

182

**RETURN TO CORPORATION
SECRETARY ARCHIVES FILE**

**LEGAL SERVICES CORPORATION
300 Virginia Avenue, S. W.
Washington, D. C. 20024-2751**

BOARD OF DIRECTORS MEETING

**Loews L'Enfant Plaza Hotel
Monet II Room
480 L'Enfant Plaza, S. W.
Washington, D. C. 20024**

June 26, 1987

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

182

LEGAL SERVICES CORPORATION
300 Virginia Avenue, S. W.
Washington, D. C. 20024-2751

BOARD OF DIRECTORS MEETING

Loews L'Enfant Plaza Hotel
Monet II Room
480 L'Enfant Plaza, S. W.
Washington, D. C. 20024

June 26, 1987

Diversified Reporting Services, Inc.

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

I N D E X

	Page
Report by Michael Wallace	9
Report by Pepe Mendez	13
Report by John Bayly	14
Report by Basile Uddo	50
Report by Robert Elgin, Wayne Braul and Eric Hagerstraum	53
Report by Allen Rogers	74
Report by Mario Gaboury	100
Report by Dan Taubman	113
Report by Tom Sponsler	128
Report by Dan Rathbun	138
Report by William Beardall, Martha Bergmark and Ralph Abascal	160

MOTIONS:

page 3
page 5
page 6
page 9
page 12
page 26
page 46
page 49
page 70
page 110
page 121
page 144
page 145
page 149
page 177
page 180

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

P R O C E E D I N G S

1:35 p.m.

PRESENT: Hortencia Benavidez, Lorain Miller, LeaAnne Bernstein, Michael B. Wallace, Pepe J. Mendez, John H. Bayly, Jr., Robert A. Valois, Claude G. Swafford, Thomas F. Smegal, Basile J. Uddo, Paul Eaglin and W. Clark Durant, III, Chairman.

CHAIRMAN DURANT: The Board Meeting of the Legal Services Corporation will resume at 1:40 o'clock p.m. We will begin this portion with the invocation from Claude Swafford.

MS. SWAFFORD: Let us bow our heads. Our Gracious Heavenly Father, we thank You for Your many blessings. We ask Your Presence today in our midst. We ask Your Spirit to prevail.

We ask You to bless our land. We ask You to cause us to be Your servants and work for justice and peace and for help to the poor. Keep us in Your care, guide us and direct us and give us wisdom in all of our actions and cause us to glorify You. In Your name, we ask it.

CHAIRMAN DURANT: Amen. The first item on the agenda is the approval of the agenda. Is there any discussion?

MR. WALLACE: There is, Mr. Chairman. Let me get my copy out. Mr. Chairman, I would propose, given time this

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 afternoon and the lengthy nature of this agenda, that the
2 agenda be amended to bring Item 12, "Report on Pending
3 Legislation" to become essentially Item 4a, right after
4 approval of the minutes.

5 Let me explain why. In addition to the particular
6 bills on which our views have been solicited as a Board,
7 reauthorization is pending. At the last Board Meeting, a
8 resolution was adopted on the existence and structure of the
9 Corporation which is relevant to the reauthorization bill. I
10 think that these matters are of major importance. We ought to
11 get to them first thing and get Congress our views on this
12 subject.

13 I am just not sure we are going to get anywhere near
14 Item 12 before we all get out of here tonight; so, I would move
15 to amend the agenda accordingly.

16 CHAIRMAN DURANT: Is there a second?

17 MR. MENDEZ: Second.

18 CHAIRMAN DURANT: Any other discussion?

19 MR. BAYLY: Mr. Anderson is going to be here for that
20 discussion. I will see that he gets over here.

21 MR. WALLACE: Let me amend my amendment, then, and
22 let's put it right after the two Committee reports. That ought

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 to give him time to get over here. If my seconder would
2 approve that?

3 CHAIRMAN DURANT: Does that make if 6a?

4 MR. WALLACE: It would make it 6a, I guess.

5 CHAIRMAN DURANT: Any other discussion?

6 (No response.)

7 CHAIRMAN DURANT: All those in favor, signify by
8 saying "aye".

9 (A chorus of ayes.)

10 CHAIRMAN DURANT: Opposed?

11 (No response.)

12 CHAIRMAN DURANT: So carried. Let me make a note
13 here. Mr. Bayly, if you will see that Mr. Anderson is here?

14 MR. BAYLY: Yes.

15 MR. MENDEZ: Mr. Chairman, I would also like to change
16 9 and 10; reverse the order on those two.

17 CHAIRMAN DURANT: Okay, do you do that in the form of
18 a motion?

19 MR. MENDEZ: I move that we rotate 9 and 10.

20 MR. WALLACE: I will second.

21 CHAIRMAN DURANT: Any discussion?

22 (No response.)

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 CHAIRMAN DURANT: All those in favor, signify by
2 saying "aye".

3 (A chorus of ayes.)

4 CHAIRMAN DURANT: Opposed?

5 (No response.)

6 CHAIRMAN DURANT: So moved and so carried. Any other
7 comments or motions on the agenda?

8 (No response.)

9 CHAIRMAN DURANT: Is there a motion to accept the
10 agenda as amended?

11 MR. WALLACE: So moved.

12 MR. MENDEZ: I second.

13 CHAIRMAN DURANT: Any discussion?

14 (No response.)

15 CHAIRMAN DURANT: All those in favor, signify by
16 saying "aye".

17 (A chorus of ayes.)

18 CHAIRMAN DURANT: Opposed?

19 (No response.)

20 CHAIRMAN DURANT: The ayes have it. The next item on
21 the agenda is the approval of the March 21st minutes. I will
22 give you a second to take a look. Are there any comments or

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 changes?

2 MR. MENDEZ: Mr. Chairman, on page 18 -- never mind,
3 that is fine.

4 MR. SMEGAL: I have two suggestions for changes. On
5 page 8, the paragraph in the middle of the page.

6 CHAIRMAN DURANT: Page 8?

7 MR. SMEGAL: Page 8, numbered page 8. Following my
8 comments, Mr. Durant, what I would introduce at that point
9 would be the following: "Chairman Durant expressed an interest
10 in the Corporation exploring the possibility of such
11 assistance."

12 CHAIRMAN DURANT: Is this on the immigration?

13 MR. SMEGAL: Right. The prior sentence says: "It was
14 his belief the Corporation might be able to assist in community
15 education and pro bono activities." I have looked at the
16 transcript, Clark, and the transcript indicates that you
17 expressed a similar interest at that point.

18 CHAIRMAN DURANT: Can that be by unanimous consent?

19 MR. BAKER: May I just get the wording of that?

20 MR. SMEGAL: Yes, "Chairman Durant expressed an
21 interest in the Corporation exploring the possibility of such
22 assistance."

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 CHAIRMAN DURANT: Okay, Tim?

2 MR. BAKER: Yes.

3 CHAIRMAN DURANT: Is that accepted by unanimous
4 consent?

5 (No response.)

6 CHAIRMAN DURANT: So done. Any other comments or --

7 MR. SMEGAL: On page 9, there is a big paragraph in
8 the center: "Following discussion, a voice vote was taken on
9 the motion and it passed." I would like the minutes to reflect
10 that I voted in the negative; so, I would propose that the
11 period be changed to a comma, "with Mr. Smegal voting in the
12 negative."

13 CHAIRMAN DURANT: Did you check the transcript?

14 MR. SMEGAL: Yes.

15 CHAIRMAN DURANT: Can that be done by unanimous
16 consent?

17 (No response.)

18 CHAIRMAN DURANT: Hearing no objection, it is done.
19 Tim, did you get that?

20 MR. BAKER: Yes.

21 MR. SMEGAL: Thank you, Clark.

22 CHAIRMAN DURANT: Is there anything else?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 (No response.)

2 CHAIRMAN DURANT: May I have a motion for the approval
3 of the minutes?

4 MS. MILLER: I make the motion.

5 CHAIRMAN DURANT: Is there a second?

6 MS. BENAVIDEZ: I second it.

7 CHAIRMAN DURANT: Any other discussion?

8 (No response.)

9 CHAIRMAN DURANT: All those in favor, signify by
10 saying "aye".

11 (A chorus of ayes.)

12 CHAIRMAN DURANT: Opposed?

13 (No response.)

14 CHAIRMAN DURANT: The minutes are approved. The next
15 item on the agenda is the discussion and action on the
16 recommendations of the Ops and Regs Committee. Mr. Wallace?

17 MR. WALLACE: Thank you, Mr. Chairman. I would
18 appreciate it if the General Counsel was here. I am pleased to
19 have the representative from General Counsel's office, Suzanne
20 Glazow, who has worked on the regulations that were adopted
21 with amazing unanimity this morning in record time.

22 The first of these are amendments to Part 1602 of our

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 regulations. They are amendments to the Freedom of Information
2 Act. The Freedom of Information Act was amended in 1986. The
3 Office of Management & Budget has submitted model regulations
4 for all federal entities covered by the Act. We are covered by
5 the Act. Our regulations which the General Counsel's office
6 has drafted essentially track the OMB model.

7 There was one amendment which the Committee adopted
8 this morning as a result of comments received from the
9 Department of Justice. I believe most of you have been given a
10 copy of that. It is an amendment to Part 1602.3(f) of the
11 regulation. You will find that section on page 69 of your
12 Board book, and you will find the amendment in the handout
13 which you have received.

14 Essentially, at the suggestion of the Department of
15 Justice, we amended the regulation to provide more specificity
16 in determining when we will waive charges for research under
17 the FOIA. So, the Committee report is that this Board should
18 adopt the provisions of Part 1602 as printed in your Board
19 book, with the exception of Part 1602.3(f). That text has been
20 handed out to you separately.

21 The regulation, as amended, was approved by my
22 Committee and is before the Board for its adopting. Now, Ms.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 Glazow, before I be quiet, I will ask you if I have covered the
2 waterfront on the regulation or is there anything else the
3 Board should be made aware of.

4 MS. GLAZOW: No, I think that pretty well takes care
5 of it.

6 MR. WALLACE: There was very little public comment on
7 this, Mr. Chairman, and I think it will probably be accepted by
8 acclamation, but that is -- we are in your ball park now.

9 CHAIRMAN DURANT: Is there any other comments or
10 discussions on it?

11 (No response.)

12 CHAIRMAN DURANT: Can we accept it by unanimous
13 consent?

14 (No response.)

15 CHAIRMAN DURANT: Hearing no objection, so accepted.
16 Is there anything else in your report, Mr. Wallace?

17 MR. WALLACE: It really is in the nature of a report,
18 Mr. Chairman. The Corporation has published an amendment to
19 Part 1611, which is the eligibility level. We are required to
20 set eligibility at 125% of the poverty guidelines. We do not
21 establish the poverty guidelines. The Health & Human Services
22 Department does so; so, we really have do discretion on this.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 When they set new poverty levels, we multiplied them by 125%
2 and printed the new regulation.

3 It has been printed as a regulation as an accomplished
4 fact. We do not have to adopt it, but it was our Committee's
5 recommendation this morning that the Board ratify and approve
6 the amendment to our regulations which has already gone into
7 effect. That is our report, and we believe the Board should
8 act favorably thereon.

9 CHAIRMAN DURANT: Do you want a motion to accept that?

10 MR. WALLACE: I think that Committee report requires
11 no motion, but the report is that Part 1612 should be approved?

12 CHAIRMAN DURANT: 1612 or 1611?

13 MR. WALLACE: I am sorry -- 1611 should be approved as
14 printed in the Federal Register and as reproduced in the
15 Board book. I move it.

16 MR. MENDEZ: Second.

17 CHAIRMAN DURANT: Any other discussion?

18 (No response.)

19 CHAIRMAN DURANT: All those in favor, signify by
20 saying "aye".

21 (A chorus of ayes.)

22 CHAIRMAN DURANT: Opposed?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 (No response.)

2 CHAIRMAN DURANT: So done.

3 MR. WALLACE: That completes my Committee's report,
4 Mr. Chairman.

5 CHAIRMAN DURANT: Thank you, Mr. Wallace. Mr. Mendez?

6 MR. MENDEZ: Mr. Chairman, this morning we had a
7 meeting of the Audit and Appropriations Committee. We
8 discussed the Mid-Year Budget, took essentially no action --
9 just going through the remaining unencumbered balance, advising
10 where it was. At that time, we determined that there was a more
11 current operating budget worksheet dated May 31. That has been
12 delivered to the Board at this time. At this time, Mr.
13 Chairman, I am just reporting that we have that.

14 There is only one area where we will be taking any
15 action -- well, there are two areas where we will take action
16 today, based on information generated during the later
17 portions; and those will be under the "Training Development &
18 Technical Assistance".

19 I expect that, depending on the Board's final
20 determination of the reports, that we will expend all of those
21 funds; and under the "Unallocated Reserve" under "Management &
22 Administration", that all of those funds will be expended,

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 based on the agenda. That is the report.

2 CHAIRMAN DURANT: You do not need a motion or
3 anything?

4 MR. MENDEZ: No, nothing -- we are just advising you.

5 CHAIRMAN DURANT: The next item is then, pursuant to
6 the amended agenda, the report on pending legislation.
7 Mr. Bayly?

8 MR. BAYLY: I see Mr. Anderson has come into the room,
9 Mr. Chairman. I wonder if he might not appear before you so
10 that he can supplement whatever I have to say. There are two
11 pieces of information that are pending, that are of interest, I
12 believe, to the Board of the Corporation.

13 The first is Senate Bill 267, which was introduced by
14 Senator Humphrey. That bill would amend the Legal Services
15 Corporation Act to make permanent prohibition that has appeared
16 in recent funding or appropriation measures. It would prohibit
17 the use of Corporation funds -- I am quoting from the proposed
18 legislation -- "to provide legal assistance with respect to any
19 proceeding or litigation which relates to abortion."

20 We have been asked to supply our comments on this
21 proposed legislation, and I, in turn, would propose to the
22 Board that I report to you at your next meeting in respect

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 to what the Corporation staff's experience has been in
2 implementing or seeking to insure compliance with the
3 previous prohibitions concerning the matter of litigation
4 and abortion.

5 MR. MENDEZ: Did he advise us how soon he wanted
6 to have this information?

7 MR. VALOIS: I would like to know what the status
8 of it is and if there is some need for the Board to give a
9 comment today, just do it. It is short enough and
10 straightforward. What is the status of this?

11 MR. ANDERSON: It is currently pending in the Labor
12 Committee.

13 MR. VALOIS: Have there been any hearings scheduled?

14 MR. ANDERSON: There have been no hearings scheduled,
15 and as far as I know, they have no plans to move on it in the
16 near future.

17 MR. WALLACE: Mr. Chairman, I have no objection to
18 awaiting a report on this. Congress is about to go out on
19 recess, and I do not think we are going to miss anything if we
20 do not proceed now. I do think that if we do decide to defer
21 action on this until the August meeting, we ought to inform the
22 Labor Committee immediately that the Board has considered it

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 and has requested a report and that we will get them a report
2 before they come back from Labor Day. I think they ought to be
3 told what we are doing on it, in any event.

4 MR. MENDEZ: I agree, and I would request that a copy
5 of that communication that is sent to them be forwarded to the
6 Board. I would like to have that done within the next week.

7 CHAIRMAN DURANT: Ms. Bernstein?

8 MS. BERNSTEIN: Just as a clarification -- the way
9 that this is structured here, it would be as an amendment to
10 the Legal Services Corporation Act which expired in 1980.

11 CHAIRMAN DURANT: It would be an amendment to the Act
12 -- yes.

13 MR. WALLACE: Is it -- well, I do not know. My
14 understanding is that the Act is permanent law. There has been
15 no authorization to expend funds for purposes authorized by the
16 Act. I think there is a different between law and
17 authorization, but I stand to be corrected.

18 MR. ANDERSON: No, I believe that is correct that the
19 Act itself is permanent law. Authorization is something
20 different -- yes.

21 CHAIRMAN DURANT: We have been spending money under
22 the Act without authorization since 1980.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. ANDERSON: That is correct

2 CHAIRMAN DURANT: Mr. Bayly?

3 MR. BAYLY: There is another piece of legislation
4 which was introduced by Senator Roth. That is Senate Bill 683,
5 and that would amend the Migrant and Seasonal Workers
6 Protection Act. It is of interest to this Board because
7 several features of the proposal reflect some concerns that
8 this Board had previously about litigation or at least
9 differences between growers and migrant and seasonal workers.

10 Senator Roth's bill, as I understand it, provides, at
11 least in pertinent part, for both an exhaustion of
12 administrative remedies before the instigation of civil
13 litigation, as well as a provision that would shift fees
14 against or to be paid by the losing party.

15 On page 82 of the Board book, you will see a brief
16 precis of those provisions prepared by Mr. Anderson. If the
17 Board thought it had any questions at this time, I am sure Mr.
18 Anderson or myself would try to answer them for you; but I
19 thought that is something you should be made aware of.

20 MR. VALOIS: For the record, what is the status of
21 this, Mr. Anderson?

22 MR. ANDERSON: Again, it is in the Committee on Labor.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 To my knowledge, they have no plans to proceed with it. No
2 hearings have been scheduled, and none are anticipated in the
3 near future.

4 MR. WALLACE: Mr. Chairman?

5 CHAIRMAN DURANT: Mr. Wallace?

6 MR. WALLACE: I do not have any objection to
7 proceeding with this legislation the same way we did with the
8 last one. I will let the staff know and I will let the Board
9 know what my own view is -- because I will push it vigorously
10 when we get the report -- is that there is no reason to single
11 out the migrants for special treatment.

12 It seems to me that anybody that is sued with our
13 money ought to have some form of relief, and it seems to me the
14 relief ought to be the standard set forward by the Equal Access
15 and Justice Act. It is a well-established piece of
16 legislation, well understood and applies to everybody in the
17 government but us, as far as I can tell.

18 I think this is a nice piece of legislation as far as
19 it goes, but I would go farther and I would apply the well-worn
20 standard of the Equal Access Act. The staff, of course, may
21 have a different recommendation, but that is a point I am going
22 to push when we consider it in August.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 CHAIRMAN DURANT: Mr. Bayly?

2 MR. BAYLY: Is it the sense, Mr. Durant, of the Board
3 that the staff report to you on whether or not we recommend
4 that the Corporation comment on this legislation? As I
5 understand it from Mr. Anderson, we have not received an
6 invitation to comment; but, perhaps, you would like to appear
7 as friend of the Congress and submit something?

8 MR. WALLACE: On which bill?

9 MR. BAYLY: On the second bill, on Senate 683.

10 MR. WALLACE: I am sorry -- I thought we had a letter
11 from the Labor Committee on this bill, as well.

12 MR. BAYLY: I am sorry -- I must have left you with
13 that impression. We only were asked to express comments on the
14 first; I am sure we can express them on the second. I am sorry
15 -- I must have left you with that mis-impression. We did
16 receive a request to submit comments on the first, 267; but, as
17 I understand it, unless I am --

18 MR. ANDERSON: No, I believe your understanding is
19 correct.

20 MR. BAYLY: We have not received anything, but 683.

21 MR. MENDEZ: I thought I saw communication from
22 Senator Roth, indicating that he wanted to have comments from

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 us.

2 A PARTICIPANT: Yes, I thought so, too -- I am pretty
3 sure.

4 MR. MENDEZ: One was from the Labor Committee.

5 CHAIRMAN DURANT: Why don't we do this. I think we
6 have never been shy in giving our opinions on things. Why
7 don't we --

8 MR. MENDEZ: It is my understanding that Senator Roth
9 asked us to do on the other one -- on 683, he asked us; and on
10 267, the Committee asked us.

11 CHAIRMAN DURANT: Mr. Valois, you had a --

12 MR. VALOIS: It is a subject that we have discussed
13 and we have had a Committee report on and the Provisions
14 Committee has studied and we have taken great quantities of
15 comment, written and oral, on this very subject. We continue
16 to be followed around the country by groups of farmers and farm
17 organizations and farm workers and farm workers organizations.
18 It is an area on which we all have an opinion.

19 Just very briefly, my recollection is that although we
20 felt somewhat hamstrung because of the various parts of the
21 legislation in requiring arbitration, mediation, conciliation,
22 this, in effect, is an attempt to cure that deficiency. I

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 certainly would like for the Corporation to go on record as
2 supporting it. If Michael wants to carry it further, that is
3 up to him; but I think the proposed legislation certainly goes
4 part way in curing some of the problems we have heard about for
5 quite sometime.

6 If the Committee wants to hear the Board's opinion,
7 then, I would certainly advocate we give such an opinion at our
8 next meeting.

9 MS. SWAFFORD: Don't I remember that at the meeting in
10 Florida, we voted to use some of these methods and then we were
11 advised it was -- and I was convinced that it was illegal under
12 the Act -- so that would help us to do what we tried to do as a
13 Board?

14 MR. VALOIS: Yes.

15 MS. SWAFFORD: I just wanted to clarify that.

16 MR. MENDEZ: If we could have all of the reports back
17 from the staff on this, I think it would be fair to state that
18 a good majority of the Board at present would support 683,
19 based on all of our testimony; but you may want to have
20 positions pro and con on each one of these.

21 MR. BAYLY: Mr. Mendez, if it is agreeable, I will ask
22 the staff to prepare a report on Senate 683, as well as on

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 Senate 267.

2 MR. MENDEZ: Because it is my recollection that
3 Senator Roth asked us to make comments. I, unlike some of the
4 others, if they do not ask me, I do not give it. It is my
5 recollection that he asked us.

6 CHAIRMAN DURANT: Anything else, Mr. Bayly, on that?

7 MR. BAYLY: I guess I would also like to mention that
8 on June 9th of this year I appeared before the House Judiciary
9 Subcommittee on Court Civil Liberties and the Administration of
10 Justice. Following my appearance, immediately following it,
11 there was a mark-up on the 2553, which is the authorization
12 bill for the Legal Services Corporation. That was reported to
13 the House Judiciary Committee, and that authorizes the
14 expenditure of up to \$325,000,000 for 1988, Fiscal Year 1988.

15 I will have to turn to Mr. Anderson to ask him what
16 the present status of that measure is.

17 MR. ANDERSON: It has been reported to the full House
18 Judiciary Committee. So far, that Committee has taken no
19 action.

20 MR. BAYLY: May I ask as well, Mr. Anderson, if you
21 would say a few words about the appropriations process?

22 MR. ANDERSON: Yes, sir. The Appropriations Committee

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 has just finished marking up State, Justice, Commerce
2 Appropriations Bill. It, of course, includes our appropriation
3 at a level of 305.5 million, and it carries the same riders,
4 conditions, limitations and so on from the 1986 and 1987
5 Appropriations Bills.

6 MR. BAYLY: Mr. Chairman, the text of the House's very
7 first bill appears on pages 89 and 90 of the Board book. I do
8 not think, beyond that, I have anything further to submit in
9 this respect.

10 MR. WALLACE: Mr. Chairman, I have -- pardon me.

11 CHAIRMAN DURANT: Mr. Smegal?

12 MR. SMEGAL: I have something that I think is germane
13 to this, but since your --.

14 MR. WALLACE: I will proceed at the Chair's pleasure.
15 I am going to tell you what it is that I want to do; then, the
16 Chair can determine how and under what circumstances we do it.

17 CHAIRMAN DURANT: Hold on. Yours is related
18 specifically to what?

19 MR. SMEGAL: Mine is related to yesterday's
20 Washington Post. There was an article entitled, "Maryland
21 Moves to Head Off Suits by Poor". If I read this article
22 correctly, it appears that those of our grantees in the State

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 of Maryland who in addition to receiving money from the Legal
2 Services Corporation receive state funds, it appears they are
3 going to be prohibited -- if the Governor is successful in his
4 effort -- prohibited from representing people with Legal
5 Services Corporation money that they are authorized to under
6 the current Act.

7 I am concerned about that, and I would like to have
8 Mr. Bayly to tell us -- not now, but at some point -- either
9 what effect this will have and/or if it will have an adverse
10 effect on our grantees; what we might do to respond to
11 Governor Schaefer.

12 CHAIRMAN DURANT: Mr. Bayly, would you put that down?

13 MR. BAYLY: Yes, I am familiar with that article, and
14 I will be happy to report to the Board at the next meeting.

15 CHAIRMAN DURANT: Mr. Wallace?

16 MR. WALLACE: Mr. Chairman, on the subject of
17 reauthorization, as the members of the Board know, I sent a
18 letter to Chairman Kastenmeier; you all received copies of it.
19 It related to an issue raised in our Senate appropriations
20 hearing, as to whether or not this Corporation has been
21 independent -- in fact, whether it ought to be an agency like
22 any other federal agency or whether it ought to stay as it is.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 I think, as I said in that letter -- and I think it is
2 a fair representation of our hearings -- Senator Rudman
3 indicated he thought we were not independent; we should be a
4 federal agency like any other. I am happy to say that I am in
5 full agreement with those views.

6 I had indicated that I would make a proposal to this
7 Board at this meeting that we endorse those views because I
8 think it is consistent with what I have learned, anyway, in the
9 three years I have been here.

10 I have talked to other members of the Board, and I
11 have a different motion to make that would involve a study
12 commission to determine whether there are structural changes to
13 the Corporation in the delivery of legal services that ought to
14 be made. As we said a few minutes ago, we have not been
15 authorized to spend money in seven or eight years. We
16 obviously are a controversial outfit with a difficult mandate
17 to carry out.

18 It may be time to reconsider whether there is common
19 ground that we can all reach that can improve the position we
20 are in. So, I will offer a fairly open-ended motion with a
21 fairly open-ended charge for a commission to evaluate that
22 situation.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 It seems to me that that motion is inconsistent with
2 the motion adopted at the end of the last meeting, opposing any
3 effort to replace or abolish this Corporation. It was made
4 after the close of business, during the public comment period;
5 so, I had no opportunity to offer a substitute at that time.

6 I think the proper thing to do -- if somebody would be
7 kind enough to move to reconsider that motion -- I will be
8 delighted to offer my motion as a substitute.

9 MR. MENDEZ: Mr. Wallace, since I was voting with the
10 majority at that time and was very instrumental in having that
11 approved, I do not feel at all constrained -- especially after
12 reading about the comments of Senator Rudman -- I am very
13 interested in seeing what we can do to run this more
14 efficiently and see what Senator Rudman has in mind and
15 specifically request that we contact Senator Rudman in that
16 regard.

17 At this time, I would move that we reconsider the
18 motion which was previously passed, that we reconsider the
19 motion to abolish or replace the Legal Services Corporation.
20 I would make that motion.

21 MR. WALLACE: Second.

22 CHAIRMAN DURANT: Any discussion?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. EAGLIN: Yes. Mr. Wallace, I do not see the
2 reason for proceeding as we are right now. As I understood
3 what you discussed with me this morning -- as I understood that
4 and as I recall what we did in Ashville, I do not see that
5 inconsistency requiring the motion now.

6 MR. WALLACE: In Ashville, we opposed any effort to
7 replace or abolish this Corporation. It is the sense of my
8 motion that we ought not to oppose that. In fact, we ought to
9 explore it. We are not committed to making replacement; we
10 are not to opposed to making a replacement; we are committed to
11 exploring improvements in good faith.

12 I think that once you have gone on record as opposing
13 something, it is hard to study it with an open mind. I would
14 like to get us off record as opposing it and then get us on
15 record as exploring the possibilities. That is why I think the
16 two things are inconsistent with each other and we ought to
17 just clear the decks and start over.

18 MR. EAGLIN: I do not think that they are
19 inconsistent. I am satisfied with the vote that I gave in
20 Ashville. As I said to you this morning, I am willing to look
21 at the question of how we ought to reconstruct that. I do not
22 think they are necessarily inconsistent.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 CHAIRMAN DURANT: Ms. Bernstein?

2 MS. BERNSTEIN: In Ashville, I abstained from that
3 vote, and I abstained for a reason of trying to uphold the
4 Board's integrity as a fiduciary body. We all took oaths to
5 uphold the law and that is what we are bound to do under our
6 fiduciary responsibilities. It is not our responsibility as a
7 Board to be making resolutions advising this group or that
8 group that they ought to be doing different things.

9 We have the responsibility to uphold the Act, to
10 enforce the Act; and it is not our responsibility to be setting
11 up commissions, to be setting up advisory committees, to be
12 proposing a structure for the Corporation as a Board.

13 I applaud Senator Rudman's opening and his evidence
14 that he is aware of some of the problems that the current
15 structure of the Corporation provides. I applaud each Board
16 member's right to bring their experience as a Board member to
17 the attention of whatever officials in whatever capacity in
18 terms of giving them the benefit of their opinion.

19 But there is a great difference between that and
20 taking a Board vote that we should be setting up or authorizing
21 an advisory committee to give a recommendation for the
22 structure of the Corporation. That is truly in the Congress'

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 prerogatives. What we have to do as a Board is carry out
2 whatever the mandate of Congress is.

3 In fact, on the legislation -- and I did not bring
4 this up on the two bills that are before us -- but I think it
5 is entirely proper for the individual Board members to respond
6 to those pieces of legislation, but I think it is improper for
7 the Board as a whole to recommend a change to our law or a
8 change to other laws as a corporate entity because that is our
9 function. It is not in our fiduciary duty.

10 I think that we diminish our independence as a Board
11 and the integrity of the Board whenever we stray aside and
12 start trying to do things which fall outside the capacity. I
13 intend to abstain from this vote as well because I think the
14 resolution, the motion, is out of order -- should not even be
15 considered by this Board.

16 CHAIRMAN DURANT: Mr. Valois?

17 MR. VALOIS: I am in support of both the proposition
18 as I understand it that Mike intends to advance and, of course,
19 the preliminary proposition which Mr. Mendez has raised. It
20 seems to me LeaAnne that, with all due respect, we simply
21 disagree on this.

22 Hopefully, we have acquired some more knowledge -- at

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 least I think I have acquired more knowledge now than I had
2 three years ago about the operation of Legal Services
3 Corporation. I think it is entirely proper for us, either on a
4 basis unsolicited or solicited, to give our advice if we think
5 there is a better to do this thing.

6 As I understand what Mike is suggesting is not that we
7 ask some commission to come up with any particular design -- in
8 fact, if he moves it that way, I will oppose it -- but I have
9 no problem about supporting the creation of a commission to see
10 if there is not a better way to advance the interest of Legal
11 Services Corporation.

12 As you know, in our discussions we have talked in
13 terms of -- I have not yet read Senator Rudman's remarks. If
14 his idea is that it be an agency of some department, that is
15 fine. He is entitled to have that view. I do not know whether
16 I agree with him or not. If it should be an independent agency
17 outside the Executive branch, maybe, that is fine. Whether, as
18 I suggested it might ought to be at the administrative of the
19 courts.

20 Somebody needs to take a look at that. To simply
21 close our eyes and say: Either this existing Corporation is
22 perfect and cannot be improved upon or there is better a way

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 and it is this with five commissioners, one from each party or
2 whatever. I just do not think anybody here is able to say
3 exactly what shape and form this Corporation or its purpose
4 should have in the future.

5 That is why I am perfectly willing to support, as Mike
6 has described it -- an open-ended study commission to come up
7 with a better way if there is one. If there is not, then, we
8 will have to debate that when we get their report -- if we get
9 their report.

10 CHAIRMAN DURANT: Mr. Smegal? Just a second, I
11 promised Mr. Smegal. Mr. Smegal?

12 MR. SMEGAL: It is certainly a rare day when I can say
13 to you that I agree with everything that LeaAnne said. In
14 addition to that, though, I think while Mike has stated his
15 position quite clearly, I think Senator Rudman's position has
16 not been articulated quite so clearly.

17 I was at the particular congressional hearing, as was
18 Mike and and Mr. Durant and John Bayly, and I do not know
19 whether I heard Senator Rudman saying or Mr. Wallace as saying.
20 I intend to go a little further than LeaAnne has indicated. I
21 will not abstain; I will vote in the negative.

22 CHAIRMAN DURANT: Ms. Bernstein?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MS. BERNSTEIN: I would just like to respond to what
2 Bob said because I do not want him to misunderstand my position
3 regarding being blindly in the belief that this Corporation is
4 perfectly structured as it is. I do not think anybody in this
5 room would ever accuse me of holding that belief; but I am an
6 individual Board member, and my belief, based on my experience,
7 as to what might be better or what the questions that have to
8 answered and the questions that we should continue to pose to
9 Congress and say: You have got to address this problem because
10 I am not positive that the situation that we are in right now
11 is addressing this problem the best that it can.

12 I think that is entirely appropriate, but I think it
13 is inappropriate for us to be making a recommendation as a
14 Board to Congress about the structure of the Corporation and
15 acts that go to it. The reason I am abstaining, Tom -- and I
16 certainly appreciate your support -- is that I think a negative
17 vote would indicate that I do not believe that the questions
18 ought to be explored. I think the questions ought to be
19 explored, but I do not believe that we are in a position and I
20 do not see where it falls in our fiduciary duty to be
21 appointing or authorizing some sort of a study commission for
22 this purpose.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. SMEGAL: We are in full agreement. I agree with
2 you -- not by us. Maybe, they should be studied --

3 MS. BERNSTEIN: I think possibly Congress can appoint
4 this if they are interested in it. We can participate on an
5 individual basis if we want to promote these things, but I have
6 a real problem with the Board getting out of the ambit that it
7 has in terms of its responsibilities.

8 MR. VALOIS: I do not think it has been proposed yet
9 -- the exact shape of this commission. I would agree with you.
10 If the commission were to be composed of the members of this
11 Board only, I would oppose it. I do not think we are the best
12 ones to examine our own selves. I think it would require some
13 people, frankly, from other parts of this business. As to who
14 they are and what interests they represent, I am not prepared
15 to say because we have not even gotten to Mike's motion yet.

16 I think there are people who can take a fresh look at
17 the entire structure, be they professors or people from the
18 field or lawyers or judges or educators or whatever they are --
19 I do not know, and that is yet to be determined. LeaAnne, if
20 you are asking me to agree with you that we cannot restructure
21 the Board and we cannot tell Congress how to restructure the
22 Corporation, I absolutely agree with you.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 CHAIRMAN DURANT: Mr. Mendez?

2 MR. MENDEZ: Clark, I want to address one concern and
3 make sure that I go on record as stating that I think it is our
4 fiduciary duty to examine the alternatives to make sure that we
5 deliver legal services in the most efficient manner possible
6 with largest bang for the buck.

7 MS. BERNSTEIN: That is what our Provisions Committee
8 does.

9 MR. MENDEZ: May I finish, LeaAnne? And that is the
10 reason why I want to have this study so that we could always
11 deliver things in the very most efficient manner. As I see my
12 duty, it is not only to look at every dollar spent in the past
13 but all the immediate future dollars. If we can deliver more
14 money to the poor with less expense, that is what I believe
15 this ought to be doing.

16 CHAIRMAN DURANT: Mr. Wallace?

17 MR. WALLACE: Mr. Chairman, let me say that I believe
18 it is important for us to come to a conclusion as a Board
19 because it is only in acting as a Board that we can be heard
20 and that we can have any effect -- good or ill. Chairman
21 Kastenmeier was kind enough to request views of the Corporation
22 on the Reauthorization Bill. It is not the case of our

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 volunteering unsolicited advice.

2 The Chairman of the Subcommittee considering the
3 shape, structure and future of this Corporation has asked for
4 our views. As our understand the request that was conveyed to
5 Mr. Bayly, he specifically did not want to hear from individual
6 members of the Board. He did not a parade of eleven separate
7 viewpoints brought before him. He wanted Mr. Bayly to appear
8 and to represent the Corporation and to give Congress the
9 benefit of the Corporation's best judgment, acting with due
10 fidelity to its fiduciary duties.

11 I think Mr. Bayly was in a very difficult position
12 when he was asked to do that because this Board does set policy
13 for the Corporation; this Board has not established policy as
14 to whether current structure is perfect or whether certain
15 changes ought to be made.

16 As I gather both from talking to Mr. Bayly and from
17 reading the write-up of it in the PAG newsletter, there was
18 some sense that Mr. Bayly was evasive in his answers to
19 questions. I think Mr. Bayly could hardly have been anything
20 else, given that he does not set policy and that this Board has
21 not set a policy.

22 I think he was entirely proper in attempting to convey

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 the various views of various Board members, but, frankly, that
2 did not seem to be satisfactory to the Committee, nor should it
3 be satisfactory to the Committee.

4 Congress has set us up, has funded us and has charged
5 us with the governance of this organization, and I think
6 Congress is entitled to the best conclusion that this Board as
7 a group can draw from its experience. I believe that is what
8 we have been asked for. I believe that is what we ought to
9 provide.

10 I am not here to push any particular conclusions right
11 now, but I am here to push the study of the question so that
12 the next time Congress asks for our views, we can have
13 something to tell them. I believe we ought to vote for the
14 motion to reconsider and for the substitute motion to set up a
15 commission.

16 MS. BERNSTEIN: Where is the money going to come from?

17 CHAIRMAN DURANT: Just a second, Ms. Bernstein. Mr.
18 Eaglin?

19 MR. EAGLIN: Mike, I agree with the notion that we can
20 respond to this, do this in response to the pending
21 appropriations for authorization legislation; but I do not
22 think we need to reconsider the vote at Ashville. At least, as

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 I said, I am satisfied with my vote at Ashville, and I think
2 that I am not being inconsistent in saying that I am willing to
3 look at this study with you.

4 Unfortunately, it puts me the position of having to
5 voting against it, although, as I told you this morning, I am
6 supportive of looking at this question of how should we be
7 structured if that is what we will need.

8 CHAIRMAN DURANT: Ms. Bernstein?

9 MS. BERNSTEIN: Where is the money going to come from
10 for this advisory committee?

11 MR. MENDEZ: We have funds available in the
12 "Unallocated Reserve" in "Management & Administration".

13 MS. BERNSTEIN: I have a real problem in understanding
14 why this is not something that would be done under the auspices
15 of our Provisions for the Delivery of Legal Services Committee.
16 That is what, in fact, we study all the time.

17 MR. VALOIS: Because, LeaAnne, I do not think that
18 this is something which only Board members should be looking
19 at. I really and truly think it is much better to get other
20 people, in addition to ourselves, to try to plot the future
21 course. If only Board members are going to do it, I would vote
22 against it. I have said that. I do not think we are the best

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 ones to design some future structure for Legal Services
2 Corporation.

3 MS. BERNSTEIN: Who would you envision being on such
4 an advisory committee?

5 MR. MENDEZ: In the first place, I think that
6 appointment decision has to be made -- the form of it -- but I
7 suspect there are professors out there; I suspect there are
8 people in the field out there who could be of benefit. I
9 suspect there may be some bar leaders who would have some
10 ideas. I do not know the answer, but we do not have any
11 monopoly on knowledge about Legal Services Corporation.

12 MS. BERNSTEIN: I have never said that we did, but my
13 concern is that we, as a Board, operate under a charter and
14 under a set of procedures and an organizational structure. I
15 am not sure delegating something that we could not do ourselves
16 in terms of recommending a structure is possible.

17 MR. MENDEZ: May I?

18 CHAIRMAN DURANT: Mr. Mendez?

19 MR. MENDEZ: I will not support any change until I
20 know for sure what it is and make a determination in my own
21 mind that it is better than what we have got -- until I make
22 that determination -- but I also think that we are under an

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 obligation to look at it and see, especially in view of the
2 comments that Senator Rudman had.

3 I think that our duty -- LeaAnne, I disagree with you.
4 I think our duty as fiduciaries of this Corporation would not
5 be met unless we, in fact, did explore this, especially in view
6 of the comments of Senator Rudman. We all know here he has
7 been our champion and watchdog.

8 MS. BERNSTEIN: Exploring the questions of the
9 provisions of the delivery of legal services is our duty.
10 Setting up a commission to suggest a different structure to us
11 and delegating that to an advisory board is not something that
12 is.

13 CHAIRMAN DURANT: Mr. Uddo?

14 MR. UDDO: I have two problems. One is I need a
15 clarification because I was not in Ashville. I share some of
16 Paul's concerns. I am hesitant to vote to undo that motion,
17 especially since I do not even know what it said.

18 MS. BERNSTEIN: Here it is. Here is the motion right
19 there.

20 MR. UDDO: That is very general. I mean it says it
21 does not support the abolishment or replacement of Legal
22 Services Corporation. If that is all it says, then I think

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 Paul is right. I do not think that voting for a commission
2 implies that we do support abolition or replacement of the
3 Corporation; so, I would be hesitant to undo that vote because
4 I think that it has a certain symbolic value that I would not
5 want to undermine. I do not see that it is inconsistent to let
6 that motion stand and support Mike's motion; so, I would take
7 that position on undoing the earlier motion.

8 The second thing is I think we are a long way away
9 from being able to vote on Mike's motion because I sense a real
10 misunderstanding and disagreement about what this commission
11 would look like. If it is a commission of Board members, I
12 would vote against it, too. In fact, I do not think any Board
13 member, save maybe one -- even in a non-voting capacity as a
14 liaison -- should be on the commission.

15 I think it should be a group of independent people
16 from various segments of the legal services community --
17 organized bar, eligible clients, field people and people who
18 are critical of the existing structure; but I think we need a
19 lot more clarification about what it is that is being proposed
20 before we can consider voting on it.

21 MR. WALLACE: May I read what I will propose,
22 Mr. Chairman?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 CHAIRMAN DURANT: Sure.

2 MR. WALLACE: The resolution will be: "That the
3 Chairman of the Board be authorized to appoint a commission to
4 consider proposals for improvements in the structure of the
5 Legal Services Corporation and the delivery of legal services
6 to the poor. The Chairman is directed to insure the inclusion
7 of a broad spectrum of views on the commission, including
8 interested individuals and representatives of interested
9 governmental and private groups."

10 I do not think it is appropriate to list all the
11 groups that we want to have on there because we may overlook
12 somebody, but I think you, Mr. Uddo, have stated the sort of
13 people that we want to have. I think if we do not have that
14 sort of people on the commission, the commission will not be
15 worth having because it will not have any credibility with us
16 or anybody else.

17 I agree with you that this should not be a rubber
18 stamp for the Board or anybody else. It ought to be a
19 good-faith effort to see where we can go from here in an
20 organization that has not been reauthorized since 1978.

21 MR. UDDO: Could I just ask one question?

22 CHAIRMAN DURANT: Mr. Uddo?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. UDDO: Is your proposal that that commission be
2 appointed by the Chairman, subject to the approval of the
3 Board? I would like to see the composition of the commission
4 before we just say, "Whatever Clark appoints, we are prepared
5 to live with." Not that I do not trust Clark, but I would like
6 to see what the commission looks like.

7 MR. WALLACE: I have no objection to that, Mr. Uddo.
8 Most committees are generally just appointed by the Chairman,
9 but I would be delighted to have the Chairman attempt to
10 assemble a commission and present it to us at our next Board
11 meeting for this Board's consideration.

12 MR. UDDO: I would prefer to do that just so that we
13 all have a clear sense of what sort of commission it is and
14 representation will be on it and comfortable that it is the
15 kind of commission we are all talking about.

16 CHAIRMAN DURANT: I would support that.

17 MS. SWAFFORD: Let me ask you a point there. You are
18 not suggesting that no member of this Board be on the
19 commission; are you?

20 MR. UDDO: I think that no more than one member of the
21 Board need be on it.

22 MS. SWAFFORD: I do not think that is right. If we

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 are saying that it is our responsibility to provide some
2 leadership, which LeaAnne says it is not our responsibility --

3 MS. BERNSTEIN: That is not what I said, Claude.
4 Please do not take things out of context.

5 MS. SWAFFORD: All right, let me -- just a minute.
6 Bob says that -- and this is not to say that I entirely agree
7 with that -- we have been at it three years; surely, we ought
8 to know something about it. A lot of people would differ with
9 that assessment.

10 MR. VALOIS: I thought I said that.

11 MS. SWAFFORD: Well, all right.

12 MR. VALOIS: I agree with that.

13 MS. SWAFFORD: I think that we are in a position to
14 know something about it, and I just cannot see going along with
15 saying that the members of this Board should be eliminated from
16 such a commission.

17 MR. UDDO: I do not think they should be on the
18 commission participating in the decision, but I would imagine
19 that the commission would have some sort of hearings and ask
20 Board members to come tell them what their experiences are and
21 what they think.

22 MS. SWAFFORD: You are not saying that no member of

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 this Board should be on such a commission?

2 MR. UDDO: My preference would be no more than one
3 Board member as more of a liaison to the commission, rather
4 than have three or four people from the Board. I mean there
5 several people on the Board who have already indicated that
6 they have specific views as to what the conclusion should be,
7 and I think that affects the credibility of the commission.

8 I think it would be better for this commission to be
9 independent and have an occasion for Board members to appear
10 before them and tell them why it should be "Structure A" rather
11 than "Structure B", and then let the commission make the
12 decision.

13 MR. VALOIS: What I think I have said -- if I can
14 misquote myself accurately -- is that I would be opposed to a
15 commission wholly comprised of members of this Board. I think
16 it is a good idea, frankly, for a couple members -- three, I do
17 not know what the number is and I do not know how big the
18 commission is either -- to be on the board for the reasons that
19 Claude has cited.

20 MR. UDDO: I am willing to wait until the next meeting
21 to see what Clark appoints, but my inclinations are that we
22 should not have really Board representation on the commission.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 I think that the Board can get its views to the commission
2 through other ways than being on it, but let's see what Clark
3 appoints. I am willing to do that. We would ultimately, I
4 guess, accept or reject the commission's report, anyway.

5 A PARTICIPANT: That is right.

6 MR. EAGLIN: Or modify it.

7 MR. UDDO: Or modify it.

8 MR. EAGLIN: It would be our report.

9 MR. UDDO: I would rather let the commission be sort
10 of more independent of the Board, myself, but I am willing to
11 vote for Mike's motion and see what Clark appoints and then in
12 August make a decision.

13 MR. MENDEZ: Let's vote on this thing.

14 CHAIRMAN DURANT: The first motion on the table is Mr.
15 Mendez' motion. Mr. Eaglin?

16 MR. EAGLIN: This is to reconsider the action?

17 CHAIRMAN DURANT: This is to reconsider.

18 MR. EAGLIN: No, I vote "no" to reconsider.

19 CHAIRMAN DURANT: Mr. Uddo?

20 MR. UDDO: No.

21 CHAIRMAN DURANT: Mr. Smegal?

22 MR. SMEGAL: No.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 CHAIRMAN DURANT: Ms. Swafford?

2 MS. SWAFFORD: Yes.

3 CHAIRMAN DURANT: Mr. Valois?

4 MR. VALOIS: Yes.

5 CHAIRMAN DURANT: The Chairman votes "yes".
6 Mr. Mendez?

7 MR. MENDEZ: Yes.

8 CHAIRMAN DURANT: Mr. Wallace?

9 MR. WALLACE: Yes.

10 CHAIRMAN DURANT: Ms. Bernstein?

11 MS. BERNSTEIN: Abstained then; I abstain now.

12 CHAIRMAN DURANT: Ms. Miller?

13 MS. MILLER: No.

14 CHAIRMAN DURANT: Ms. Benavidez?

15 MS. BENAVIDEZ: No.

16 CHAIRMAN DURANT: It is a tie; so, the vote fails.

17 MR. WALLACE: May I, Mr. Chairman, be recognized to
18 offer an independent resolution?

19 CHAIRMAN DURANT: Please do.

20 MR. WALLACE: I move: "That the Chairman of the Board
21 be authorized to appoint, with the advice and consent of the
22 Board, a commission to consider proposals for improvements in

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 the structure of the Legal Services Corporation and the
2 delivery of legal services to the poor. The Chairman is
3 directed to insure the inclusion of a broad spectrum of views
4 on the commission, including interested individuals and
5 representatives of interested governmental and private groups."

6 CHAIRMAN DURANT: Is there a second?

7 TWO PARTICIPANTS: Second.

8 CHAIRMAN DURANT: Any discussion?

9 MR. SMEGAL: I am sorry -- let me make sure I
10 understand the motion. Mike, did it include the requirement
11 that the board make-up be brought back to this full Board in
12 August?

13 MR. WALLACE: Yes, it says, "with the advice and
14 consent of the Board".

15 CHAIRMAN DURANT: Any discussion?

16 (No response.)

17 CHAIRMAN DURANT: All those in favor, signify by
18 saying "aye".

19 (A chorus of ayes.)

20 MS. BERNSTEIN: Could we have a roll call vote,
21 please?

22 CHAIRMAN DURANT: Mr. Eaglin?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. EAGLIN: Yes.

2 CHAIRMAN DURANT: Mr. Uddo?

3 MR. UDDO: Yes

4 CHAIRMAN DURANT: Mr. Smegal?

5 MR. SMEGAL: No.

6 CHAIRMAN DURANT: Ms. Swafford?

7 MS. SWAFFORD: Yes.

8 CHAIRMAN DURANT: Mr. Valois?

9 MR. VALOIS: Yes.

10 CHAIRMAN DURANT: The Chairman votes "yes".

11 Mr. Mendez?

12 MR. MENDEZ: Yes.

13 CHAIRMAN DURANT: Mr. Wallace?

14 MR. WALLACE: Yes.

15 CHAIRMAN DURANT: Ms. Bernstein?

16 MS. BERNSTEIN: Abstain.

17 CHAIRMAN DURANT: Ms. Miller?

18 MS. MILLER: Yes.

19 CHAIRMAN DURANT: Ms. Benavidez?

20 MS. BENAVIDEZ: No.

21 CHAIRMAN DURANT: The motion carries on a vote of 8 to
22 and 1 abstention.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. MENDEZ: Mr. Chairman, I move that we allocate
2 \$75,000 out of the "Unallocated Reserve" of "Management &
3 Administration" to fund this.

4 MR. WALLACE: Mr. Chairman -- if I may ask Mr. Mendez
5 to belay that for a minute -- I think when the Chairman and the
6 President report back at the next Board meeting as to who is
7 going to be on this commission, they may have a proposal to
8 finance it at that time. I do not know how much it is going to
9 be, but I think that it would be appropriate at the next Board
10 meeting to say this is the committee and this is its budget.

11 MR. VALOIS: Pepe, I would like to see some kind of
12 budget outlay.

13 MR. MENDEZ: All I am telling you, then, is do not
14 spend "Unlocated Reserve".

15 MR. VALOIS: I second that.

16 CHAIRMAN DURANT: Mr. Wallace, anything else under 6a?

17 MR. WALLACE: I do not have anything further.

18 CHAIRMAN DURANT: Any other Board member?

19 (No response.)

20 CHAIRMAN DURANT: The next item on the agenda is a
21 report from the Committee on the Provision of Legal Services.

22 MR. VALOIS: The full Committee does not have a

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 report, not having met; however, Mr. Uddo has requested an
2 opportunity to give us a brief report on his work.

3 MR. UDDO: It will be very brief. The Subcommittee
4 that is dealing with "National and State Support" did meet in
5 New Orleans on March 7 and took quite a bit of testimony from
6 mostly field people and some people from the support center on
7 "National and State Support".

8 We are still in the midst of going through some of
9 that material, but where we stand now is that we believe we
10 have gathered a good deal of information about the general
11 level of support and nature of support by the people who use
12 the support centers and the people in the support centers.

13 I have proposed and we are scheduling an additional
14 round of hearings in San Francisco at the time that the ABA
15 will be meeting in San Francisco -- specifically, August 6th
16 and 7th -- at which time, I think, we will take some additional
17 testimony and try to tailor it more to what I think is the
18 shift in focus of the Subcommittee and that is, for lack of a
19 better phrase, a functional analysis of "National and State
20 Support" -- to begin to ask questions about the various
21 functions that "National and State Support" serve.

22 Obviously, from the first round of hearings and what

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 we know, there are a number of different functions that
2 "National and State Support" serve: publishing, training,
3 co-counseling, telephone counseling, providing expertise,
4 expert witness selection, research, case review -- a variety of
5 functions.

6 My thought is that this next round of hearings will
7 invite people who will speak to those various functions and as
8 to whether or not certain of those functions cannot be improved
9 upon; if there cannot be some consolidation of certain
10 functions; some greater use of technology to consolidate some
11 of those functions; and to get some testimony from people who
12 are not part of the LSC-funded support apparatus who might make
13 suggestions about their ability to provide certain of those
14 functions. That is the nature of the hearings we hope to hold
15 on August 6th and 7th in San Francisco, and we will send out
16 appropriate notices and invite all interested parties to
17 testify at that time.

18 CHAIRMAN DURANT: Thank you, Mr. Uddo. Ms. Bernstein?

19 MS. BERNSTEIN: I just wanted to state for the record
20 -- this meeting or this hearing was set without checking with
21 several Board members' schedules. I am told by Mr. Uddo that
22 there will be no votes taken at that particular hearing, but

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 that he said he would do what he could to arrange for
2 videotaping of the testimony so that any of the Board members
3 who have conflicts in their schedules that were not considered
4 would be able to get the benefit of the information that is
5 brought forward prior to the next time the Board meets.

6 MR. UDDO: I apologize, LeaAnne, for the lack of
7 discussion. It was -- frankly, John and I in the course of
8 conversation sort of ad hoc made the decision that it would be
9 good to have it in conjunction with the ABA meeting out there,
10 and that sort of limited the timeframe. Then, I deferred to my
11 own schedule to some extent to pick the two days that we did.
12 So, I apologize for that, but I have already discussed with Tim
13 the possibility of arranging videotaping; and there will be no
14 votes taken. There are no action items on the agenda. It is
15 strictly another round of testimony.

16 MS. BERNSTEIN: I think the videotaping will work well
17 for those of us who are unable to attend.

18 CHAIRMAN DURANT: Transcripts are not sufficient?

19 MS. BERNSTEIN: I think that for something like this
20 when we are talking about training and so forth, it may be
21 useful to have the entire presentation.

22 CHAIRMAN DURANT: Anything else, Mr. Uddo?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. UDDO: No.

2 CHAIRMAN DURANT: Mr. Valois?

3 MR. VALOIS: Nothing further.

4 CHAIRMAN DURANT: The next item on the agenda are the
5 comments on the "Computer Assisted Legal Research" report. Mr.
6 Bayly, who do you have?

7 MR. BAYLY: Mr. Chairman, Dr. Gaboury, Dr. Braul and
8 Mr. Elgin. I believe, are here. They are ready to present a
9 report or that is to say, the comments on the CALR report.

10 Mr. Elgin, why don't you introduce yourself and your
11 colleagues to the members of the Board, as well as to the
12 audience?

13 MR. ELGIN: Good afternoon, I am Robert Elgin, Staff
14 Economist with the Division of Policy & Development of Legal
15 Services Corporation. With me are Dr. Wayne Braul, Policy
16 Analyst with the Division and Eric Hagerstraum, a consultant
17 with the LSC Division of Information Systems.

18 Our purpose before you is twofold. First, Dr. Braul
19 will summarize and provide a response to comments made by the
20 Computer Assisted Legal Research programs on the Triton study.
21 Secondly, I will follow up with a staff recommendation to
22 implement Option III as set forth in that study. Eric is here

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 to answer any technical questions you might have concerning the
2 CALR system.

3 DR. BRAUL: My name is Wayne Braul, a policy analyst
4 in the Office of Policy Development. Pursuant to your request,
5 the CALR grantees were offered an opportunity to respond to the
6 CALR studies conducted by the Triton Corporation. In turn, the
7 CALR grantees submitted a response under the letterhead of
8 Steve Brown of the Greater Upstate Law Project.

9 My purpose today is to discuss these comments on a
10 point-by-point basis. I shall try to keep my comments brief.
11 A written response is presented in the Board book, pages 31-42.

12 As an overview of the response, let me say the primary
13 emphasis of the CALR grantees is on the continued need for the
14 current configuration of CALR support. The only changes
15 recommended are an expansion of the current system through
16 additional centers and funding.

17 It should be noted that there is no system to expand
18 in that sense. The Triton study points out centers have
19 evolved individually without reference to a central plan or
20 theme. Each program began as a demonstration project and
21 developed independently into a sort of support center; hence,
22 there is no particular goal to be obtained through expanding.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 the current system.

2 The points raised by the CALR grantees are as follows:
3 One, CALRs are needed to provide computerized legal research
4 to field programs that do not have direct access and are
5 unlikely to obtain it in the near future. To look at this, you
6 have to look at it in terms of opportunity costs or the
7 foregone alternatives. What must be foregone so that the CALRs
8 can receive funding?

9 In this case, the opportunity costs are field programs
10 funded at lower levels than will be possible without the
11 existence of the CALRs. The potentially higher funding levels
12 for the field could be used to enhance computer proficiency and
13 facilities of the local programs. Given the present trends in
14 legal research, it is imperative to push the field into service
15 with computers.

16 Lexis and Westlaw have both developed extensive
17 databases; and, in addition, there has been software developed
18 for more efficient law office management and just management in
19 general. The Triton study demonstrates the importance of these
20 innovations in technology for legal research. Reliance on CALR
21 systems may not be the most efficient allocation of resources
22 for legal research. These middlemen operations are becoming

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 fast technologically outmoded, and it is time to push onto
2 inhouse capabilities for the field.

3 The second point -- CALR should be made available to
4 small, largely rural programs that cannot afford direct access.
5 The concerns here are similar to the concerns raised in the
6 first comment, and the response entails similar reasoning.

7 An important question is why these small programs
8 cannot afford computerized legal research. This may due in
9 part to the fact that funds to the field are foregone in favor
10 of monies allocated to support, training and CALR programs.
11 Also, diparities in the present funding formula reduce the
12 funds available to these small programs.

13 The Triton study suggests a maximum flexibility in the
14 design of research apparatus for individual field programs, and
15 such an approach would allow the smaller programs to design
16 their own consortia of computerized legal research
17 configurations.

18 The third point -- CALR grantees are responsible for
19 providing service more efficiently to programs with low usage
20 levels. The questions here involves individual field programs.
21 If there insufficiencies resulting in a low usage level, then,
22 these inefficiencies arise within the field program office.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 There is no way that an outside, external solution is going to
2 cure any inefficiencies that do exist within a field office.

3 The solution ultimately rests in a more efficiently
4 law office, and CALRs do not alter the internal structure of
5 legal aid office. Alternatively, low usage may, in fact, be an
6 optimal usage level. The local legal aid office is far more
7 capable of determining its needs for any particular research
8 requirements, and it is therefore necessary to allow the field
9 to determine its own needs for legal research and will have put
10 the funding levels and decisions at the field level.

11 The fourth point -- CALR grantees integrate their
12 services with other state support services in two areas with a
13 large number of legal aid programs -- that is, New York and
14 California. There is little evidence to suggest that this is
15 efficient. The present system results in duplication of
16 services with CALRs and state support centers providing similar
17 services.

18 It would be better to reduce the need for outside
19 experts by increasing the proficiency of the program staff and
20 the capability for performing inhouse legal research on a
21 case-by-case basis. Furthermore, CALR grantees engage in
22 manual library research, which is a service already provided by

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 the state support centers and the national support centers.
2 Not only are these services redundant, but they are very poor
3 substitutes for an effective and efficient staff of attorneys
4 at the local level. The fifth point -- CALR grantees are to
5 provide technical assistance and training to assist field
6 programs in the transition for its computerized legal research.
7 This is an important function which may require an initial
8 outlay of funding; however, once proficiency is established,
9 the cost savings in acquiring legal information would far
10 exceed any start-up costs.

11 However, it is important to emphasize that this does
12 not mean that the present system should be maintained or
13 expanded. A shift towards more emphasis on training and a
14 mandated transition period would be a more efficient
15 alternative. Funds should be located to take advantage of the
16 technological innovations of the computer industry.

17 It is important to realize that the training provided
18 by the software and database retriever companies is a sorely
19 neglected source of training. Contractual agreements with
20 these companies include training provisions whereby
21 representatives of these companies offer courses for new users,
22 as well as providing customer support services. Training such

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 will permit a more customized training, more aptly suited to
2 the individual circumstances of a field program.

3 The sixth point is the grantees stress the importance
4 of maintaining the National Briefbank, as well as developing
5 new private libraries to meet state needs. A well-maintained
6 briefbank may be useful, but this does not rely upon the
7 continued existence of the CALR grantees.

8 Westlaw and Lexis provide efficient libraries with
9 cases catalogued from the major reporters. Moreover, the LSC
10 private Briefbank has a very low rate of usage, as well as a
11 low rate of submission. Only 27% of the respondents in the
12 Triton study claim to use the LSC private Briefbank; and of
13 this group, 97% use the service only one to five times
14 annually.

15 If it is deemed that a special library is necessary
16 for poverty law, it may be more efficient to have Lexis or
17 Westlaw add such a line to their existing services. Field
18 programs with inhouse computer facilities would be able to
19 develop their own briefbanks; and through networking with other
20 field programs, it would be possible to develop briefbanks at
21 the regional and state levels.

22 In addition to these comments, CALR grantees made the

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 following recommendations:

2 One, the grantees state that LSC should examine the
3 current alignment of regional services in their areas to
4 determine whether service can be improved without disrupting
5 valuable working relationships. The Triton study demonstrated
6 a disparity between regions established for CALR grantees and
7 the actual distribution of legal services. CALR grantees
8 suggest a closer examination of the field for purposes of
9 redefining services areas.

10 The Triton study goes further, stating that regional
11 and state CALR programs may not be the preferred future
12 configuration. The study supports the view that the long-term
13 goal of computerize legal research should be maximizing inhouse
14 capabilities of the field. Restructuring and expanding the
15 current CALR system does not move toward this goal of inhouse
16 capabilities.

17 Right now there are 100 to 150 programs that do have
18 direct access capabilities which is nearly one-half of the LSC
19 grantees. In addition 55 of these programs have Lexis
20 accounts and 70 programs have Westlaw accounts. This is the
21 trend that should be encouraged by the LSC.

22 The second recommendation is CALR grantees request

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 that LSC authorize the regional CALR centers to provide free or
2 reduced cost searches as compatible with their existing funding
3 levels. The fact that searches are subsidized will increase
4 the demand for the services at the CALR centers, insuring the
5 present configuration of strong constituency among the field
6 programs.

7 Subsidizing CALR search services fosters dependency on
8 the present configuration which, according to this study, is
9 not the most efficient delivery system, given technology as it
10 is developing today. The longer this dependency continues, the
11 more technologically out-of-date the field programs become and
12 the harder the transition will be once it is finally made.

13 The third point is the LSC is being urged to provide
14 additional funding for the development of briefbanks at the
15 state and local levels, as well as restructuring the National
16 Briefbank at the National Clearinghouse. Given the usage
17 levels of the current system, the present configuration does
18 not appear efficient. As mentioned earlier, Lexis and
19 Westlaw may be able to organize the briefbanks more
20 efficiently, due to their economies in both scale and scope.
21 If the briefbanks are reorganized, such options must be
22 examined.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 The fourth point is LSC should renegotiate its
2 contracts with Lexis and Westlaw. It is important to get
3 the cheapest rates that we can, and on this point I will defer
4 any questions to Eric Hagerstraum, who is a lot more familiar
5 with the billing techniques.

6 The fifth point is LSC should consider awarding CALR
7 grants to additional state support centers. Given the
8 constraints of the current system, this may be an effective way
9 to handle the transition towards inhouse computerized legal
10 research. Rather than creating new CALR grantees, simply
11 allocate these services to state support centers while the
12 field programs become more proficient in their own inhouse
13 capabilities.

14 The sixth point is the LSC should establish a clear
15 and consistent line authority for the CALR program. To
16 facilitate the transition, this is an important objective.

17 The move towards inhouse computerized legal research
18 will require a close working relationship between the LSC, the
19 CALR grantees and the field programs themselves. However, the
20 relationship must be understood to be that of a transition.
21 Eventually, the CALR grantees must yield to the new, improved
22 technologies in the field of legal research.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 The delivery of legal services to the poor is the
2 ultimate goal of the LSC; and with the current trends in legal
3 research, it appears that inhouse computerized legal research
4 is the most effective support tool in achieving that goal.
5 Thank you.

6 CHAIRMAN DURANT: Any questions from the Board?
7 Mr. Valois?

8 MR. VALOIS: On page 48 of the Board book which
9 discusses Option III, or am I going beyond what we have spoken
10 to?

11 CHAIRMAN DURANT: I think that is in the next --

12 MR. ELGIN: That is probably in the next session.

13 MR. VALOIS: I will hold it.

14 CHAIRMAN DURANT: Mr. Smegal, you had a question?

15 MR. SMEGAL: Yes, you made reference -- and I guess
16 you were reading from pages 39 and 40 -- that a 100 to 150
17 field programs have direct access capabilities. Are you
18 talking about computer capability?

19 MR. BRAUL: Right, inhouse computer facilities.

20 MR. SMEGAL: If a program has more than one office,
21 how does that fit into your stats? Are we talking about 100
22 computer programs?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. ELGIN: It is according to the funding level,
2 which is the program itself.

3 MR. SMEGAL: You could have counted in your statistics
4 of this 100 to 150 a program that has one computer among 4, 5,
5 6, 8 offices?

6 MR. BRAUL: That is correct.

7 MR. SMEGAL: Spread across the state?

8 MR. BRAUL: Yes.

9 MR. VALOIS: This may be premature because nobody has
10 even designed this system which I assume comes in the proposal
11 stage, but isn't it possible that for that remote legal
12 services office that has one attorney and one secretary/para-
13 legal/receptionist/bookkeeper/janitor and utility person --
14 that two-man office -- isn't it possible that a wire can be run
15 or a telephone line used between that location and some more
16 central location?

17 MR. ELGIN: That is possible.

18 MR. SMEGAL: With some sort of equipment hooked to the
19 telephone line?

20 MR. VALOIS: Yes, that is what you have with
21 Westlaw. You have a telephone line.

22 MR. SMEGAL: I understand that, but it seems to me we

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 are talking about doing something that the timetable here, when
2 we get to it, is six months. If you use the analogy that
3 nearly one-half of the LSC grantees have this capability
4 already, while, in fact, they do not. Maybe one office of a
5 hundred does or may be several offices.

6 We agreed to provide some computers here several years
7 ago. I do not even think they are up to speed yet, and that
8 has been several years now. There are programs out there that
9 cannot even use those because they have not got all the
10 equipment.

11 MR. ELGIN: We will deal with that, if we can, after I
12 have made my comments.

13 MR. SMEGAL: You can deal with that in six months?

14 MR. ELGIN: I am saying we can deal with your question
15 -- I would rather deal with it after I have made my comments.

16 MR. SMEGAL: Is there someone on the staff currently
17 responsible for CLR -- headquarters staff? Is there some who
18 has that title?

19 MR. ELGIN: There is no one on staff currently with
20 that title. I guess it is a shared responsibility right now
21 since we are in the process of a study. It is a shared
22 responsibility between the Office of Policy and Development and

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 the Division of Information Systems. We are working together
2 to put together this package for you now.

3 MR. SMEGAL: It is a pretty ambitious program for six
4 months. You do not even have the people on board to start the
5 process.

6 MR. BRAUL: We are here before you right now.

7 MR. VALOIS: Thomas, they are talking about putting
8 out proposals. I assume that whoever is bidding on this is
9 going to have -- hopefully, they are going have something --

10 MR. SMEGAL: They are talking about defunding CALR in
11 six months -- January, 1988. No more funding for CALR as of
12 January 1, 1988 -- six months.

13 MS. SWAFFORD: What did you say about the usage of it?
14 You mentioned in some instances there would be programs that
15 had not used it more than four or five times a year. I did not
16 get that.

17 MR. BRAUL: That was for the Briefbank at the
18 Clearinghouse. As far as computer access and direct line
19 usage, I did not give any figures for that. That is something
20 that we do have to encourage in the transition period is to get
21 programs more comfortable with using these searches and using
22 the capabilities of the computer that they do have.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MS. SWAFFORD: Why is it such a big job that it cannot
2 be done in six months?

3 MR. SMEGAL: We have had demonstration over the last
4 couple of years of jobs that the staff has given and they have
5 not done in two years. We have new people -- I have never seen
6 any of these people before. They are here, and they are
7 telling us that in six months they are going to replace a
8 program that has existed for several years. It is just an
9 impossible task. I do not believe it can be done.

10 MR. MENDEZ: May I ask a couple of questions here?
11 How are you going to get it done in six months? Would it be
12 fair to state that within the next six months you are going to
13 RFPs out?

14 MR. ELGIN: It would be fair to state that within, if
15 I recall my timetable which is at the end of your document,
16 that we spend the period between July 1 and August 1 developing
17 -- I am sorry -- updating our knowledge of the inventory of
18 hardware and software capabilities and that as of August 1, we
19 have a request for proposals that we send out and we expect in
20 by September 7th or 8th.

21 MR. MENDEZ: What kind of proposals are you talking
22 about?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. ELGIN: Proposals to provide training and
2 technical assistance and hardware and software capability
3 assistance over the period of transition.

4 MR. MENDEZ: Would you expect that those bids would
5 come in from the present CALR grantees?

6 MR. ELGIN: It is certainly open to all the current
7 CALRs and anyone else out there that can do it in an efficient,
8 timely manner.

9 MR. MENDEZ: Since I was out for a moment, this is the
10 third option of the Triton study?

11 MR. ELGIN: Right, that is part of Option III in the
12 Triton study. What we have done is outlined the option for you
13 in abbreviated form.

14 MR. MENDEZ: I just wanted to make sure.

15 MR. VALOIS: Didn't we vote in favor of Option III?
16 Did we take a Board vote?

17 MR. MENDEZ: No, I do not believe we did.

18 MR. ELGIN: I was not in Ashville.

19 MR. MENDEZ: We did not take a Board vote on that. I
20 had made it very explicit that that was what I was supporting.
21 We just did not take a Board vote.

22 MR. SMEGAL: The only thing that we have done, I

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 think, and page 31 reflects it -- we formally accepted the
2 report.

3 MR. VALOIS: Somewhere along the line, we gave -- or
4 Pepe gave the staff a preference, I think it was.

5 MS. BERNSTEIN: I would just like to make a couple of
6 comments. First, I do not think it is unrealistic at all to
7 presume that we can get this done within this timetable. The
8 other computer project that you were talking about, Mr. Smegal,
9 involved not only placement of computers but also involved a
10 case service reporting aspect which is a whole different
11 database that needed to be developed as well.

12 That was sent back several times because of
13 insecurities promoted by congressional questioning regarding
14 it. In other words, it would go forward one step, two steps
15 back waiting for some sort of direction or authorization
16 regarding reprogramming. As far as this going forward within a
17 six-month period, any major corporation in the country can get
18 staffed up with new computers and so forth in a matter of a
19 couple of months, including their proposals and the bidding
20 process, and get the training accomplished.

21 There are many computer companies and computer
22 software experts that are able to do this kind of support help

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 in order to get it done.

2 MR. MENDEZ: Mr. Valois, I assume that you are acting.

3 MR. VALOIS: I am acting. Proceed.

4 MOTION

5 MR. MENDEZ: I have a motion. I move that we adopt
6 the third proposal of Triton and use the "Proposed
7 Implementation Timetable" as contained on page 54.

8 MS. BERNSTEIN: Second.

9 MR. VALOIS: It has been moved and seconded that we
10 essentially adopt the staff report. Is there further
11 discussion?

12 MR. UDDO: I have a question. What if it cannot be
13 done in six months? What happens?

14 MR. ELGIN: We would have to adjust accordingly.

15 MR. UDDO: I appreciate that, but how? Would you keep
16 the current system intact? I mean could you keep the current
17 system intact at the last minute if it was obvious you were not
18 going to be able to do it? In other words, I think Tom's
19 question is if they are defunded as of January 1, 88, and it
20 does not exist anymore and you do not make it in six months,
21 then, there is a --

22 MR. ELGIN: It needs to be made clear that what is

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 happening during this six-month process is once the proposal
2 has been accepted and is out operating, that you have increased
3 usage. From the time that computers are up and running and
4 hooked up with Lexis and Westlaw accounts or in increasing
5 rates, then you have kind of a filling process.

6 There is a substituting mechanism going on over that
7 period. It is not like a night-and-day change. The services
8 will be increasing at some rate over that process. So, it is
9 not like we are going to be left with nothing January 1, 1988.

10 MR. UDDO: You are talking really about two months of
11 that because you do not even get past "review proposals and
12 make recommendations to Executive Office" until mid-September;
13 so, you are not actually going to be in that overlap transition
14 period until the earliest, October 1st.

15 MR. ELGIN: Remember, a lot of this process will be
16 taken care of by our office and DIS in the examination of
17 inventories out there and in the awarding of contracts for
18 hardware and software, potentially earlier. The training and
19 technical assistance is going to be the more lengthy aspect of
20 this process.

21 MR. SMEGAL: Is there a budget on this? What is this
22 going to cost? How many computers do you need?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. ELGIN: Eric, do you want to speak to the number
2 we have now?

3 MR. HAGERSTRAUM: We are not going to know how many
4 computers we need until we know how many computers we have out
5 in the field now that are not being --

6 MR. SMEGAL: Don't you need a study before -- don't
7 you have to go out and take a survey of your existing grantees
8 and see what they have got?

9 MR. HAGERSTRAUM: Precisely.

10 MR. ELGIN: That is what we propose to do there in the
11 first month. That is the first where we update our inventories
12 of hardware and software. That is to develop our RFP.

13 MR. SMEGAL: I missed that. Is that on your schedule?

14 MR. ELGIN: That is the first item -- "further
15 development of CALR transition plan".

16 MR. SMEGAL: That includes doing a survey and finding
17 out what they have got.

18 MR. HAGERSTRAUM: Keep in mind two things. One is
19 that we have sent out 250 computers to the field for that CALR.

20 MR. SMEGAL: How many of those are operating?

21 MR. HAGERSTRAUM: Our estimates are that 80% of them
22 are functioning but this is based upon a telephone survey. The

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 question is not too precise. The new CSR software that was put
2 on there obviously does not function because we are using the
3 new CSR. Whether or not the machine and its hardware as a PC
4 machine would serve the function of working into Westlaw or
5 Lexis is something that we have yet to determine, but that is
6 at least 80% of those machines would be able to carry out that
7 function.

8 I want to point out also that you do not need a
9 computer to continue CLR. You can rent machines from Westlaw
10 and from Lexis. The rental is \$65 a month, for instance, for
11 the machine from Lexis. That is a terminal that is simply
12 dedicated to it. You do not need a PC to do this. You can get
13 a machine which is simply something you plug into the phone
14 line, and it will have a little screen there or else print on a
15 sheet of paper.

16 We are not talking about putting another computer in,
17 necessarily.

18 MR. ELGIN: And the Lexis and Westlaw training
19 does come with the package.

20 MR. UDDO: I do not have any problem with the
21 proposal, just the time schedule.

22 MR. VALOIS: What are we proposing? Does the Board

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 have some suggestion to accommodate a failure to meet the
2 schedule? Is that the only thing that is holding us up?

3 MR. SMEGAL: I assume we are going to hear from the
4 public. I do not spend my time getting into these computer
5 bases, but there are a lot of people out here I am sure who do
6 and can tell us a little more about what we are talking about
7 here. Aren't we going to have a chance to hear from them?

8 MR. VALOIS: Of course, we have heard from them to
9 some extent in the past, and I assume we are going to today,
10 also.

11 MR. SMEGAL: We have a motion on the table, and it has
12 been seconded. What is your pleasure?

13 MR. VALOIS: Let me determine whom among the public
14 wishes to address this matter first, if anyone. Two folks,
15 three.

16 MR. ROGERS: Mr. Chairman, members of the Board, my
17 name is Allen Rogers. I am the Executive Director of the
18 Massachusetts Law Reform Institute which is a state support
19 center and one of the six CALR grantees.

20 Just a little background on the development of the
21 staff proposal, despite many requests by us for information
22 about and an opportunity to react to the staff proposal, the

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 first we saw it was this last Tuesday when we got the Board
2 book. I was mailed a separate copy by Mr. Elgin. He and I had
3 lots of discussions about that. He simply did not finish it
4 until very close to the time that he mailed it out. So, the
5 first time we got a chance to look at it was in fact on
6 Tuesday.

7 We met with Mr. Elgin yesterday while we were down
8 here in the afternoon to discuss the proposal and for them to
9 hear our views about what we thought about the proposal and the
10 timetable. We have lots of problems with it. We think it is
11 totally unrealistic for the Corporation to do what it proposes
12 to do on that timeline.

13 I would like to give you a little bit of detail on
14 that. I can go over a number of reasons why we think that.

15 MR. MENDEZ: What did you think would be a reasonable
16 time period?

17 MR. ROGERS: We also have some real doubt about
18 whether it really is going to serve the field programs best to
19 go totally to local program usage.

20 MR. MENDEZ: Answer the question that I asked you,
21 though.

22 MR. ROGERS: I think we would make an entirely

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 different proposal, and I can spell that out.

2 MR. MENDEZ: Answer the question that I asked you.
3 How long do you think it would take to transfer?

4 MR. ROGERS: My own personal view is that we will not
5 within a time I can foresee be in a position where all the
6 computer assisted legal research can be done by field programs.
7 I think you are always going to --

8 MR. MENDEZ: You are telling me that it cannot be
9 transferred to the Corporation in the next year?

10 MR. ROGERS: You would have to have some sort of
11 support resource or some sort of back-up resource to do
12 computer assisted legal research for a long time, in my view.
13 Now, I can spell it out and give you lots of examples of why
14 that it.

15 MR. VALOIS: Tell me why you do not think the field
16 attorneys can do the computer assisted legal research.

17 MR. ROGERS: There are a number of reasons for that.
18 Number one is a lot of the programs are small, and the offices
19 are small. In order to be able to do the research
20 proficiently, you have to have (a) the equipment in your
21 office.

22 Mr. Smegal brought up the point that we have a lot of

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 branch office in the programs. The only offices that I
2 understand got the computers that were given by the Corporation
3 are main offices. A lot of the offices do not have the kind of
4 equipment or have access to it without prohibitively high
5 costs. So, that is one potential barrier.

6 Again, to the timing -- mind you, our position has
7 been with the CLRs is that we ought to encourage local programs
8 to do this as much as possible. I do not think it is realistic
9 to think that a number of programs are going to be able to be
10 in a position to do this -- certainly within the timeframe we
11 are talking about and maybe not for some time.

12 The second thing is --

13 MR. UDDO: What do branch offices do now?

14 MR. ROGERS: Branch offices call the CALRs more
15 likely.

16 MR. UDDO: Could they call their main office?

17 MR. ROGERS: They could if they had somebody there who
18 was designated as a searcher and could do the same thing the
19 CALRs do within their own programs. In certain cases, that may
20 be possible. You have a large program with a large central
21 office and a number of branch offices, and it is possible that
22 you could have staff that fulfill that function.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. MENDEZ: Does the Corporation anticipate having
2 somebody that could call in and respond?

3 MR. ELGIN: In my remarks I state that the Corporation
4 should encourage either an in-headquarters call-in line or a
5 contractor who is available. Lexis and Westlaw currently
6 provide that service.

7 MR. MENDEZ: If we give you a statement that you have
8 to have it in the Corporation, I assume Mr. Bayly, that you will
9 have something?

10 MR. BAYLY: Well, if that is the way it goes, we
11 expect to try to provide something. (laughter)

12 MR. VALOIS: It is really something else first. The
13 first question, he is saying that the equipment is not going to
14 be available in all of the places where it should be if this
15 scheme is to be effective. Now, what do we say about that?

16 MR. ELGIN: It is our responsibility, I think, to
17 concentrate on our budget centers or the programs that we fund.
18 It is the individual programs or cost center, if you will, its
19 responsibility to allocate the resources among its branch
20 offices as it sees fit.

21 MR. VALOIS: He says it is up to you guys to buy it if
22 you want to buy one at 65 dollars a month.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. ROGERS: A lot more than that. Mr. Leonard can
2 explain.

3 MR. MENDEZ: But, it seems to me that if we have
4 somebody designated in the Corporation or somebody designated
5 someplace to do that, they can just call in from all the branch
6 offices to this particular number.

7 MR. ROGERS: Mr. Mendez, let me explain because that
8 is another issue and that is whether you could effectively run a
9 call-in service on a national basis within the Corporation or
10 anyplace else.

11 The survey that was taken that was part of the Triton
12 Study asked that question. They asked people to say where would
13 you think the best place is to have a call-in center. Only a
14 very, very small percentage, I think it was 3.5 percent of the
15 people, thought that one national call-in center was the best
16 way to do it.

17 Most of the people said either local or regional or
18 some combination of both was the best way to do it. That is
19 what the people were saying in response to that survey.

20 MS. BERNSTEIN: But, the point is that if we implement
21 and get it out to all the program grantees and have as a back-
22 up, or an emergency valve, a national call-in number, frankly

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 the usage of the CALRs does not indicate to me that that number
2 is going to be jammed.

3 MR. VALOIS: Basile's point is, of course, that they
4 will not be any worse off than they are now. If they do not
5 have them now they can only get in better shape.

6 MR. UDDO: They still have to pick up the phone and
7 call somebody whether it is the main office or Washington, they
8 still are going to call somebody.

9 MS. SWAFFORD: Is it going to be more complicated than
10 an 800 number that is on a national basis?

11 MR. ROGERS: I think it is a lot more complicated.
12 There is a lot more involved in doing a proficient search for
13 somebody than simply being on the phone in one place.

14 MR. VALOIS: Westlaw is open 24 hours a day.

15 MR. ROGERS: They do not provide -- Mr. Elgin
16 suggested that Lexis and Westlaw would have some sort of search
17 service. To my knowledge, they do not have that.

18 MR. ELGIN: I meant technical assistance. I needed to
19 make myself clear on that. I meant technical assistance, search
20 assistance, not the provision of a report. That is what I meant
21 in my report to the board.

22 MR. ROGERS: Our uniform experience, from people that

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 we have heard from, is that that kind of service at Lexis and
2 Westlaw, at most, can get over some technological difficulties
3 with the system but in no way is going to provide the kind of
4 help that people want.

5 Most of the people who need that kind of help call the
6 regional CALRs or other people who are familiar at the local
7 field programs because they know the system. They know the kind
8 of issues, the legal research they provide the use that we do and
9 there is a lot of specialized knowledge and background which you
10 have to have.

11 It cannot be done by somebody with generalized --

12 MR. UDDO: The CALRs people don't just send a report,
13 they don't just call up and say "research is forming" and then
14 they send them the research, do they?

15 MR. ROGERS: Yes.

16 MR. UDDO: They send them the whole report? They do
17 not have to do anything locally at all other than call?

18 MR. ROGERS: Well, oftentimes the local person has
19 done some manual research or has gotten some other materials
20 from some other places, may have read a few cases a head of time
21 and done some initial research into the problem, and then wants
22 a task done that would take that individual a lot of time to do,

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 and would be done much more quickly on computer.

2 Oftentimes -- again, I am trying to give you a feel
3 for what actually happens -- oftentimes the CALR program is
4 asked to do much more than simply do a search on the system. It
5 is asked to check with other people, perhaps in the same office,
6 because four of the six CALR programs are in state support
7 centers.

8 It is asked sometimes to follow up and do manual
9 research or to get access to library resources which the CALR
10 program may have in their office or close by, the remote office
11 in rural state such and such does not have available because
12 their law library resources are inadequate or they have to drive
13 20 or 30 miles in order to get to a law library.

14 We are talking about a lot of offices in Legal
15 Services and some of the people who are familiar with that can
16 speak to that.

17 MR. WALLACE: What you are really talking about is the
18 practice of law in a small town. I do not know lawyers who
19 represent to other side who are in any different condition than
20 what your worst fear is.

21 MR. ROGERS: If you can do better, you really ought
22 to, particularly in specialized areas of law like this where you

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 can take advantage of other knowledge, other resources, that
2 people have in other parts of the same state or whatever.

3 MS. BERNSTEIN: Absolutely. I think that is one of
4 the points that we need to bring out, is that after funding a
5 demonstration project, which was just that, a demonstration
6 project, six years ago.

7 We see that the usage of it is not enough to support
8 the expenditure. We also see that technology has advanced to
9 the place that all of our grantees can have access to this
10 directly and we do not need to fund it through some other
11 entity, and we go directly with the technology and the
12 technology from advances it goes.

13 To me, it is an incredibly simple proposition, but the
14 bottom line is that our grantees are going to be better off than
15 90 percent of the sole practitioners out there and I would say
16 better than half of all the law firms that are out there because
17 they do not have access to this.

18 MR. ROGERS: Let me -- this is, I am sorry to say, a
19 very complex subject. I want you to understand that it is and I
20 want you to understand the import of what you might be thinking
21 of doing.

22 First of all, you have to distinguish the computer

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 assisted legal research side of this from the brief bank side.
2 The brief bank is quite a different story and I think cannot be
3 handled on the same basis and really deserves some careful
4 thought. We can go into that in a lot of detail. We have had
5 some discussions with the people at the Corporation about that.

6 Focussing just for a moment on the search aspect, the
7 fact of the matter is that --

8 MR. VALOIS: Let me stop you. The brief bank, do you
9 all publish, do you index them? Do you have --

10 MR. ROGERS: There are two aspects to the brief bank
11 now. One is a national private library which is on Lexis and
12 Westlaw.

13 MR. VALOIS: Is there an index to all of those
14 documents published?

15 MR. ROGERS: No. There is not a --

16 MR. VALOIS: Wouldn't that be a good idea to tell
17 everybody what is in the brief bank and send them out
18 periodically?

19 MR. ROGERS: That has been done by the regional CALRs.
20 It has been done nationally through Clearinghouse as well.

21 MR. VALOIS: Then you do not need any CALR ability or
22 anything else if you want to find out what is in the brief bank.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 You go to the shelf, pull down the book, read the title and read
2 the monthly supplement, if you are going to send it our monthly.

3 MR. ROGERS: We do searches, of course, as part of the
4 other searches, but the thing that needs to be done is that
5 material needs to be collected, read, analyzed, abstracted and
6 then put into some sort of computer system.

7 That is what the CALRS do. We are collecting
8 documents, all sorts of documents produced by Legal Services,
9 almost all of which is not accessible through any commercial
10 system, and we are abstracting them, coding them, putting them
11 into the computer system. Then those abstracts can be retrieved
12 through computer-assisted legal research and people can get
13 access to briefs, documents, memos, unreported decisions that
14 they could not get access to any more. That is the private
15 access library.

16 The CALRs collect the materials. They send them to
17 Clearinghouse. Clearinghouse checks the codes, punches them in
18 -- well, takes them in the system and sends them off the Lexis
19 and Westlaw.

20 Those abstracts then go on-line, so they can be
21 searched with a literal word search system that is the same that
22 we do for computer-assisted legal research.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 Now, there is another aspect to this whole brief bank
2 system which has been developed recently by a number of the
3 CALRs and other programs. That is, local, private brief banks
4 of various kinds of decisions materials which would be done on a
5 local basis, on a program basis, a state basis, maybe a regional
6 basis.

7 We developed some software programs from that. We
8 developed some systems that are now in effect. There is a
9 pretty high front-end cost of developing the appropriate
10 software for that and for collecting the documents, once again,
11 because you have got high labor costs in collecting, analyzing
12 the documents, deciding which ones to select to put into the
13 system, and then abstracting them in some fashion so that you
14 can put them on the system and get access to them.

15 Now, that has enormous potential for Legal Services.
16 You can take, for example, a brief bank of a state-wide Legal
17 Services program which heretofore has been kept on a manual
18 basis and is very difficult to keep up. We all know the
19 difficulties you have with manual systems.

20 You can put those abstracts into the system, any you
21 can create a disk which has all of those abstracts on it, and
22 which you could not only access by calling somebody up, say

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 somebody at the state level, and getting all fair hearing
2 decisions of such and such an agency on such and such an issue,
3 but you can also transport the disk to other programs that have
4 the equipment. They can take the disk and use it and get access
5 themselves.

6 MR. MENDEZ: Are you trying to state that it would be
7 advisable for us to provide modems to all of the programs that
8 have computers?

9 MR. ROGERS: That is one part of this.
10 The point I am trying to make is that we have just
11 been developing of those --

12 MR. MENDEZ: But you would suggest that we provide
13 modems, whether or not we continue to CALR or not?

14 A PARTICIPANT: You would have to have modems in order
15 to tie into Westlaw or Lexis anyway.

16 MR. MENDEZ: Let me just ask you this question.

17 Let's assume that we kept CALRs. Would it be
18 advisable for us to have modems just so that one program can
19 communicate with another program and obtain the briefs from
20 another program?

21 MR. ROGERS: Yes. That is very important, it seems to
22 me. Now, all of this is just starting to be developed. My

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 point in doing this is this --

2 MS. BERNSTEIN: -- could it be in six years?

3 MR. ROGERS: No, I think what we ought to do is as
4 follows: Number one is, we ought to make a push to try to
5 encourage programs to do the computer assisted legal research
6 and some of the brief banking on their own. We agree with that.

7 We think it cannot be done and will not be able to be
8 done as nearly as quickly as the timetable suggests by the
9 staff.

10 What I would do is, I would do the survey, which Mr.
11 Elgin has suggested. I think it is probably going to take more
12 time than he says, but we ought to find out what equipment and
13 what facilities the programs have right now, analyze that and
14 see where we are.

15 Again, I pointed out that we have an enormous number
16 of branch offices. I think we have something like 1200 offices
17 and programs around the country. We are only talking about 250
18 computers that people have been given plus whatever else they
19 have on their own. I do not know what that means, but it seems
20 to me you cannot go anywhere without finding out what you have
21 because that is going to tell you whether it is realistic to
22 think that programs on a widespread basis are going to be able

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 to use the system on their own.

2 MR. VALOIS: My opinion is that if we wait until we
3 have a perfect system designed and in place before we do
4 anything, our grandchildren will be talking about this problem.
5 Let's hear from Bob Clyde.

6 MR. CLYDE: I can only respond that we too, from the
7 field grantee community, have just gotten the staff
8 recommendation as well. I think it is very premature.

9 We have recommended continued funding for CALR in the
10 FY 88 appropriation. I sit here on behalf of field grantees
11 urging that that be continued.

12 I have not heard anything that would lead us to
13 believe that this can all be accomplished and yet I think I hear
14 a recommendation to pull that funding from CALRs from 1988.

15 I can speak from my own experience, Mr. Valois. We
16 have two computers in our office, one of which was provided to
17 us by the Corporation in a first round of computer grants, a
18 hardware grant for a PC. It was for an accounting system. It
19 was an IBM PC and it was provided to enable us to do more
20 sophisticated accounting system work, but it was on a different
21 operating system.

22 We needed to expand. The PC was not useful for that

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 expansion. We shifted to an entirely different set of hardware
2 and kept ourselves on the operating system that had been
3 recommended by the Corporation, which is PIC operating system,
4 which is not capable of accessing Westlaw and Lexis.

5 Thus, I have in the main office our most functional
6 computer doing work that I cannot access into Westlaw and Lexis
7 or brief bank, such as Allen has been talking about.

8 MR. MENDEZ: Do you have modems?

9 MR. CLYDE: We have modems, but I cannot communicate
10 with the computer that was provided us by the Corporation under
11 the original grant, and the new computer that we bought in my
12 central office now. Those two operating systems --

13 MR. MENDEZ: They are not compatible?

14 MR. CLYDE: That is right. They cannot communicate.

15 MR. MENDEZ: I understand that is part of the reason
16 why we wanted to change to IBM.

17 MR. VALOIS: Would you restate your motion?

18 MR. MENDEZ: Before I do that, I would like to hear
19 the rest of what they have to say.

20 MR. VALOIS: All right. Why don't you go a head,
21 Mike.

22 MR. LEONARD: My name is Michael Leonard. I am with

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 the National Clearinghouse for Legal Services. I would just
2 like to address some of the questions about putting it out for
3 bid and what needs to be included.

4 As I read Mr. Elgin's report, on page 48, he is
5 suggesting that a variety of automated legal research services
6 would be provided. What you are really going to be getting into
7 is multiple bid situations, multiple RFPs that have to be let.

8 For example, just for computer research you need to
9 decide on the scope. Do you want a national proposal, regional
10 proposals, multi-regional, state-wide, or local, and what
11 databases do you want accessed; Lexis, Westlaw, vocational
12 assessment databases or other databases?

13 If you want to put automated brief bank functions out
14 for bid you also have to determine whether it is national,
15 regional, state-wide, et cetera.

16 You need to decide on a format that you want people to
17 have access to. Do you want them to be able to obtain abstracts
18 of decisions or the full text of decisions? Do you want things
19 searchable by the end user directly in the office, or do you
20 want them to go through an intermediary in a regional CLAR
21 project? Do you want to have indexes of previous searches
22 available? Do you want user manuals provided for technical

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 assistance for people that are going to do it themselves?

2 You need phone support. You need hours of operations.
3 You need response time. Do you want to have user manuals for
4 that, and a variety of things.

5 MR. MENDEZ: Mike, can I ask a question? If we said
6 instead of six months, one year from today --

7 MS. BERNSTEIN: Hold on. I want to respond to the
8 nonsense he has just uttered. It is nonsense.

9 MR. MENDEZ: May I ask my question?

10 If we extended the contracts for one year from today's
11 date, do you think we could get all of the transference done?

12 MR. LEONARD: I think, personally, that the RFP
13 process -- I suppose they could be developed within a year and
14 you would get bids, and probably by the end of a year an
15 evaluation of those bids could be done.

16 MR. MENDEZ: I am talking about complete transference
17 in.

18 MR. LEONARD: It depends on what system you want to
19 end up with. If you want to have a major restructuring and
20 commit a lot more money to computer research, you might get bids
21 from major companies to provide those services. It may take
22 them four to six months or more to put it into operation.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 I think within a year a decision could be made. This
2 is what we want to do.

3 MR. VALOIS: I want to make a decision today. I have
4 some sympathy for what I hear to be dire predictions that the
5 time table is not going to work.

6 On the other hand, we have been looking at this for a
7 long, long time. As for me and my vote, I would like for us to
8 adopt the proposal as the motion states, but with the caveat and
9 condition that we get a report back at the next board meeting on
10 the progress.

11 If it is obvious, Bob, that this is impossible, I want
12 you to tell us that. We are not interested in handicapping the
13 system, at least I am not.

14 MR. MENDEZ: I would want to go further than that. I
15 want to have a report back at the next meeting for contingency
16 if it is not completed for funding for the next six months, the
17 first six months in 1988.

18 MR. VALOIS: I will agree to that.

19 MS. SWAFFORD: I will agree to that and I agree to
20 vote for it if we are going to go ahead and implement Option 3.

21 Now, let me just comment on what Mr. Leonard and Mr.
22 Rogers have just said. Really, we had a letter from Mr. Stephen

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 Brown, which was from one of the CALR programs; is that right?
2 Now they are -- they are not for this program. I mean, this is
3 just a matter of delay, with due respect to what you have said.

4 We have been discussing this since January. Then,
5 didn't we have another report on it in March? Now, we hear, in
6 June, another report. Let's go ahead and try and do it. If it
7 is obvious that we are not going to be able to do it in a month,
8 we will make a decision at that time, but let's get it started.

9 MR. VALOIS: I agree. Are we prepared to vote on it?

10 MR. SMEGAL: Mr. Chairman?

11 MR. VALOIS: Did you have something?

12 MR. SMEGAL: Yes, I sure do.

13 What we are talking about, if I understand, is our
14 consolidated and operating budget through May 31, 1987. We are
15 talking about a 500 dollar item.

16 I assume this discussion is because we want to deliver
17 legal services more efficiently and therefore whatever we are
18 doing here today, whatever we are voting on is going to get this
19 job done for less than 500,000 dollars. Is that what we are
20 talking about?

21 MR. ELGIN: We are thinking the resources can be
22 allocated more efficiently at that level; yes, sir.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. SMEGAL: I think Allen just said there are 1200
2 program offices out there and if you give them each a computer
3 at 1000 dollars, and you only had a thousand of them -- let's
4 assume 200 man programs, you are talking about a million dollars
5 in capital outlay right off the bat.

6 MR. ELGIN: It is not the commitment of the proposal
7 to provide computers to 1200 offices. We are obligated to 326
8 separate grantees. That is our obligation. They --

9 MR. SMEGAL: That is where we started. That was my
10 first question. You are talking about one computer for each
11 program --

12 MR. ELGIN: As supplied by the Corporation.

13 MR. SMEGAL: -- irrespective of how many programs, how
14 many offices each program may have. You are suggesting that
15 somehow the money is going to appear from some other source
16 other than the Corporation. The only source of money is the
17 Corporation.

18 MR. ELGIN: I am not assuming that they are going to
19 have a computer on every desk top.

20 MR. SMEGAL: Whether it comes out of this pocket here
21 or the other pocket, there is only one bag. If the program has
22 to buy a computer for its four other offices, that money is

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 coming out of this bag, the same bag where you are getting it
2 for the 320 programs you are going to buy it for.

3 There is no different bag. There is one pot of money.
4 Whether you pay for it at the headquarters level or they pay for
5 it out of their budget, it is the same amount of expenditure.
6 It is 1000 offices; isn't that correct, Mr. Elgin?

7 MR. ELGIN: It is not my choice, sir. It is their
8 choice. It is their budget.

9 MR. SMEGAL: It is not somebody else's money.

10 MS. BERNSTEIN: Can I respond to what Tom said?

11 We are -- right now we have five computers, five
12 places to call. We want 325. That is going to increase the
13 access and make it a lot more closer to home. That is the
14 difference because right now all they have got is a call-in
15 service to some regional area.

16 We have a relationship with the grantees. The
17 proposal has been clear from the beginning that we would try to
18 get computer access per grantee. This is nothing different.

19 Your kind of hostile remarks regarding the pockets and
20 so forth, has never -- it is not appropriate here.

21 MR. SMEGAL: First off LeaAnne, we do not have three.
22 We have 55 tie-ins with Lexis and 72 tie-ins with Westlaw. That

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 totals 125 in my math system, plus these three that I guess you
2 are talking about. So, we are not talking about three versus
3 325, you have got all kinds right now in the system.

4 I am not disagreeing with the process if it is going
5 to increase the efficiency of delivering legal research to the
6 programs.

7 I do not hear a budget. I don't hear where it is
8 going to save any money. I do not see where we are going to get
9 any benefit from this other than the fact that somehow we are
10 going to do away with the structure that is presently operating
11 in delivering computer-assisted legal research to the programs
12 whether they have it through Lexis, through Westlaw or through
13 their telephone.

14 MS. BERNSTEIN: I call the question.

15 MR. VALOIS: The question has been called twice. The
16 motion has been made three times and been seconded once. How do
17 you vote?

18 MR. VALOIS: Paul?

19 MR. EAGLIN: No.

20 MR. VALOIS: Basile?

21 MR. UDDO: No.

22 MR. VALOIS: Tom?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. SMEGAL: No.

2 MR. VALOIS: Claude?

3 MS. SWAFFORD: Yes.

4 MR. VALOIS: I vote yes. Pepe?

5 MR. MENDEZ: Yes.

6 MR. VALOIS: Mike?

7 MR. WALLACE: Yes.

8 MR. VALOIS: LeaAnne?

9 MS. BERNSTEIN: Yes.

10 MR. VALOIS: Lorain?

11 MS. MILLER: Yes.

12 MR. VALOIS: Hortencia?

13 MS. BENAVIDEZ: Yes.

14 MR. VALOIS: Mr. Chairman, do you care to vote?

15 CHAIRMAN DURANT: Yes.

16 MR. VALOIS: The Chairman votes yes.

17 The motion carries eight to three.

18 MR. UDDO: Mr. Chairman, I want to clarify for the

19 record, my vote. The question was called, so I could not

20 explain it.

21 It does not make sense to vote for it and say in

22 August let's figure out if it can be done. I am a little bit

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 concerned about the way we have done this.

2 If in August they say, well, we cannot do it in six
3 months, do we vote to undo it or what do we do? I just thought
4 it would have been appropriate to vote for it in August.

5 MR. VALOIS: I think what we have asked Mr. Elgin to
6 do is to tell us in August if it cannot be done and then we are
7 going to have to undo what we have done or plot some other
8 schedule.

9 MS. BERNSTEIN: I look at it that we are demanding
10 that the staff either provide evidence that it is going to be
11 accomplished or come to us saying that we are going to need to
12 have a contingency plan and additional funding next year for the
13 CALRs to take part of the burden until it can be completely
14 accomplished.

15 MR. UDDO: I expect we will have a budget at that time
16 too, won't you?

17 MR. ELGIN: Certainly.

18 MS. BERNSTEIN: So, we are in a better position to
19 make a decision.

20 MR. UDDO: Some kind of a budget and exactly what the
21 benefit is going to be compared to the current system?

22 MR. ELGIN: Certainly.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. VALOIS: My little law office has a Westlaw and a
2 homemade brief bank which is manual on little old cards made out
3 by hand by our little old librarian who is a graduate from
4 Austin University and has a degree in library science. It
5 serves 47 lawyers and about 10 paralegals in our firm, but it is
6 still homemade and it works pretty well.

7 MR. ROGERS: Well, you can do a lot better than that
8 with a homemade computer system these days.

9 MR. VALOIS: Well, we may put it on a computer some
10 day, but it is not now.

11 Somebody help me with where we are on the agenda.

12 MR. MENDEZ: Training task force, which is now nine.

13 MR. VALOIS: Okay, Dr. Gaboury.

14 PRESENTATION OF DR. GABOURY

15 DR. GABOURY: Good afternoon. I am Mario Gaboury. I
16 am appearing before you today in my capacity as the Chairman of
17 the Training Task Force.

18 A little more than one year ago, I appeared before the
19 Provisions Committee and gave you a prospective method and
20 purpose and scope for the Training Task Force. I am here to
21 tell you that after about 15 months of work we have completed
22 our mission.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 I have sent you, approximately one week ago, I think
2 you received it on Monday, the report for today's discussion
3 including appendices and a two-page addendum, errata sheet, on a
4 couple of corrections that will be made in the final report.

5 There are several members of the task force here
6 present in the audience today. I think they will take advantage
7 of coming up and filling in any gaps that I leave in my report.

8 I would like to give rather than a summary of 55
9 discreet recommendations and a large number of various
10 authoritative dicta or other suggestions that come in the
11 narrative section, rather just give you a brief overview of the
12 report and its findings. Then I will entertain your questions.

13 The task force was made up of 11 members. The
14 membership came from various areas including academia, field
15 programs, state and national support, headquarters, the American
16 Law Institute and other areas.

17 The purpose of the project was to in a generic sense
18 advise the board on training policy. Our methods involved both
19 public meetings where we received testimony from various groups,
20 both LSC and non-LSC sponsored training groups, and meetings
21 that were purely deliberative in nature and an extended period
22 of correspondence where we drafted, re-drafted and finalized our

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 recommendations.

2 The task force was separated into five different work
3 groups for the purposes of building the foundation of our
4 recommendations. Then all of the recommendations were approved
5 by the task force as a whole.

6 The first work group dealt with evaluations and needs
7 assessment. We agreed that collecting relevant information was
8 a relevant part of any planning for training. We reviewed a
9 great deal of material; needs assessment forms and methods and
10 evaluation forms and methods that are currently used by
11 recipients of LSC's training dollars, support dollars; and also
12 non-LSC trainers, proprietary sector groups that train.

13 There is a great deal of variability in how needs
14 assessment is conducted in all areas, not just LSC trainers but
15 state sponsored CLEs and other groups. The same holds true for
16 evaluation.

17 As far as the Legal Services's methods are concerned,
18 the needs assessment methods currently used were seen as being
19 very good in general, responsive to local concerns. We do make
20 a number of suggestions for improvement.

21 The area of evaluation did receive a little bit more
22 treatment in terms of suggestions for the future. There were a

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 couple of good models provided. One, in particular, by an LSC
2 grantee program in Texas, and we made several suggestions there
3 about evaluation.

4 Although no uniform methods were proposed, in other
5 words, no mandatory methods were proposed, we do make a number
6 of suggestions about evaluation and needs assessment.

7 Another work group dealt with standards and
8 accreditation and brought to the task force a series of criteria
9 that would be used for approving training materials and courses
10 to assure high quality and well organized training, and how
11 opportunities for training could be tailored to each attorney
12 and each program's needs.

13 The next two groups dealt with legal skills training.

14 MR. MENDEZ: Let me ask you a question.

15 DR. GABOURY: Sure.

16 MR. MENDEZ: You say that you have some 55
17 recommendations. Have you broken out what the costs are on each
18 one of those?

19 DR. GABOURY: No, sir. What I was going to get to at
20 the end of my presentation was that it was very difficult to
21 break certain of those out into costs. However, there are a
22 couple that we have talked about, at least in general, in

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 spending on them.

2 I can give you recommendations. Mr. Taubman, who
3 assisted me a great deal in this project will come up and talk
4 about this, too.

5 We did not get to the specific issue of funding levels
6 for each specific recommendation, but I propose a method whereby
7 staff -- and I would be happy to help, but certainly anybody
8 could be appointed to do this -- would work closely with
9 regional training center directors and non-LSC groups that do
10 training to develop plans for implementing any particular
11 recommendation that the board is favoring.

12 MR. VALOIS: What are we being asked to do today other
13 than receive your report?

14 DR. GABOURY: Well, you are being asked to receive the
15 report. There were two short term recommendations or
16 recommendations that I think can be implemented in the short
17 term. There was a great deal of consensus among task force
18 members that these two would be appropriate.

19 MR. VALOIS: What is the first one?

20 DR. GABOURY: The first one would be that the
21 Corporation begin negotiations with the National Institute of
22 Trail Advocacy. This is in keeping with the brief discussion

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 earlier today of Mr. Mendez' committee to provide between now
2 and the end of the fiscal year, at least committing the monies
3 to special trial skills advocacy training for between 150 and
4 300 Legal Services's attorneys.

5 In addition to that, the second recommendation --

6 MR. VALOIS: That is the, I believe, the 300,000
7 dollar cost mentioned by Mr. Bayly?

8 DR. GABOURY: That Mr. Bayly described -- up to that
9 amount of money.

10 MR. VALOIS: Okay, what is the second one.

11 DR. GABOURY: The second area that received a great
12 deal of consensus and is also one that I think we might propose
13 to you on the short term, is working in the area of new
14 technologies for training, particularly the computer-assisted
15 interactive video disk training and related computer-assisted
16 training.

17 We were given presentations by the computer-assisted
18 legal instruction group known as CALI. The Pericles Project out
19 of Harvard University sent the proposal to the Corporation.
20 This happened after the training task force, but I shared parts
21 of that --

22 MR. VALOIS: Computer-assisted training in what? What

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 will it be training people to do?

2 DR. GABOURY: Well, the training on the disk that we
3 viewed in particular dealt with a landlord tenant trial. This
4 is very similar -- I am not sure -- September about a year and a
5 half ago there was a presentation before the board, I think of a
6 similar -- not the same group. This was a trial skills
7 interactive video disk training where you are sort of pushing
8 buttons and answering the judge.

9 MR. VALOIS: How much does this cost, and the
10 recommendation on it too.

11 DR. GABOURY: There were a number of disks that were
12 listed in the appendices. This one, in particular, required
13 only a couple of thousand. I believe they told us, and this was
14 a short while back, that it would take three to four thousand
15 dollars to finish the debugging of this disk. Each disk from
16 scratch costs well in the range of 25 to 30 thousand dollars and
17 more depending on it.

18 This one was very close to being completed. They
19 wanted a little bit of money to help complete this one in
20 particular. In addition to the disks, of course, and this is
21 only one -- we think that several can be used -- the proposal
22 from Harvard Law School to John Bayly was for 75 thousand

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 dollars.

2 The task force did not take that particular proposal
3 up, at least it came to my attention after the fact. In
4 addition to this disk and perhaps other disks, what we would
5 need to do would be to equip the five regional training centers
6 with the hardware, the interactive video disk player and a
7 computer, or if they have a computer, the software to adapt
8 their computer for the use of this disk.

9 Of course, you would need a mechanism to transport
10 this around their region so that some sort of a --

11 MR. MENDEZ: A horse and buggy?

12 DR. GABOURY: A horse and buggy or something like that
13 would do.

14 In any event, we were expecting approximately 5000
15 dollars per training center would be a sufficient amount of
16 money to get them the hardware, the equipment, that they need to
17 do this.

18 MR. VALOIS: What is the total amount of money you
19 think that --

20 DR. GABOURY: Forty thousand dollars to 50 thousand
21 would be the bottom line and for the CALI.

22 MR. VALOIS: And for the second?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 DR. GABOURY: That was the second. NitA was the
2 first. We are up to 300 thousand.

3 MR. VALOIS: Fifty thousand total for the second
4 recommendation?

5 DR. GABOURY: Fifty thousand would be the bottom, 75
6 thousand would be the top, depending on how many disks we
7 wanted. There are --

8 MR. VALOIS: The top keeps moving around.

9 MR. MENDEZ: Bob, let me see. I have entered into a
10 good deal of discussion with these gentlemen and also with the
11 president and with Mr. Taubman. Mr. Taubman tells me that he
12 could use 75 thousand dollars.

13 MR. VALOIS: He could probably use 100; couldn't he?

14 MR. MENDEZ: Since he is from Colorado, I have told
15 him that we have got 75 thousand dollars to insure that he gets
16 the first class equipment.

17 MS. BERNSTEIN: Subject to the board's approval?

18 MR. MENDEZ: Subject to their approval.

19 MR. VALOIS: Advice and consent; isn't it? (Laughter)

20 Mario, you have done a very good job and I know you
21 have labored long and hard over this report. I know you have
22 worked with an awful lot of folks in the field. I understand

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 that you have made a lot of accommodations and modifications
2 along the way.

3 I want to personally thank you for the hard work you
4 have put into this.

5 DR. GABOURY: Thank you.

6 MR. VALOIS: Secondly, most of us have read most of
7 this material, I think, along the way. Unless members of the
8 board have specific questions about this, I would propose that
9 we get on with acceptance of it?

10 DR. GABOURY: May I just say one thing, sir? There
11 was one additional recommendation and I did not mention it
12 before because it does not necessarily require money. That is;
13 that the Corporation assign or Mr. Bayly be asked to have staff
14 work with the representatives from the training centers on
15 implementing particularly the NITA and CALI proposals in that it
16 will involve the training centers. I think it is important that
17 we work together with a training coordinating group.

18 Secondly, that we begin at least surveying some of the
19 other groups that we mentioned in the report as to their
20 applicability and usefulness; the Practicing Law Institute, ALI-
21 ABA, law schools and the Department's of Defense JAG group,
22 their civil defense. There were a number of groups that were

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 willing to work with us.

2 I would like to work with both the NTCC and some of
3 these other groups to coordinate appropriate training. These
4 are not areas that are going to necessarily going to require
5 money right now.

6 I would also like to extend my personal thanks to all
7 the task force members. They flew from coast to coast over
8 fifteen months and endured all of my many letters and about four
9 feet of materials that they had to read to do this. Despite our
10 many difference along the way, I think we did reach a great deal
11 of accord. I was very happy to be the chairman of this task
12 force.

13 MR. VALOIS: Mr. Taubman, if you will step up?

14 MS. SWAFFORD: I want to ask Dr. Gaboury, a question,
15 but let's go ahead and vote on it and then let me ask it; will
16 you? I am prepared to vote on it.

17 MR. VALOIS: We do not have anything to vote on at the
18 moment.

19 MS. SWAFFORD: Well, I know. I don't want to ask him
20 the question now.

21 MR. VALOIS: Is somebody going to make a motion?

22 MOTION

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 828-2121

1 MS. BERNSTEIN: I would move that we accept the
2 report.

3 MS. SWAFFORD: I second that motion.

4 MS. BERNSTEIN: And accept that the task force's
5 mission has been accomplished in providing us with a survey and
6 analysis of the training needs that our programs have been able
7 to identify.

8 MS. BENAVIDEZ: Nothing was mentioned about the client
9 training.

10 DR. GABOURY: Maybe I should just speak to that. That
11 was part of my prepared response. I was asked to sort of hurry
12 up, why don't I just say this: We were very appreciative of
13 both Lorain Miller and Hortencia Benavidez attending one of our
14 meetings. It was held in the great state of Colorado, in
15 Denver.

16 MR. MENDEZ: And you didn't tell me? (Laughter)

17 DR. GABOURY: The purpose of that particular meeting
18 was to entertain the views of LSC sponsored trainers.
19 Particularly, there was emphasis on client training at that
20 meeting and we appreciated your input.

21 The task force reached a couple of conclusions. They
22 are listed in the report on client training. We felt that

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 client training was very important. It needs to, of course, be
2 done in an appropriate manner. We, of course, make that
3 statement.

4 However, there is no indication that it is not being
5 done in an appropriate manner; let me just say that.

6 The point is that peer counselling, and self-help, and
7 things that clients as lay advocates have been involved with
8 have been well received and effective methods of providing low
9 cost legal services and high quality services in the past.

10 The issue of client training was seen in many way as
11 primarily a local issue. A number of clients who spoke to me
12 said they were very interested in all of this, but don't think
13 you can come into my town and tell me how to run things. That
14 was fine with me.

15 The area that received, at least a little bit more of
16 a nod or a wish that we would work with the national board, was
17 in areas that dealt directly with client training or board
18 member training, client and non-client, on issues that dealt
19 with national issues. For example, regulations and other things
20 that would have a national applicability or application, rather.

21 In general, client training was seen as most
22 appropriately at the local level. However, the task force

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 encourages it. Several good examples of training for clients
2 were provided to us and they are listed in the appendices. I
3 have copies of everything in the appendices back at the
4 Corporation. I would be happy to let anybody look at them, send
5 copies to you. If you see anything, check it off and mail it to
6 me.

7 We did speak about client training. We think it is
8 important that it should be provided regularly.

9 MR. VALOIS: Mr. Taubman?

10 PRESENTATION BY MR. DAN TAUBMAN

11 MR. TAUBMAN: Thank you, Mr. Valois.

12 I would just like to take a few minutes to make
13 several brief comments to all of you about the work of the
14 Training Task Force and what I will hope will be continuing
15 efforts by the Legal Services Corporation to provide training to
16 the Legal Services program staff and pro bono lawyers across the
17 country.

18 First, I would like to express my thanks to Mario for
19 having capably handled the very difficult job of working with
20 ten other people and trying to assimilate their views and meld
21 them into a consensus, which I think he has successfully done.

22 I am very pleased with the results of the task force

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 report which basically indicate that the current training being
2 provided by Legal Services' entities is of good quality, but
3 that we should expand and look to other areas where appropriate
4 to improve upon the training and that we should improve upon our
5 coordination as well.

6 I endorse what Mario is recommending about having
7 Mario or someone else from the Legal Services Corporation staff
8 work with the regional training center directors and other
9 entities to implement the recommendations of the task force,
10 particularly with regard to the negotiation on NITA training and
11 also with regard to the development of pilot projects for
12 interactive video disks.

13 MR. MENDEZ: Let's stop right there. I have a couple
14 of questions.

15 MR. TAUBMAN: Sure.

16 MR. MENDEZ: On NITA training, have you had occasion
17 to talk to any of the individuals who have attended the prior
18 one, the NITA program?

19 MR. TAUBMAN: No, I have not, but I have heard
20 generally that that was well received. I should add that Dean
21 Sponsler of Loyla Law School is here and he, I am sure, could
22 comment on that training.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. MENDEZ: Let me also ask you: How would you take
2 the Pericles/CALI thing around the state, for instance Colorado
3 or any of the other states in your region? How are you going to
4 do that?

5 MR. TAUBMAN: Assuming that we would have the hardware
6 available and that it is easily transportable, we would want to
7 -- I would imagine in the first instance we would have to have
8 training for a core group of people, presumably at the regional
9 training centers, to be familiar with the interactive video disk
10 technology and how to implement it.

11 What the task force had in mind was the conducting of
12 the use of the interactive video disk as an experiment, as a
13 pilot project, to determine whether they are successful.

14 In Colorado, we could implement that by having some
15 people who are in Denver, for example, just come to the regional
16 training center office and use the technology in small groups.
17 We could conceivably take the hardware to other offices in the
18 state, say to Colorado Springs or to Grand Junction, and work it
19 within a program office and have the lawyers or paralegals work
20 through the interactive video disk program on a day or so.

21 Presumably, there would be some kind of evaluation
22 form that would be developed in order to assess people's

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 reactions to the interactive video disk technology, both on a
2 short term and a long term basis, and also to consider the
3 feasibility of taking the show on the road, so to speak, as
4 compared to having everybody come to a central location.

5 Assuming that the hardware is distributed to each of
6 the five regional training centers, I am assuming that each of
7 them would be able to conduct a similar procedure in order that
8 we would have a lot of opportunity of people experimenting with
9 the interactive video disk technology.

10 I would imagine, Pepe, that six months or a year from
11 now we would we back to the board and say -- with the results of
12 these pilot projects -- and say that it is good, bad or
13 indifferent.

14 Presumably, if it is good that we should try and
15 expand it or encourage wider use, or if it has limitations we
16 would say what those were.

17 MR. MENDEZ: Would you be interested in having the
18 board allocate 75 thousand to the five support centers around
19 the country?

20 MR. VALOIS: Could you do with less, before you answer
21 that one? Will you take a little less?

22 MR. TAUBMAN: The answer to both questions is yes, Mr.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 Valois. I would also say, though, rather than have you allocate
2 specific amount of money for particular projects, I think it
3 might make more sense to allocate either up to a certain amount
4 of money or to delegate it, again, to the staff for carrying
5 that out in conjunction with the regional training centers.

6 MR. MENDEZ: Yes, but we have to have some sort of
7 line, so that we know that we don't spend it twice.

8 MR. TAUBMAN: Then I would suggest -- revert to my
9 first suggestion, say up to 75 thousand or 50 thousand.

10 MR. MENDEZ: We do not anticipate you spending all of
11 it. I know that you are a fiscal conservative.

12 MR. TAUBMAN: I always have been

13 MR. MENDEZ: Both of us from Colorado recognize that
14 in each of us.

15 MR. TAUBMAN: I would suggest that if there is -- as
16 long as there is a limit placed on what the money -- or how the
17 money would be allocated, that way additional monies could be
18 spent to carry out other recommendations of the Training Task
19 Force.

20 I would like to respond to --

21 MR. MENDEZ: Let me just go to that. Can you two get
22 together maybe with some other members of the task force and

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 start assigning some dollars?

2 DR. GABOURY: Actually what we were hoping to do was
3 meet -- the task force, I think -- I don't think I could get
4 these people to do anything more for me at this point in time.
5 They have done quite a bit. This, I feel, is the end of the
6 task force's mission as such.

7 The working group would consist of headquarter's
8 staff, including myself I would hope, and Dan and the NTCC,
9 regional training center groups, and of course, if we are
10 dealing with Pericles, we would have to talk to Professor
11 Traupman at Harvard. If we are dealing with NITA there is Jim
12 Sechinger and Judge Carrigan from Denver.

13 There are people within each recommendation. It would
14 always be a cooperative effort between people at headquarters
15 and the NTCC or whoever the correct representatives of support
16 and training may happen to be depending on the particular issue.

17 MR. VALOIS: We have the motion of the floor for the
18 acceptance of the report. Are we suggesting that we defer the
19 actual dollar commitment until we have --

20 MR. MENDEZ: I want to give them some money. I want
21 him to take something back. He has to come to Washington for
22 some reason.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. VALOIS: I would say until we have some precise
2 dollar proposal, I am not real sure why we are committing
3 anything.

4 MR. MENDEZ: Bob, I think we should allocate at least
5 fifty thousand dollars to this. We cannot spend it twice and we
6 should take it out of that Training Task Force line.

7 MR. TAUBMAN: Mr. Valois, if I might comment on that.
8 One of the concerns that I have is that there is a significant
9 amount of money in that training and technical assistant line
10 item which has yet to be spent and the end of the fiscal year is
11 rapidly approaching.

12 I would recommend that, as a suggestion, that if there
13 is a need to allocate money, that you allocate up to a certain
14 amount of money for at least the trial advocacy skills training
15 and the interactive video disk training projects with the
16 opportunity for that to be reviewed again by the board.

17 Mario and I have talked about the NTCC, the regional
18 training center directors, getting together within the next few
19 weeks to meet with him to come up with more specific estimates
20 for the allocation of money.

21 Certainly at your next board meeting it would be
22 possible to return to the board with a more precise dollar

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 estimate. So, if you allocate, for example, up to fifty
2 thousand dollars for the interactive video disk pilot project
3 and it becomes clear that only thirty thousand dollars is
4 necessary, certainly that figure could be revised downward at
5 the next board meeting.

6 MOTION

7 MR. VALOIS: I do not have any problem if somebody
8 wants to say that we are willing -- a motion that we are willing
9 to commit necessary amount of money up to 350 thousand dollars
10 for both, subject to some proof that those amounts are necessary
11 at the next meeting.

12 I will make that a motion.

13 MR. MENDEZ: We have a motion on the floor now.

14 MS. BERNSTEIN: I was just going to suggest that we do
15 this in two steps.

16 MR. VALOIS: All right.

17 MS. BERNSTEIN: That we formally accept the report and
18 thank the task force.

19 MR. VALOIS: The question has been called on the
20 acceptance of the report.

21 Paul?

22 MR. EAGLIN: Yes.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. VALOIS: Tom?
2 MR. SMEGAL: Yes.
3 MR. VALOIS: Basile?
4 MR. SMEGAL: He is not here.
5 MR. VALOIS: Claude?
6 MS. SWAFFORD: Yes.
7 MR. VALOIS: I vote yes.
8 MR. VALOIS: Pepe?
9 MR. MENDEZ: Yes.
10 MR. VALOIS: Mike?
11 MR. WALLACE: Yes.
12 MR. VALOIS: LeaAnne?
13 MS. BERNSTEIN: Yes.
14 MR. VALOIS: Lorain?
15 MS. MILLER: Yes.
16 MR. VALOIS: Hortencia?
17 MS. BENAVIDEZ: Yes.
18 MR. VALOIS: It is unanimous. The motion passes.
19 DR. GABOURY: Thank you.
20 MR. TAUBMAN: Thank you.
21 MOTION
22 MR. MENDEZ: Mr. Chairman, I have a motion at the

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 present time to allocate up to 300,000 dollars for the NITA
2 Project and up to 75,000 on the Pericles/CALI Project, and have
3 them come back with a specific statement as to how much they
4 think they are going to be using in the next 60 days and see if
5 you can get these things up and running within 60 days. By our
6 August board meeting, I want to know about those.

7 MS. BERNSTEIN: I second that.

8 MR. VALOIS: I am going to call the question. We have
9 had enough discussion and we have other items and members
10 leaving. Paul?

11 MR. EAGLIN: Yes.

12 MR. VALOIS: Tom?

13 MR. SMEGAL: Yes.

14 MR. VALOIS: I vote yes.

15 MR. MENDEZ: Yes.

16 MR. WALLACE: Yes.

17 MS. BERNSTEIN: Yes.

18 MS. MILLER: Yes.

19 MS. BENAVIDEZ: Yes.

20 MR. VALOIS: Okay, it is unanimous.

21 MS. BERNSTEIN: I have just one comment about the
22 Training Task Force that I would like to make -- or training

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 subject. I think this all goes into the support area. In
2 Basile's hearing, that is one of the -- that is in the context
3 of support. I hope we will keep that in mind and although the
4 task force has finished its mission, all of us are aware of the
5 functions.

6 I think the task report helps us identify what each
7 program individually needs.

8 Then, I have one small bone to pick. I would like--
9 it is not the task forces responsibility, but it relates to the
10 National Training Resource Catalogue which I received.

11 On page iii of that training catalogue it says that,
12 "Some of the materials summarized in this catalogue were
13 developed prior to the end of 1981. Users of these materials
14 should be aware that current Legal Services Corporation
15 regulations may prohibit the delivery by Legal Services programs
16 of all or portions of certain packages."

17 What this is basically saying is that the use of these
18 things which we have published may be dangerous to your
19 financial health.

20 I would second that, but I also have learned in
21 talking with Mario that we, in the Corporation, do not have a
22 copy of everything that is in this catalogue.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 I think it is bad business for us to be paying for the
2 paper for you to put out a catalogue that you put a caveat on
3 and then we not even know what it is. I would ask that Mario
4 you get a copy of everything that is in this catalogue prior to
5 our next meeting. Anyone here from the training centers who
6 have some of this stuff, please send it in.

7 Second, I would ask that whoever wrote that gem of a
8 caveat transmit to Mario a list of those things that they think
9 would be dangerous to our health, and I would suggest that we do
10 not circulate those with LSC money.

11 Senator Hatch was extremely upset with several manuals
12 that I see as still available here.

13 MR. TAUBMAN: LeaAnne, if I could respond to you
14 briefly, that compilation is intended to be fairly
15 comprehensive. As a practical matter, I can assure you that
16 people do not use older materials that contain --

17 MR. MENDEZ: Tainted?

18 MR. TAUBMAN: -- subjects that now inconsistent with
19 Legal Services --

20 MS. BERNSTEIN: We are not using the --

21 MR. TAUBMAN: -- regulations.

22 MS. BERNSTEIN: -- manual any more?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 I hope not, but --

2 MR. TAUBMAN: I can assure you that Legal Services
3 programs are very aware of the regulatory restrictions on the
4 subject matter of training events. I think that is just
5 intended to be a comprehensive catalogue rather than -- to give
6 an indication of all of the materials that are currently
7 utilized.

8 MS. BERNSTEIN: I still think if we paid for putting
9 it out, I would ask Mario to get a hold of every piece that is
10 in here. Let's identify those things that we, as a corporation,
11 need to send out a suggestive letter that perhaps it would be
12 better if we did not disseminate this material under any
13 circumstances with LSC money.

14 I think that would be appropriate to do.

15 I thank you for the task force's work. I do not mean
16 for it to detract from what is going on, but it was in the same
17 subject area and it is the only time I would get to bring that
18 forward.

19 MR. TAUBMAN: Mr. Valois, if I might have two minutes
20 to say some very brief, additional things that I have not
21 mentioned, I would appreciate it.

22 MR. VALOIS: If they are essential to the operation of

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 this body, please do so.

2 MR. TAUBMAN: I think they are.

3 First of all, I want to express my thanks to the non-
4 Legal Services people on the task force; Professor Frank Booker,
5 Professor Dean Tom Sponsler of Loyola Law School, Professor
6 Peter Hoffman of the University of Nebraska and Don McClay of
7 the ALI-ABA Institute in Philadelphia.

8 Those people donated a great deal of their time and
9 spent a lot of their effort understanding and familiarizing
10 themselves with the Legal Services training system. I think we
11 are all grateful for the input they provided to all of us.

12 Secondly, to respond to what Hortencia was saying a
13 while ago about client training, on page 40 of the task force
14 report, there is a recommendation that client training be
15 conducted.

16 It is my understanding that to the extent that there
17 are monies available in the training and technical assistance
18 budget that some of those monies could be set aside for client
19 training.

20 To the extent that there are additional monies
21 available, that is certainly one of the areas where training
22 might be provided.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 The third and last thing that I would like to suggest
2 is this: Earlier this year this board adopted a 1988 budget
3 which called for a sharp reduction in the amount of money set
4 aside for training and technical assistance in 1988, reducing it
5 from 376 thousand to only 126 thousand dollars.

6 That was done before this board had received the
7 report of the Training Task Force. The Training Task Force
8 calls for adequate funding for delivery of training and seven of
9 the ten people on the task force wrote a letter to Mr. Durant,
10 with copies sent to all of you, urging that at least this year's
11 376 thousand dollars be allocated in next year's budget for
12 training and technical assistance. This is in addition to the
13 amount of money set aside for the regional training centers.

14 I would urge you to seriously consider or reconsider
15 your allocation in the line item for training and technical
16 assistance for 1988, so that you can appropriate at least 376
17 thousand dollars if not more.

18 The amount of money that was set aside for training in
19 about 1980 or '81, was close to six million dollars. Now, it is
20 about one million dollars and there has been a precipitous
21 decrease in the amount of money set aside for training, but
22 there remains a strong need to provide money to enable programs

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 to have their staff adequately trained.

2 MR. VALOIS: Thank you very much.

3 We will hear from Dean Sponsler, if he can stay.

4 MR. TAUBMAN: Thank you very much for your time.

5 MR. VALOIS: Thank you, Dan. I wish to compliment and
6 thank both of you. The task force did an excellent job.

7 PRESENTATION OF DEAN TOM SPONSLER

8 DEAN SPONSLER: My name is Tom Sponsler. I am the
9 dean of Loyola Law School in New Orleans and a member of the
10 task force. I just wanted to make a few comments on some of the
11 discussion that took place already.

12 One thing I disagree with Mario on strongly, and that
13 is I think members of the task force, at least some of them,
14 would be willing to continue to assist in whatever way they can
15 in the assistance of helping the Corporation work out its
16 training mission. I know I would and I know others would as
17 well.

18 Another thing he is wrong on constantly is
19 mispronouncing NITA. He says, "nida" and he and I have been
20 going back and forth on that for over a year. (Laughter)

21 There are just a few things I wanted to mention.
22 Those of us who are on the task force who are not connected with

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 the task force in any way, really are more knowledgeable about
2 the provision of training to attorneys outside the Corporation.

3 While the task force report does spend a good deal of
4 time talking about the importance of exploring those as options,
5 and I think there are some valuable opportunities to be found
6 there, our conclusion was that there is much that cannot be
7 reproduced outside the Corporation.

8 A lot of the training that is being presented through
9 the existing structure is very good. A lot of the subjects are
10 sufficiently narrow, you are just not going to find people out
11 in the private sector offering that type of training because
12 most attorneys do not do that type of practice.

13 I think that the existing training being offered by
14 the Corporation through its various support centers now is very
15 good. More can be done, other options should be explored to
16 expand upon it, but I think you cannot underestimate what is
17 being done right now.

18 This question about interactive video disks is an
19 exciting and new technology, but I would urge you not to
20 overlook the more conventional computer-assisted instruction.
21 This involves developing computer exercises that can be used
22 with any personal computer. It does not require the more

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 expensive video disk.

2 That technology is very important, but what we have
3 already you could probably commission the writing of additional
4 computer-assisted instructional programs that would be very
5 useful. We are doing that at Loyola right now. We are writing
6 some of those.

7 MR. MENDEZ: What areas are you doing it in?

8 DEAN SPONSLER: I am not sure. I think there may be
9 one in the housing area. There several people on the faculty
10 who are beginning to work with our computer person to try to
11 come up with something that is not currently out. I really
12 cannot tell you precisely the topics.

13 In connection with the previous discussion, which I do
14 not really understand, the previous agenda item on computers, I
15 might just tell you our experience at Loyola was that whatever
16 the most pessimistic time forecast you have on doing anything
17 with computers, double it.

18 We are still buying computers with money we have had
19 for two years now, trying to accommodate everybody. The problem
20 is frequently deciding what you want and then having the vendors
21 live up to their rather rosy promises as to when they can
22 deliver.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. VALOIS: It is sort of a bottomless pit. We, in
2 our firm, continue to pour money into obsolete equipment. By
3 the time we get it paid for, it is already obsolete.

4 DEAN SPONSLER: I think that is probably a hopeless
5 cause.

6 Finally, Dan spoke about the budget problem. We did
7 not spend a lot of time in the task force looking at specific
8 budgeting and the amount of money that is made available for
9 training.

10 We did hear a lot of people who testified before the
11 task force talk about the impacts of declining training budgets.
12 Without having any particular recommendation as to what is an
13 appropriate level or where the money should go, I would
14 encourage you to look closely at the level of funding for
15 training. I think we all were very convinced that it is
16 essential, both from the perspective we brought to the task
17 force and what we learned when we were on it.

18 MR. MENDEZ: Could I address that? We are very
19 concerned about that. Would you be willing to look specifically
20 at doing some training for local boards and what should be
21 incorporated in them?

22 DEAN SPONSLER: Certainly.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. VALOIS: Do you have mandatory CLE?

2 DEAN SPONSLER: It takes effect in Louisiana on
3 January first.

4 MR. VALOIS: What effect do you think that is going to
5 have on our training -- the need for our training and the budget
6 and so forth? Dan is shaking his head, none.

7 DEAN SPONSLER: I think in Louisiana -- well, the last
8 point I was going to make is relevant to that. Let me get to
9 it.

10 We found in Louisiana that we have been offering at
11 Loyola training directed to Legal Services attorneys free of
12 charge. We circulated notices to all of the field directors of
13 all the programs in Louisiana. We would get a very good turn
14 out from a few of the programs and a very poor turn out from
15 others.

16 We followed that up with a general mailing to all
17 members of the bar in the state and what we would get was phone
18 calls from specific attorneys in the field programs calling in
19 to say, "What will it cost me to come to this?"

20 We would respond to them, "We wrote your director that
21 it is free of charge for all LSC attorneys." They had never
22 heard about that, so what we discovered in working with programs

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 just in Louisiana now, is that some are very sophisticated about
2 their appreciation for the need for training.

3 They cooperate with their staff attorneys. They
4 either provide them with the funds or the release time to attend
5 programs. Others do not do it at all.

6 So, my final plea to you would be to find some way to
7 have as an important agenda for the Corporation as a whole, the
8 question of training of everybody, the attorneys and board
9 members and everybody down the line.

10 I think that what we saw at one of the meetings where
11 we talked about training for board members was that the lawyers
12 have usually been exempted from this. Lay board members were
13 encouraged to partake of training and lawyers were not.

14 Just because they are lawyers does not mean that they
15 understand all the LSC regulations and all the other stuff. We
16 encourage training for everybody. I think we would be happy, at
17 Loyola, to work on that as a project.

18 We have been trying to find a way to have a good
19 working relationship with the Corporation.

20 MR. MENDEZ: That is one of the things that I have
21 been concerned about all along is how to encourage more of that.
22 Is there any particular way that we could set a standard? I

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 think the best way for us to do that is to ask some independent
2 group and keep our hands off, just sort of set the charge.

3 In particular, I would like to have no one from the
4 Corporation involved in that particular item and just see what-
5 - somebody that is interested or talk to two or three members of
6 your group and see if you can figure out what you think the
7 training ought to be.

8 Somebody outside of the Corporation that does not have
9 any tie to us, that does not have that -- that looks at it sort
10 of inside and see what you would come up with at a reasonable
11 type cost. You understand we are always under that burden.

12 DEAN SPONSLER: We are equally so. Universities are
13 just as bad if not --

14 MR. MENDEZ: You recently got a bonus though?

15 DEAN SPONSLER: Well, it is amazing how quickly that
16 money is -- slides through the slots.

17 Again, to the specific question that I did not want to
18 avoid, what does the effect of mandatory CLE have: In order to
19 practice law in Louisiana one has got to accumulate a certain
20 number of these CLE credits. They cannot be obtained through
21 strictly in-house training, something done in the context of
22 that law office. You have to go off someplace and attend

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 something.

2 I think that is going to force into a lot of programs,
3 some of these field attorneys who have heretofore have either
4 not been able to or not allowed to participate. I think it is
5 going to make a much larger turn out.

6 MR. MENDEZ: I will tell you, I will second that.
7 Colorado had continuing legal education for a long period of
8 time. There are just unlimited topics. I speak on them very
9 regularly.

10 MR. VALOIS: They may presently be unlimited topics,
11 but as you know, Pepe, my constant theme here has been avoiding
12 reinventing wheels. I do not know how much because all of this
13 has been delegated to Mario, I do not know how much of the
14 amount of money that we spend or have spent or are about to
15 spend on training is in duplication of existing training
16 programs.

17 MR. MENDEZ: That is what they were coming up with.
18 They determined, in essence that a lot of it -- there is some
19 out there, but there is a lot that is not duplicateable and it
20 not duplicated.

21 Would it be fair to say, Dean, that there is some
22 duplication but that there is --

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 DEAN SPONSLER: I would say the greater amount of
2 duplication, if any, is in the skills area, the trial practice
3 area where there is a lot of that is available outside, but it
4 is extremely expensive. It tends to be a week or two at a crack
5 at a cost of 1200 dollars a piece.

6 We were able to do it for considerably less because of
7 our relationship with the Corporation and there are within the
8 Corporation skills programs available in trial practice, but I
9 do not think they are as extensive as what has been on the
10 outside.

11 MR. MENDEZ: Do you believe that NITA is the
12 preeminent?

13 DEAN SPONSLER: It seems to be the best, yes. The
14 NITA outfit was apparently started by a lot of former Legal
15 Services attorneys who are very eager to have a good
16 relationship and to be of assistance to the Corporations.

17 That was one of our recommendations, to explore the
18 relationship with --

19 MR. MENDEZ: If we allocate 250 to 300 thousand
20 dollars, we ought to be able to get at least one attorney from
21 each program to that --

22 DEAN SPONSLER: I had to say I think that is even more

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 money than you need, but I think it is on the basis of our
2 experience. We could do it cheaper. We did do it cheaper.

3 MR. MENDEZ: We will be coming back to you.

4 DEAN SPONSLER: Okay, we will still be there.

5 MR. VALOIS: Thank you, very much.

6 MR. UDDO: Mr. Chairman, I have to just apologize to
7 Tom. I was called out of the room. Everybody was saying, you
8 must be tenured not to be in there while your boss is--
9 (laughter).

10 I trust that you were cordially treated by the board?

11 DEAN SPONSLER: Very, very cordially, yes.

12 MR. UDDO: I would just like to add my congratulations
13 to the task force. I think it did an excellent job and I think
14 it is a model for how these kinds of things can be done and
15 should done.

16 MR. MENDEZ: I would not quite say that because I
17 think the charge was about three to six months to return with
18 the final product, but fifteen months is not too bad and the
19 work product was excellent.

20 MR. UDDO: I have to negotiate my raise with him soon,
21 so I (Laughter.)

22 MR. VALOIS: I believe, if I am correct, the new

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 revised, adjusted and modified agenda means that we are up to
2 the comments on the migrant study; is that correct?

3 PRESENTATION BY DAN RATHBUN

4 MR. RATHBUN: Thank you, I will try to make it as
5 brief as possible. What I will do is bring the board up to date
6 on where we are at with the -- or bring Mr. Bayly up to date on
7 where we are at with the -- migrant study, and then I will
8 briefly review the comments received on the report.

9 If you will remember, on March 7, 1985, the board of
10 directors initiated the migrant study project. On June 28,
11 1985, the provisions committee met to hear proposals from
12 several agricultural economists on how they would conduct a
13 study of the migrant population for the LSC.

14 On April 24, 1986, a contract with Dr. Philip Martin
15 and Dr. James Holt was entered into by the Corporation. The
16 purpose of the study was to statistically estimate the
17 distribution of migrant farm workers across states.

18 The methodology uses easily available data in a manner
19 which facilitates ease of updating. The distribution formula
20 reflects the duration of migrant activity in each state and the
21 contractor is also provided estimates of the number of migrants
22 per state and determine the proportions of migrants falling

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 within LSC's eligibility guidelines.

2 The study presents a detailed review of relevant
3 concepts and data sources and thoroughly critiques previous
4 migrant studies. The report goes on to adopt a preferred
5 formula for the estimation of migrant activity.

6 Essentially, each state's share of migrant activity is
7 based on three statistically weighted factors. One, labor
8 expenditures of crop farms, weighted 50 percent; two, seasonal
9 jobs on crop farms, weighted 25 percent; and three, USDA
10 estimates of migrant farm workers, weighted 25 percent.

11 This formula proves statistically robust, that is
12 changing weights did not seem to change the distribution
13 appreciably. The data used in the study are from the most
14 comprehensive and reliable farm data sources; the Census of
15 Agriculture, and the Quarterly Agricultural Labor Survey; and
16 the Hired Farm Working Force Report.

17 If you will remember, on January 21st of this year,
18 Dr. Martin appeared before the board to deliver a draft of the
19 report. At that time the board invited comments on the report
20 and suggested that Dr. Martin consider such comments when
21 preparing the final report to the board of directors.

22 Dr. Martin again appeared before the board on March

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 21st to submit the final report and to answer questions
2 regarding the methodology and subsequent conclusions contained
3 in the report.

4 Dr. Martin also provided for the board an appendix to
5 the report wherein he addressed many of the concerns contained
6 in the comments to the report. The board, at the March meeting,
7 then moved to notice in the Federal Register the availability of
8 the study and again invited interested parties to submit
9 comments.

10 As of June 12, 1987, a total of 32 comments on the
11 final report were received by the Corporation. These comments
12 were submitted to LSC by LSC migrant programs, farm bureaus,
13 federal, state and local agencies, academic research
14 organizations and migrant service organizations. A list of the
15 number of comments by origin is contained in the board book.

16 Also contained in the board book is an outline of the
17 more extensive comments received listed by respondent. In
18 addition, you will find a May 1987 update provided by Dr. Martin
19 wherein he addresses some of the criticisms directed at the
20 report.

21 I will not attempt to summarize all the comments
22 contained in the board book. I will briefly review the comments

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 most often repeated by critics of the report and some of Dr.
2 Martin's to those criticisms.

3 Critics of the report cite the following: that first
4 and foremost the definition of migrant is too narrow. It
5 excludes employees of food processing and packing plants;
6 workers who stay away from home overnight, but do not cross a
7 state or county line; and those workers based in Mexico.

8 In addition, the definition does not include
9 dependents of farm workers nor does it distinguish between
10 migrant and non-migrant activity.

11 Critics also argue that the preferred formula is
12 flawed and that its components receive arbitrary weights and
13 that the data sources used to support the three formula
14 components are unreliable and incomplete.

15 In particular, data from the hired farm working force
16 or HFWF report relies primarily on crop sales figures for its
17 state-by-state distribution of migrants, concentrating on where
18 migrants work rather than where they reside.

19 The census of Agriculture data is criticized due to
20 its exclusion of those agricultural workers who are employed by
21 business which are not farms. This, according to critics,
22 distorts the farm employment expense data in the COA by failing

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 to count wages paid to those agricultural workers.

2 In addition, critics argue that Martin and Holt failed
3 to validate the distribution of farm workers with unemployment
4 insurance data from the several states.

5 A number of the commentators also criticized the fact
6 that the survey was conducted in the month of December,
7 allegedly resulting in low figures and that the contractors
8 failed to utilize a number of existing data sources including
9 statistics from migrant service organizations.

10 As I mentioned, the board book also contains a May
11 '87, update from Dr. Philip Martin wherein he addresses some of
12 the major criticisms of the report. I will briefly go over
13 that.

14 Dr. Martin argues that a review of the available data
15 sources demonstrates that the best state-by-state farm labor
16 data are: one; farmers expenditure for hired labor and two;
17 seasonal and migrant --

18 MR. MENDEZ: I have a question for you. In the
19 criticisms, did anybody in any of the criticisms that were
20 presented, present any better alternatives for counting migrants
21 than what Mr. Holt and Mr. Martin did?

22 MR. RATHBUN: No, and Dr. Martin points out in his

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 comments that while his formula is criticized, he has received
2 no alternative.

3 To follow upon --

4 MR. MENDEZ: I have a motion. Where are all of my
5 chairman?

6 MR. WALLACE: Keep talking, Dan, I will chair for a
7 while.

8 MR. RATHBUN: Okay, I will just follow up and try to
9 summarize briefly, Dr. Martin's arguments as contained in the
10 update.

11 As I stated, he felt as though the data sources upon
12 review demonstrate that the two that he relied upon were the
13 best available, both utilized in his report.

14 He also explains that attempts to evaluate the
15 preferred formula, confront the problem and, as Mr. Mendez
16 stated, that alternative formula is available against which to
17 compare it.

18 He goes on to argue that past distribution formulas
19 are based on non-specified adjustments to what he considers to
20 be deeply flawed data. He concludes that such formulas probably
21 never did indicate an accurate distribution of the migrant
22 population.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 Dr. Martin also mentions that while his report has
2 generated favorable comments from academics and farm labor
3 experts, that he has received many critical comments from
4 migrant service providers. Dr. Martin explains that most of
5 these critics argue for the use of alternative data, in
6 particular client data from migrant assistance programs.

7 Dr. Martin rejects this argument for two reasons.
8 First, the need for an operational definition. Dr. Martin
9 points out that migrant service providers utilize a variety of
10 definitions.

11 MR. MENDEZ: I hate to interrupt you, but I have read
12 all of that stuff, and I have read it about six time's. I have
13 studied it since the first day I have been on here and I have a
14 motion.

15 MOTION

16 I move that we accept the Martin/Holt report as final
17 and that we act to use the figures and instruct Mr. Bayly to
18 come in and figure out how to do it.

19 I have some comments about that after I get a second.

20 MS. SWAFFORD: I second.

21 MR. VALOIS: This is, in fact, a matter which we have
22 studied and --

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. MENDEZ: Ad nauseam as far as I am concerned.

2 MR. VALOIS: At my instance, extended comment period
3 over some of my board members objections last time, so the vote
4 is timely.

5 MR. UDDO: What are we voting on?

6 MR. VALOIS: To accept the report and instructing Mr.
7 Bayly to act on it in accordance with a formula that Mr. Mendez
8 is going to tell us.

9 MR. MENDEZ: I am not saying in accordance with any
10 formula. I am just saying that I want Mr. Bayly to come back
11 again and tell us what formula he is going to use. I am going
12 to give him -- discuss some alternatives that I want him to come
13 in to present to us.

14 MR. VALOIS: Then your motion is to accept the report
15 as final and to act on it?

16 MR. MENDEZ: That is correct.

17 May I discuss what sort of instructions I would give
18 to Mr. Bayly at this time?

19 AMENDMENT TO MOTION

20 MS. BERNSTEIN: I would prefer that we split it. That
21 we accept it and that we intend to use it and then you go
22 forward with whatever you are do.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. WALLACE: It can be divided, and if Ms. Bernstein
2 is moving to divide the motion, I would second it.

3 MR. MENDEZ: That is a friendly amendment, and I would
4 accept that. I want to get this thing voted on and get it
5 accepted.

6 MR. VALOIS: All right, the motion is acceptance and
7 acting as final. That is the first motion?

8 MS. BERNSTEIN: Right.

9 MR. VALOIS: Whatever comes later, I do not know.

10 Mr. Eaglin?

11 MR. EAGLIN: No.

12 MR. VALOIS: Basile?

13 MS. BERGMARK: Excuse, Mr. Chairman --

14 MR. VALOIS: Excuse me. Let us finish the vote.

15 Basile?

16 MR. UDDO: Yes.

17 MR. BEARDALL: Is there not going to be any public
18 comment?

19 MR. VALOIS: Claude?

20 MS. SWAFFORD: Yes.

21 MR. VALOIS: I vote yes. Pepe?

22 MR. MENDEZ: Yes.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MS. BERNSTEIN: Yes.

2 MS. MILLER: Yes.

3 MS. BENAVIDEZ: Yes.

4 MR. VALOIS: Okay. The vote is eight to one for
5 acceptance, nine to one for acceptance. That is accepted.

6 MR. MENDEZ: Now, Mr. Valois, I move that we instruct
7 Mr. Bayly to --

8 MR. BEARDALL: May I ask a question, Mr. Chairman?

9 MR. VALOIS: Yes.

10 MR. BEARDALL: My name is William Beardall. I am the
11 Migrant Litigation Director at Texas Rural Legal Aid.

12 MR. MENDEZ: Would you please come forward? Would you
13 state your name again?

14 MR. BEARDALL: My name is William Beardall. I am the
15 Migrant Litigation Director with Texas Rural Legal Aid. Both
16 myself and Ralph Abascal and Martha Bergmark have a couple of
17 comments we wanted to make on this Martin/Holt report and more
18 specifically the use LSC may make of that.

19 It was indicated to us that there would be an
20 opportunity to make a presentation on this. We have come
21 prepared to make that presentation to present matters on this
22 that I do not think the board has heard at all.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. VALOIS: If we have not heard them at all, Mr.
2 Beardall, it is on your shoulders not ours because we have
3 extended the comment period on this by -- have you written to
4 us? Have you given us those comments in writing?

5 MR. BEARDALL: They have been presented in writing,
6 but they have not been presented to the board in the summaries
7 of the comments that you have received.

8 MR. MENDEZ: I assume those were the comments that
9 were mailed to us specifically; isn't that correct.

10 MR. BEARDALL: No, that is not correct.

11 MR. VALOIS: Who did you mail them to?

12 MR. BEARDALL: They were mailed to LSC. What each of
13 the board members received were comments from demographic and
14 labor economics experts on the sufficiency of the Martin/Holt
15 formula.

16 Let me just tell you what it is so the board --

17 MR. VALOIS: Let me just tell you what it is. What it
18 is, is we have taken so much comment on this, and I extended the
19 period of comment over a ninety day period, I believe it was.
20 We have received all of those. We have now taken a vote to
21 accept it.

22 Now, the next step is another board member has another

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 motion on this subject to make and we are going to hear that
2 next. After that, if you want to comment during the public
3 period to give us some additional input we would be glad to have
4 it.

5 MR. BEARDALL: Let me just make one comment, for the
6 record. That is: What it is that the board is putting off here
7 is a discussion that points out how use of the Martin/Holt
8 formula would represent a fundamental reversal of LSC's migrant
9 policy in five important respects.

10 MS. BERNSTEIN: We have already heard that.

11 MR. VALOIS: That is nothing we have not heard before.

12 MR. MENDEZ: We have heard that before.

13 MS. SWAFFORD: That is not new.

14 MR. VALOIS: One moment. Pepe, do you have a motion?

15 MOTION

16 MR. MENDEZ: Yes, I have a motion.

17 At this time, I move that the board instruct Mr. Bayly
18 to come to us in August with various formulas concerning the
19 implementation of this Martin/Holt formula.

20 I specifically suggest to Mr. Bayly that I want to see
21 the following formula as one of the formulas. I want to see the
22 following as one basic one and you can develop the various

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 The 25 percent pot is left as an emergency fund for
2 any program to apply for additional funds if they need them on a
3 fee-for-service basis.

4 MR. MENDEZ: That is not what I had, but that is
5 another alternative.

6 MS. BERNSTEIN: That is what I seconded.

7 MR. MENDEZ: The motion I have for Mr. Bayly is to
8 come back with five or six alternatives.

9 MR. UDDO: If you stop it at that, I will vote for it.

10 MR. MENDEZ: That is the motion I have, is to come
11 back with five or six alternatives.

12 MR. VALOIS: You can lobby Mr. Bayly for yours.

13 MR. MENDEZ: I was telling Mr. Bayly that this is one
14 alternative that I want him to have. LeaAnne has given him
15 another one. My alternative is to increase California.

16 MR. UDDO: Does your motion exclude the examples?

17 MR. MENDEZ: It excludes my examples. It is just the
18 alternatives to come in with a variety of alternatives. I want
19 the field to make their presentation as the best alternative,
20 best way of making the presentation of handling the funds under
21 Martin/Holt and integrating it into Martin/Holt. Do you
22 understand what I am saying?

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. BEARDALL: I think I understand what you are
2 saying, but let me register for the record my objection that the
3 migrant field workers, who have sent representatives here today
4 prepared to comment on this, have not had an opportunity to.

5 Let me just also see if I can clarify for the record,
6 is the board, by accepting the Martin/Holt report thereby
7 accepting the policy determination built into the Martin/Holt
8 report that migrants should be counted where they work and not
9 where they live?

10 MR. MENDEZ: Yes.

11 MR. VALOIS: I think we are accepting the formula.

12 MR. MENDEZ: That was a specific instruction. The
13 reason why we instructed them to do that before was we made the
14 specific policy decision that those migrants that work where
15 they live will be handled by the local programs where they live.

16 MR. BEARDALL: And the other policy changes that are
17 inherent in the Martin/Holt report have been explicitly adopted
18 by the board?

19 MR. VALOIS: I do not want to get into adopting your
20 interpretation of what a policy change is. That is not
21 something that --

22 MR. BEARDALL: I understand, but any policy changes

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 that do, in fact -- whether we agree about that or not -- any
2 policy changes that are built into the Martin/Holt report. By
3 accepting the report, the board is accepting those policy
4 changes; is that correct?

5 MR. VALOIS: If I were you, I would limit your
6 interpretation of what we have done to the acceptance of the
7 report including the formulation that we have already said we
8 think is implicit in that.

9 Beyond that, I think you really do need to wait for
10 the development of the board's policy.

11 MR. BEARDALL: Well, but by accepting the Martin/Holt
12 report, there are built into that certain changes from existing
13 LSC migrant policy, which some members of the board say they are
14 aware of and therefore you do not need a presentation on today.

15 MR. VALOIS: Mr. Beardall, you may infer from what we
16 have done whatever you deem appropriate. If you would like to
17 comment specifically on Mr. Mendez' second motion, which is that
18 Mr. Bayly be directed to return with five alternatives, you are
19 welcome to do so.

20 MR. BEARDALL: We have come here today prepared to
21 present comments that do go directly to that proposal. They are
22 comments that would point out that any proposal based on the

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 Martin/Holt distribution formula involves certain fundamental
2 departures from existing LSC policy.

3 They are reversals of policy that have not been
4 acknowledged or appropriately studied or justified by LSC up to
5 this point. I want to be sure that the board understands the
6 policy changes that it is implementing by utilizing the
7 Martin/Holt distribution formula.

8 MR. VALOIS: I think what you have just said, frankly,
9 is not responsive to what I gave you an opportunity to respond
10 to. All you have said, I think, is that you all have previous
11 stated your areas of disagreement with the Martin/Holt report
12 and you hope that we understand those.

13 I think we have said to you that whatever differences
14 we have, we have adopted Martin/Holt, and we have rejected the
15 distinctions that you have sought to draw.

16 Can we vote on this then? Paul?

17 MR. EAGLIN: No.

18 MR. VALOIS: Basile?

19 MR. UDDO: Yes.

20 MR. VALOIS: Claude?

21 MS. SWAFFORD: Yes.

22 MR. VALOIS: I vote yes.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. MENDEZ: Yes.

2 MR. WALLACE: Yes.

3 MS. BERNSTEIN: Yes.

4 MS. MILLER: Yes.

5 MS. BENAVIDEZ: Yes.

6 MR. VALOIS: And the chairman votes yes. That is nine
7 to one.

8 Are there any further motions with respect to Mr.
9 Rathbun's report?

10 MR. MENDEZ: I would like to hear some other
11 alternatives. I am sure there are several others floating
12 around among the board.

13 MR. VALOIS: I would to. I think I would like to
14 excuse Mr. Rathbun, unless he want to present some alternatives.

15 MR. MENDEZ: I will tell you another one I would want
16 to have is where you have a 100 percent -- I don't want to make
17 it five, only, alternatives -- but one where you use the whole
18 100 percent and you just reallocate it based on 100 percent; and
19 another one where you look at anything under ten thousand
20 migrants in the state that you do not fund that state at all,
21 and you have a bigger pot that you hold.

22 I want to look at those various alternatives. I think

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 Mr. Bayly understands that that is my intent that he give us a
2 range of options in which to look at it and make those
3 determinations so we can make a determination of what we think
4 is most appropriate.

5 My intent here is to hold the field as harmless as
6 possible during the change. That is what I would want to do. I
7 want to examine the various alternatives that will do that while
8 we bring it into a more current and more accurate distribution
9 of the migrant population.

10 MR. VALOIS: I would like to thank Mr. Rathbun for his
11 handling of this matter over a long, difficult, arduous and
12 thankless period of time, in assembling the data and maintaining
13 objectivity and composure during what has been a very, very
14 difficult subject area. I guess it is the hardest one that I
15 have had the pleasure of working on.

16 I thank you very much.

17 MR. RATHBUN: You are welcome, Mr. Chairman.

18 MR. VALOIS: I do want to give Mr. Beardall and Ms.
19 Bergmark and others an opportunity to talk now. Please accept
20 what we have done as a given and tell us what formulas you think
21 we ought to be adopting at this point, if you care to do so.

22 MR. UDDO: Mr. Chairman, wouldn't it be appropriate

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 for them to do that directly with whomever John is going to
2 appoint to work on this and then once the staff makes the
3 recommendations, give their public comment to us at that time?

4 It seems like it is premature to hear what their
5 implementation suggestions are when they may well influence John
6 and whoever is going to work on it to accept some of those
7 anyway and what they do not accept, in August, when we get the
8 report from the staff, they can criticize the staff report on
9 implementation.

10 Right now, it is all in the abstract.

11 MS. SWAFFORD: I think that is an appropriate
12 suggestion. If you will make the motion, I will second it.

13 MR. UDDO: Well, I think the Chair can just make a
14 determination about whether that is --

15 MR. VALOIS: I think your point is well taken.

16 MS. BERGMARK: Mr. Valois, if I could comment just
17 very briefly on that?

18 MR. VALOIS: Sure.

19 MS. BERGMARK: I was not a direct party to these
20 conversations, but I think part of the confusion stems from the
21 fact that it was our understanding, I think based on a
22 conversation with Mr. Bayly, that there would be a five minute

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 or so opportunity to comment before the vote.

2 I appreciate the fact that you were impatient to move
3 on this issue, but nevertheless, they are here from Texas and
4 California respectively, based on the assumption that they would
5 have that opportunity to direct their remarks to you now.

6 If that opportunity could be made available -- it is
7 very expensive to come and it is -- so we would like that
8 opportunity if possible.

9 MR. VALOIS: All right.

10 MR. BEARDALL: Let me just clarify that, that is based
11 only in part on conversations with Mr. Bayly, but primarily with
12 conversations that I had with Mr. Durant in which we expressed
13 what it was we wanted to address to the board prior to any
14 action being taken or any vote being taken.

15 Let me also ask for a clarification of the board's
16 vote here. In asking Mr. Bayly to study alternatives for
17 implementation of the Martin/Holt study, are we talking about
18 plans for implementation of the Martin/Holt study for fiscal
19 year 1988? I take that is the intent of the board on voting on
20 this then?

21 MR. VALOIS: That seems to be what the follow board
22 members are nodding affirmatively to say yes.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. WALLACE: I do not see any reason to wait 18
2 months on it. If we think this is a good day, then let's get
3 busy on it.

4 MS. BERNSTEIN: The point is that we have accepted
5 Martin/Holt and we want to try to make whatever transition--
6 that is the reason for the alternatives and we want to consider
7 them to make it as painless as possible for those who will be in
8 a transition state with funding.

9 MR. BEARDALL: If I understand the board correctly
10 then, we will now be permitted some sort of presentation, the
11 presentation we were told we would have the opportunity to make
12 to the board?

13 MR. VALOIS: That is correct.

14 PRESENTATION BY WILLIAM BEARDALL, RALPH ABASCAL
15 AND MARTHA BERGMARK

16 MR. BEARDALL: Since the board has already acted on
17 this, I might be a little bit more brief than I had originally
18 intended to be, but -- let me mention also that having joined
19 myself and Ms. Bergmark at the table here is Ralph Abascal who
20 is general counsel with California Rural Legal Assistance.

21 Let me say that what we want to present, what we
22 wanted to present to the board, was the views of the migrant

1 field programs. There are five fundamental ways in which use of
2 the Martin/Holt distribution formula will reverse LSC's migrant
3 funding policy.

4 These are five policy reversals that I do not think
5 LSC has studied or examined or provided or articulated any
6 justification for, much less shown that there is a defensible
7 justification for. Let me just run through those.

8 First, the Martin/Holt study -- built in it, is a
9 policy change to now base migrant funding on where migrants work
10 not where they live. Whereas existing policy directs funding
11 both to where migrants live as well as where they work and, in
12 fact, tilts somewhat in favor of the states where migrants live
13 recognizing that they spend more time in those states than in
14 the so called migrant stream states where they work.

15 Let me also add at that point something that I think
16 there is confusion about on the board. My understanding is that
17 the board's rationale for counting migrants where they work and
18 not where they live is an assumption that migrants only need
19 specialized migrant legal assistance where they work, and that
20 basic field programs can adequately represent migrants where
21 they live.

22 I want to be sure that the board understands that, in

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 fact, migrants need specialized legal assistance in the place
2 there they live and not just the states where they work. In
3 fact, that has been borne out by a specific study, the only
4 study LSC has done on this matter.

5 The second fundamental policy reversal is not
6 including account of each state's share of migrant dependents in
7 the funding formula. The essential point here is that migrant
8 dependents need specialized migrant legal assistance every bit
9 as much as migrant workers.

10 The whole rationale for providing legal assistance to
11 migrants, special legal services funding for migrants, applies
12 with as much force to migrant dependents as it does to migrant
13 workers. The existing policy reflects that and will be
14 fundamentally reversed if the Martin/Holt report is implemented.

15 The third point is that existing migrant policy
16 directs funding to those states where migrants are and uses that
17 as the basis for allocating migrant grants.

18 What use of the Martin/Holt formula will do is direct
19 migrant funding to states where nonmigrant farm workers are
20 rather than to the states where migrant farm workers are. That
21 is a fundamental policy reversal and one that is just not
22 justified if the funding is to provide legal assistance to

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 migrants.

2 The fourth policy change that the board is apparently
3 contemplating is what to do with funding to the so called small
4 states, that is states with a relatively small share of the
5 nation's migrants.

6 It has been indicated by some members of the LSC staff
7 and board that among the options LSC is considering is
8 eliminating grants to those states whose migrant share falls
9 below one percent of the national total or two percent or some
10 other arbitrary cutoff.

11 Let me just say that if you adopt a one percent cutoff
12 the effect would be to eliminate 20 of the 45 states now
13 receiving migrant grants. That would cut out 45 percent of the
14 grants to migrant programs that now go out. It would create
15 serious gaps in the migrant legal services delivery network and
16 it would result in migrants, as a practical matter, having no
17 access to legal services in the majority of states.

18 The final point, the final policy change which is
19 inherent in the use of the Martin/Holt report is a change that
20 would exclude certain classes of migrant farm workers from the
21 LSC migrant funding formula.

22 Existing policy counts all migrants in allocating--

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 each state's share of all migrants in allocating Legal Services
2 funding to those states.

3 The Martin/Holt formula excludes either partially or
4 totally certain very large and important categories of migrants.
5 We are talking about agricultural processing workers; we are
6 talking about migrants who work for farm labor contractors; we
7 are talking about migrants who work for specialized harvesting
8 companies; migrants who are under the age of 14; migrants who
9 work for an employer more than 150 days of the year and a couple
10 of other categories; migrant livestock workers and a few other
11 categories.

12 These folks are not counted in the Martin/Holt formula
13 -- either not counted at all or not fully counted. By using the
14 Martin/Holt formula LSC will be reversing its current policy and
15 instead just arbitrarily excluding certain classes of farm
16 workers from migrant legal services funding.

17 What I would suggest is that if the board intends to
18 go ahead with these proposals that the proposals -- we have not
19 seen any concrete proposals yet -- that once concrete proposals
20 are developed I assume that the field will have an opportunity
21 to review those, analyze them and comment on them.

22 I hope a little more opportunity than has been

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 presented today -- and I hope to that in the future the board
2 will look more closely and staff will look more closely at
3 migrant legal services policy which has not been directly
4 addressed at any stage in this process so far, and that the
5 views and perspectives of migrant legal services programs who
6 have expertise in delivery of legal assistance to migrants will
7 be consulted more closely and given a little bit more regard
8 than they have perhaps been given in the past.

9 MR. WALLACE: Thank you, Mr. Beardall. Before let me
10 have any comments or any questions from the board, let me go to
11 Mr. Abascal and let you finish your remarks. Then we will have
12 such discussion as the board may wish to engage in.

13 MR. ABASCAL: Thank you.

14 Let me emphasize the timing of changes of migrant
15 distribution funding. It probably could not come at a worse
16 time in the history of legal services or legal services for
17 migrants.

18 Monumental changes are being made in the labor market,
19 the migrant labor market, throughout the United States largely
20 because of the enactment of the Immigration Act last year.

21 That has two implications, both with respect to the
22 needs of farm workers because there will be large numbers of

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 farm workers who were previously ineligible for legal services;
2 undocumented aliens who have become documented through the
3 Immigration Act as well as provisions of the Immigration Act
4 that may alter very substantially where farm workers work, where
5 they come from, guest-worker programs may alter very
6 substantially the nature of the labor market.

7 I think the implications are twofold: One, the needs
8 of clients and increasing clients what will be placed upon the
9 programs. Lots of different people are going to be coming into
10 these offices with legal needs. They will be eligible for
11 services and at the same time, a large number of programs are
12 going to have substantial reductions in their funding.

13 There will be increasing needs with reduced funds
14 available to a number of programs.

15 Secondly, the implications of the Immigration Act will
16 have undoubtedly substantial impact on the data, that is the
17 data you are relying upon in the Martin/Holt study, 1982 data.
18 They are going to be changed very significantly in the next
19 couple of years through the implementation of the Immigration
20 Act.

21 It could not come at a worst time in terms of the
22 needs of these programs and the kinds of services that programs

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 are going to have to be delivering.

2 In terms of alternatives, probably the most
3 significant aspect of the Martin/Holt study has hardly ever been
4 discussed or commented on. That is, the number of migrants and
5 dependents -- Professor Martin said that the numbers that were
6 arrived at here in relation to the Lillesand Study.

7 The Lillesand Study found approximately a million
8 migrant workers and dependents. The Martin/Holt study find a
9 million migrant workers. Adjusting that for workers and
10 dependents, the total is 2.8 million.

11 If the Corporation continued the policy of recognizing
12 that migrant workers have dependents that have legal needs as
13 well as the workers, that they are not purely just workers, they
14 live 24 hours a day not just 8 hours or 10 hours. Their legal
15 issues arise not just simply because of their work relationship.

16 The implications of the 2.8 million in comparison to
17 the one million are that there should be a larger line item, a
18 larger migrant line item. Instead of 9 or 10 million, on the
19 basis of 2.8 million total workers plus dependents, it ought to
20 be somewhere in the nature of 28 or 25 million. If there was a
21 larger line item and then you were implementing a formula of the
22 distributed funds differently from state to state, the negative

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 impacts would be very different.

2 One alternative that ought to be considered is asking
3 Congress for more money for the migrant line item, and then
4 considering the impact of different distribution formulas.
5 Obviously, if you are working with a larger pot, the possibility
6 of negative impacts are diminished substantially and you do not
7 have to -- I hope you will appreciate the analogy, I am not
8 trying to be facetious.

9 The alternatives that are being discussed are sort of
10 the alternatives that one faces in a life boat after the ship
11 sinks. There are a number of people on the life boat and you
12 have got a major hunger problem.

13 Suggesting that 20 of the programs be eliminated
14 completely and provision of no services in those states forever
15 or for the indefinite future, to ameliorate the impact of the
16 remaining programs that will have cuts, for one year, is very,
17 very analogous of the problems people face in a life boat.

18 MR. WALLACE: I appreciate that. I appreciate your
19 remarks on how we distribute the money and whether or not the
20 line item ought to be increased. I certainly do not take our
21 instruction to Mr. Bayly as excluding the possibility that he
22 might come back with that recommendation.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 I do think we are on a life boat. I think we have
2 been on a life boat for quite some time. I think the House
3 Appropriation's Committee rejection of the House Judiciary's
4 Committee authorization mark indicates we are not getting off
5 that life boat anytime soon.

6 I think what the board has to do, quite frankly, is to
7 decide who goes overboard and who stays. It may be if you are
8 on a life boat, it might be a prudent thing to make that
9 decision. I do not make light of your comments, Mr. Abascal.

10 MR. ABASCAL: I did not make them lightly.

11 MR. WALLACE: I know you didn't, but I just think the
12 life boat analogy is exactly where we are. It may be rather
13 than everybody starve together, you may need to make some
14 choices.

15 I do not know if that is going to be the choice that
16 this board chooses to make. I don't even know that it will be
17 one of the alternatives Mr. Bayly recommends. I think the
18 comments that you have made are peculiarly well suited to the
19 task that Mr. Bayly has in front of him, trying to decide what
20 to do with the numbers now that we have got them.

21 I guess I have just sort of taken over by a coup here.
22 I did not mean to do that, but let me ask any members of the

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 board if they have got any questions or comments to this panel
2 at this point. We do appreciate you coming a long way.

3 Martha, do you have some remarks to make before we get
4 on?

5 MS. BERGMARK: I just have one thing to put into the
6 record. The steering committee of the Project Advisory Group
7 met in May and did pass a resolution on this issue which I would
8 like to make part of the board meeting record.

9 This resolution was mailed to the board members
10 individually earlier, but we wanted to make sure it is part of
11 the record. I have copies here if anyone would like additional
12 copies.

13 MR. WALLACE: Without objection, so ordered. If you
14 will give it to Mr. Baker, the Secretary, I am sure he will have
15 it placed into the hearing record.

16 MS. BERGMARK: I will do that. Thank you.

17 The only comment I would have in addition to that is
18 this: The steering committee is made up predominately of basis
19 field program representatives of one kind or another. The
20 urgency of the migrant funding question to the entire field
21 community is emphasized by the fact that that body, which is by
22 no means dominated, in fact, it has one representative out of

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 many representing specifically migrant funding -- or migrant
2 issues, has voted in the way that it has to support migrant
3 funding, as it exists, to support the point that Ralph Abascal
4 has just made and to reject the notion that this study should
5 just be implemented wholesale in light of the very restrictive
6 funding situation that we are under.

7 MR. WALLACE: Thank you. Are there any other comments
8 or questions from the board?

9 MR. UDDO: My only comment would be that do not let
10 pass the opportunity to get in touch with John or whoever he
11 appoints to have the full impact of your remarks and I would
12 assume, expansion of your remarks, on implementation.

13 I think that this is the opportunity to make sure that
14 the staff does get the full thrust of your input.

15 MR. BEARDALL: Let me make it clear that we have
16 certainly tried to pursue that and Mr. Bayly has assisted in
17 pursuing that. Several of us met with Mr. Bayly a week ago. We
18 hope that we may have similar opportunities to present our views
19 as this develops.

20 Let me also say that I think these are matters that
21 are of sufficient importance, I mean we are talking about access
22 to the legal system for migrant workers. These are matters of

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 sufficient importance that they ought to be given the same
2 priority by the board as other important matters that have been
3 on the agenda today as well.

4 After Mr. Bayly develops whatever recommendations he
5 has, and we will certainly try to assist him with that, that the
6 board provide an opportunity for field programs to comment to
7 the board and present their views to the board on the proposals,
8 the concrete proposals, that have been developed.

9 MR. UDDO: That was my original suggestion. My
10 original suggestion was, work with them to develop them. When
11 they are developed, then come back and tell us what your
12 specific comments are about the proposals.

13 The general discussion is not as helpful to us as once
14 the proposals have been made, specifying what it is that you
15 have problems with and why.

16 MR. WALLACE: Let me just say this: I think, Mr.
17 Beardall, that the board will be carefully considering and I
18 think will take extensive public comment in Seattle on the
19 implementation of the report, as will work out in practice.

20 We have taken extensive testimony on the merits of the
21 report itself in the past. We are not unaware that it contains
22 some policy assumptions and changes in direction. I am not sure

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 that we would all agree that it contains the precise changes
2 that you have set out, but it certainly does -- I don't think--
3 it contains some. I do not think we have made those lightly.

4 The question before us now is: Having concluded as a
5 board that Martin/Holt is the best numbers that we have got, we
6 are not demographers. We have done the best we can in accepting
7 this. How can we work it out to meet the real problems and deal
8 with the changes of policy that you have described.

9 Mr. Bayly, I know, I will consider what you have. I
10 think in Seattle one of the major efforts we will put in, is to
11 listen to extensive comments on the proposals that he comes up
12 with and on your reaction to them.

13 I doubt that it will be a short discussion.

14 MR. BEARDALL: I appreciate that offer. We will
15 certainly do everything we can to continue to try to influence
16 the board's views on this.

17 Let me also make one additional suggestion. If there
18 is board reaction I would be interested to hear that. That is
19 that once concrete proposals are developed that those be
20 published so that other people, not just those who are present
21 at the board meeting in Seattle, will have an opportunity to
22 review those, analyze them and comment on them.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 As the previous comment, notice and comment procedures
2 have shown, there are a large number of people beyond just
3 migrant field programs, who have an interest in this issue and
4 have considerable insight to bring to bear on it. I think they
5 would like to know what those proposals are and have an
6 opportunity to comment on them as well.

7 MS. BERNSTEIN: You asked for reaction of the board.
8 I would not see any problem at all if once these proposals are
9 developed, sending them out to the grantees. I do have a
10 problem with going through the Federal Register process and
11 publishing them.

12 Frankly, we have a timing problem as well. I think we
13 have got to aim for Seattle. I am not sure that in two months
14 John is going to have a chance to get them developed in enough
15 time to put them in for a period of time in the Federal
16 Register, but allowing all of the grantees to have access to
17 those proposals to comment, I have no problems, at all, with.

18 MR. BEARDALL: Do I understand you to be saying that
19 the board contemplates taking final action on one of those
20 recommendations, one of those alternatives, at the Seattle
21 meeting?

22 MR. WALLACE: We contemplate it, but then we

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 contemplated taking action on this report for several meetings
2 now and we did not do it. It is possible. We would certainly
3 hope to be able to take action in August so people can get ready
4 for the new fiscal year.

5 We will not take precipitous action if we are not
6 satisfied that we know where we are going. It would certainly
7 be my hope and I think the hope of most board members that we
8 can reach a conclusion and get on down the road. If we cannot,
9 I do not think we are going to go off blindly into the dark.

10 MS. BERNSTEIN: There is another point. I appreciate
11 your perspective and where you are coming from on this, but I
12 think it is not correct to state that because the board has come
13 to a different conclusion than you would on what policy is
14 appropriate, that that policy is made in an arbitrary fashion.

15 There is nothing about the study of the migrant
16 problem that has been done in an arbitrary way by this board.
17 We have studied it. We have stepped back five steps and studied
18 it again, stepped forward one step.

19 There has been nothing arbitrary about the decisions
20 that have been made. Just as any final decision will have its
21 detractors, I appreciate that. I do not think it is fair to
22 characterize anything that the board has done as arbitrary.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. WALLACE: I appreciate you coming. I appreciate
2 your remarks. There is still a good bit of water to go under
3 the bridge before this is actually turned into dollars and
4 cents. Thank you all and we look forward to working with you
5 further.

6 I see a couple of other items on the agenda and it is
7 5:00 o'clock. We better get to them as fast as we can. We have
8 a report on program development projects. Do we have somebody
9 here prepared to -- that is you, Mr. Rathbun?

10 MR. RATHBUN: Yes.

11 MR. UDDO: Mike, I would move that we put this off
12 until Seattle. As I understand it, there is nothing pressing.
13 I know there are some people with plane schedules and we are
14 going to lose a quorum.

15 MR. WALLACE: Is this a pressing matter?

16 MR. RATHBUN: No, it is not. In fact, this would be
17 more information on what you will receive at the next meeting.

18 MR. WALLACE: Send us a report.

19 Ms. Bernstein, I think you have a motion you would
20 like to make. I would appreciate it, if you would do it.

21 MS. BERNSTEIN: Unfortunately, the subject of the
22 motion has left the room. I would simply like to publicly thank

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 Tim Baker. For those of you who do not know, Tim is moving on
2 to --

3 MS. SWAFFORD: Just a moment, LeaAnne, here he comes.

4 MOTION

5 MS. BERNSTEIN: I wanted for the board to express our
6 appreciation to Tim Baker for his service as Secretary and
7 general helpful person in the period of our term.

8 Tim is moving on to other, I will not say bigger and
9 better, but he is moving on to different things. We wish him
10 well in his new endeavors, and as sincere thanks for fine and
11 loyal service.

12 MR. BAKER: Thank you.

13 MR. WALLACE: I would second that since I think it
14 ought to be a motion. I think this board ought to resolve its
15 thanks to Mr. Baker.

16 Does any other member of the board have anything to
17 add to what Ms. Bernstein has said?

18 (No response.)

19 MR. WALLACE: If not, let me just ask all in favor of
20 the motion to give Mr. Baker a round of applause because he
21 deserves it.

22 (Applause.)

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 MR. WALLACE: Let me announce that I do not see any
2 more reason for any of us to have any votes, and if we have
3 planes to catch, feel free. We do have public comment and I
4 will stay here. I got the last plane tonight on purpose because
5 I knew it was a long agenda.

6 I want to say one thing before we get to public
7 comment. Mr. Bayly, have we heard anything from GAO on time
8 keeping? That report has been out there forever and ever. Is
9 it the Lost Dutchman of Washington or are we ever expecting to
10 hear something on it?

11 MR. BAYLY: Mr. Wallace, we have not heard anything.
12 It is probably the Flying Dutchman or Lost Dutchman. That might
13 be an exaggeration. I am hoping there will be a report within
14 the next few months, but I just cannot predict the mind of the
15 GAO.

16 MR. WALLACE: Let me suggest this, and this is simply
17 as one member of the board. I have read carefully the comments
18 we have sent to Capitol Hill and we have received some criticism
19 because we say we don't know everything we would like to know.

20 One reason for that is because we do not have time
21 keeping yet. I would appreciate it if you would let GAO know
22 that the board, at least one member of the board, does not want

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 to let another fiscal year go by without deciding whether or not
2 we are going to move forward on this thing.

3 I would like to talk about it in Seattle and if GAO
4 has something to say by then I would like to hear it. If they
5 do not have something to say, I would like the board to make a
6 decision on what rules are going to apply for the next fiscal
7 year.

8 It is time to get cracking on that. There might not
9 be anybody here who feels like I do, but I --

10 MS. BERNSTEIN: I will second that. If a letter to
11 GAO will help or a letter to our authorizing committee asking
12 for help in finding out what happened to it or a letter to
13 Senator Rudman asking him to check into it for us -- I think
14 anything we can do along those lines would be helpful.

15 MR. WALLACE: I certainly do not want to act
16 precipitously, but it has been a year or so, that is not too
17 precipitously.

18 Does any member of the board have any other concern to
19 bring to the board's attention before we open it up for public
20 comment?

21 (No response.)

22 MR. WALLACE: Then let me ask, at this point, if there

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 any members of the public if they have any items that they would
2 like to bring to the board's attention before we adjourn this
3 meeting?

4 (No response.)

5 MR. WALLACE: For reasons that arise from the
6 Executive Session that we held last night, there is a slight
7 possibility that the board may want to reconvene its Executive
8 Session at some point in the undefined future within the limits
9 granted to us by the regulations.

10 I do not know how soon we would have to reconvene in
11 order to do so, but subject to the constraints of law, I would
12 entertain a motion that we recess subject to the call of the
13 Chair if necessary, to resume consideration of matters we took
14 up in Executive Session.

15 Is there such a motion?

16 MOTION

17 MR. UDDO: I move.

18 MR. WALLACE: Is there a second?

19 MS. SWAFFORD: I second.

20 MR. WALLACE: And debate?

21 (No response.)

22 MR. WALLACE: All in favor say aye.

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

1 (Chorus of ayes.)

2 MR. WALLACE: Opposed?

3 (No response.)

4 MR. WALLACE: This board stands in recess. We thank
5 you all.

6 (Whereupon the Board of Directors meeting was
7 adjourned subject to the call of the Chair at 5:15 o'clock,
8 p.m.)

9

Diversified Reporting Services, Inc.

1511 K STREET, N.W. SUITE 547

WASHINGTON, D.C. 20005

(202) 628-2121

