

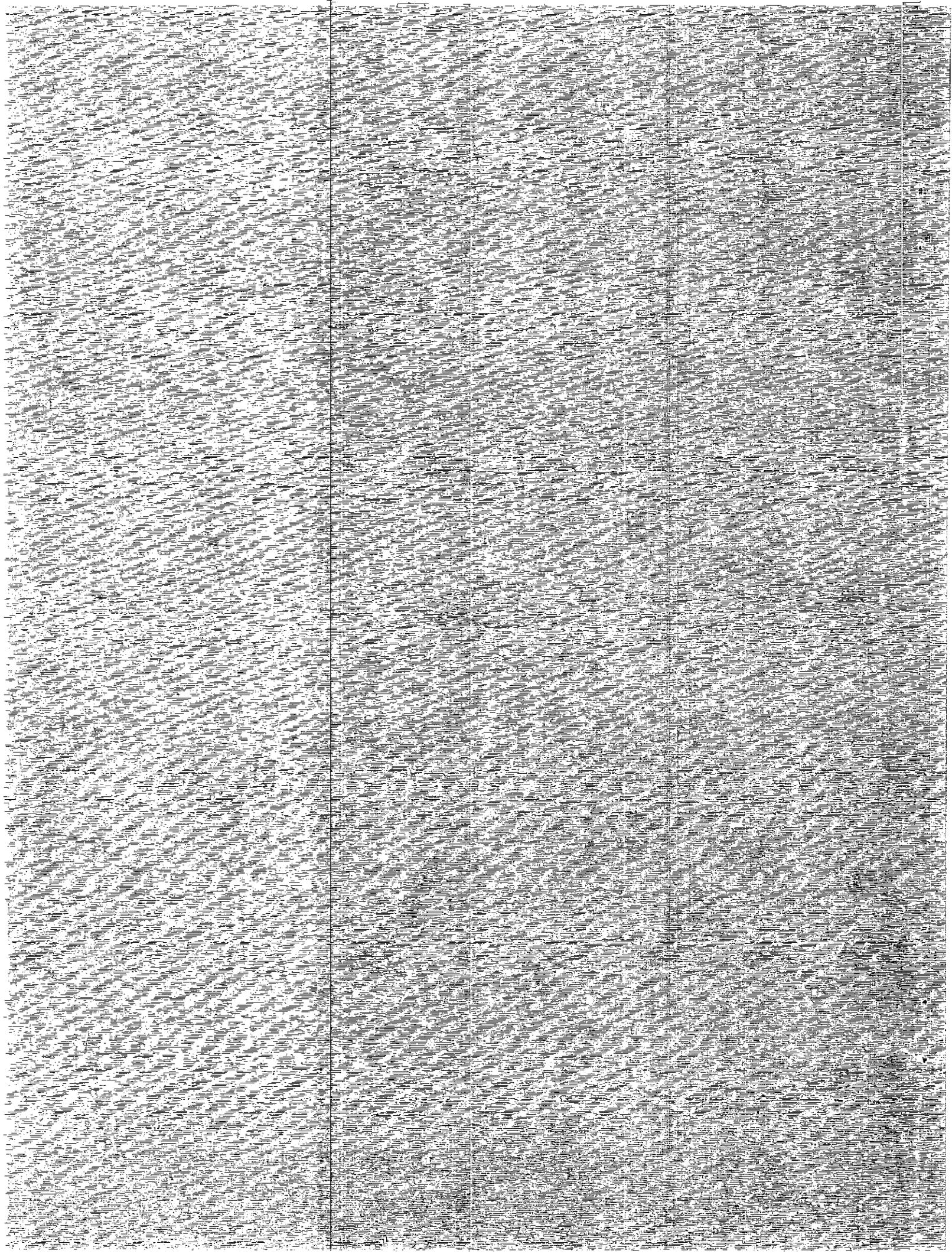
**LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS MEETING  
OPEN SESSION**

**March 23, 1993**

**12:50 p.m.**

**The Legal Services Corporation  
750 First Street, N.E.  
The Board Room  
Eleventh Floor  
Washington, D.C. 20002**

**Diversified Reporting Services, Inc.  
918 16TH STREET, N.W. SUITE 803  
WASHINGTON, D.C. 20006  
(202) 296-2929**



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Board Members Present:

George W. Wittgraf, Chairman  
J. Blakeley Hall  
Jo Betts Love  
William L. Kirk, Jr.  
Jeanine E. Wolbeck  
Basile J. Uddo  
Thomas Rath  
Norman D. Shumway  
Penny Pullen

Staff Present:

John P. O'Hara, President  
Emilia DiSanto, Acting Vice President  
Patricia Batie, Corporation Secretary  
Kenneth Boehm, Counsel to the Board  
David Richardson, Comptroller & Treasurer  
Victor Fortuno, General Counsel  
Edouard Quatrevaux, Inspector General  
Kathleen de Bottomcourt, Office of Field Services  
Ellen Smead, Director, Office of Field Services  
Charles Moses, Deputy Director, Office of Field Services  
Pessie Walker, Office of Field Services

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\* \* \* \* \*

## P R O C E E D I N G S

(12:50 p.m.)

1  
2  
3 CHAIRMAN WITTGRAF: If you will give me your  
4 attention, please, this regularly-scheduled meeting of the  
5 Board of Directors of the Legal Services Corporation will be  
6 in order in Washington, D.C. on this 23rd day of March, 1993.

7 The first item of business before the Board today  
8 is the approval of the agenda as drafted and presented in the  
9 so-called Board book, the beige-covered book. The Chair is  
10 prepared to accept a motion for adoption of the agenda as  
11 presented.

## M O T I O N

12  
13 MR. SHUMWAY: So moved.

14 MR. UDDO: Second.

15 CHAIRMAN WITTGRAF: It's been moved by Mr. Shumway,  
16 seconded by Mr. Uddo. Is there discussion?

17 (No response.)

18 CHAIRMAN WITTGRAF: Hearing none, those who are in  
19 favor of approval of the agenda as presented will signify by  
20 saying aye.

21 (Chorus of ayes.)

22 CHAIRMAN WITTGRAF: Those opposed, nay.

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1 (No response.)

2 CHAIRMAN WITTGRAF: The ayes appear to have it; the  
3 ayes do have it. The agenda is approved.

4 The next item of business, then, is approval of the  
5 minutes of the Board's regularly-scheduled meeting of  
6 February, 1993. In that regard, let me call your attention  
7 to Page 21 of the Board Book wherein the draft minutes appear  
8 and, at that point particularly, the resolution that was  
9 adopted by the Board in that meeting.

10 If you'll look at Page 21, you'll find the  
11 resolution paragraph of that resolution: "Be it hereby  
12 resolved...." The rest of that motion should be replaced in  
13 the minutes by the motion which was actually adopted, and  
14 that is the motion which appears on Pages 60 and 61 of the  
15 transcript of that meeting, and I quote:

16 "Be it hereby resolved that, having carefully  
17 considered this matter, the Board of Directors has determined  
18 that, without in any way restricting or limiting the scope,  
19 rights, powers, duty, and authority of the OIG in dealing  
20 with field programs, the aforementioned functions and duties  
21 of the Corporation's Office of Monitoring, Audit, and  
22 Compliance are among those activities undertaken as part of

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1 the day-to-day operations of the Corporation and are an  
2 integral part of the Corporation's program as evidenced by  
3 the Corporation's enabling legislation, the LSC Act, and, as  
4 such, are among the program operating responsibilities of the  
5 Corporation."

6 I believe that, in fact, that was the resolution  
7 and the effective part of it adopted by the Board at its  
8 meeting on February 22 of this year. Unless there is  
9 objection, I'll ask and assume that that wording, as it  
10 appears in the transcript as I just read it into the record,  
11 will be substituted for the wording that now appears at Page  
12 21 of the Board Book.

13 Is there objection?

14 (No response.)

15 CHAIRMAN WITTGRAF: Hearing none, that wording will  
16 be substituted.

17 Further discussion, then, as to the draft minutes  
18 as presented in the Board Book?

19 (No response.)

20 CHAIRMAN WITTGRAF: Hearing none, those who are in  
21 favor of adoption of the draft minutes as the minutes of the  
22 meeting of February 22, 1993, will signify by saying aye.

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1 (Chorus of ayes.)

2 CHAIRMAN WITTGRAF: Those who are opposed, nay.

3 (No response.)

4 CHAIRMAN WITTGRAF: The ayes appear to have it; the  
5 ayes do have it. The draft minutes, as amended, are  
6 approved.

7 At this time, the Chair is prepared to accept a  
8 motion that we proceed to closed or executive session, a  
9 motion to ratify the action already taken by written ballot  
10 prior to this meeting. Is there such a motion?

11 M O T I O N

12 MR. SHUMWAY: I'll move.

13 MS. LOVE: Second.

14 CHAIRMAN WITTGRAF: It's been moved by Mr. Shumway,  
15 seconded by Ms. Love. Discussion?

16 (No response.)

17 CHAIRMAN WITTGRAF: Those who are in favor will  
18 signify by saying aye.

19 (Chorus of ayes.)

20 CHAIRMAN WITTGRAF: Opposed, nay.

21 (No response.)

22 CHAIRMAN WITTGRAF: The ayes appear to have it; the

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1 ayes do have it. The motion is approved. Consistent with  
2 the approval of that motion and in light of the published  
3 agenda for the closed session, I'll first ask that everyone  
4 except for the reporter and the inspector general excuse  
5 themselves from these proceedings.

6 In the process, let me note for the record that  
7 directors present at this time are Hall, Love, Wolbeck, Kirk,  
8 Rath, Uddo, Shumway, and Wittgraf.

9 (Whereupon, at 12:55 p.m., the meeting was  
10 adjourned to closed session.)

11 \* \* \* \* \*

12 (1:35 p.m.)

13 CHAIRMAN WITTGRAF: If I can have your attention,  
14 please, we'll be in order once again in open session of this  
15 regularly-scheduled meeting of the Board of Directors. We'll  
16 proceed to Agenda Item 7, chairman's and members reports.

17 Let me first call the attention of the members of  
18 the Board to the copy of the letter sent by Howard H. Dana,  
19 Jr. to President Clinton on or about March 2 of this year,  
20 following his having been sworn in as a Justice of the Maine  
21 Supreme Court.

22 As we anticipated, and as we discussed during our

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1 last regular Board meeting, Mr. Dana has resigned and we now  
2 are ten, and we probably will be ten for the foreseeable  
3 future.

4 In that regard, and in an effort to ensure the  
5 smooth and not-deadlocked functioning of our committees, it's  
6 the Chair's recommendation at this time that Mr. Dana be  
7 replaced on the Audit and Appropriations Committee by Ms.  
8 Love, which will give her an extra committee assignment, and  
9 that Mr. Dana be replaced on the Operations and Regulations  
10 Committee by Ms. Wolbeck, which will give her an extra  
11 committee assignment, Mr. Molinari wishing not to be assigned  
12 any committees, still, so that our four standing committees  
13 each will have five members, in effect, with Ms. Love and Ms.  
14 Wolbeck taking Mr. Molinari's place on the two committees I  
15 named.

16 If there is a motion to that effect, I'll entertain  
17 it at this time.

18 M O T I O N

19 MR. RATH: So moved.

20 CHAIRMAN WITTGRAF: It's been so moved by Mr. Rath.

21 MR. UDDO: Second.

22 CHAIRMAN WITTGRAF: seconded by Mr. Uddo. Is there

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1 discussion?

2 (No response.)

3 CHAIRMAN WITTGRAF: Hearing none, those who are in  
4 favor of the addition of Ms. Love to the Audit and  
5 Appropriations Committee of the Board and the addition of Ms.  
6 Wolbeck to the Operations and Regulations Committee of the  
7 Board will signify by saying aye.

8 (Chorus of ayes.)

9 CHAIRMAN WITTGRAF: Those opposed, nay.

10 (No response.)

11 CHAIRMAN WITTGRAF: The ayes appear to have it; the  
12 ayes do have it. The motion is adopted.

13 MR. SHUMWAY: Congratulations.

14 CHAIRMAN WITTGRAF: Let me take a moment, also, to  
15 acknowledge the temporary absence of the president of the  
16 Corporation from the Board meeting. President O'Hara,  
17 together with Ms. Sparks and Mr. Sundseth, are appearing  
18 before a House Appropriations Subcommittee today, together  
19 with the Chief and the other members of the U.S. Veterans  
20 Court of Appeals regarding the appropriation request of the  
21 Court for fiscal year '94.

22 The Chief asked them to join him and his colleagues

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1 for that hearing, particularly in light of the Corporation's  
2 involvement or handling of the funds for the representation  
3 of indigent veterans with their appeals before that Court.

4 It's difficult to say but, hopefully, Mr. O'Hara  
5 will join us again before the meeting is over. In his  
6 absence, Ms. DiSanto, as the Corporation's acting vice  
7 president, will make her best effort to answer any questions  
8 or respond to any concerns that Board members have.

9 Any reports, any comments from any members of the  
10 Board at this time under Agenda Item 7?

11 (No response.)

12 CHAIRMAN WITTGRAF: Hearing none, we'll proceed to  
13 Agenda Item 8. That is consideration of the report of the  
14 Board's Operations and Regulations Committee. For that  
15 purpose, the Chair recognizes Mr. Rath.

16 MR. RATH: Mr. Chairman, we did not meet this  
17 month, so I have no formal report, and I'm not aware of any  
18 pending matters before the committee.

19 CHAIRMAN WITTGRAF: Mr. Rath, have you had an  
20 opportunity to visit with Mr. Fortuno as to whether or not  
21 there's anything additional that we might do to clarify or  
22 eliminate regulatory excess baggage that we have similar to

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1 the efforts that you and your committee and the Board made  
2 during the last six months?

3 MR. RATH: I've not had further discussions with  
4 him, Mr. Chairman. Taking this as a suggestion to have those  
5 discussions, I will, and will be prepared to do something at  
6 our next meeting, if appropriate and if time permits, in  
7 terms of getting something underway that we have a chance to  
8 conclude before our service terminates.

9 MR. SHUMWAY: Mr. Chairman?

10 CHAIRMAN WITTGRAF: Thank you, Mr. Rath. Mr.  
11 Shumway?

12 MR. SHUMWAY: We did take action, I believe, in our  
13 last meeting, on all of the recommendations that were before  
14 us, and I'm not aware of any further recommendations. There  
15 may yet be some to be forthcoming. But I think on everything  
16 that had been suggested we have moved upon them and the Board  
17 has taken action.

18 CHAIRMAN WITTGRAF: Absolutely. And I understand  
19 that and commend the efforts of not only the committee but  
20 particularly Mr. Fortuno and Ms. Glasow of our staff, and Mr.  
21 Houseman, on behalf of the field, in trying to take care of  
22 eliminating some unnecessary regulations. That was a process

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1 that took roughly from September through February.

2 My understanding is that there may be additional  
3 work that can be done in order to kind of pave the way or  
4 clear the way for our successors on the Board. That's why I  
5 asked Mr. Rath to inquire.

6 Agenda Item 9, then, is the report of the Inspector  
7 General Oversight Committee. The chair of that committee,  
8 Mr. Kirk, has excused himself from this meeting for a few  
9 minutes. He is about.

10 I think I can say on behalf of Mr. Kirk that the  
11 committee did not meet at this time. The committee is  
12 prepared to receive the inspector general's semi-annual  
13 report within a matter of weeks after the close of the semi-  
14 annual report period on March 31 of 1993, and then will take  
15 the initiative in drafting the Board's response to that  
16 report.

17 Any questions or comments regarding the Inspector  
18 General Oversight Committee?

19 (No response.)

20 CHAIRMAN WITGRAF: Hearing none, the Chair  
21 proceeds to Agenda Item 10 and, for that purpose, recognizes  
22 Mr. Hall for the report of the Provision for the Delivery of

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1 Legal Services Committee. Mr. Hall.

2 MR. HALL: Thank you, Mr. Chairman. Our committee  
3 did not meet this time. However, the staff has been gracious  
4 enough to provide me with analysis of the attorney  
5 recruitment and retention survey that has gone out and the  
6 responses that have come back so far.

7 It went out in February of this year, and they've  
8 already received responses from 80 of the field programs.  
9 There are several interesting points, and I will just quickly  
10 go through those.

11 Of the 80 that have responded, 36 programs, or 45  
12 percent of them, reported that they do have difficulty  
13 recruiting attorneys; 43 percent of those reporting have  
14 difficulties retaining attorneys; and 61 of the programs, or  
15 76 percent of them, said they have problems attracting or  
16 retaining minority attorneys.

17 The 80 programs reported a combined total of 43  
18 current attorney vacancies, 34 of which were in entry-level  
19 positions. Sixty-one programs, or 76 percent of those that  
20 reported, felt that the educational debt or loans was a  
21 factor and played a role in limiting the number of attorney  
22 applicants; and eight programs, which would be 10 percent of

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1 those that have responded so far, have an existing loan  
2 repayment assistance program for law school graduates.

3           Maybe I'm putting in too many figures, but let me  
4 give you another idea of some other things. Sixty-five  
5 percent of the staff lawyers that have one to two years of  
6 experience have outstanding student loans; 57 percent of  
7 staff attorneys with three to four years of experience have  
8 outstanding loans; 43 percent of those lawyers with five to  
9 seven years of experience have loans; and 23 percent of the  
10 staff lawyers with eight to ten years have student loans; and  
11 it goes down to 3 percent of staff lawyers with over ten  
12 years of experience still have loans.

13           Those loans average from \$24,000 for those with one  
14 or two years of experience down to about \$3,000 to those  
15 lawyers that have over ten years' experience, for an average  
16 loan balance of \$19,000. From what's come in so far, it  
17 looks like the rural areas seem to have the most problems  
18 and, of course, the attorneys with the least experience have  
19 the highest loans.

20           CHAIRMAN WITTGRAF: When are the responses to the  
21 survey to be in?

22           MR. HALL: April 16, I understand, is the target

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1 date.

2 CHAIRMAN WITTGRAF: So that hopefully, by the next  
3 meeting of the Board, it will be possible for us to have the  
4 final results from the survey?

5 MR. HALL: I think it probably will be, based on  
6 what's come in so far. And of course, as the Board knows, we  
7 are requesting about \$1 million to do something with these  
8 results when it comes in. I'm sure that, Mr. Chairman,  
9 you'll want to expound on that tomorrow.

10 CHAIRMAN WITTGRAF: Thank you, Mr. Hall. Anything  
11 further you'd like to report at this time on behalf of your  
12 committee?

13 MR. HALL: I have nothing further. I don't know if  
14 the committee members do or not. That's the end of my  
15 report.

16 CHAIRMAN WITTGRAF: Any questions or comments for  
17 Mr. Hall?

18 (No response.)

19 CHAIRMAN WITTGRAF: Thank you, Mr. Hall. The Chair  
20 recognizes Mr. Uddo for the report of the Audit and  
21 Appropriations Committee. Mr. Uddo.

22 MR. UDDO: Thank you, Mr. Chairman. The Audit and

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1 Appropriations Committee did meet this morning and it  
2 considered several agenda items. The first was to receive  
3 the annual independent auditors' report for fiscal year 1992,  
4 which was presented by a representative of Grant-Thornton,  
5 our auditors.

6 The audit itself had been distributed to the Board  
7 and the presentation didn't and the presentation didn't add  
8 anything to what was in the materials, and the auditors found  
9 that, with respect to the general audit, everything was in  
10 order and as it would be expected.

11 They did make one advisory comment dealing with  
12 uninsured cash balances and a recommendation from the prior  
13 year's audit that there be an investment policy that would  
14 attempt to overcome the problem of too much money being  
15 contained in a single bank on an uninsured status, and we did  
16 get a report from Mr. Richardson indicating that he is  
17 actively negotiating with a variety of banks to try to  
18 develop an investment policy that would overcome that problem  
19 and create the maximum amount of protection for Corporation  
20 funds in any commercial bank that would be holding those  
21 funds.

22 We have placed it as a continuing item on our

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1 future agendas to get updated on that month-to-month until  
2 the problem is resolved.

3 The second agenda item that the committee  
4 considered was the Corporation's consolidated operating  
5 budget expenses and other funds available for fiscal year  
6 '93, reviewing the four-month period ending January 31, 1993.  
7 Those figures were available to the committee and the Board  
8 and to the public. We reviewed those with Mr. Richardson,  
9 and no action was taken with respect to those.

10 Then finally, the committee did approve  
11 recommending or requesting of the staff a proposal on  
12 surveying the field on the implementation of some sort of  
13 timekeeping project in order to finally expend the \$300,000  
14 that has been carried over for some years under program  
15 development as earmarked for timekeeping.

16 So in conjunction with the Provision for the  
17 Delivery of Legal Services Committee, we have asked the  
18 staff, by the next meeting in San Diego, to bring us up to  
19 date on where we are with our information on timekeeping and  
20 various proposals and to present us with a proposed RFP for  
21 soliciting additional proposals for timekeeping from  
22 grantees. So we would expect to have some further

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1 information on that after our meeting in San Diego.

2 Other than that, that is all our committee did, and  
3 no action was taken.

4 CHAIRMAN WITTGRAF: Thank you, Mr. Uddo. Any  
5 questions for Mr. Uddo, or any discussion?

6 (No response.)

7 CHAIRMAN WITTGRAF: Hearing none, the Chair will  
8 ask Ms. DiSanto and anyone she wishes to have join her come  
9 forward for the purpose of the presentation of the  
10 President's report. Ms. DiSanto.

11 MS. DiSANTO: Good afternoon.

12 CHAIRMAN WITTGRAF: I believe I misspoke earlier.  
13 It's actually Suzanne Glasow who is with Mr. Sundseth and  
14 President O'Hara, not Susan Sparks. Let the record stand  
15 corrected.

16 MS. DiSANTO: Good afternoon again. This  
17 afternoon, we have several matters to bring up on behalf of  
18 President O'Hara. The first one is the legislative report,  
19 and Mr. Ken Boehm is here to speak, actually both regarding  
20 the legislative report and with regard to the national  
21 community service proposal. Mr. Boehm.

22 MR. BOEHM: On a lot of the normal beat for the

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1 legislative report, there hasn't been additional action. On  
2 reauthorization, no bills as yet have been introduced. There  
3 have been no hearings scheduled at either the House or the  
4 Senate. So that front is quiet.

5           With respect to the appropriations, as you know,  
6 we've got our hearing before the House Appropriations  
7 Subcommittee tomorrow at 2 O'clock. We will have the Senate  
8 several months after that. We've completed the budget  
9 request. All members of the Board should receive their  
10 budget request, and we have additional copies here as well.

11           A couple of items there. We still do not know what  
12 the Administration will be indicating is their desire in  
13 terms of an appropriation for fiscal year 1994. The  
14 President's budget is due on the Hill on April 5, and we'll  
15 find out at that point, if not before.

16           We've made numerous attempts, through OMB, the  
17 White House, Appropriations Committee staff, to try to get an  
18 advance clue but, as yet, we have not found out what that  
19 figure would be. As you know, the Administration is not  
20 technically part of our appropriations circuitry.

21           We have bypass authority through OMB, meaning that  
22 our request goes directly to the Hill; it doesn't go through

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1 OMB the way the larger departments of the government and  
2 full-scale federal agencies do. But generally there is a  
3 figure, and that would be interesting, because that is always  
4 taken into consideration during the process on the Hill.

5 With respect to the LSC Board and the appointment  
6 of a new Board, there have been a number of questions raised.  
7 We get a fair number of questions from the Hill on a regular  
8 basis from Senators, Congressmen who have prospective folk  
9 that they're interested in, but we've gotten questions from  
10 directors here, too, as well.

11 As you know, we now currently have a vacancy -- Mr.  
12 Dana's position on the Board. That can be filled by the  
13 President, in the event of a recess. The next recess coming  
14 up that that could be done would be the summer recess. It's  
15 a recess period of approximately 30 days or so. So that  
16 could be done there. The President of course, as you know,  
17 could also name 11 and, as soon as they would be confirmed by  
18 the Senate, they would then become the Board.

19 A question has arisen as to what would happen at  
20 the end of this session of Congress when, presumably, the  
21 recess appointments would expire, but if the President does  
22 not name a successor Board. Under those circumstances, there

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1 would be a vacancy.

2           There is a distinction between that situation and  
3 the situation where if you have a confirmed Board and their  
4 date of appointment, their term of appointment has expired  
5 and a successor has not been named, under those  
6 circumstances, the member of the Board continues to serve.  
7 And that's been the practice from the beginning, and it's set  
8 forth in the Act.

9           Under the situation where you have a recess  
10 appointee who has not been confirmed and it runs to the end  
11 of the next session of Congress, when Congress adjourns sine  
12 die, there would be a vacancy. For most members of this  
13 Board, you'll recall -- I believe it was two years ago --  
14 when the recess appointments expired and we actually had  
15 vacancies on the Board during that period.

16           But that will not happen until the end of the year,  
17 when Congress adjourns sine die, which is the last session  
18 for this session of Congress.

19           CHAIRMAN WITTGRAF: Let me interrupt you just a  
20 moment, Mr. Boehm --

21           MR. BOEHM: Sure.

22           CHAIRMAN WITTGRAF: -- to acknowledge Ms. Pullen's

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1 having joined us this afternoon. Welcome.

2 MS. PULLEN: Thank you. It's been an exciting  
3 adventure.

4 CHAIRMAN WITTGRAF: Mr. Boehm.

5 MR. BOEHM: Okay. Also with respect to the  
6 appointments, we have not heard anything further.  
7 Interestingly, I had an appointment over at the White House  
8 about a week ago with the domestic policy staff, and they  
9 were trying to determine who within the Administration was  
10 our liaison, and could not determine who that person was.

11 There's no law that sets forth that it has to be in  
12 the White House Counsel. It could be in the Department of  
13 Justice. Zoe Baird, during her confirmation hearings, had  
14 indicated it would be done out of Justice, but the new  
15 Attorney General has just been in that position for a little  
16 over a week and, as yet, we have not heard and nobody in any  
17 position of authority around town knows who our designated  
18 liaison is. That may be one of the factors that may be  
19 playing with respect to lack of activity on some of these  
20 other fronts.

21 Moving on to a quick point, just a followup to a  
22 point that had been made a few moments ago with respect to

1 what the Board did with the regulations that had been in a  
2 state of suspended animation over the last few years.

3 We did communicate that to the Hill. A letter over  
4 President O'Hara's signature went not only to our oversight  
5 committees -- that is, our committees that have  
6 reauthorization jurisdiction -- but also to our  
7 appropriations committees and subcommittees. So we fully  
8 informed them of the changes and as yet have not received any  
9 comments back so, presumably, there's no disagreement on the  
10 action that was taken.

11 Getting to the point that Emilia DiSanto had just  
12 mentioned with respect to national service, that is a policy  
13 area that we're getting a lot of communication on. We've  
14 been contacted by Mr. Eli Segal's office. He's doing these  
15 issues for the President.

16 I mentioned briefly, before I went over to the  
17 White House to the domestic policy staff about a week-and-a-  
18 half ago. They are very interested. There's a variety of  
19 specific points of interest. Let me just run through them,  
20 because they have some bearing on the budget and some other  
21 issues that are being considered.

22 As you know, the President is very interested in

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1 putting in some sort of overall system of national service.  
2 The parameters of that have not been spelled out as to how it  
3 would work. They're taking a lot of testimony. There have  
4 been a lot of gatherings where this has been discussed.

5 We've received communications from that office  
6 asking us a variety of background materials that they were  
7 also asking of other federally-designated entities. Some of  
8 the specific areas of concern: They are interested in the  
9 attorney retention/recruitment policy initiatives that this  
10 Board has undertaken.

11 Specifically, we have two of them. One is our FY  
12 '94 request, where we're requesting, for the first time, \$1  
13 million for that area. The second one is our FY '93, in  
14 effect, transfer of authority or reprogramming request, where  
15 200,000 of the \$1.254 million that we're requesting be  
16 reprogrammed will go towards a pilot project for loan  
17 forgiveness for attorney recruitment and retention.

18 That was a specific point of interest, and when I  
19 spoke with Dansia Strong in the White House Policy Office,  
20 she had an interest in that, wanted to know what our plans  
21 were with respect to that, wanted to know the dollar figures.

22 It's only because, as you may now have followed the

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1 issue, the President initially wanted to start fairly quickly  
2 on some projects along these lines, was unable to do so in  
3 part because of budget constraints. So there seems to be a  
4 general effort to see what can be done this fiscal year,  
5 fiscal year '93. That's why they had an interest in our  
6 reprogramming request.

7 I took the opportunity to ask what, if anything,  
8 the Administration may do to support our reprogramming  
9 request. At this point, it's difficult to say because, as I  
10 say, not all the necessary personnel are in the necessary  
11 slots. There really isn't a person with jurisdiction over  
12 legal services, and it was suggested that the legislative  
13 route, this Board, the chairman or whatever, communicating  
14 with the folks on our reauthorization committee be the most  
15 appropriate way to get that across to the appropriations  
16 folks.

17 But at the minimum, there's an interest in it. It  
18 may come up tomorrow at our appropriations hearings. They're  
19 aware of the President's policy initiatives in this area, and  
20 we're still in the early stages, as I say. We've  
21 participated to some degree by providing information to Mr.  
22 Segal's office on some of the activities that we've

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1 undertaken. We're going to continue to be in touch with them  
2 as well as with the White House domestic policy staff.

3 Where this will lead we don't know because, as I  
4 say, it's just really in the early stages and there isn't an  
5 overall plan or overall legislation been introduced to  
6 support whatever the Administration is doing on this. So  
7 this is by way of exchange of information at this point.

8 I'll be happy to take any questions.

9 CHAIRMAN WITTGRAF: Thank you, Mr. Boehm. A report  
10 characterized, I guess, as potpourri. Does anybody have any  
11 questions for any part of the potpourri, for Mr. Boehm?

12 (No response.)

13 CHAIRMAN WITTGRAF: Let me make a comment or two.  
14 As Mr. Boehm indicated, and a principal reason for changing  
15 the Board meeting from yesterday as scheduled originally, to  
16 today, was to put it in conjunction with the House  
17 Appropriations Subcommittee meeting. I appreciate the  
18 efforts of the members of the Board to reschedule themselves  
19 to that end.

20 We are scheduled to appear before the House  
21 Appropriations Subcommittee tomorrow morning at 10:00 a.m. I  
22 had anticipated that Mr. Shumway would be joining me as the

1 vice chairman of the Board. He's unable to do so because of  
2 a prior commitment with his Public Utilities Commission that  
3 he has in California.

4 In fact, our immediate past vice chairman and also  
5 former Member of Congress, Mr. Molinari, will be  
6 participating in the hearing tomorrow with me and with  
7 President O'Hara. Any Board members who are here tomorrow, I  
8 would encourage to attend the hearing, just to learn from the  
9 experience, and also to get a sense of which particular  
10 questions or which areas of our appropriation request are in  
11 the minds of the staff of the subcommittee and the  
12 subcommittee members' themselves.

13 The meeting, as I said, is scheduled for 10:00 a.m.  
14 in Room 310 on the House side of the Capitol Building. My  
15 suggestion is that any Board members who will be going over  
16 meet here at approximately 9:30 so that we can go together  
17 and so that Mr. Boehm or someone else appropriate can lead  
18 us, following a path of bread crumbs, I fear, to H-310, which  
19 is a very difficult room to find. But it would be a good  
20 opportunity for anybody who is going to be here to be present  
21 for the hearing.

22 What we don't know, unfortunately, is whether two

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1 or three or four agencies are scheduled for the morning.  
2 Typically, at least two are scheduled for a particular time  
3 slot. We might be the first; we might be the second; we  
4 might be the third to appear.

5 So sometime between 10:00 and 11:30 or 11:45 we'll  
6 have our opportunity, and it's an opportunity that may last  
7 for 20 minutes; it may last for an hour, simply depending  
8 upon the questions that the members have and how much  
9 discussion it generates. If any of you have any comments or  
10 suggestions, I'd be delighted to hear them or have them.

11 My plan is -- as suggested by the format of our  
12 appropriation request, into which Mr. O'Hara and the members  
13 of the staff put a great deal of work -- to highlight why the  
14 need is ever greater for increased funding, the points that  
15 are made at the beginning of the narrative portion of that  
16 report, and then also to stress the areas where we think new  
17 or additional spending might be done and the reasons  
18 therefor, so that the committee and the staff have some sense  
19 of why we're talking about \$1 million for attorney  
20 recruitment and retention or additional monies for the  
21 competition study or new monies for a consolidation effort,  
22 so that we can make clear our thinking as to the importance

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1 of those monies in addition to the bulk of the monies, of  
2 course, going to increase the level of funding for the basic  
3 field programs.

4 If you think there are some other things I should  
5 touch on or emphasize, please let me know.

6 At this point, as Mr. Boehm indicated, no date has  
7 been sent for the Senate Appropriations Subcommittee hearing  
8 and, in fact, there's a possibility, I suppose, that there  
9 won't even be a hearing on that side this time because not  
10 all agencies, especially small agencies, necessarily have a  
11 hearing every year. So we'll just wait to see whether or not  
12 we're summoned.

13 Any questions or comments for Mr. Boehm?

14 (No response.)

15 CHAIRMAN WITTGRAF: Thank you. Ms. DiSanto.

16 MS. DiSANTO: Thank you, Mr. Chairman. Next, we  
17 have several staff members that will be participating in the  
18 ABA's Pro Bono Conference, which will be taking place in  
19 Baltimore, Maryland in mid-April.

20 Specifically, Suzanne Glasow will be a panel  
21 participant during that conference and, in addition, Susan  
22 Sparks will be a participant on one of the panels. Leslie

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1 Russell, who is manager of program support and technical  
2 assistance at the Corporation will be attending the entire  
3 Pro Bono Conference in Baltimore.

4 In addition, Jack will be attending a few matters  
5 over the upcoming months. He is the keynote speaker at a  
6 symposium which is sponsored by one of our national support  
7 centers, the Center for the Medically Dependent and Disabled.  
8 He will be keynote speaker sometime in April and will be  
9 going down to New Orleans for that particular event.

10 Very shortly in, I believe it is the first week of  
11 April, there is a California Project Directors' Meeting which  
12 I believe is for the state of California and Nevada, and Jack  
13 will be meeting with the project directors of those two  
14 states.

15 In addition, there will be a meeting that many of  
16 our programs that receive migrant funds will be participating  
17 in and will be coming here to talk about new reporting  
18 requirements for migrants

19 In addition, Mr. O'Hara recently received an  
20 invitation from Congressman Becerra, who is a new Congressman  
21 in Los Angeles. Congressman Becerra has invited Jack to Los  
22 Angeles. Jack has accepted that particular invitation. What

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1 is important to know is that the area which Mr. Becerra  
2 represents is also the area in which we have given a bridge  
3 project through the Meritorious and Innovative Grant Program,  
4 and he will be meeting with the members sometime in April,  
5 and Mr. Becerra was also recently appointed to the Judiciary  
6 Committee.

7           Next, I have a quick update on the Veterans  
8 Project. In light of the fact that Chris is not available, I  
9 shall do the honors on that. The outreach component of the  
10 Veterans Pro Bono Project has recruited and trained in excess  
11 of 100 attorneys to date in private practice, and these  
12 attorneys have all agreed to take at least one pro bono case  
13 for the Veterans.

14           An agreement has also been reached with the  
15 District of Columbia Bar Association whereby attorneys can  
16 use their veterans' training for require CLE credit. Another  
17 component of the Veterans Project is the screening component.  
18 To date, that component has screened in excess of 300 cases  
19 since it began full operation in October, 1992.

20           In addition to that, an additional 209 cases have  
21 been pre-screened at the Court, and those were the cases  
22 where they were found to be non-meritorious cases. So far,

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1 over 125 cases have bene referred to pro bono attorneys and  
2 139 cases have also been pre-screened.

3 Also recently, on March 11, President O'Hara and  
4 LSC senior staff members were given a tour of the screening  
5 unit which was in full operation, and it was really  
6 incredible to have the opportunity to see the unit in full  
7 operation at this point in time. As you know, Chief Judge  
8 Nebaker and President O'Hara are currently before the House  
9 Appropriations Subcommittee, and we expect that the Court  
10 will be asking for an additional \$700,000 for FY 1994 to  
11 support the Pro Bono Project with the Legal Services  
12 Corporation.

13 In addition, tomorrow afternoon, President O'Hara  
14 will be meeting with Senator Simon, and he is meeting with  
15 Senator Simon regarding a matter which came to Senator  
16 Simon's attention about a month-and-a-half ago in which a  
17 program, Legal Assistance Foundation of Chicago, has been  
18 forced, due to budget constraints, to close several of its  
19 offices.

20 He will be meeting with Senator Simon to kind of  
21 explain the situation there, to explain the shortfall that  
22 has been suffered by that particular program, and also to

1 discuss what kind of stopgap measures the program has  
2 instituted to take care of the poverty population in that  
3 particular area.

4 Next, I'd like to ask both Ellen Smead and Kathy de  
5 Bettencourt to provide the Board with an update on the  
6 Competition Project.

7 CHAIRMAN WITTGRAF: Thank you, Ms. DiSanto. Before  
8 Ms. Smead or Ms. de Bettencourt begin their presentation, let  
9 me ask the Board members if they have any questions or  
10 comments for you on the several matters that you mentioned.

11 (No response.)

12 CHAIRMAN WITTGRAF: There are none, apparently.  
13 Let me make one comment.

14 Mr. Boehm, going back to his legislative report,  
15 just visited with one of the staff members of the House  
16 Appropriations Subcommittee, from whom he determined that  
17 tomorrow morning our presentation of our budget request is  
18 the only one scheduled. It's scheduled, of course, for 10:00  
19 a.m., so that we should begin shortly thereafter and should  
20 be done relatively early for any Board members who are able  
21 to be there but who still have late morning or early  
22 afternoon plane connections to make.

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1 Ms. DiSanto.

2 MS. DiSANTO: I'd like now to turn over this  
3 portion of the report to Ellen Smead and Kathy de  
4 Bettencourt, who will discuss the Competition Demonstration  
5 Project.

6 MS. de BETTENCOURT: We are getting very close to  
7 the actual go-ahead on the demonstration project. We have  
8 started scheduling events. We are finishing some final  
9 methodological questions. The training materials are being  
10 developed.

11 We've actually scheduled the first training and  
12 test site which will be held beginning April 24 in Denver.  
13 John Asher's program, Legal Aid Society of Metropolitan  
14 Denver, has volunteered to drop out of the competition and to  
15 be the test site.

16 After a short training, the peer reviewers will  
17 spend four days on-site, evaluating the test site program,  
18 testing the different scoring methodologies that we have  
19 presented for their use, and the criteria will be tested, and  
20 any changes that have to be made will be incorporated into  
21 the final training, which is scheduled for May 22nd and 23rd.

22 After the training of the peer reviewers, which

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1 takes place Saturday and Sunday, they will leave immediately  
2 and go to the first site in their cluster. They will break  
3 up into five teams and visit the first program in that team's  
4 cluster.

5 I handed out, or Ms. McCollum handed out earlier, a  
6 map. These are the demonstration project sites. The numbers  
7 are the cluster numbers. All the programs that have number  
8 one are the programs in program cluster number one. Attached  
9 is a list of the programs in each cluster. As you can see,  
10 they are all over the country, except for the Midwest, and  
11 that was simply due to the fact that no one in the Midwest  
12 either applied or were selected in the lottery.

13 The other event that we have scheduled is a project  
14 director orientation. We thought that it would be very  
15 useful to get all the project directors of the competing  
16 programs together to explain to them the rules of the game,  
17 how they'll be scored, what is expected of them and their  
18 staff, and permit them to ask any questions before they  
19 actually start. So that is scheduled for May 13 here in  
20 Washington.

21 The first site visits, as I say, will be the last  
22 week of May. The rest of the site visits will be scheduled

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1 throughout the summer. We should finish, probably, in  
2 September. Then we'll debrief the peers and find out what  
3 we've learned from the first set of site visits, and then we  
4 wait for 18 months and go back again.

5 CHAIRMAN WITTGRAF: Ms. de Bettencourt, let me  
6 interrupt you just for a moment. When will the initial  
7 monies be distributed or expended as far as the project  
8 participants are concerned?

9 MS. de BETTENCOURT: Within the next month.

10 CHAIRMAN WITTGRAF: From now?

11 MS. de BETTENCOURT: Right.

12 CHAIRMAN WITTGRAF: Okay. During April?

13 MS. de BETTENCOURT: Right. Those are the  
14 incentive grants of \$20,000 or \$30,000, depending on the  
15 project size. And we will be sending those to the programs  
16 as soon as they sign a grant letter, which they will return  
17 to us, and then we'll disburse the funds.

18 Are there any other questions?

19 CHAIRMAN WITTGRAF: Questions or comments for Ms.  
20 de Bettencourt? Mr. Shumway?

21 MR. SHUMWAY: The map that you provided us is  
22 interesting. I just wonder if the sites selected are at all

1 representative of where the grantees are. I know we have  
2 many in the Midwest, and there's no one there. But there  
3 seems to be a great many in California, and then concentrated  
4 on the East Coast. Is that where most of the --

5 MS. de BETTENCOURT: We ran that risk in permitting  
6 programs to volunteer to participate. Since we were asking a  
7 lot of them, we thought it was necessary to ask for  
8 volunteers, rather than to simply pick programs.

9 So this is not completely representative of the 324  
10 programs, or at least the 284 basic field programs. If we  
11 ever get to that point, perhaps we can ask for more money and  
12 recruit people from the Midwest to continue.

13 CHAIRMAN WITTGRAF: The participants, though, are  
14 based on the luck of the draw.

15 MS. de BETTENCOURT: Right.

16 CHAIRMAN WITTGRAF: A draw performed by a  
17 Midwesterner.

18 (Laughter.)

19 MR. RATH: I want to note for the record, Mr.  
20 Chairman, that it was a Midwesterner who drew.

21 CHAIRMAN WITTGRAF: So to the extent that there are  
22 four categories, there is a cross-sampling of categorical

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1 types. The geographic cross-sampling does leave a big gap  
2 between the Mississippi and the Rockies, though.

3 MS. de BETTENCOURT: That's true.

4 CHAIRMAN WITTGRAF: Unfortunately.

5 MS. de BETTENCOURT: Although, given that  
6 limitation, we really do have a very diverse selection of  
7 programs, very large statewide rural programs, very small  
8 urban areas. You might notice we even have two small  
9 programs close together in South Carolina, which was one of  
10 our earlier versions of competition.

11 CHAIRMAN WITTGRAF: And who would have even thought  
12 that the chairman of the Senate Appropriations Subcommittee  
13 was from South Carolina? To that extent, Ms. Wolbeck was  
14 very successful.

15 Further questions or comments for Ms. de  
16 Bettencourt?

17 (No response.)

18 CHAIRMAN WITTGRAF: Thank you. Ms. DiSanto.

19 MS. DiSANTO: On a related note, recently President  
20 O'Hara did make selections from staff to be peer reviewers.  
21 There were five individuals selected; and they are Jack  
22 Walker, Terry Older, Duane Einhorn, Carolyn Kennedy, and Burt

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1 Thomas. Each of them brings just a great deal of experience  
2 to each of the teams, and each is also quite excited about  
3 participating in this particular project.

4 Next, I'd like to ask Ressie Walker and Charlie  
5 Moses to come up and give a brief overview on the Migrant  
6 Alternative Dispute Resolution Solicitation, which was issued  
7 about three weeks ago; the Southeast Migrant Legal Services  
8 Conference, which we co-sponsored on March 15th and 16th; and  
9 the Thomas Rivera Study, which I think you've been hearing a  
10 lot about, which is the Enumeration Projects that are being  
11 for migrants.

12 Ressie, Charlie?

13 MR. MOSES: I'll start. First, let's talk about  
14 the Southeast regional training that was held, it would have  
15 been what, two weeks ago, in Atlanta. In fact, it was held  
16 on the weekend of the storm of the century in the South, so  
17 unfortunately, we had people that were flying in from  
18 airports that were closed. We had quite a bit of problem  
19 working with that. It was delayed by about half a day. But  
20 everything worked out.

21 We had approximately 30, 35 migrant farm attorneys  
22 from our programs throughout the Southeastern United States

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1 that met with a training that MLAP -- the Migrant Legal  
2 Action Program -- cosponsored with us. The primary purpose  
3 was to assist the four new migrant programs that had been set  
4 up in the Southeast -- in Arkansas, Alabama, Mississippi, and  
5 Tennessee. So there was a large concentration of effort in  
6 trying to help these individual programs to understand the  
7 various different problems that they would be facing or  
8 working with.

9 One thing that I think the Board should be aware  
10 of, that we were able to do to try and hold the conferences  
11 as economically as possible, is that, because we were  
12 cosponsoring it, we were able to work with government air  
13 fares to try and get the cheapest possible air fares. It's  
14 interesting to note that we came in approximately \$5,000  
15 below even the original estimates of what we thought it would  
16 cost.

17 So I think that, for future reference, this is  
18 showing one way that the Board might be able, or the  
19 Corporation might be able to assist in future trainings that  
20 the Board might want to do, to try and get the most  
21 inexpensive air fare, the least amount of funds spent, for  
22 various things the Board chooses to do.

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1 Ressie Walker --

2 CHAIRMAN WITTGRAF: Let me interrupt you just a  
3 minute, Mr. Moses, on that point. We didn't particularly do  
4 that, did we, for the participants in the Migrant Ombudsman  
5 Seminar in Des Moines in December? Do you know?

6 MR. MOSES: Yes, we did.

7 CHAIRMAN WITTGRAF: Did we? Okay.

8 MR. MOSES: Yes. In December, yes, we made all air  
9 reservations.

10 CHAIRMAN WITTGRAF: And that allowed minimal or  
11 bottom dollar costs for those air fares?

12 Mr. MOSES: Exactly.

13 CHAIRMAN WITTGRAF: Thank you.

14 Mr. MOSES: It's not the most convenient system of  
15 air transportation, but it is, I think, the most inexpensive  
16 system that we've found.

17 This is Ressie Walker, who is in our Grants and  
18 Budget Division, one of whose specialties is migrant work.  
19 And I'll turn it over to her.

20 MS. WALKER: I just wanted to speak to the concept  
21 of the training conference itself. As you know, the  
22 Corporation had funded four programs in the Southeast --

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1 Alabama, Arkansas, Tennessee, and Mississippi -- to start up  
2 migrant service delivery.

3           The conference was really designed to help those  
4 programs start their programs, deal with outreach -- at least  
5 start outreach -- and really put together a good system to  
6 begin to serve that client community. As such, the  
7 conference was centered around helping those programs  
8 understand access issues better, develop really strong intake  
9 procedures, as well as develop work plans so that they would  
10 be very structured, very coordinated in their efforts to  
11 begin to serve the migrant community.

12           The veteran programs, as we like to call them --  
13 the programs who have been receiving annualized funding for a  
14 period of years -- sort of served as, I'd say, a cushion or a  
15 resource for the newer programs who are just starting up.  
16 The comments we got from the participants were very positive.  
17 They wanted to know were we going to be able to do other  
18 regional training and they seemed, from what I gathered, to  
19 have learned a great deal, and will be able to put that in  
20 place.

21           I'll go right into the Migrant Alternative Dispute  
22 Resolution Solicitation. On March 11, we mailed out to 45

1 LSC Migrant Legal Services Programs, as well as 57 programs  
2 that are receiving Department of Labor JPTA funds. We also  
3 placed, as required, a notice in the Federal Register of the  
4 availability of the funding, and to date, we've received 12  
5 requests in addition to the 102, it looks like, that we  
6 mailed out. We may get some more requests from various  
7 universities or associations and other types of firms.

8 The completed proposals are due in to the  
9 Corporation by April 12 of this year, and we plan to announce  
10 our awards or our intent to award by May 12 of this year.

11 Last on my agenda here is the Thomas Rivera Center  
12 Migrant Enumeration Study. As you know, this year's  
13 appropriation contained language that requested that we use  
14 the population figures from that study to calculate the  
15 increase for migrant programs in FY '93.

16 You may also know that the figures had been delayed  
17 for a bit, and we finally did received a copy of the  
18 population figures for all of the states. They will be used  
19 to calculate the increase for the migrant programs for this  
20 year.

21 Because of a timing issue, we had hoped to have the  
22 figures sooner and, obviously, to get the funding out to

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1 programs in April. Because the figures came to us a little  
2 bit later than what we had anticipated, the programs will be  
3 getting their increase with their May checks.

4 CHAIRMAN WITTGRAF: Those increases are utilizing  
5 funds, Ms. Walker, that were held back or available and just  
6 waiting to be distributed based upon the analysis of the  
7 poverty population changes?

8 MS. WALKER: Yes.

9 CHAIRMAN WITTGRAF: Questions or comments for Mr.  
10 Moses or Ms. Walker regarding those three matters?

11 (No response.)

12 CHAIRMAN WITTGRAF: Thank you. Ms. DiSanto.

13 MS. DISANTO: Last is just a very brief update on  
14 the 1993 Annual Report. That report is presently being  
15 worked on. The target date for delivery is somewhere toward  
16 the end of April of this year.

17 I'd also like to just take this opportunity to  
18 introduce you to Mary Bush, who is here -- Mary, could you  
19 stand up for a second? -- Mary Bush, who is here, who finds  
20 herself totally responsible for the Annual Report and the  
21 newsletters, due to the departure of another staff member who  
22 was responsible for it until about three weeks ago.

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1 If you have --

2 CHAIRMAN WITTGRAF: Is that a blessing or a burden  
3 that she received?

4 MS. DiSANTO: Well, it's a very big job, and Mary  
5 is taking it on very well. If you have any potential topics  
6 or any particular photographs that you think would be of  
7 interest in the Annual Report, we'd appreciate those, and if  
8 you have any questions, we're prepared to answer them.

9 CHAIRMAN WITTGRAF: Is she able to use caricatures  
10 in her report?

11 MS. DiSANTO: I think that could be arranged.

12 That is the end of the President's Report. If you  
13 have any questions on those topics or any other matters, I'd  
14 be happy to answer them.

15 CHAIRMAN WITTGRAF: Questions or comments for Ms.  
16 DiSanto?

17 (No response.)

18 CHAIRMAN WITTGRAF: Thank you, Ms. DiSanto.

19 MS. DiSANTO: Thank you.

20 CHAIRMAN WITTGRAF: At this time, we will proceed  
21 to Agenda Item 13. For that purpose, the Chair recognizes  
22 General Quatrevaux, to give the public report of the

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1 inspector general. Mr. Quatrevaux.

2 MR. QUATREVAUX: Thank you, Mr. Chairman. I have  
3 two items.

4 The first item, it is a pleasure to introduce our  
5 new counsel in the Office of Inspector General, Renée  
6 Szybala. Following an outstanding academic career, Renée  
7 worked for a time at a large law firm in New York City. She  
8 came to Washington to accept an appointment as Deputy  
9 Associate Attorney General. She left that post in the early  
10 1980s to return to private practice. She's taking time off  
11 from her career, intermittently, to concentrate on raising a  
12 family.

13 CHAIRMAN WITTGRAF: For the record, could you spell  
14 her name?

15 MR. QUATREVAUX: Thank you. The first name is  
16 spelled with two e's, accent on the penultimate e. The last  
17 name is spelled S-z-y-b-a-l-a.

18 CHAIRMAN WITTGRAF: Is she here?

19 MR. QUATREVAUX: I'm sorry. I assumed she had  
20 stood up.

21 CHAIRMAN WITTGRAF: Oh, I couldn't see around the  
22 corner there. Okay. Is Szbala easier or harder to spell

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1 than Quatrevaux, do you suppose?

2 MR. QUATREVAUX: Well, I guess it depends on where  
3 you come from. I think it's probably easier.

4 The only item of substance I have for you is to  
5 just call your attention to the so-called OIG update that we  
6 issued recently, which recaps the loss experience of the LSC  
7 community in fiscal year 1992. I thought I would mention it,  
8 first of all, to say that, to some degree, Mr. Chairman, it  
9 was your suggestions and urgings that caused us to take this  
10 action to attempt to provide some assistance here in sharing  
11 our observations with those who experienced the losses.

12 At this time, if you have any questions, I'll be  
13 happy to answer them.

14 (No response.)

15 MR. QUATREVAUX: That's all I have, Mr. Chairman.

16 CHAIRMAN WITTGRAF: Thank you, Mr. Quatrevaux. Let  
17 me ask you something I've asked you before. Do you have any  
18 sense now of how the hotline is working?

19 MR. QUATREVAUX: The answer, I think, is still the  
20 same. In terms of making any sort of evaluation as to its  
21 usefulness, I think it is premature. I would note only that  
22 its cost is extremely low, that it's a traditional practice

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1 and, in fact, it's almost universal now in the inspector  
2 general community.

3 CHAIRMAN WITTGRAF: I notice that you have  
4 developed some printed materials to be posted on bulletin  
5 boards or walls, places of traffic. Have you made those  
6 signs available to the Corporation's grantees for posting by  
7 them?

8 MR. QUATREVAUX: Yes, we have, Mr. Chairman.

9 CHAIRMAN WITTGRAF: Any questions or comments for  
10 General Quatrevaux?

11 (No response.)

12 CHAIRMAN WITTGRAF: Thank you.

13 MR. QUATREVAUX: Thank you, Mr. Chairman.

14 CHAIRMAN WITTGRAF: Under Agenda Item 14, other  
15 business, the Chair recognizes Mr. Kirk. Mr. Kirk?

16 MR. KIRK: Pursuant to a request that I made at the  
17 last meeting, President O'Hara has prepared an outline  
18 regarding procedures that would be followed in the event that  
19 a member of the Board of Directors made a request for  
20 information from the Corporation. It's in draft form. These  
21 are available to those who wish to look at it. I've asked  
22 that it be placed on the agenda for further consideration

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1 next time.

2 I have a few comments of my own but, essentially,  
3 it provides that any request from a Board member or from the  
4 Board as a whole should ideally be made in open session or in  
5 a committee meeting or a Board meeting, and if the request is  
6 made outside of that forum, it will be made through the  
7 president, and the president would then make every effort to  
8 ensure that other Board members knew the request was pending,  
9 and when there was a final report made by a member of the  
10 Corporation, it would then be made available to all the  
11 members of the Board.

12 This would avoid various interest groups having  
13 their own people on staff doing research, essentially,  
14 through a Board member, for their own purposes. I have a few  
15 refinements to make, but it's attractive in its simplicity,  
16 as I have read it.

17 CHAIRMAN WITTGRAF: That will be an agenda item for  
18 discussion, then, at the next Board meeting. Thank you, Mr.  
19 Kirk.

20 Other business? Other matters to come before the  
21 Board under the consideration of other business? Ms. Pullen?

22 MS. PULLEN: I have an inquiry, Mr. Chairman. I

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1 don't know whether this can be responded to at this time, but  
2 in the spirit of the pending resolution, perhaps this would  
3 be the appropriate time to raise the question.

4 I would like to know, either now or at the next  
5 meeting, whether the Legal Services Corporation has a policy  
6 or is required to abide by any policy with respect to changes  
7 in administrative personnel, including senior staff members,  
8 for political reasons.

9 CHAIRMAN WITTGRAF: That's a good question.  
10 Offhand, I'm not aware of any such policy. Mr. Fortuno, the  
11 general counsel, is here; Ms. DiSanto, the acting vice  
12 president is here, if either of them would wish to respond.  
13 I'm not aware of anything. Mr. Fortuno, please.

14 MR. FORTUNO: There is no formal policy that I know  
15 of. There is, however, a provision in the statute that says  
16 that political considerations won't govern questions of that  
17 sort. But aside from the LSC Act -- and, of course, that's  
18 echoed in the LSC Personnel Manual and other documents. But  
19 I don't know of any formal policy. If there's anything  
20 specific, I could maybe answer that, but I don't know of any  
21 formal policy, no.

22 MS. PULLEN: I am concerned from the standpoint of

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1 anticipation, and I think it's something that the Board  
2 should be concerned about.

3 CHAIRMAN WITTGRAF: Was there anything in  
4 particular that you'd like to have Mr. O'Hara, Mr. Fortuno,  
5 or anybody pursue? I think we all understand your concern,  
6 at least in general terms.

7 MS. PULLEN: Perhaps Mr. Fortuno could research for  
8 us whether any action needs to be taken to safeguard against  
9 political considerations in future actions taken with respect  
10 to staff, including senior staff.

11 CHAIRMAN WITTGRAF: To the best of the Chair's  
12 knowledge and recollection, the only two individuals hired by  
13 the Board are the president and the inspector general. The  
14 only two employees of the Corporation at this time who have  
15 contracts are the president and the inspector general.

16 So I guess the question becomes if perhaps you can  
17 summarize in writing for Ms. Pullen and for her colleagues on  
18 the Board what the status, what the rights are, what the  
19 protections are, of the other members of the Corporation  
20 staff, aside from the president and the inspector general.

21 MR. FORTUNO: We can certainly do that.

22 MS. PULLEN: Would you please include any previous

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1 litigation that might have taken place on the subject?

2 MR. FORTUNO: Certainly; and we'll have that  
3 available in time for the next meeting.

4 MS. PULLEN: Thank you.

5 MR. FORTUNO: Thank you.

6 CHAIRMAN WITTGRAF: Further questions or comments  
7 on that topic?

8 (No response.)

9 CHAIRMAN WITTGRAF: Further matters to come before  
10 the Board under Agenda Item 14, the consideration of other  
11 business?

12 (No response.)

13 CHAIRMAN WITTGRAF: Hearing none, the Chair is  
14 prepared to entertain a motion to adjourn.

15 M O T I O N

16 MR. RATH: So moved.

17 CHAIRMAN WITTGRAF: It's been moved by Mr. Rath.

18 MS. LOVE: Second.

19 CHAIRMAN WITTGRAF: Seconded by Ms. Love.

20 Those who are in favor of will signify by saying  
21 aye.

22 (Chorus of ayes.)

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CHAIRMAN WITTGRAF: Opposed, nay.

(No response.)

CHAIRMAN WITTGRAF: The ayes appear to have it; the ayes do have it. The meeting is adjourned.

(Whereupon, at 2:36 p.m., the open meeting of the Board of Directors was adjourned.)

\* \* \* \* \*

