

11 MR. DURANT: I don't want to get into income
12 statistics.

13 MS. FIFIELD: I have a couple of comments to make.
14 First of all about co-payments, in Montana we have co-payments
15 for medicaid. Let me tell you, I've seen adults go and be in
16 pain because they don't have the money for the co-payment.

17 As sad as that sounds, that's the truth -- or their
18 kids need something and they'll go without. I've seen divorces
19 that didn't get filed because they didn't have the \$25.00 for
20 the filing fee because their kids didn't have tennis shoes.

21 When we're talking about survival needs, you look at
22 the survival. They don't consider the divorce the ultimate.

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1 They consider their kids health first, their kids shoes first or
2 whatever.

3 Why was legal services instituted in the first place?
4 It's because people didn't have the money to pay for legal
5 services. We all have the right to that. To talk about co-
6 payments, I guess that really gets me uptight because I've seen
7 a lot of people suffer because the co-payments have already been
8 enacted.

9 MR. FRY: While we're on the subject of one of the
10 limits of self-help, I'm surprised that one particular subject
11 hasn't come up yet and I hear it all the time from people who
12 are nervous and worried, but the people in this room must be
13 very gutsy on this point. That's unauthorized practice.

14 We virtually define self-help really as supported
15 self-help. We've talked about all the ways that people can help
16 themselves with assistance from the kinds of projects
17 represented in the room.

18 There are many projects of that kind all over the
19 country; store front operations to help people with divorce,
20 custody, change of name and corporation. Many of them are very
21 worried about unauthorized practice.

22 As a result, they don't give people the advice that

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1 they could give them even though they know what the advice is.
2 I've talked to a number of people who do this kind of
3 independent paralegal work in areas where they're quite expert.

4 When the clients come to them and ask them basic
5 questions about what's the rule on this and what's the rule on
6 that, they say I can't tell you when they know the answer
7 perfectly well.

8 If the client had the information, the client could
9 represent themselves a great deal more effectively. So
10 unauthorized practice is really putting a serious lid on some of
11 this self-help in my opinion.

12 MS. PEOPLES: Would you be worried about somebody
13 going down to the welfare department?

14 MS. MILLER: I wanted to ask staff member Charlie
15 Moses about this study he did with the self-help. I think it
16 was in Texas. Do you have any information on how that came out?
17 I'm going to tell you right now, I believe co-payment, there's
18 nothing wrong with it.

19 If you have to give a dollar's worth of your time to
20 pay this \$1.00, there's not a thing wrong with it. We tend to
21 get lazy and dependent when we know we can go over here and get
22 this free.

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1 I need this. You go over here and they give it to
2 you. You don't have to pay a dime for it, so you could give
3 \$1.00 worth of your time to make up for this dollar you don't
4 have, okay.

5 It is not going to hurt nobody that is able-bodied to
6 do it. If you're not able, that's a different story.

7 MS. PEOPLES: First, about worrying about the
8 unauthorized practice of law, I think the person that gets the
9 welfare check and has a problem with not receiving their
10 benefits has a perfect right to challenge if their benefits are
11 denied, determined wrong.

12 One of the things that happened to make it authorized
13 is, some years ago from the Welfare Rights Organization we met
14 with the administration to have it listed on the application
15 form if you feel your benefits have been determined wrong or
16 denied.

17 You can contact somebody from the Legal Service or the
18 Welfare Rights. That's where we're gutsy, okay. They'd rather
19 try to resolve it than have you sit in on it or take your babies
20 down there or do all kinds of things to get your benefits.

21 You also have to know your responsibilities. It's
22 not like you're going to advise somebody about them not doing

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1 what they are supposed to do so that they can then challenge if
2 they have not received what they are authorized to receive.

3 Again, Lorain, if you're talking about something other
4 than money payments, because I'm saying I see the situation of
5 dealing with how do you exist on \$130.00. In Ohio, the law
6 requests that you work for that \$130.00. You don't get it for
7 nothing.

8 You take and determine that by the minimum wage of
9 \$2.50 an hour. So you work so many days a month for that
10 \$130.00. It isn't given to you.

11 MS. MILLER: That's why I say if you're able to
12 work --

13 MR. DURANT: We're going to take just a couple more
14 and then a break.

15 MS. TURNER: Lorain, I still have a problem with the
16 co-payment. I'm looking at a scenario that I observed in our
17 legal services office and Detroit. I went there to take another
18 client.

19 There was a client there who had been there -- she was
20 talking to another client say like an hour and a half. She went
21 to the window and asked the receptionist when could she see the
22 attorney that she wanted to talk with.

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1 She made a very snide remark towards this client. The
2 client became angry and then a whole ball of wax began to
3 develop. The next thing I knew security was there taking this
4 person out.

5 Now I understand her point with becoming frustrated
6 with the way the woman talked to her at the window, but I know
7 for a fact if I pay a nickel and I walked to that window and
8 somebody talks smart to me and I've been waiting for an hour and
9 a half, something bad is going to happen to them. There's no
10 question about it.

11 I'm saying let's talk about the co-payment after we
12 get legal services cleaned up. (laughter)

13 MR. DURANT: Rose, I'm going to let you have the last
14 work.

15 MS. PHELPS: Somebody said that people couldn't get
16 their divorce because they couldn't afford the fee. We have fees
17 waived for the divorce, for the partial custody. We have fees
18 waived for paternity for blood testing. We have that fee
19 waived.

20 At one point they didn't even waive the fee for
21 paternity and I said why not. So we initiated that with the
22 press media. We had a nice time with that. Now we are able to

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1 do that.

2 So we are getting fees waived for just about
3 everything our clients -- even transcripts, copies of
4 transcripts of proceedings. We have that fee waived.

5 You mentioned unauthorized practice of law. I've had
6 two filed against me. Our administrative judge is a former
7 legal services attorney. He gave me court approval for our
8 program in 1984. The one attorney filed an unauthorized
9 practice law.

10 I found out two years later about what happened. He
11 went over to talk to the bar association twice about our
12 organization and why the need for our organization. Because
13 legal services weren't providing these services, the local bar
14 wasn't filling in the gap that there was a need for.

15 Therefore, our organization was fulfilling the need
16 and filling that gap that they weren't filling. One attorney
17 came up to me two years later and asked me if I laid down for
18 Judge Wuddock (phonetic), if I laid down for him. I am a
19 female, so you know.

20 So then that same attorney opened up another lawsuit
21 because of the local city council held an art show and put our
22 old name, Legal Advocacy for Women. So that reopened up the

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1 lawsuit. Thanks to Clark, that was settled thereto.

2 I mean, they just hover over us and just wait. They
3 just wait to do something.

4 MS. MILLER: I don't care if you don't pay anything,
5 you shouldn't be talked upon as if you're nothing, nothing but
6 your time being there. You should not talk upon any kind of
7 way.

8 I don't mean because you pay a nickel, you're going to
9 get upset more. That's not what I mean. You should be upset if
10 you're talked upon wrongly anyway.

11 MR. DURANT: What I'd like to do right now -- and I
12 appreciate that. If we could take about a 15 minute break, I'd
13 like to talk to the people who are in this next panel and to
14 Gladys and Lorain and Hortencia to maybe rearrange a little bit
15 the rest of the afternoon here because there have been some
16 things that have come up here that I think --

17 Mr. Wear asked a good question at the beginning.
18 Where are we going? What are we trying to do? Part of it is to
19 get a certain base of knowledge out because everyone comes to
20 the table with their own unique set of experiences and whatever.

21 As I say, I think there's a common thread throughout
22 all of this. Again, how do we more effectively and efficiently

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1 get representation for people either by themselves or through
2 the things that Pat does or other sorts of things.

3 So I'd like to chat as we take this break in terms of
4 the rest of this agenda. So I've got 2:40. We'll reconvene at
5 3:00.

6 (A recess was taken.)

7 MR. DURANT: What I would like to do if I could is
8 move into the next section of the agenda regarding types of
9 legal services, self-help, or, as Bill Fry talked about another
10 context, support services.

11 The initial panel discussants -- although this is the
12 large panel really -- are Bill Fry, Betty Murphy, Dorothy Turner
13 and Pat Seidel. Bill, we'll start with you since you're first
14 up on the list here.

15 MR. FRY: Well, I guess speaking broadly, there is a
16 whole variety of support systems that can be provided for self-
17 help. During the break, I was talking to a couple of people who
18 commented today, in fact had gone cold turkey on their own
19 cases.

20 So in viewing the spectrum, I think you start with the
21 person who needs and gets no help, simply takes on the system,
22 learns what the forms are, what input procedures are, and does

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1 it themselves.

2 While that happens, I think it happens kind of
3 rarely. So the bulk of self-help, I think, flows out of some
4 kind of a support system. You have varieties of support.
5 Training is one kind in which you get a group of people together
6 and you deliver collectively to them information about how they
7 can help themselves.

8 That can be anything from generic information about
9 how you advocate, the kind of thing that Rosie was talking about
10 in which you stimulate people in their attitudes so that they
11 have the capacity to do self-help on any problem that comes up.
12 That's one approach.

13 I guess at the opposite end of the training is where
14 the people sitting in the room all have the same problem. They
15 want a divorce. You tell them how to get a divorce and that's
16 it. There's practical and direct application; they do it and
17 they're finished.

18 Then you have the what I think of as the store front
19 operations in which people get forms, self-help manuals, typing
20 services and some form of guidance. Then, of course, other
21 forms are the ones mentioned here; mediation, volunteer help,
22 helping friends. There's a whole variety.

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1 I'd like to, if I can because I'm not sure anybody
2 else is going to focus on it, talk a little bit about the store
3 front operations. In California, where things are done
4 differently than they are in the rest of the country, there are
5 a lot of self-help programs.

6 There are franchise divorce programs run by non-
7 lawyers in which they advertise and invite you to come in and
8 they help you to get a divorce. There have been a whole number
9 of consumer programs in which people go to the center with a
10 consumer problem and they are various kinds of help.

11 What I find interesting is the impact of unauthorized
12 practice of law rules on these store front centers. One view is
13 that they have to be very careful not to step over the boundary
14 of unauthorized practice.

15 In strictest definition, a store front service of this
16 kind might be called a typing service. You go in and you say I
17 want a divorce. You are handed a form. You can't explain to
18 the person what that form says, what it means or how they
19 should answer it.

20 You can give them a book which tells people how to get
21 a divorce in California. If they need a form, you can type the
22 form for them. The question I think, and the interesting

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1 question that probably can be answered by somebody in
2 California, is how much further than that can these store front
3 operations go.

4 You say to someone if you answer question number 5 in
5 this way, you're going to have a problem. When it asks for your
6 assets, it means that the bank account is an asset, insurance
7 policies only in asset to the amount you can take out of it and
8 so forth.

9 In other words, you could get people an awful lot of
10 information. You could go into things like what is the likely
11 result if this case goes to court. Somebody applying for a
12 divorce very probably wonders what happens if the spouse opposes
13 it.

14 In the strict definition of the practice of law, you
15 are not supposed to answer it unless you're a lawyer. I'd like
16 to see that the system either permits it now or soon will permit
17 non-lawyers to answer those kinds of questions intelligibly.

18 There was a non-lawyer running a divorce service in
19 Oregon who got dragged in front of the bar association for
20 practicing law for answering questions. He had memorized the
21 book.

22 When he was charged with answering a question, he

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1 would say that's page 34. The next one, that's page 91. They
2 said go ahead. We're not going to interfere anymore. Anyone
3 who can read the book -- if he was just citing the passage in
4 the book, then presumably he's not practicing law.

5 When things get that silly, you can see that
6 unauthorized practice can be real trouble. Now some of you may
7 know that there's been a movement in California to revoke the
8 unauthorized practice of law.

9 The bar had a committee that studied whether or not
10 non-lawyers giving these store front services were hurting the
11 public. To the amazement of our leadership, the committee came
12 back and said not only are they not hurting anyone, they are
13 doing a good job and they should be encouraged. Therefore,
14 let's revoke the unauthorized practice of law.

15 It's being seriously considered. If it were to
16 happen, I think you'd see a tremendous emerging of these kinds
17 of store front operations which are essentially self-help. In
18 that context, the way I understand it is that they are self-help
19 in a number of ways, all of which I think are components of
20 self-help.

21 One, they give the forms. Two, they give you books
22 and instructions and manuals to explain how the whole thing

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1 works to answer the basic questions. Three, they will type your
2 papers for you if you don't have a typewriter. Four, they will
3 answer your reasonable questions about how the system works,
4 what the risks are, how these things really operate.

5 I can see store front operations of this kind not only
6 in poverty law where we are talking but across the board for
7 everyone, for real estate problems, for consumer problems. I
8 can think of all kinds, family law, you name it, anything that
9 non-lawyers can reasonably provide.

10 We didn't spend a lot of time this morning on that
11 difficult question of what is it self-help and non-lawyers
12 cannot do. I think if we worked at it, we could come up with a
13 fairly elaborate list of the things that are left to lawyers.

14 I'm not suggesting that we do work at it because I
15 think the lawyers could probably draw that list up for us.
16 Even after that list, I think that there is a tremendous need
17 for self-help and that these store front operations may be one
18 of the more effective ways to provide.

19 MR. DURANT: Thank you, Bill. Betty?

20 MS. MURPHY: Well, I'm supposed to talk about pro se
21 representation. In order to do so, I am kind of forced to draw
22 on my own personal experience so you will have to excuse some of

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1 the personal references.

2 My own situation developed after I was involved in an
3 abusive marriage for about 16 years and realized that I had to
4 make some choices. I was not always described as a gutsy lady
5 before, but I was outspoken a few times but not as much as I am
6 now.

7 After I got a divorce, it became quite evident right
8 away that the child support was not going to be paid on time or
9 sometimes at all. The situation continuously got worse. As a
10 result, I was forced to go into court.

11 I used an attorney the first time. I thought that
12 that agreement had worked out quite well. The attorney was
13 granted payment by my ex for my legal fees which I assumed he
14 would collect from my ex.

15 As it turned out, I married shortly after that court
16 hearing and moved to Virginia leaving my case still in the hands
17 of my attorney in Georgia. It became quite evident that the
18 child support was not forthcoming, although he was a federal
19 employee at that time.

20 They attorney filed for a garnishment which the first
21 two payments he kept half of the amount that was garnished. He
22 said the reason why was because he knew that he would never be

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1 able to collect his fees from my ex.

2 Well, of course that meant I only got half of what I
3 was supposed to get for my children. I found that to be a very
4 common practice among many attorneys nationwide. Then we moved
5 to Virginia, my new husband and my three children.

6 My new husband began taking on responsibilities
7 financially, emotionally, every which way for my children which
8 was quite unfair. As we all know, that sometimes causes a great
9 deal of breakups in second marriages.

10 I went to an attorney very shortly after that because
11 the arrearages had amounted to several thousand dollars. The
12 attorney informed me that he was going to assess his fee at one-
13 third the amount owed my children.

14 I came quickly to the decision that this is my
15 children's money. It is not mine and I was unwilling to give up
16 one-third of their money. So I decided the only other
17 alternative I had since I knew I wouldn't be eligible for legal
18 services -- I didn't want to retain an attorney -- was I have to
19 represent myself.

20 I have to give my new husband credit because he's the
21 one who kind of pushed me in that direction. As a result, I
22 started trying to learn the process. The court personnel were

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1 very unwilling to help me to learn the process.

2 I sought assistance and help from some friends. As a
3 result, I did finally represent myself over a period of two
4 years before Juvenile and Domestic Court in Fairfax County
5 General District Court and the Circuit Court in several
6 different matters.

7 The court personnel began to observe me in court and
8 to recognize that here is an individual that we didn't really
9 try to help in the beginning. She's representing herself and
10 she's doing a pretty damn good job.

11 I was up against an attorney each time. I happened to
12 have in all those cases, I came out on the top with the
13 exception of one situation where I considered it a draw. Once I
14 learned how to represent myself in court -- and that took a lot
15 of research and a lot of time, role playing, a lot of pushing
16 from my children and my new husband.

17 I have to tell you that on two occasions I found that
18 it was necessary for me to bring my two older children into
19 court. This was on the advice of one of the judges of Fairfax
20 County.

21 It was at the first hearing. I found that the
22 presence of the children brought in an element of truth to the

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1 other side. It was quite obvious when my ex and his attorney
2 saw the two children in court.

3 They started conversing. It was evident that my ex
4 had not told the complete truth and probably was planning on
5 presenting a number of accusations that were completely untrue.
6 With the children there, the children knowing the history of the
7 case, they could be called upon as witnesses. I was willing to
8 do that.

9 The children, because my ex had refused to exercise
10 his visitation rights, which is usually one of the excuses
11 given in child support cases, were there to say that they had
12 tried to encourage their father to visit them and he had not.

13 So as the result of me going through the various
14 stages of learning how to represent myself in court, I developed
15 a workshop on pro se that I gave at one of our national child
16 support conventions.

17 There are some basics that I gathered through a lot of
18 how to books in the local library. Not all the time was it
19 necessary to go to a law library just to learn some of the
20 basics.

21 With regard to the citations of the laws and to get a
22 better understanding of the laws, it was necessary. I found

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1 that the local law libraries were extremely helpful, along with
2 the fact that as I was going through the learning process, I
3 encountered a number of attorneys in the hallways in the
4 courtrooms that were also learning the law with me.

5 As they would see me approaching the counter at the
6 General District Court to file for a garnishment and me
7 explaining to the court clerk who was not used to handling
8 garnishments and child support cases, the fact that you could do
9 this and you could do that and the law says this and that, I had
10 attorneys gathering around me.

11 I was trying to figure out what am I doing here that's
12 wrong. They're all standing here listening. As I completed
13 giving my recitation to the clerk cases to what my rights were,
14 I was approached by these attorneys with questions about well, I
15 didn't know you could do that and I didn't know you could do
16 this.

17 I started thinking what do they teach you in law
18 school. So I really cultivated a number of friendships among a
19 lot of very important attorneys in this area that have
20 encouraged me to continue with -- well, my case is over with--
21 but to continue helping individuals to understand the system and
22 working their way through the system and showing them the

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1 different processes that they could go through without the aid
2 of an attorney.

3 In fact, there is a sign up on the floor of the
4 General District Court that says you do not need an attorney to
5 do this and it lists what you don't need an attorney to do. As
6 a result of the hearings that I represented myself at, that
7 encouraged my husband and I to proceed with adopting -- him
8 adopting my children without need of an attorney.

9 We went through that whole process and successfully
10 went through the adoption without the use of an attorney. A lot
11 of the things that are important when you are representing
12 yourself has to do with the personalities and background and
13 fact that you set your own limitation.

14 Once you see someone else who has come from a similar
15 situation and see what they can do, what they have achieved,
16 you recognize that you can do it yourself; that there is no big
17 problem up there that you can't overcome.

18 I found that many of the child support recipients that
19 contacted me from all over the nation are beat down mentally and
20 emotionally by people telling them they can't do this and they
21 can't do that.

22 I say you don't ever say I can't do something. It may

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1 be something that is preventing you from doing it because you
2 don't know how to do it, but it is never anything that you can't
3 do.

4 I do not advise people to represent themselves in
5 matters where there are a lot of difficult issues to deal with,
6 that they're not going to be able to control their emotions
7 because controlling your emotions in a courtroom situation is
8 very important.

9 Not everyone's personality is able to handle that such
10 as custody issues and even in some cases visitation. Although I
11 have counselled with individuals who have represented themselves
12 successfully in visitation issues.

13 You do have to be able to control your emotions. That
14 is an important factor. The fact that our child support groups
15 have grown out of individuals such as myself that have had
16 personal experiences to draw on, we have developed a network
17 throughout the United States with individuals just like myself.

18 We believe that education gives one knowledge and
19 knowledge is power. Many times you will find that the
20 individuals you come up against in a courtroom do not know the
21 particular issues of particular laws or the background on child
22 support as much as we do.

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1 We are involved in developing child support
2 legislation and lobbying. In fact, the past couple of years
3 since I moved back to Virginia, I was asked by the Chief Judge
4 of Fairfax County to monitor child support hearings in the
5 courtroom, I guess because he saw that I had this strong
6 interest in child support.

7 There were a lot of deficiencies in the system. A lot
8 of improvement needed to be made. In order to get those
9 changes, they needed someone who had an insight to present a
10 fair viewpoint on the problem.

11 As a result, I was appointed to be the chairperson of
12 the state of Virginia's Child Support Advisory Commission which
13 I have three judges on my committee. We address legislation.
14 We review the proposed legislation.

15 We have a voice in the changes that are being made in
16 our laws that affect child support that will filter down to the
17 individuals that are dependent on us. The changes are necessary
18 because as I view it, child support is the center of a mini-
19 spoked wheel.

20 If you do not get your child support, you become
21 dependent on the system to provide you with those things. If
22 you do not get child support, you cannot afford even what they

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1 call affordable child care.

2 You can't afford medical for your children. I went a
3 long time without insurance for my children when I was not
4 married. I have carried this feeling of guilt ever since
5 because I can see some of the cases where I wish I would have
6 had insurance to have attended to some of the needs at that
7 time, but I was not eligible for welfare.

8 So I didn't get any assistance. Non-support is the
9 cause of poverty, homelessness, illiteracy. There are just--
10 it's unbelievable the number of social, economic issues that
11 come from non-support. That's why I've chosen that as my cause
12 and why I do what I do.

13 MS. TURNER: I'm going to talk to you about
14 volunteerism and referrals and like Betty, this is kind of close
15 to home. In Detroit, I think most of you have seen in the
16 papers where we are talking about the renaissance center and
17 trying to revive Detroit.

18 They are doing it at the expense of communities and
19 neighborhoods. Well, the neighborhood immediately adjacent to
20 mine is the one where they are building this new Chrysler plant.
21 I received a call one night saying we need some help.

22 It was regarding the Chrysler project. That's what it

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1 was called. The next day I got up and got on the case. The
2 first thing I thought about was that we need some attorneys
3 right away.

4 I called our legal services Wayne County Neighborhood
5 Legal Services for several days. I couldn't get anyone. So I
6 got with some of the other people in the community and we
7 formed an organization and went into this organization, the
8 Southeast Action Coalition.

9 At that point, we went around to all the people in a
10 given area that would be even those that were going to be
11 impacted by the building of this new plant and recruited them to
12 join the organization so that we could get some things done.

13 At this point, we found that we would be talking about
14 land acquisition, relocation, appraisals and the mayor getting
15 on TV and telling the people the houses weren't worth a damn and
16 all kind of ignorant stuff.

17 I said now we've got to have an attorney. So at this
18 point, we went to Michigan Legal Services and we were able to
19 get a Marilyn Rulane (phonetic), a young attorney there. She
20 came out.

21 We had a session with the people, explained it to
22 them what acquisition was, what their relocation consisted of.

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1 Don't allow anyone in your house without identification if they
2 want to do appraisals, whatever.

3 Maybe you ought to have a private appraisal to see
4 just what your property is valued at. So when the city started
5 to buy the property, they were really giving the people peanuts
6 for their property.

7 So then we had to -- this girl Marilyn had to threaten
8 the city with a lawsuit before we could kindly get that thing
9 straightened out. We still have people there who haven't been
10 paid for their property because they are holding out.

11 There were people who had done a lot of improvements
12 on their property, had put in driveways, porches, garages. The
13 city let it be known that they couldn't care less about the
14 repairs that they had done on their homes and the modernization
15 kinds of things.

16 They wanted that land. In the interim, the city ended
17 up not getting the people what they should have gotten. We were
18 screwed out of \$42 million. Now that is a sad documentary for a
19 city the size of Detroit.

20 However, since that time, we have kept this group
21 going and we had another incident on the Far East side where
22 they wanted to expand what is called the Eastern Market. Any of

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1 you who have been to Detroit, I'm sure you're familiar with the
2 Eastern Market.

3 So the people in our group were so happy about the
4 kinds of things that we had accomplished with the Chrysler
5 project until they went over and they helped the people with the
6 Eastern Market and in the Eastern Market area.

7 They have come out, thank the Lord, on top. So now
8 it's my turn. I'm sitting back because I'm right up the water.
9 I know that once the Chrysler project is up, we will be next
10 because they're talking about condominiums and single family
11 homes and all this kind of stuff.

12 We're talking about starting like \$190,000 for a
13 condominium, \$199,000. Certainly, I'm going to be out of a box,
14 but I grant you if they never had a problem, they've got one
15 now because I am going for everything that I can get.

16 The one thing that we met on a common ground about
17 that didn't make any difference whether you had done repairs on
18 your home or not. However shoddy it might look from the
19 outside, in that house was some bodies and that was our concern.

20 Upon going into some of the homes, we found people
21 there who had been in bed in wheelchairs for months with bed
22 sores. So when we had to go into the referral bit, giving the

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1 various agencies to come out.

2 Some people there were retarded, a sick mother with a
3 couple of retarded children, those kinds of things. Then we had
4 to get the medical people involved. There was a lot of work,
5 but we did not have to worry about depending on anybody else to
6 come in and do it.

7 There were people who were so happy to know that we
8 could get together on a common ground and do something for
9 ourselves until we just kind of just worked through the whole
10 thing other than with one attorney.

11 We needed another attorney, but we couldn't get one.
12 Michigan Legal Services, their money -- do they come from this
13 corporation? The Wayne County Legal Services Program, I think
14 it's a \$3 million?

15 We couldn't get one attorney for that program. I
16 think that's a sad thing. So we need to look at trying to find
17 a common ground to get people together to work. I'm saying if I
18 do this, then you've got to do that.

19 Let them work around one thing. Once they get the
20 feel of it, you'll find that they will go with the flow and
21 continue.

22 MS. SEIDEL: I'm supposed to talk briefly on mediation

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1 which is as I explained when we talked. Mediation at this point
2 would be what I consider an option with so far as self-help
3 programs.

4 It's an option but it essentially goes hand and hand
5 with this because mediation is about, with respect to what I do
6 with family law issues, the parents making a joint issue that
7 they can live with.

8 Again, it's you controlling your life. It's not a
9 court telling you. It's not an attorney telling you. In
10 Pennsylvania, it's not mandatory. In some states it is. I
11 don't know if that's something they are all going to push for.

12 I promoted it. I believe it in. I do let everybody
13 know about it. There should be two or three mandatory sessions
14 before they get into full-blown litigation. I just think with
15 respect to this it goes hand in hand because it is them
16 controlling it.

17 MR. DURANT: One of the things that we wanted to try
18 and do in terms of the discussion groups that were supposed to
19 come up after this is essentially to be focusing on these
20 different mechanisms if you will in terms of training that may
21 be supported or whatever depending on the thoughts that come out
22 of this meeting.

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1 Before we get into those discussion groups which will
2 take place in different parts of this room, are there any
3 comments on any of the things that have been said in this
4 particular segment?

5 MS. MURPHY: I would like to make one more comment
6 with respect to pro se representation. A lot of this depends on
7 the atmosphere, the environment, the attitude of the judges and
8 the courts.

9 In Fairfax County, in the lower court which is
10 juvenile domestic relations court, self-representation is not
11 uncommon even without any training with regard to child support
12 cases.

13 When the cases are appealed to a higher court, then it
14 is a more formal situation and then most people are very
15 intimidated and feel that they do have to require the services
16 of attorneys..

17 A lot of that depends on the judge. I've seen
18 individuals go into the higher court without an attorney and
19 appear before one particular judge. This judge encourages self-
20 representation. In another courtroom, it may not be that. So a
21 lot of that depends on the judges.

22 MR. DURANT: Any other comments?

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1 (No response.)

2 MR. DURANT: Francisca Cabazos, you haven't spoken at
3 all. If there's anything that you would like to address or
4 offer either on this subject or anything else, please feel free
5 to do so.

6 MS. CABAZOS: Not at this time. I did have something
7 to say a long time ago, but it's okay. I'm leaving today, but
8 I'll pass until we regroup.

9 MR. DURANT: Pardon me?

10 MS. CABAZOS: I said I'm leaving today. I won't be
11 here for tomorrow. I'll reserve my comments for when I get
12 ready to leave.

13 MR. DURANT: Anything else?

14 MS. PEOPLES: I have a comment in terms of pro se. I
15 really see that being encouraged because I've had the
16 opportunity to accompany some people to child support court and
17 they had a lawyer.

18 I was just angry. I didn't feel like -- you spend all
19 this time going around the court trying to negotiate and a lot
20 of things were happening. I just asked the judge if I had time
21 to talk.

22 I hadn't planned to come. This lady was just so upset

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1 because she had been in court two or three times and you're
2 supposed to have -- I found out you could go there on behalf of
3 somebody and the judge did.

4 I helped her do some other research and stuff. So I
5 think there are a lot of women who are so discouraged when they
6 come out of there even though they've got a lawyer that they
7 don't -- you know, there's nothing happening.

8 It really needs somebody working to support helping
9 that person do research and such because there's men who own
10 \$17,000 or \$20,000. They make all kinds of excuses. They keep
11 going back and forth.

12 There's a lady sitting there that is all upset. So I
13 really do see that as a viable self-help thing without any self-
14 representation to get your research and stuff done.

15 MR. DURANT: I don't want anybody to feel limited.
16 Most of us, including me, only saw this agenda when I walked in.
17 So I mean, I don't want anybody to feel there isn't any subject
18 they can't talk about because there should be a full and open
19 discussion as long as we're not talking about the interest rates
20 or the federal reserve or something.

21 MS. BRIGGS: Mine was mainly I wanted to elaborate a
22 little bit on what she said and also what Betty had said about-

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1 - a lot of divorces that I help with, the clients don't know
2 that they can even talk to the judge.

3 They have a lot of things to say and they just sit
4 there and keep their mouth shut. Some of the cases that I guide
5 them to the different lawyers and help them so far along. They
6 don't even know to ask you unless you inform them, unless they
7 are well informed, they think they have no say so, but just
8 bound by law.

9 MR. DURANT: How do you get that communication to take
10 place?

11 MS. BRIGGS: Mainly what I do is when they come to me,
12 I let them talk. I let them talk their heart out because that's
13 what they need. Otherwise, they wouldn't be there. After
14 that, I ask them what would they like from me.

15 Then I know exactly what they want. Then I guide
16 them. I have not found any client that I have ever helped -- and
17 I have been with legal services for almost 11 years -- that they
18 went and did anything on their own.

19 Some of them -- that they did anything on their own.
20 Some of them, I can tell them what to do, suggest. They always
21 say will you come with me. Some of them you can go twice to the
22 lawyer and they want you to come back with them.

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1 Some of them you go once and they say I can handle it
2 by myself. They always need that little support that an
3 individual can give. Once they get that support and they feel
4 secure in standing on their own feet, then they grow. They just
5 care by themselves. So I think a self-help program is very
6 important in that area.

7 MS. NEWSOME: I would just like to say on clients and
8 self-help, I strongly believe that in finding and looking and
9 seeking for self-help for a client, we need to try and look in a
10 manner that something come out of it in the fashion of a job.

11 That's how I feel a lot of self-help. I'm proud when
12 I find that I can help a person with a job. You've been hearing
13 me talk about certificates or degree or something -- in Indiana,
14 HUD, we have training sessions there.

15 We have classes for code enforcement which enables
16 HUD. They send up boxes of books. They are workbooks. If you
17 get a good grade on those five workbooks in the matter of six
18 weeks, they are sent back to HUD every week to the Department of
19 Bureau of Houses.

20 They go over them. At the end of those six weeks, they
21 in turn send a certificate back or send a letter back stating
22 that those clients, maybe two passed, maybe eight did not. They

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1 have to repeat. They can only repeat it twice.

2 Now when that person gets that certificate back, they
3 can go down to the county city building and take that paper with
4 them. They can fill out an application. They can go on a
5 waiting list to wait for code enforcement which goes out and
6 checks houses.

7 They sell them for \$1.00. If you qualify and have a
8 job and can get a loan, okay, all of that. They go around and
9 inspect houses. They get good money. I see that as self-help.
10 I can't see me paying good money or taking a client using their
11 good trade constantly and nobody is going to get anything out of
12 it but me getting a divorce or possibly learning how to get my
13 support.

14 I'm not going to teach anybody else. I'm going to be
15 selfish. I'm going to keep this because this is mine. That's
16 not self-help. That's helping me and that means I'm selfish.
17 Well, I am selfish if it means I'm going to help you and you're
18 not going to give me anything back for my community.

19 Then I'm going to be selfish. I'm going to see that
20 until you do anything else for this community, you're not going
21 to get any more help. So now I said that to say this. Whatever
22 we do -- I can't do anything, but I can do this training for HUD

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1 because I've got my certificate.

2 The next young generation that comes along, if they
3 want to get a certificate and better themselves, they can go to
4 work for the Bureau of Housing. You're not going to tell me
5 there's not going to always be condemned houses that are going
6 to be sold because they are.

7 It's a field that you can expand in. What I'm trying
8 to say, always try to put a client in a position that somebody
9 get a job out of it if it's not you. I know they're not going
10 to hire me because of my age.

11 There are a lot of young women out there that want a
12 job. They want a job that they can get some good benefits out
13 of. They don't want a job that they're going to make \$3.25 an
14 hour and \$35.00 a week for a babysitter.

15 They've got to pay \$15.00 or \$20.00 for clothes that
16 they wouldn't normally have to have because they've got to look
17 presentable if they're at work. They're not doing anything.
18 That's why you've got a lot of welfare mothers because the
19 system locks them in.

20 That's another thing. We've got to try and come up
21 with some way to unlock that door. I think if you get some
22 involvement to assure somebody a job in the client field, that

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1 somebody is going to look at that and they are going to surely
2 say they're looking at somebody getting \$14,000 or \$15,000 a
3 year that was on the welfare role with them and got insurance
4 benefits and they can get them a car. They don't say, hey, I
5 want some of that.

6 MS. JERMANY: Yes, briefly. The amount of legal form
7 preparation services or typing services in the independent
8 paralegal businesses that are here and in the country have
9 increased 500 percent over the last couple of years and they
10 will continue to increase.

11 Our biggest opposition in relationship to this
12 unfortunately has been some local legal services programs. That
13 always causes me a dilemma. In some areas, they are supported
14 widely and in other areas they are not.

15 One recommendation I would like to make to the people
16 here going back to the board is that the lawyer model works. So
17 many lawyer per so many clients, that model has been tried and
18 it's true and it works to a great extent.

19 However, the services that are necessary for the
20 increasing number of people who are becoming poor and less
21 middle class -- that is a new way of putting new poor -- those
22 people need the kind of services that are quick and are able to

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1 be produced by non-lawyers and other alternative legal service
2 delivery systems.

3 I urge that you urge people to look at these as not
4 enemies or competition to legal services but are assets to the
5 community and assets to the service. Sure, we charge for what
6 we do because we operate in the business model because that's an
7 alternative way to survive.

8 Legal services may come up with schemes to subsidize
9 that. In the meantime, we want people to look at these as what
10 they are able to provide for the client community.

11 Secondly was the question of unauthorized practice.
12 Unauthorized practice prevention can be taught like any other
13 skill. People can learn how to interview in such a manner so
14 that it won't be a problem.

15 Divorce centers in California which have been around
16 since 1972, they have 12 hypothetical situations that most
17 divorce cases fall into. They use the hypothetical to explain
18 to the person by changing the circumstances to fit that person
19 as much as possible how the outcome of that particular case can
20 be done.

21 This coupled with training and a number of other
22 resources that are sitting around in this room today can clearly

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1 enhance the amount of services that are going to legal services
2 clients.

3 I just hope that all of us here can work together from
4 this point forward to have an impact on how the Legal Services
5 Corporation Board determines how they are going to go about
6 rendering these services.

7 It's not going to cost any less for self-help. It may
8 cost initially more, but what you get from that is self-
9 reliant, non-dependent client community that is able not only to
10 receive services, but to deliver services too.

11 MR. DURANT: I think that goes into Rosie's point too
12 in terms of it creates a market and it creates jobs.

13 MS. PEOPLES: I was going to ask Catherine -- I've
14 known Catherine for awhile and know her material. What has been
15 your experience in terms of working with legal services as to
16 the lawyers having to go to court, having more cases than they
17 can handle in terms of getting material for self-help.

18 What has been your experience? I think in some
19 respects that's been posed as a threat. I'm wondering what's
20 been your experience in terms of that material being out there
21 and available, whether they have -- the programs have the time
22 to develop material -- come down after working areas and deal

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1 with training and stuff like that.

2 MS. JERMANY: It's been a slow process but it is
3 working. Initially we had one or two people or one or two
4 programs that were interested. We now run a regular series of
5 self-help law training for legal services programs in
6 California.

7 MS. PEOPLES: Does it deal with clients or just with
8 the staff?

9 MS. JERMANY: What we do -- we do two levels. We have
10 like in a state planning which is for senior citizens which is
11 wills and probates in a state. There's different eligibility
12 requirements for trust fund programs.

13 Those people bring their -- there's a client and a
14 paralegal who come as a couple. The consumer, which is the
15 client, learns how to do the process at the same time as the
16 paralegal.

17 So this person from the senior center, not the senior
18 legal services center but the senior center, can go out and do
19 as well as a paralegal works in legal services. So you have
20 kind of a broadening of the network.

21 That has worked in the estate planning area and also
22 in just the wills and the trust in the estate. With bankruptcy,

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1 this is going to be our first real year of doing bankruptcy. We
2 do child support modification.

3 That's primarily been because we had one horrendous
4 experience in Los Angeles where we attracted not just legal
5 services clients but Beverly Hills ex-actors wives who showed up
6 at the training because they felt that they were legal services
7 eligible because the people had ran off and took all the money
8 like the Marvin case and that kind of thing.

9 We have attempted to work with projects to get the
10 projects to recognize the fact that legal self-help is something
11 they can do. It has been a slow process because we do appear
12 to threaten what it is that they are doing.

13 We've had some success once we get with a project and
14 they recognize that what we're trying to do is enhance and not
15 compete. We want to supplement and not supplant. Once that is
16 understood and the paralegal staff gets organized around
17 actually delivering the service, then it works.

18 Without the commitment of the program, it doesn't
19 matter what we do. We could train paralegals up the kazoo, but
20 if they're not allowed to take the cases, it does no good. I
21 mean, the Long Beach paralegals have been trained to do child
22 support modification.

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1 I'm not blaming Toby (phonetic). It's the fact that
2 they can only do so much and their priorities are something
3 different. We'd like to help them to be able to do some of that.

4 MR. FRY: I'd like to take that point and expand a
5 little bit because I think one of the important features of the
6 context of the meeting is the attitude of legal services in
7 general or non-lawyers.

8 I'm surprised in a way to the extent to which our
9 discussion has really focused on non-lawyers. The subject is
10 self-help, yet what we're really talking about are groups who
11 are non-lawyers helping people help themselves.

12 So non-lawyer component seems to be inseparable. I
13 think over the last eight years legal services objects have
14 developed an antipathy (phonetic) toward the non-lawyer concept
15 which is very unfortunate.

16 I think it probably derives -- I don't want to
17 psychoanalyze the programs, but they've been defensive. They've
18 been fighting off any opposition, any competition in order to
19 keep a status quo because they felt they were under seige.

20 Part of that was they perceived the growth of the non-
21 lawyer concept was a real threat to them. As a result, they
22 have articulated some notions about non-lawyers that I find

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1 regrettable.

2 It usually comes in the form of the Cadillac versions.
3 It's a favorite approach. For example, I mentioned that the
4 California bar had disposal before it to revoke unauthorized
5 practice, essentially to open the door to non-lawyers.

6 One of the few people who testified against it was the
7 legal services project director who I think used those kinds of
8 terms that lawyers represent first class service. Equal justice
9 means equal in that everybody gets a lawyer.

10 If you fob (phonetic) non-lawyers off on the poor,
11 that's a retreat. You're giving them second class service. I
12 think everybody in this room would say that's poppycock. I
13 think it's been proved over and over again.

14 I think a partial solution to that is something that
15 Catherine mentioned which is that there are ways that legal
16 services projects could relate to satellite or offshoot non-
17 lawyer programs.

18 I don't mean programs using paralegals who are
19 employed by legal services. They have turned out to be a
20 particular breed and not basically represented by people in
21 this room.

22 If a community does have an independent non-lawyer

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1 operation, there's no reason why they couldn't throw open lines
2 of communication and relationship with lawyers such as referring
3 tough cases.

4 I think this would be a very important feature,
5 telling the legal services program what basic issues they
6 perceive that need law reform. Some people accused legal
7 services projects as going off on their own and doing the law
8 reform that they want to see happen and losing touch with
9 communities.

10 I don't try to judge whether that's true or not, but
11 it would certainly be less true if non-lawyer projects such as
12 the child custody and support and divorce projects handled their
13 cases and then reported to legal services programs.

14 We need law reform case to get the DAs to do this or
15 to get the department to do that or to change this regulation.
16 Then there would be a nice nexus between community-based, non-
17 lawyer programs and legal services.

18 I think they would stop having contention. Let me
19 move from that to another perspective. That is, we have been
20 talking about all kinds of perfectly valid flaws in the legal
21 services, many of which are so authentic that they grew out of
22 the community spontaneously without funding.

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1 If anything proves that these are valid services, it
2 is that. Yet when we look at the scene in which the Legal
3 Services Corporation is funding legal services, trying to meet
4 people's needs, we find it an extremely narrow concept.

5 Of all the possible ways of serving people is the one
6 almost universally funded. I realize that that's happened
7 because of history constraints and a lot of reasons. I'm not
8 saying the corporation has done anything wrong, but I'm saying
9 this is a time when the corporation might be ready to break that
10 mold and to consider funding a number of alternatives, at least
11 on an experimental basis.

12 Based on what I've heard today, I can't think of a
13 better place to start than a combination of non-lawyers and
14 self-help in projects outside of the traditional structure. I
15 simply hope that whatever comes out of this conference will help
16 the corporation lean in that direction.

17 MR. SOBEL: When I first opened our office a little
18 over a year ago, Legal Aid of Long Beach was thrilled; I mean,
19 absolutely thrilled because they don't do divorce and they don't
20 do child support.

21 What they were doing was turning people away or
22 referring them to a local bar association which does absolutely

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1 nothing for a poor person. So when we opened our office and
2 they started referring calls to us, they were so happy.

3 Then when the other two legal services in our area
4 found out what we were doing, they started referring calls to
5 us. So we have three legal aid offices in our area referring
6 calls.

7 It takes the heat off of them. They can say we don't
8 do divorce and child support but this organization does.
9 Unfortunately, none of them have worked with us on getting
10 funding.

11 That would be real nice. They give us all these
12 clients and no money. So we found a very positive experience
13 with them. I really think it's enhanced their image. They were
14 turning a lot of people away.

15 MR. DURANT: I noticed that Martha Bergmark who
16 represents a number of the project advisory groups was here. I
17 want you to know, Martha, that I'm glad that you are here. If
18 you'd like to offer any comments at this point or at any point,
19 I want you to feel free to do that.

20 MS. BERGMARK: I can't be here tomorrow and I do have
21 a couple of observations about the meeting that I'd be happy to
22 share.

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1 MR. DURANT: Would you like to share them now?

2 MS. BERGMARK: I'd be happy to. It's been a very
3 interesting discussion today and I really appreciate the
4 opportunity to be here. I do just have a couple of observations
5 so far. I wish you luck in working towards some recommendations
6 tomorrow.

7 One of the things -- each of the observations I have
8 to make, I think leads to a possible recommendation that you
9 might consider as you work towards a conclusion tomorrow. One
10 is that while the discussion today has focused a great deal on
11 the substantive area of child support needs, I said to a couple
12 of people that we could have had a similar session that talked
13 about health care access needs and groups that have sprung up to
14 deal with that or housing needs or any of a number of other
15 obviously critical substantive needs that people have.

16 What we've said about child support is that we're not
17 meeting the needs. We're barely a drop in the bucket through
18 all of our efforts. As you said, Bill, groups have sprung up
19 because there is a need and that is great. That is as it should
20 be.

21 One recommendation as a result of that is this, when
22 the Legal Services Corporation testified in Congress this spring

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1 about its appropriation request, the testimony, the written
2 testimony made some very disparaging remarks about the notion
3 that there is unmet need for legal services in the United
4 States.

5 That message, I think, needs to be changed. There
6 needs to be an acknowledgement that there is a need. There's
7 not a need necessarily for lawyers. There is a need for access
8 to the legal system in whatever ways that come about.

9 We need to view it just as broadly as I think you have
10 been trying to view it here today. There needs to be an
11 acknowledgement by the legal services corporation which is the
12 government entity that is charged with addressing this issue to
13 acknowledge that there is an enormous need and to do so in very
14 forceful terms.

15 That would be one possible recommendation. As you
16 also said, legal services programs have been under seige in this
17 decade in a variety of ways. I think there have been a variety
18 of responses to that, one of which various people have touched
19 upon here today and that is a pulling back into a bureaucracy
20 and sending a great deal of energy denying people service,
21 thinking -- having to come up with ways to say no through
22 setting of priorities and through different bureaucratic intake

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1 procedures and so forth, needing to refer further to your
2 organization and others because they are besieged.

3 So that's one response. That's certainly not a good
4 response and one we could and meetings like this, I think, are
5 headed towards trying to change. Another response, though, is
6 innovation, forced innovation.

7 I think if you look around at legal services programs,
8 there are good ones that have done a great deal positively
9 toward moving toward other forms of practice through use of
10 certainly legal services with innovative and use of paralegals.

11 Ms. Jermany is somebody I've heard about for years. I
12 was a project director in Mississippi when she was at the
13 corporation. I saw her name on materials, but for all the
14 criticisms that I think can legitimately be made about legal
15 services programs, there are also a long list of successes in
16 terms of innovations and creative use of senior citizens; for
17 example in volunteer situations.

18 You can really go on and on I think to show what has
19 been done in a positive way. So to some degree, that's been
20 forced, you know, just the circumstances have forced programs to
21 try to provide services in brief ways through telephone systems,
22 through self-help and other things like that.

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1 I am not saying there's not enormous amounts of work
2 that needs to be done to improve that, but I think there is a
3 base there for that to happen. So a recommendation I think that
4 arises out of that little set of comments is that --

5 Clark, as you know, you presided over the changes that
6 you made to Part 1612 regulation which prohibit use of legal
7 services corporation's funds for training of clients on matters
8 of public policy.

9 That is a barrier that could very simply be removed by
10 the board. This board put that into effect knowingly and with
11 full discussion of that issue. Many of the things and ideas
12 that have been talked about here today are simply barred by that
13 provision of Part 1612.

14 Programs have used private funding. They are
15 permitted to use private funds and other public funds for some
16 of these activities, but they, in effect, have been chilled and
17 barriers have been created to the various kinds of innovations I
18 think.

19 MR. DURANT: What part is that?

20 MS. BERGMARK: Part 1612.

21 MR. DURANT: I'll look at it.

22 MS. BERGMARK: Finally, I think Earnest Ware mentioned

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1 early on when are we going to talk about resources which goes
2 back to the question of unmet needs. I was the first to sit
3 here and tell you that throwing money at a problem is not the
4 answer.

5 I think all the discussion here today has been to that
6 fact. Yet, we are looking at a system that has been sorely
7 tapped, that all of the effort to come up with other funds and
8 other resources from other sources to supplement legal service's
9 money has been insufficient to make up for the combined effect
10 of cuts and inflation over the 1980s.

11 Programs are far worse off than they were ten years
12 ago. So I think all of those factors combine for a
13 recommendation that would address the resource problem. Again,
14 the Legal Services Corporation is in the pivotal position to
15 take a leadership role on that.

16 So I would urge you to consider that as a possible
17 recommendation. Thank you.

18 MS. PEOPLES: Would more funds be made available and
19 the restrictions that you spoke to in terms of training not
20 change? You don't see ways that addressing self-help can be
21 addressed by legal services programs?

22 MS. BERGMARK: No. I'm not saying that at all. I was

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1 looking at possible barriers to moving forward on these issues.
2 So the three recommendations that I would put on the table for
3 consideration would be those.

4 They don't prevent at all moving forward with other
5 substantive recommendations that you might have for how to --

6 MS. PEOPLES: One of the things I'm concerned about is
7 how does the self-help, in dealing with legal services, fit in
8 with the priorities of the program?

9 MS. BERGMARK: That's right.

10 MR. DURANT: Betty, I promised you you could make a
11 comment a long time ago and I forgot. Please go ahead.

12 MS. MURPHY: I just wanted to mention one of the many
13 ways that grassroot child support organizations get the
14 information out to individuals. One of the ways is the
15 workshops that are sometimes sponsored by local women's groups.

16 We have one ongoing workshop that is given every
17 couple of months in Fairfax County. It is also presented in
18 Washington, D.C. on that. It tells them their rights and
19 protections under the law, how to obtain child support, in
20 fact, what to do with their case.

21 There's no pat solution. There is every single case.
22 We sometimes work on a one-to-one basis during that meeting.

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1 In the panel, we have comprised a representative from the state
2 child support agency, a representative of the juvenile domestic
3 court who handles most of the child support enforcement at that
4 level, and an assistant attorney general from the state of
5 Virginia to answer legal questions and myself to answer
6 questions from the child support advocates point of view and
7 what they can do for themselves.

8 MR. DURANT: That is a good way of getting that
9 message out.

10 MR. FRY: Yes, I just wanted to comment on this
11 problem of limited funds and who gets them. I think it's
12 natural given the limitations and the cuts in the past and the
13 lack of increases, that the projects will naturally try to
14 defend their funding.

15 To a certain extent, they see an innovative program as
16 competition with the image that the innovative program--
17 there's only a certain pot and if the innovators get some, the
18 others get less.

19 I don't think it necessarily follows. I think the way
20 legal services is structured it doesn't have that many possible
21 sources of funding. Unless it's fundamentally changed, it's
22 going to be funded by the corporation or AOA or United Way or

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1 the bar or by recovery of fees, statutory fees.

2 That's about the parameter of the sources of funding.
3 Most of the projects here offer their services both to low
4 income and middle income and have the potential for funding
5 themselves.

6 I think it needs a lot of analysis and discussion and
7 I'm not sure it will work. I don't see self-help and non-
8 lawyers, the combination of non-lawyers and self-help, as being
9 a necessarily substantial drain on available funding if it was
10 proved to work.

11 My hope is that the corporation could support the
12 concept and help establish it, experiment with it and
13 demonstrate it in the hope that it would then take off on its
14 own.

15 So to the extent that there is any concern on the
16 projects about fear that non-lawyers and self-help would take
17 money away, I don't think it's necessary true. I didn't hear
18 you say that, but the minute you mentioned funding, I see it as
19 a --

20 MS. NEWSOME: My question is to you. If when you go
21 back to your office and look in the book and see what 1612
22 says --

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1 MR. DURANT: I've got it right here. I'm going to
2 look at it today.

3 MS. NEWSOME: When you look at it and see what it says
4 as far as it being prohibited for funds to be used as clients,
5 do you think maybe you might recommend to the board?

6 MR. DURANT: I have always for two years, three years,
7 whenever we started these different debates, have always
8 supported the idea that a training that is related to the kinds
9 of things that have been talked about here not board training as
10 to how to be a better board member but in fact how to be an
11 effective self-sufficient advocate.

12 I didn't like training that just simply focused on
13 being a better board member because I don't think that gets us
14 out of -- it prevents us from getting out of the concepts of the
15 status quo thinking.

16 MS. NEWSOME: Now back to my question.

17 MR. DURANT: You're second question, you mean?

18 MS. NEWSOME: Back to my same question. Are you going
19 to recommend to the board again that possibly they made a
20 mistake in making that restriction?

21 MR. DURANT: What I would like to do is -- and that's
22 what I said to Martha -- I would like to look at the regulation

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1 and see whether, in fact, it prevents the kind of training,
2 obviously, that we're talking about here, because I think the
3 kind of training that we're talking about here is, in fact, an
4 important element of what needs to be done.

5 If in fact it blocks it, then we ought to look at it
6 to see how it can be recrafted.

7 MS. PEOPLES: My concern about this regulation, I
8 thought it was speaking to training being done that would gear
9 clients toward lobbying and stuff like that.

10 MR. DURANT: That's what it was designed to prevent.

11 MS. PEOPLES: I thought that's why the restrictions
12 came about and it maybe needs to be cleared up. Your programs
13 fund you to go to trainings. So, you know, although the staff
14 at the agencies -- sure you can go to training. Sure we go to
15 trainings, workshops.

16 MS. NEWSOME: You go to trainings, but there's
17 limitations in what you can do in that training.

18 MS. PEOPLES: My point is if they can send the funds
19 to send you -- I think there regulations -- at least staff is
20 interpreting -- that they can't do them. Is that right, Martha,
21 that staff is determining that they can't do the training? Is
22 that your point?

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1 MR. DURANT: If I can, just let me read you part of
2 this regulation, 1612.9. I will look at it again, but this is
3 what Lorain showed me so I can't -- I'm not going beyond what
4 she's given me.

5 It says no funds made available by the corporation
6 private entities may be used for the purpose of supporting or
7 conducting training programs that 1) advocate particular public
8 policies -- that's not what we're talking about here--
9 encourage or facilitate political activities, labor or anti-
10 labor activities, boycotts, picketing, strikes, or
11 demonstrations or the development of strategies to influence
12 legislation or rulemaking.

13 That's all lobbying. That's all related to political
14 things. To the extent compatible with meeting the demands for
15 client services and priorities set by the recipients pursuant to
16 Part 1620 of these regulations, or to the extent compatible with
17 the provision of support services to recipients relating to the
18 delivery of legal assistance, nothing in this section shall be
19 construed to prohibit any training of attorneys or paralegals
20 necessary for --

21 MS. BERGMARK: It says attorneys or paralegals.

22 MR. DURANT: What's a paralegal? I don't know. Is

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1 there a definition? The point is that it doesn't seem to have-
2 - we can get into a legal debate here, but it doesn't -- when
3 you first said this to me, I was thinking there's some outright
4 blanket kind of barrier here, when in fact it's saying that it's
5 not designed to prohibit training to provide adequate legal
6 assistance to eligible clients, to advise any eligible
7 client --

8 MS. BERGMARK: Go ahead and read that one sentence.
9 There was full discussion. There is a complete record of this
10 in your board meeting.

11 MR. DURANT: Nothing in this section shall be
12 construed to prohibit any training of attorneys or paralegal
13 personnel.

14 MS. BERGMARK: Personnel.

15 (Simultaneous conversation.)

16 MS. BRIGGS: I just wanted to say since that came into
17 effect, my director hasn't sent us anywhere. Since that came
18 into effect, my director hasn't sent us anywhere. They have
19 refused everything we asked. That's exactly what they use.

20 MS. PEOPLES: That's standard interpretation. That's
21 what it says to me. It needs to be gone back and looked at by
22 the corporation. That would prohibit them.

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1 (Simultaneous conversation.)

2 MS. BRIGGS: When my director told us that, when he
3 read that to us and told us that we would not be able to go
4 anywhere, the lay directors on the board said they could tie our
5 hands and tie our feet but they are never going to tie our
6 mouths shut.

7 MS. JERMANY: We have urged that programs allow their
8 volunteers to come to training, especially if they were serving
9 in a lay capacity. Since that regulation, I didn't know what it
10 was. I know hearing the numbers now.

11 They have not been able to send volunteers in
12 California to training unless they had enough ALTA (phonetic)
13 funds to do it. So people who want to come volunteer, but they
14 are paying their own \$10.00 registration fee.

15 I think maybe if it's possible to get a copy of that
16 and read it and if it doesn't mean that, I'd like to take it
17 back, mail it to every project in California at a minimum and
18 say this does not preclude you sending your volunteers to this
19 program if in fact we can get that.

20 MR. DURANT: Let's go ahead and break up into small
21 groups.

22 MS. CABAZOS: I haven't really participated very much.

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1 First of all, I guess I misinterpreted the few phone calls that
2 I received in my office about this training. I was under the
3 impression that this was a meeting of client reps, current or
4 former client reps of community legal services programs across
5 the country to come and talk about self-help. That's not what
6 I've seen so far exclusively.

7 First of all, this morning I walked in and I counted
8 how many people are client reps. I think there are six or
9 seven of us unless somebody came late. I think Shirley came in
10 late.

11 So anyway, I'd like to offer some constructive
12 criticism to the board since you're spending all this money to
13 get us here and to go through these exercises.

14 I think the idea of self-help is a good idea. I think
15 there's a real need for it across the country. There's
16 certainly in the -- we've suffered a lot in the last eight
17 years and there's been definitely an increase of poverty,
18 numbers of people.

19 Certainly women are becoming poorer and poorer every
20 day. I guess my criticism is that the self-help groups that came
21 here, first of all, I think they're doing fantastic work with
22 what they're doing except that they're not groups that have come

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1 out of legal services, particularly certainly here's one
2 example.

3 I don't see the other group's. Also, I was
4 questioning this morning what the purpose of this was. It's all
5 been centered on family law. As Martha said, we could do the
6 same thing on health and some of the other issues that poor
7 people are facing.

8 I would hope that as a recommendation that the board
9 not use this as just a one time meeting. I think it might be
10 even more effective where members of the board can sit together
11 with client reps exclusively and talk about what kinds of things
12 we need in self-help and that it be not just a one time thing
13 but rather a number of meetings where we sit face to face and we
14 talk about what's happening in our communities and what we can
15 do.

16 Certainly, the whole issue that was just brought up
17 with the regulation prohibiting people to go to trainings, it
18 certainly created a lot of problems in all of the legal services
19 programs.

20 I remember being very active at the time when this
21 regulation was being presented by the board of Legal Services
22 Corporation. It certainly made a dent into the ability of

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1 people to be able to get together and to get information.

2 Just as a personal note, I think that -- if this
3 system and this society is all about laws and how people comply
4 with laws, and there's a whole notion of equal justice, which
5 sadly enough we've always used this term that says justice for
6 all not just for some.

7 We've seen it happen in our communities. If we're all
8 about creating changes so that people can have more -- become
9 more self-sufficient, then why is it that we can't do anything
10 around public policy.

11 Certainly that is how we're going to make changes
12 across this country. That will enable us to become more self-
13 sufficient. So just in conclusion, I'd like to say that if you
14 are really serious about and sincere about allowing us as
15 clients to be able to come together and to make recommendations
16 and take our time --

17 We all have very busy schedules just like I'm sure you
18 do. We all have families. I'm sure most of us here probably
19 are single parents. It takes a lot of dedication to be able to
20 come to something like this.

21 So I think we need to take this serious. So I would
22 just close by saying that we certainly need a lot more of these

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1 meetings to take place. We certainly need you as members of the
2 corporation board to really pay attention to what we're saying
3 because I think that that's not what happened, certainly not in
4 the last six years that I have served as a client rep in the
5 local program and have gone to some of your board meetings, have
6 testified before some of your hearings and have gone to some of
7 the national conferences.

8 MR. UDDO: I just wanted to ask Ms. Cabazos, what
9 other things would you propose being discussed that haven't been
10 discussed today?

11 MS. CABAZOS: We can sit down and talk about it. I
12 just haven't thought about it at this particular moment.

13 MR. UDDO: I really would like to know. I don't think
14 anything's been excluded today. So I'd like to know if there
15 are.

16 MS. CABAZOS: No, the program was clearly designed
17 just to talk about family law. All you have to do is look
18 around at who is presenting and you look at the agenda --

19 MS. PEOPLES: We ought to be able to speak up if it's
20 not addressing our issues. Before the day is over, there are
21 other things. When I come back out of my work group, I want to
22 discuss a whole lot of things.

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1 I don't think you should feel that no matter how it's
2 structured in terms of the agenda, we still have an opportunity
3 to give our input, but don't leave. Your input is not here.
4 We've got to stay -- we have to do that in our legal services
5 program. We have to hang out until we get heard and stuff like
6 that.

7 MS. CABAZOS: I agree with you 100 percent.

8 (Simultaneous conversation.)

9 MR. UDDO: I just want to -- really, I'd like to know
10 what sort of other things. The way I look at this is family law
11 surfaced as a theme because there are some people doing a lot of
12 good, creative things in some of these areas.

13 They were natural people to draw on. The discussion,
14 I don't think, is limited to law. In fact, the small groups
15 split up into public benefits; housing, landlord and tenant and
16 family law related areas.

17 Using that as sort of a focal point because of the
18 people that were here, I think it's the intent of the meeting
19 and the intent of the board to say that if it can be done in a
20 family law area it can be done in a lot of areas.

21 It can be done in a lot of areas where, as Martha has
22 pointed out, there are self-help groups and advocacy groups and

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1 other areas whose experience can be drawn on. So I look at this
2 as an occasion to talk about that question generally and I'd
3 like to know if there are any other specific issues that we
4 haven't discussed.

5 I'm not avoiding any issues. I don't think Clark is
6 avoiding any issues. I'd like to hear them.

7 MS. CABAZOS: In response to that, one of the reasons
8 why I've sort of held back in participating is because I serve
9 on our board as a farm worker rep. We all know that farm worker
10 programs are funded separately by Congress and the corporation.

11 That's a specialized field just like Indian law is.
12 So therefore, the kinds of things that I can share with you do
13 not necessarily fit into family law. That's why I've held back,
14 because of the particular population that we're working with.

15 MR. UDDO: My point is this. If there are self-help
16 things that work in the farm area, then that's the point of this
17 meeting. There's no reason why you should hold back. If you can
18 see anyway that self-help can supplement or assist farm worker
19 stuff, this is the appropriate time to discuss it. You're not
20 limited to talking about family law.

21 MS. CABAZOS: I can sit down and just talk about all
22 kinds of things that are working with farm workers across the

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1 country, but they're not the same thing as -- because of the
2 particular population that we're working with and because of the
3 history of farm worker law, because of the culture and the
4 language and the tradition of that particular population, it
5 doesn't necessarily fit in with family law.

6 (Simultaneous conversation.)

7 MS. NEWSOME: It does fit into family law because as I
8 was saying the support center of Indiana has so many cases of
9 farm workers. Our office right now in northern Indiana is big
10 on the other people left for farm workers.

11 Now we don't have a farmer -- an attorney in our
12 office that does that work, but with the grant money we're
13 going to get a lawyer that works in that field. So I feel that
14 if she has something to say about farm law, it will help us.

15 This is one of the things that I tried to bring in in
16 the training sessions. You don't set back and assume what will
17 fit. Maybe it don't fit. Then it might go a little farther.
18 The only thing I'm saying as a client to another client, give it
19 to us anyway and let them tell you that they don't want it.
20 Then you say this is what I brought, so I'm going to have to
21 give it to you. That's all I have to say.

22 MS. FIFIELD: I think it would have been beneficial

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1 having had more clients input on some of the structure of this
2 meeting. I would have like to have seen a housing expert on
3 some self-help housing law. There is, believe me, even in our
4 state some self-help on the public benefits.

5 For instance, in our state a couple of organizations
6 actually got an office donated inside the welfare office plus
7 the phone paid for and were actually, you know --

8 MS. PEOPLES: I want to tell you about it when we get
9 into the sessions.

10 MS. FIFIELD: Can I finish? What I was saying is it
11 would have been nicer for me for what I would have liked to have
12 seen is if we had had a broader variety of experts from around
13 the country.

14 Believe me, I think child support -- I think divorce
15 is number one priority, certainly with a lot of people I work
16 with. I would liked to have seen an even broader --

17 MR. UDDO: Do you understand my point that we were not
18 trying to cover all the substantive areas where self-help might
19 work but the concept of self-help. If it works in child support
20 and divorce, presumably it works in a lot of areas.

21 This isn't intended to be a training session on self-
22 help and all of the possible areas where you can do self-help.

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1 It is a session to talk about the self-help work as a concept
2 and can legal service incorporate the idea of self-help into its
3 delivery system.

4 We could have met for a month and had every possible
5 field of self-help represented, but that really wasn't our
6 intention. It was to deal with the concept of self-help and see
7 if it works and see if it sounds like something we could use to
8 broaden the access to legal representation and access to
9 justice.

10 MS. FIFIELD: Why didn't you come to clients? Why
11 didn't you call clients and say what kind of self-help programs
12 are in your state?

13 MR. UDDO: Because we have a few clients on the board
14 and we do have six or seven clients here, all of whom were
15 contacted. We certainly couldn't accommodate every client's
16 concern in the country as to what area of self-help they would
17 like to see discussed.

18 We picked the ones that surfaced as a good paradigm, a
19 good example of how self-help works and use that as a way of
20 determining whether it is something we can get into generally.
21 So I would reject the suggestion that clients weren't involved
22 in the design of this.

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1 This was almost exclusively done with our board client
2 input and input from other clients who were involved in
3 designing this program.

4 MS. JERMANY: I want to know if there is some
5 mechanism we can set up immediately to not lose our resource
6 right here. You can share with us some information on something
7 that we all need to here because it will help all of us in what
8 we are doing.

9 Maybe we need to have a fifth group or something.
10 We're supposed to break into little small groups. Maybe we need
11 a fifth group to talk about miscellaneous self-help law where we
12 can at least hear from her those who want to know what it is
13 that farm workers do in the area of self-help law. Why can't we
14 do that.

15 MR. UDDO: I don't want to lose control of this.

16 MR. WARE: My question is, we -- it's probably the
17 general consensus that self-help is needed and it works. What
18 my question is, are you planning to put money in self-help and
19 how is that going to fit where legal services, where we can't
20 provide services needed already?

21 MR. UDDO: Let me say two things. One is, this group
22 is going to make recommendations tomorrow to the board as to

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1 what it thinks should be done to self-help. It may be a
2 suggestion that self-help is worthwhile and the corporation
3 ought to fund self-help but only if it can be funded out of
4 money other than the existing budget.

5 It may be that you want to suggest self-help is a good
6 idea but you don't want legal services money involved in it.
7 You're going to have the option of making the recommendation
8 tomorrow as to what you think should come from this discussion
9 in this conference.

10 I'm not making the recommendations. The
11 recommendations are going to come from this room and then the
12 four board members who are here will bring it back to the board.

13 MR. WARE: That's why I always ask what is the scope
14 of this meeting because I am not clear. If we're going to go
15 into the self-help business, you know, I just wanted to make it
16 clear that that's what we wanted to do up front.

17 MS. JERMANY: We don't know yet.

18 MR. WARE: We don't know. I mean, if there's money
19 available, I'm kind of upset that we're scraping for funds for
20 other things.

21 MS. JERMANY: I came here with the assumption that the
22 well was dry and share the information about what is already

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1 being done and it's being done outside of the resources of legal
2 services and how that might tie into what's going on in legal
3 services and how legal services might use that to serve more
4 clients. Like that's kind of what our purpose is for being
5 here.

6 MR. WARE: If that's the scope of this training, cool.
7 It's not like trying to fix something that ain't broke.

8 MR. UDDO: I think the answer to your question is
9 that tomorrow there's going to be recommendations coming from
10 this group as to what it thinks should be done. If the
11 recommendation is to forget about self-help, then that's the
12 recommendation.

13 We're trying to get some consensus from the people
14 here who have experience with self-help and who have client
15 experience to say where you think it should go from here.

16 (Simultaneous conversation.)

17 MS. BARNES: I have just a couple of things to say.
18 One of them is that this agenda at no time has been locked in
19 cement. When I say locked in cement, I mean anyone who has
20 something that they can fruitfully add to this discussion, I am
21 sure you or Clark or Lorain or whoever it would be would give
22 way for them to share that with this group.

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1 So I don't want you to feel that you are left out. As
2 he said, in the planning process of this meeting, we all knew
3 that client board training was not the only aspect of the client
4 training that was needed.

5 So we have been working on this theme for over a year
6 to try to get at some kind of prospect. I think very early this
7 morning -- I said at the opening when we had introductions that
8 several of us, a lot of different people worked on it, but
9 several of us have spent months working. It fell in our face.

10 So the same thing remains true that we did not have--
11 we did not know all of the people around the country who were
12 doing things, so we could only pull from those who we had some
13 knowledge of.

14 Now let's just face it. I am a client. Let's just
15 face at all times we do not let those people who make the wheels
16 turn know what we're doing. We do not stay in communications
17 with Lorain or Hortencia or Uddo or Clark or whatever.

18 People do not have that first base knowledge of what
19 you are doing. You might very well come up kind of dissatisfied
20 sometimes, but it's not because you've been overlooked. It's
21 because you too haven't made yourself known and your wishes
22 known and your plan.

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1 I'm not on the other side of the fence. I'm just kind
2 of tired. Just like we said this morning, we are not going to
3 talk about national client's council, but I'm tired of that and
4 the way that every time you try to say something about training
5 for our client, Mr. Uddo and the other board members know that I
6 made the statement several times at LSC board meetings.

7 It is now time to erase that from ourselves. We need
8 to go forward. The "national client council" is a dead issue
9 because it has defunded and is not coming back as a legal
10 service question.

11 We are not so dumb that we don't realize that. So we
12 have to go forward. It's the same thing. Clients need to stay
13 in touch, especially their client board members. They can call
14 them and they will call them back. There is no expense.

15 The need to have it coming together -- there's no
16 point in anybody coming here and sitting through these two days
17 and going back home and taking nothing. Thank you.

18 MS. MILLER: I would like to echo that. Please say
19 what you have got to say. Don't leave here --

20 MR. UDDO: Let me just say quickly -- just quickly
21 counted around the table. I think there are 11 client eligible
22 people here and not six or seven.

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1 MS. TURNER: I would just like to make a statement.
2 It wasn't until I had the opportunity to go to a Legal Services
3 Corporation meeting in Mississippi that I found that there were
4 a lot of problems with the Indians that I didn't even know about
5 because I lived in the metropolitan city.

6 I'd certainly like for somebody to yield some time to
7 the lady from Phoenix. I'd like to hear what she has to say.

8 MR. UDDO: I have no objection to that.

9 MS. NEWSOME: I'm sorry. I don't think that's the
10 issue that she has not had the time. They have offered her the
11 time this morning. Now I'm feeling I'm glad I'm a client right
12 now.

13 I'm really glad because if I was sitting in here as a
14 guest of the legal services board members and clients, I would
15 feel very offended. We have invited people here to express to
16 us how they have improved themselves with self-help.

17 I'm thinking this. If I'm wrong, somebody tell me
18 because I'm upset right now. I don't feel you should come and
19 insult anybody away from home. This is what I've gotten. If I'm
20 wrong as a client, you explain it to me. I'm going to tell you
21 how I feel and I want you to tell me how you feel.

22 Now you don't insult people away from home and I can't

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1 for the life of me feel why it should upset you or any other
2 client in here to have outside members in this office, in this
3 building, in this room if they can bring some --

4 MS. MILLER: What are you speaking about?

5 MS. NEWSOME: If they can bring some information to
6 us.

7 (Simultaneous conversation.)

8 MR. UDDO: Let me just explain to Lorain. You left at
9 the wrong time. Ms. Cabazos raised a concern that there weren't
10 enough client representatives input here and we spent too much
11 time on family law.

12 My reaction to that was we used family law as an
13 example of self-help because we had a lot of good people who we
14 knew could speak to it. That in no way limits the discussion to
15 the family law or our interest in self-help to family law.

16 If this is a good example of a way to deliver legal
17 services, it can apply in any area where it might work. I also
18 explained too that this was a client motivated, client designed
19 program and that we feel we do have a good deal of client input.

20 I think she wants to speak again.

21 MS. CABAZOS: Okay, Rosie, first of all, I think that
22 you didn't completely understand what I said, okay. Yes, it's

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1 true that I made some constructive criticisms about the way in
2 which this two day training session was structured.

3 I made a comment that when I walked in this morning
4 and when the whole program started, I counted, at least from
5 what I knew, about seven client members that were present. The
6 point that I was trying to make is that if the legal services
7 corporation board of directors is sincerely interested in
8 knowing about the possibilities of self-help, then we can't do
9 that.

10 We can't fool ourselves into thinking that -- and this
11 is by no means do I say it in such a way that people to get on
12 the defense. I'm just as concerned as everyone else is here.
13 I've not dedicated six years of my life as a volunteer for
14 nothing. I'm just as concerned and respect the opinion of
15 everyone just as I wish that everyone would respect mine.

16 What I'm saying is that we can't fool ourselves into
17 thinking that one meeting is going to allow us to be able to
18 come up with what we truly need or want. I think that we need
19 to establish a dialogue that hasn't been there or that I have
20 not been aware that it's been there for a long time.

21 That dialogue has to continue in order for us to make
22 some very positive and concrete steps towards looking at if

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1 self-help is going to work and if so, how and where the
2 resources -- and is the board sincerely looking at doing
3 something like that for us.

4 This might be just one of possibly another one or two
5 or three meetings that will take place and that the
6 recommendations that come out of here tomorrow aren't the final
7 recommendations, but rather some recommendations that can then
8 assist us in continuing this process and looking at self-help.

9 I mean, certainly those of us that are here in the
10 room have had a lot of experience in our client's council. Most
11 of us -- I guess all of us are clients ourselves in our programs
12 and have been around for a number of years.

13 There are also other people that would benefit by and
14 have something to say that aren't necessarily here today. Also,
15 we haven't heard anything about native Americans.

16 MS. PEOPLES: When I come into a meeting and give my
17 input, I'm not just locking it in to say that I'm not going
18 back and discuss it with somebody about what we discussed, some
19 options we might have.

20 I don't believe based on whatever we come up with that
21 the corporation is going to say we give your blessings to it
22 without having some discussion. If Bill's going to speak to it

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1 -- I don't understand why you're offended because if you've been
2 to community meetings, you know whatever the agenda is people
3 are going to be beyond that agenda.

4 Then they come up with something. What I'm saying is,
5 if these people can come and share some information, I'm going
6 to take their information whether legal services adopts it or
7 doesn't adopt it and see how I can use it.

8 MS. CABAZOS: Certainly. That's the purpose.

9 MS. PEOPLES: -- whether the corporation gives its
10 blessing or not. I mean, I got this lady's book. I went back
11 there and got the staff person's book because I didn't get a
12 book and told her to wait until the lady sent her a book.

13 I think child support thing, I can do something with
14 that because I'm going to use it so don't preclude her from
15 giving me the information.

16 MS. CABAZOS: Shirley; I think that you misunderstood
17 what I said. First of all, I said that these people are -- they
18 are doing excellent work. It's exactly what this woman Martha
19 said about -- the reason that these organizations have been
20 created is because they don't exist out there.

21 Somebody had a personal problem just like we had
22 personal problems and got involved in our client council. It's

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1 good that they share. The information that they provided is
2 vital. It's critical. It's very important.

3 I am not offended if that's the way you interpreted
4 it. I've certainly been around long enough and have shared in
5 enough -- what I'm saying is my criticism is very clear. My
6 criticism is that this should be one of several meetings that
7 take place to ward looking at recommendations.

8 MR. UDDO: What I would suggest is that that become
9 one of the recommendations that comes from this group. If this
10 group feels that and the consensus of this group is that that is
11 the next logical step, then that should be one of the
12 recommendations that you should argue for tomorrow.

13 MS. CABAZOS: Unfortunately I won't be here.

14 MS. WARE: They think you're leaving because of the
15 meeting. So you probably need to explain that to them.

16 MS. CABAZOS: No, no. I am not leaving because of
17 this meeting. Believe me, when I got called I said specifically
18 I have a community public forum to do tomorrow and I could only
19 come for one day.

20 Please don't get the impression that I'm leaving
21 because you haven't touched on farm work issues. Please don't
22 get that impression.

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1 MS. MILLER: We were getting to your thoughts anyway.
2 That was going to be before this is over, okay.

3 MS. BRIGGS: I just wanted to make a comment. I heard
4 from the other side of the table somebody say that we -- someone
5 should have sent back the letter form for the agenda, putting
6 together the agenda.

7 Some of us didn't send it back. The reason why I
8 didn't send mine back is because I didn't get mine until
9 Wednesday. I thought it was kind of futile to fill it out and
10 send it out when I'm going to be here Thursday.

11 MR. UDDO: Wednesday of this week?

12 MS. BRIGGS: Wednesday of this week is when I got it.

13 MR. UDDO: When was it mailed out?

14 MS. BRIGGS: I didn't mean to indicate anything was
15 wrong with that. I'm just saying the reason why I didn't
16 respond and didn't send it back was because I didn't get it
17 until Wednesday and I was flying out Thursday.

18 MS. MERRITT: I welcome your comments and whatever
19 else everybody else said. Before I forget this, I would like to
20 say I've gotten one copy of -- what do you call it? -- the legal
21 paper.

22 MR. UDDO: The newsletter?

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1 MS. MERRITT: Yes, the newsletter. I read some
2 information about the way I pulled some of that out of there and
3 put it in my local newspaper in order to make sure the clients
4 get it. It's kind of created a little problem for me.

5 MR. UDDO: What about it created problems?

6 MS. MERRITT: Well, some of the things you said about
7 the ombudsman. Now what I wanted to say is please on the
8 regulations -- I'm glad that came up today -- that someone from
9 the corporation began to interpret what the regulations are
10 really saying and put it in that newsletter and put the clients
11 on your mailing list so that they can get it directly as well as
12 get it from the local programs.

13 When they go into their local programs, they are able
14 to start communicating with the attorneys and the program about
15 what they have read and then decide which is the right way to
16 go. That was unnecessary what happened today.

17 We were all -- all these people here was under the
18 impression that a lot of things that we were trying to do in
19 the statewide group we couldn't do it because of that
20 regulation.

21 Here I'm under the impression just a few minutes ago
22 that that was not what it meant.

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1 MR. UDDO: Let me say that it is the board's policy
2 now to begin to communicate those mailings directly to the board
3 members.

4 This was adopted at a meeting a couple of months ago.
5 Because of the criticism that we heard from clients that clients
6 don't always get the information if it only goes to project--
7 we have the computer capability now to send information directly
8 to client board members, not every client in the country but to
9 client board members.

10 Client board members will be getting a lot more
11 information directly from the corporation. The ombudsman, the
12 designation of a client ombudsman is for the specific purpose of
13 having someone in the corporation that clients can contact if
14 they have problems, questions, concerns or whatever.

15 That has just recently been adopted by the board. Now
16 I want to make two quick observations. One is, I want to
17 observe that Clark left the room when things got heated
18 (laughter) and asked me to chair the meeting.

19 The second this is that Maureen had suggested and I
20 think probably wisely that we rearrange the schedule to start
21 tomorrow with the small group discussions instead of trying to
22 after such a long day going into the small groups now.

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1 If everyone agrees with that, I think we'll amend the
2 schedule accordingly. That way, we won't wear ourselves out.
3 That gives us another few minutes for a few comments if you
4 want to do that.

5 MS. BARNES: You partly said it just then. I was
6 going to make a motion that we move the agenda and go ahead with
7 the small groups. Everything that has been said had been well
8 taken, but sometimes we get to the place where we are kind of
9 repeating ourselves and we don't have any time to do that at
10 this meeting.

11 We need to move forward so I concur that it would be a
12 good idea to start the small groups early in the morning.

13 MR. UDDO: Ms. Cabazos is departing soon. I want to
14 thank you for coming and for participating.

15 MS. CABAZOS: Please invite me again.

16 MR. UDDO: You're always welcome. You're comments
17 will be taken seriously, I assure you.

18 MS. PHELPS: You mentioned that this was focusing
19 around family law. Our main focus is child support and custody,
20 but it affects everything we do, welfare appeals. We do name
21 changing.

22 We do other things and housing. I mean we work in

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1 Section 8, Housing. We work with other issues. It's sort of
2 yes, we're supposed to do this but it seems we're just spread
3 out on all issues because we assist the client's whole needs not
4 just we go to court for child support and good bye.

5 We do the clients whole needs, housing, name change,
6 welfare appeals, whatever else that client needs that's what we
7 do.

8 MS. FIFIELD: I just want all of you guys to know that
9 I really appreciate your input. I think you're doing fantastic
10 work. I did not mean anything by that as an insult at all. All
11 I was trying to get was I wanted a broader program so we could
12 discuss lots of different things that are going on out there.

13 MR. UDDO: That's why we invited more than legal
14 services client representatives.

15 MS. FIFIELD: I just want you to know that I
16 appreciate it.

17 MS. TURNER: He missed what you said before. He wasn't
18 here.

19 MS. FIFIELD: I know. I was complaining.

20 MS. TURNER: You missed it so you don't understand.

21 MS. PEOPLES: There's some fear about what is this
22 going to do to our legal services programs. We need to discuss

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1 it in our separate ways when we get the corporation out of the
2 room.

3 What happens is, I don't have any problem with how we
4 get some kind of self-help done with whomever's money. We ought
5 not to have that fear about is it going to take money from our
6 programs? Is it going to give money from our programs?

7 We at the program levels have to discuss it. If we
8 don't get any money, are we going to address these issues? It's
9 very important to us and sometimes we don't spend enough money
10 to go and do that so what we do is we get caught up and --

11 I'm not going to sit here and defend my legal services
12 money because I'm going to do that regardless of whether legal
13 services corporation has a meeting or not.

14 MR. UDDO: We are about out of time. I think
15 everyone's probably weary at this point. I think we are going
16 to adjourn. I thank you all for a lively participation.

17 MS. BOZELL: Excuse me. We have one announcement.
18 Because we changed the meal situations, the payment for the
19 meals today, the money that you were advanced if you don't use
20 it for ground transportation or for meals during this whole
21 conference, please understand that you have to return the
22 balance.

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1 If you use it, just put it down on your expense
2 reports the way we explained. If you don't, please understand
3 that that means --

4 MR. DURANT: The weight of your opinion will be
5 determined on how much you return. (laughter)

6 MS. BOZELL: Also, tomorrow we are going to be in a
7 different room. This is going to be used for a wedding. We are
8 going to be in the North Room which is in the Conference
9 Building which I'm told is across this next street.

10 (Whereupon, at 5:10 p.m., the Legal Services Client
11 Self-Help Conference was adjourned.)

12

* * * * *

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