

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

OPEN SESSION

Saturday, April 30, 2005

10:34 a.m.

The Caribe Hilton Hotel
Los Rosales Street
San Geronimo Grounds
San Juan, Puerto Rico

BOARD MEMBERS PRESENT:

Frank B. Strickland, Chairman
Helaine M. Barnett, ex officio
Lillian R. BeVier, Vice Chairman
Robert J. Dieter
Herbert S. Garten
David Hall
Michael McKay
Maria Luisa Mercado
Florentino A. Subia
Ernestine Watlington (by telephone)

OTHERS PRESENT:

Jonathan Asher, Acting Special Counsel to Pres., LSC
Patricia Batie, Manager of Board Operations, LSC
Emiliano Irizarry Castro, Meas. Facilitator, PRLS
Julie Clark, NLADA
Mattie Condray, Sr. Asst. General Counsel, LSC
Karen M. Dozier, Executive Asst. to President, LSC
Victor Fortuno, V.P. Legal Affairs, Gen. Counsel, LSC
Thomas A. Fuentes, Nominee, LSC Board of Directors
Luis E. Maldonado-Guzman, Executive Director, PRLS
Rafael Rivera Meléndez, Director, PRLS
Rafael Rodriguez Monctezuma, Lit. Facilitator, PRLS
Tom Polgar, Acting Director, Gov. Relations, LSC
Linda Perle, CLASP
Bernice Phillips, Nominee, LSC Board of Directors
David Richardson, Treasurer & Comptroller
Filiberto Santiago, Board of Directors, PRLS
Hadassa Santini Colberg, PRLS
Don Saunders, NLADA
Micaella Subia, Public
Laurie Tarantowicz, Asst. Inspector General, LSC
Richard, "Kirt" West, Inspector General, LSC

JoAnn Wallace, NLADA

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

2 CHAIRMAN STRICKLAND: Good morning, everybody.

3 I would like to call to order the meeting of the Board
4 of Directors of the Legal Services Corporation for
5 April 30, 2005. And I welcome all of you who are in
6 the audience today. Thank you for attending our
7 meeting.

8 The first order of business, I think, is even
9 before we hear from the monitoring office this morning
10 is once again to express our various host groups and
11 for their wonderful hospitality and also I want to
12 note, for the record, that at about 3:00 yesterday,
13 some of the Board meetings had a concurrent meeting and
14 departed and went to that meeting and I have already
15 spoken to the director of the Community Law Office and
16 told him that we apologize for missing the presentation
17 that he made to the Board. And he understood that we
18 had a concurrent meeting.

19 And that was a mistake on our part and I
20 personally take responsibility for that and apologize
21 to -- for any slight. It was totally unintended, but I

1 do want to note for the record and that we became aware
2 of that and we will do better on our next visit to your
3 location.

4 APPROVAL OF AGENDA

5 CHAIRMAN STRICKLAND: We do need to approve
6 our agenda before we get started and I would entertain
7 a motion to approve the agenda. Is there a motion?

8 M O T I O N

9 MS. BEVIER: So moved.

10 CHAIRMAN STRICKLAND: A second?

11 MS. MERCADO: Second.

12 CHAIRMAN STRICKLAND: All in favor of that
13 motion, please say aye.

14 (Chorus of ayes.)

15 CHAIRMAN STRICKLAND: Those opposed, nay.

16 (No response.)

17 CHAIRMAN STRICKLAND: And the agenda is
18 approved.

19 And the first order of business this morning
20 is a presentation by Puerto Rico Legal Services
21 Monitoring Office. So those who are involved in that

1 presentation, if you would come forward and we look
2 forward to hearing from you.

3 Oh. One thing before you get started. Vic,
4 are you in the room? At a later time in the -- maybe I
5 need to accept a motion now to amend the agenda.
6 Should I do that now or before we get ready to go into
7 closed session?

8 MR. FORTUNO: You can do it now so as to not
9 to worry about it later on, but it doesn't matter.

10 M O T I O N

11 CHAIRMAN STRICKLAND: All right, then, let's
12 go -- let's back up just a minute and with respect to
13 the agenda, I would like to move to amend the agenda so
14 that when the Board gets ready to go into closed
15 session at a later time in the meeting, that we amend
16 the agenda to allow us to hear from the Inspector
17 General in closed session with respect to a matter of
18 Corporation business that requires us to do so and that
19 no earlier announcement of the change was possible.

20 So and I am referencing there 45 CFR
21 1622.4(d)(2), to be specific about the authority to

1 move to change the agenda so -- or amend the agenda.
2 So actually, with that amendment, I would ask for a
3 motion to approve the agenda as amended.

4 MS. MERCADO: It is just a friendly amendment,
5 Mr. Chairman. And the friendly amendment would be just
6 to do a general notice of a closed session. Like that
7 other item would be that you deal with so that you have
8 say item number 20, act on the appointment of Vice
9 President. You could just tell us what the item will
10 be in the business of the closed session. I think it
11 is a follow-up report from the Inspector General?

12 CHAIRMAN STRICKLAND: Yes. You could say
13 that, yes. All right. All those in favor, then, of
14 the amended agenda with respect to the closed session,
15 please signify by saying aye.

16 (Chorus of ayes.)

17 CHAIRMAN STRICKLAND: Those opposed, nay.

18 (No response.)

19 CHAIRMAN STRICKLAND: All right. The agenda
20 is amended accordingly and now with that housekeeping
21 measure out of the way, we -- Luis, are you going to

1 take the lead?

2 PRESENTATION BY PUERTO RICO LEGAL

3 SERVICES MONITORING OFFICE

4 MR. MALDONADO-GUZMÁN: Yes. Good morning,
5 Mr. Chairman and members of the Board and Ms. Helaine
6 Barnett, president of LSC.

7 First of all, I would like to acknowledge that
8 with us this morning is one of our board members, the
9 Honorable Judge Filiberto Santiago presiding, retired,
10 who is right here. He has been at all other
11 proceedings and he is a very loved member of our board
12 for many, many years.

13 Also, we already have with us our main speaker
14 at this lunch, the Honorable Jose Alberto Morales,
15 president of the Supreme Court of Puerto Rico Access to
16 Justice Commission. He will be our speaker. He is
17 over here.

18 And that will be -- and I hope you had a nice
19 evening last night.

20 CHAIRMAN STRICKLAND: Very nice.

21 MR. MALDONADO-GUZMÁN: Now the monitors here

1 are Hadassa Santini-Colberg, Rafael Rodriguez
2 Monctezuma and the monitors, the other two monitors are
3 Rafael Rivera and Emiliano Irizarry Castro. And the
4 presenters will be the attorneys Santini and Rafael
5 Monctezuma.

6 CHAIRMAN STRICKLAND: All right. Please
7 proceed.

8 MS. SANTINI: Good morning, Mr. Chairman and
9 members of the Board and Barnett. My name is Hadassa
10 Santini. I am the client affairs facilitator and
11 compliance director for the Puerto Rico Legal Services
12 Corporation. I will begin my presentation with a
13 general review of our office.

14 MR. MONCTEZUMA: Good morning, Mr. Chairman
15 and members of the Board. My name is Rafael
16 Monctezuma. I am the litigations facilitator for
17 Puerto Rico Legal Services. I will be giving the part
18 regarding the litigation office. I am in charge of
19 that.

20 MS. SANTINI: Our office is composed of four
21 members: a director, Rafael Rivera; our measurements

1 facilitator, Emiliano Irizarry; myself; and Rafael
2 Rodriguez, our litigations facilitator. Our office was
3 created on April 1997 after an evaluation of the needs
4 of our program to incorporate, in one unit, all the
5 important processes that the program needed at that
6 time, which were and which are, the continuing
7 improvement of quality of service, the compliance with
8 LSC statutes and regulations, the continued improvement
9 of client access to our programs and our services and
10 we were very concerned of the quality of services we
11 were providing at that time.

12 My office administrates grievance procedures
13 for our clients, the compliance with federal
14 regulations, the assessment of client satisfaction and
15 also the coordinator for the migrant division of the
16 program, which is today composed of two full-time
17 attorneys, support staff. And we have just begun a
18 1-800 number service island wide. So we have hired
19 someone that will be attending that hotline.

20 I am also in charge of coordinating two
21 special projects that we have, two agreements that we

1 have with special communities office, the governmental
2 office, and MAVI, which is an organization in Puerto
3 Rico that provides services to adult handicapped
4 population. MAVI's clients are estimated 90,000 people
5 and the special community's project, governmental
6 project, reaches 1.2 million people across the island
7 distributed in 697 poor communities in the rural areas
8 of the island.

9 So through those two collaborative agreements,
10 we are able to reach a vast number of our poor
11 population in the island. I have also been doing
12 special assignments from the director, the fund-raising
13 for the program and I also participate in the
14 collective bargaining negotiations committee that we
15 have now.

16 The other office that is the measurements
17 facilitators office. That is the office that gathers
18 all the information, the statistical information for
19 the program, and from that office, we get all the
20 analysis and assessment of that data regarding
21 compliance, regarding clients' request for service and

1 access and the reviewing of services.

2 We also analyze, through that office, quality
3 of service that we do. We provide information to our
4 branch offices about compliance within their own branch
5 offices, compliance issues that may arise, and delivery
6 of services. If you have any questions, we will be
7 glad to answer them before Rafael begins his
8 presentation.

9 CHAIRMAN STRICKLAND: Any board members have
10 questions? Yes.

11 MS. BEVIER: I would like to hear a little bit
12 of something about the fund-raising.

13 MS. SANTINI: Oh, okay. Okay. Like, well,
14 two years ago, as a result of the cuts in the funding
15 that we received, we decided to do some fund-raising
16 for the program, but for that, we contacted one of our
17 board members, he is present here. He is the president
18 of the board of the fund-raising committee. And after
19 several meetings with him and other stakeholders in the
20 island, they were able to help us to get some funds
21 from the Puerto Rico legislature. At that time we

1 got -- in one of the laws that was approved, we got \$1
2 million and then we got a second one approved of
3 another million dollars.

4 We also get a one shot grant from the
5 Department of Labor of around a half a million dollars.

6 That is already gone. So now we need to begin again
7 because there was a change in the government to do all
8 that -- the necessary steps to assure that we get back
9 those \$2 million.

10 MS. BEVIER: So you are not raising money from
11 private sources.

12 MS. SANTINI: Not now.

13 MS. BEVIER: Thank you.

14 MR. MALDONADO-GUZMÁN: Let me add something.
15 I am Luis Maldonado for the record. Besides the
16 million dollars, close to a million dollars that we
17 received from the Department of Labor, as subsidized
18 salaries, so we could keep our employees, mainly
19 support staff, we got a one-shot \$1.5 million as an
20 emergency funding. And that was gone in 1.5 seconds
21 and such.

1 MS. BEVIER: Thank you.

2 MR. MONCTEZUMA: I would also like to say that
3 here in Puerto Rico, we don't have any IOLTA funds. No
4 IOLTA funds for us. So we mainly, we deal with the
5 government. It has been a very difficult process and I
6 would say that \$2 million right now could be a big
7 amount of money for any other program in the United
8 States, but here in Puerto Rico -- because we are the
9 major providers of legal services in the island and we
10 have 19 offices over the island and approximately about
11 130, 140 lawyers in our program, that would be the
12 legal staff, and about 645 lawyers at the private
13 attorney involved in the program and it has been a very
14 difficult staff. So for us, it is pretty difficult
15 because we don't have any IOLTA funds. Okay?

16 CHAIRMAN STRICKLAND: Yes, Luis, you and
17 Helaine were talking before you got started about the
18 support from the organized bar. I believe you have a
19 mandatory bar in Puerto Rico; is that right?

20 MR. MALDONADO-GUZMÁN: Yes, we do.

21 CHAIRMAN STRICKLAND: Is there a fund-raising

1 effort within the organized bar?

2 MR. MALDONADO-GUZMÁN: No, there isn't. I
3 know that has been mentioned, but I believe that there
4 is an opening, there could be an opening in that area
5 with our new president. He is very -- he has been a
6 Puerto Rico Legal Services lawyer for some time and he
7 is very conscious of the needs that we have because
8 they also have the pro bono program, which is a
9 referral system that we pay from the -- it is a
10 subgrantee we pay for and he is very conscious of the
11 need for the services.

12 And as I was told at this point, that he is
13 very willing to consider the proposition that some
14 fund-raising can be made by the bar and to try to see
15 the different ways that can be done as some experiences
16 that have been dealt within the states.

17 CHAIRMAN STRICKLAND: We will try to provide
18 you with some suggestions on programs that have been
19 successful in other states. Some are more successful
20 than others and there is a number of different
21 techniques that are used. So I think that pursuant to

1 the discussion we had earlier, that Helaine and our
2 staff will try to provide you some assistance in that
3 regard and maybe help you in that effort.

4 MR. MALDONADO-GUZMÁN: All the help we can get
5 is very -- we want to thank you for that. Thank you.

6 CHAIRMAN STRICKLAND: All right. Yes.

7 MR. GARTEN: We had a very brief discussion
8 about IOLTA, Interest on Lawyer Trust Accounts, and we
9 didn't have time to really explore it.

10 MR. MALDONADO-GUZMÁN: Right.

11 MR. GARTEN: But I got the impression that,
12 from the brief conversation we had, that the problem is
13 the legislature.

14 MR. MALDONADO-GUZMÁN: At this moment.

15 MR. GARTEN: Now is interest earned on escrow
16 accounts in Puerto Rico?

17 MR. MALDONADO-GUZMÁN: No.

18 MS. SANTINI: No.

19 MR. GARTEN: So the funds that are there, the
20 banks are getting the benefit of it.

21 MR. MALDONADO-GUZMÁN: Oh, yes, they are.

1 MR. GARTEN: And has any concerted effort been
2 made to point out to the legislature that these funds
3 could be used for legal services?

4 MR. MALDONADO-GUZMÁN: We have been
5 considering these efforts. The first time in 2002, we
6 spoke with some legislators about it. For some reason,
7 they didn't want to touch it at the time.

8 MR. GARTEN: Is there opposition on the part
9 of the bar to it?

10 MR. MALDONADO-GUZMÁN: No, not that I know of.

11 MR. GARTEN: So your bar association hasn't
12 taken any strong efforts to push this legislation.

13 MR. MALDONADO-GUZMÁN: No.

14 MR. GARTEN: Well, if we could be of any help
15 to you, I believe there is a lot of information
16 available and I believe programs exist now in all 50
17 states and with a substantial number of them being
18 mandatory IOLTA.

19 MR. MALDONADO-GUZMÁN: Okay.

20 MR. GARTEN: We also asked you, or one of you,
21 it might have been Hadassa, about whether there were

1 any movement for filing these surcharges for civil
2 lawsuits for the purpose of funding and nothing has
3 been done in that area as I understand.

4 MR. MALDONADO-GUZMÁN: No. There is a law
5 that dates from 1974 that says a lobby of our
6 suspension stamps, hearing suspension stamps that are
7 canceled because you ask for a suspension of a hearing.

8 So to go to the fund directly to give legal assistance
9 to the poor, that money goes to the justice department.

10 We are exploring that area with our new
11 secretary justice nominee to have a conversation, but
12 he is up for confirmation by the senate. So we haven't
13 been able to meet. He has only been there as a nominee
14 since the beginning of January. So that could be
15 another consideration because that was in 1974 and we
16 don't know where that money is going to.

17 MR. GARTEN: And one final question.

18 MR. MALDONADO-GUZMÁN: Sure.

19 MR. GARTEN: I assume there are other
20 organizations in Puerto Rico providing civil legal
21 services to the poor.

1 MR. MALDONADO-GUZMÁN: Well --

2 MS. SANTINI: Well, the Community Law Office
3 is the other one, which is also LSC funded, and --

4 MR. MALDONADO-GUZMÁN: The programs in the law
5 schools.

6 MR. GARTEN: No LSC funded programs in Puerto
7 Rico.

8 MS. SANTINI: No. Besides that? No.

9 MR. MALDONADO-GUZMÁN: Some municipalities
10 have on and off offices or referrals to attorneys
11 around town, but not -- I am only sure of one program,
12 which covers near to the San Juan metropolitan area,
13 but a program that is financed by the municipalities,
14 by both municipalities. But that is not the rule
15 around the whole island.

16 MR. GARTEN: How about the unions? Do they
17 have any services in this area?

18 MR. MALDONADO-GUZMÁN: The unions?

19 MR. GARTEN: Yes.

20 MR. MALDONADO-GUZMÁN: For the union members,
21 yes.

1 MR. GARTEN: They have legal services offices
2 open?

3 MR. MALDONADO-GUZMÁN: But for the union
4 members.

5 MR. GARTEN: For the union members.

6 MR. MALDONADO-GUZMÁN: Not for the general
7 public.

8 MR. MONCTEZUMA: And very, very limited. Very
9 limited. Very limited. I would also like to say,
10 regarding your concern, your concern with escrow
11 accounts, here in Puerto Rico, there is no obligation
12 for lawyers to put their clients' money on escrow
13 accounts. That is not accessed here in Puerto Rico.
14 So that maybe should be the main reason why it is not
15 possible. And also, we would have to address that
16 situation with the Supreme Court first. And so that
17 real possibility is not in existence right now.

18 MR. GARTEN: Thank you very much.

19 CHAIRMAN STRICKLAND: Well, to the extent that
20 information about IOLTA programs might help you, we
21 could provide that and let you pick that up and run

1 with it to the extent it might be workable here in
2 Puerto Rico.

3 MR. MALDONADO-GUZMÁN: I am sure it would be
4 very helpful.

5 MS. SANTINI: Well, there are -- let me just
6 add that there are, yes, there are accounts on the
7 courts that we see the money for any judgment or
8 anything and they just keep that money in savings
9 accounts and the interest they earn goes to the budget
10 of the justice, you know, supreme system. So we will
11 have to work with the legislature in order to convince
12 them of a change like that. And as Rafael said, also
13 with the Supreme Court, which is the one that regulates
14 our practice in the island.

15 MR. GARTEN: In most of the states, the IOLTA
16 programs are set up by the -- through the court system.

17 MS. SANTINI: Yes.

18 MR. GARTEN: There are five or six states,
19 including the state I am from, Maryland, where it was
20 enacted by legislation.

21 CHAIRMAN STRICKLAND: Okay. All right. Go

1 ahead with your next presentation.

2 MR. MONCTEZUMA: Thank you, sir. I will talk
3 about the litigation office or division. Litigation,
4 our main --

5 MS. BEVIER: Excuse me.

6 MR. MONCTEZUMA: Excuse me.

7 MS. BEVIER: Could you get a little closer to
8 the mike so that we could hear you?

9 MR. MONCTEZUMA: Oh, yes.

10 MS. BEVIER: Thank you.

11 MR. MONCTEZUMA: Yes. Of course. The
12 litigation office in Puerto Rico Legal Services mainly
13 is for support and legal expertise to staff attorneys
14 for other programs. I would like to say that what
15 makes it different and maybe unique our office is that
16 here in Puerto Rico we all four members are very
17 experienced litigators. Okay.

18 We all have been working for Puerto Rico Legal
19 Services for over 20 years, each one of us, and in my
20 case, I have been with Puerto Rico Legal Services for
21 23 years. And most of those years, I have been

1 litigating cases. Okay. I have been an attorney on
2 the legal staff, a managing attorney in two direct
3 service centers and eight years ago, I joined the
4 monitoring office in the litigation division.

5 So that is very important because we see the
6 necessities of the attorneys of the legal staff from
7 that point, from that perspective, from the need of an
8 attorney who litigates who knows how to handle the
9 court cases and knows the clients from firsthand. So
10 that is very important. As we say, we know what we are
11 talking about.

12 Also, the process or the way that we make our
13 decisions, okay, we work as a group, just a group; it
14 would be like a branch in a court. And everybody can
15 give his opinion and then we gather information from
16 the director service center, the attorney for the
17 clients, and we consult what we are going to do with
18 the people that is going to do it, the attorneys and
19 the managing attorneys of the offices, which is kind of
20 different. Okay?

21 Also, we identify attorney needs of legal

1 staff. An example, if there is any new statute or any
2 new court decision regarding the necessity of our
3 clients, we identify that necessity because we just see
4 the necessity because somebody contacted us and asked
5 for it and we prepared the training for this necessity.

6 We also provide training to legal staff to the
7 proper attorney involved in the component, to the legal
8 community through the bar and to the general community.

9 Okay? We have been -- myself have been given training
10 regarding child abuse and neglect here in Puerto Rico.

11 We also provide training to legal staff for
12 legal research application. We are very concerned
13 because of the reality of the funds, but we lawyers in
14 this century, we are supposed to live with technology,
15 the computers. So we also prepare and organize
16 trainings for our legal staff so they can manage and
17 handle this kind of softwares or hardwares.

18 We also provide legal information updating to
19 staff attorneys who have been -- through the Cucubano
20 that you saw yesterday, our publication newsletter. It
21 could be also a newsletter from our office, which is

1 published every two months. We also use the radio
2 broadcasts to do that.

3 We also are in charge of coordination,
4 updating of the litigation manual. This is a very
5 interesting, I would say, piece of work because in this
6 manual, we gather the most important information in
7 documents for litigation, okay, including the intake of
8 the cases we mostly deal with and also complaints, et
9 cetera.

10 I am in charge of the supervision of the
11 program library services in every one of our 19
12 regional branch offices. There is a library, but we
13 also have a main library at the main office that you
14 visited yesterday. I am in charge of the supervision
15 of that division also, which is completely to support
16 litigations of our staff attorneys and also the private
17 attorney involvement attorneys, which visit that
18 library to gather information and make some legal
19 research.

20 We also approve the cost of extra witness
21 services. We also approve register for such extra

1 witness services. We also approve litigation costs
2 such as services of process and participations, et
3 cetera all over the program.

4 We also have a training division, which is
5 part of the monitoring office, and we sponsor training
6 to the board of directors regarding their regulation,
7 Legal Services Corporation litigation. Also training
8 to legal staff, to clerical staff also, secretaries, et
9 cetera, to a private attorney involvement component.

10 We also provide training to the Puerto Rico
11 bar because right now the Puerto Rico bar, the Supreme
12 Court, they are in the process of approving CLE, C-L-E,
13 continuing legal education, here in Puerto Rico for the
14 first time and we also provide training to the general
15 community. Regarding the training for the Puerto Rico
16 bar, we offer training and litigation skills to the
17 Puerto Rico bar.

18 Okay. I would also like to say that one of
19 our members, who is the director of the office, does a
20 lot in Puerto Rico on authority and DNA cases,
21 Mr. Rafael Rivera Meléndez. So do you have any

1 other -- any questions that you would like to ask?

2 CHAIRMAN STRICKLAND: Any board members have
3 any questions? Maria Luisa.

4 MS. MERCADO: Yes. I am sorry. I am always
5 trying to figure out how you can get funds from the
6 general community and public community because there
7 isn't obviously enough funds coming from Congress. And
8 I was just curious. You seem to say in a lot of
9 presentations that you have, that the Puerto Rico Legal
10 Services, as well as the Community Law Office, provides
11 a lot of training and skills litigation and everything
12 to the Puerto Rico bar. And I was curious about
13 whether they pay fees to you to get that training, to
14 get that CLE?

15 MR. MONCTEZUMA: No, not really. Right now
16 not really.

17 MS. MERCADO: Because that might be a way of
18 sort of bringing some income to assist you some, albeit
19 might not be a great amount, but it might be something
20 that could cover some costs for you, even just the cost
21 of producing and doing the training materials because

1 in our states, you know, we have to pay for our CLE and
2 even our Legal Services do, some at some reduced fees,
3 others not.

4 But I am just curious if you are providing all
5 this great training material for all of trainings to
6 deal with is different because you say your Supreme
7 Court requires your attorneys to be general
8 practitioners so to speak and you are providing that
9 information. A lot of information ought to be valued
10 as something that maybe could bring some funds back
11 into the Puerto Rico Legal Services program.

12 MR. MONCTEZUMA: Okay. About two or three
13 years ago, the Puerto Rico bar gave us \$25,000 for
14 trainings, but the continuing legal education
15 requirement here in Puerto Rico is just this week, the
16 Supreme Court approved their continuing legal
17 education.

18 So it is really a new, I would say,
19 proposition and yes, we have considered that
20 possibility to obtain some money in exchange of our
21 services for training because as a matter of fact,

1 Puerto Rico Legal Services has been recognized as good
2 trainers because we -- and I would say the members of
3 our office and some managing attorneys and some
4 attorneys from the legal staff because the trainers we
5 use in our trainings are not only managers. They are
6 people who know what they are doing including lawyers
7 from the legal staff.

8 We have considered that possibility and as a
9 matter of fact, we have been trained for over a hundred
10 hours to be trainers. So we consider ourself and we
11 are considered, in the legal community, as professional
12 trainers. Okay?

13 MR. MALDONADO-GUZMÁN: If I may. What we have
14 done in this area with the bar is on one hand, it is
15 just like Rafael has told you, but on the other hand we
16 have asked for certification to be made to our lawyers
17 since we already have in-house training in poverty law,
18 which is not necessarily areas that are mainly offered
19 by the CLE component of the Puerto Rico bar. And the
20 only certified by these -- this -- these regulations
21 are law schools and the Puerto Rico bar.

1 So you have -- to get your certification for a
2 CLE, you have to go either to one of those law
3 schools -- we have four of them -- or the bar. But the
4 bar does not have, as such, a training program. The
5 bar asks lawyers all over our island to come and in the
6 special areas of concern, give some seminars or one-day
7 training, four hours training whatever they may need.

8 But when it gets to poverty law, we are the
9 experts and in some areas where there has been
10 outstanding litigation lately in the parental custody
11 and renewal of custody cases, we have so many of those
12 and we have been challenging the state action as to the
13 process of law, mainly, and expert witness
14 qualifications.

15 So we have trained many, many lawyers of our
16 PAI component, our own attorneys. And what we have is
17 exchanged certification by the -- well, and the first
18 time what we asked was to be certified as our own
19 trainers so we could certify our own trainers.

20 The middle -- at the time we discussed that --
21 we have been discussing this for more than

1 two-and-a-half years, but what -- at the first
2 instance, they were able to say that they were able to
3 certify all the trainers that we gave to our personnel
4 and they would certify because they have to put what
5 would be a \$10 fee. That is an agreement we have with
6 the bar, but on the other hand, we have got into what
7 you are now addressing is that they pay us for the
8 services rendered.

9 We have been asked, by different government
10 offices, to give training to their attorneys in
11 different areas of litigation. And we are dealing with
12 that at this moment because they come to us and we
13 always have some trainings and annual conventions of
14 the Puerto Rico Bar Association, which is huge
15 conventions, and the last one was an election one.
16 Those elections are held every two years. And I
17 believe they are most crowded and asked for again for
18 another was the one that was sponsored by us because of
19 the expertise that we have and the -- at the moment, it
20 is a very, very crucial area of litigation all over the
21 island.

1 MS. MERCADO: And I am assuming because I know
2 we have heard a couple of different figures for
3 somewhere between 45 and 46 percent of the island of
4 Puerto Rico would qualify for legal services, you know,
5 a high number of poverty population. And so I am
6 assuming there are other litigators that are doing
7 this. I know we can't get attorneys fees from our
8 litigation, our grantees cannot. I assume that there
9 are maybe some private attorneys that do do some of
10 those cases that have some attorneys fees component of
11 it.

12 MR. MALDONADO-GUZMÁN: Yes.

13 MS. MERCADO: And so if they would require
14 your training, whether or not you would be able to
15 charge for some of that to bring in some funds --
16 anyway it is just a thought.

17 CHAIRMAN STRICKLAND: Yes, Herb.

18 MR. GARTEN: Just to switch the topic. Pro
19 bono activity. I have a series of questions. Do your
20 rules of professional conduct require a certain number
21 of hours and what recruiting methods do you use and

1 what is the percentage of participation, approximately,
2 if you know, and any reporting requirements on pro bono
3 to the courts or to the bar.

4 MR. MALDONADO-GUZMÁN: Pro bono is included
5 for all the attorneys in 1001 of our Code of Ethics.
6 And it is very strongly, strongly not only established,
7 but put into action mainly by court appointments at the
8 hearings, court appointed attorneys. Mainly that. The
9 other component of pro bono, a formidable one, which is
10 the panel that we grant money to the subgrantees pro
11 bono and the bar association.

12 But mainly pro bono is, in our case in Puerto
13 Rico, is mainly in the criminal area, in the criminal
14 law area, and not necessarily in the civil law area to
15 the board. We do have -- and also the clinical
16 programs of the different universities also have --
17 usually you are appointed at court. You go to see a
18 case and they are for the people that do not have
19 attorneys and what -- and there has been established by
20 the Supreme Court in different cases that the court
21 cannot see a Legal Services attorney except by the

1 decision made by a Legal Services attorney of
2 eligibility and priorities.

3 And so we decide which clients we accept.
4 That has been established by us in the court in a
5 couple of cases, but at the time, at that moment,
6 usually because our courts are filled with cases, the
7 judge will say, "Please help us at this moment" to -- at
8 some counsel at the moment at this person. When it
9 gets -- if you are in the criminal court at the time
10 and for some reason you have to say no and some of our
11 attorneys, across these almost 40 years, have put into
12 contempt by the judges because they tell them I am a
13 Legal Services attorney and we cannot deal with these
14 matters and so on.

15 But that -- across the years that has been
16 respected, but mostly it is not that frequent nor it is
17 easy for pro bono compliance with the 1001 in civil
18 cases because they are usually more complicated and
19 they are not necessarily a one-shot deal that you deal
20 with at the moment. You have to go back and study and
21 prepare yourself and so on. Rather than those

1 intermediate proceedings in the criminal law area,
2 which you may postpone, whatever, but mostly in family
3 law. Mostly in family law, addiction cases and so on.

4 So what we ask mostly is please postpone this
5 case so we can prepare according to what is asked from
6 the attorneys. We will prepare -- have an interview,
7 qualify the person and then tell the court if we can
8 accept or not accept the case. But it happens on an
9 ongoing basis in every court every day of the week.
10 Even though they are experienced judges that know and
11 of course know the law, that happens because they have
12 a need to just take care of their scheduled cases and
13 be through with them. We have in the past, as I said,
14 been held in contempt of court and put under arrest
15 so -- in the past. That doesn't happen that frequently
16 anymore, but who knows.

17 CHAIRMAN STRICKLAND: Anything else from
18 members? Any other questions? Ernestine, are you
19 listening? Do you have any questions of this panel?

20 MS. WATLINGTON: No. I was just listening to
21 how their program is run and what they are doing.

1 CHAIRMAN STRICKLAND: Okay. I am glad you
2 could join us this morning, Ernestine.

3 All right. Luis, anything else from your
4 panel members?

5 MR. MALDONADO-GUZMÁN: Yes.

6 MR. MONCTEZUMA: The significant activities
7 and accomplishments are in the presentation. There is
8 an effective written procedure. We also offer new
9 personal training of federal regulations and compliance
10 and litigation, as we mentioned, litigation skills
11 training, litigation manual, support in litigation, our
12 legal expertise, newsletter publication, performance
13 and needs assessment analysis and basic field and pro
14 bono case review of open and closed cases.

15 That is also a very unique part of our job in
16 the monitoring office. We make case review in the
17 program and we have designed a process to do so from
18 the intake process to the litigation process. Okay?
19 That is very interesting from our office. So that task
20 or that work is done by all our legal staff mainly.
21 Okay? And that will be all. Do you have any

1 questions?

2 CHAIRMAN STRICKLAND: Okay. Yes ma'am, do you
3 have something else?

4 MS. SANTINI: Yes. I would like to add that I
5 agree totally with what Maria Luisa Mercado said. We
6 need -- I think we need to refocus in some way what we
7 have been doing because the fund-raising activities
8 have been done on a very, very limited basis. My
9 office has been doing that very part-time and we
10 need -- I think we need to have that as a full-time
11 assignment. Any help we might get from you would be
12 very gladly accepted and we will work with that.

13 CHAIRMAN STRICKLAND: Well, we will certainly
14 share with you whatever information we have in-house
15 and from other sources relative to fund-raising and
16 things of that sort and we hope it will be of some
17 assistance to you. Some programs have been very
18 successful at what we call leveraging; that is, taking
19 the funds that are granted and building on that. So we
20 will try to give you some success stories that might be
21 of some assistance to you.

1 Yes, sir?

2 MR. DIETER: I was curious if you participated
3 in a peer review exchange with another program where
4 they would -- say, an executive director from another
5 program and some of their support staff would come in
6 and your executive director and their support staff
7 would visit the other program for --

8 MR. MALDONADO-GUZMÁN: We are very willing to
9 do so. Either they visit us or we visit them.

10 MR. DIETER: You haven't done one of those?

11 MR. MALDONADO-GUZMÁN: No. I know that has
12 been going on, but no, we haven't participated yet.

13 MR. DIETER: Because that also -- from an
14 experience with a program in Oklahoma where they had
15 talked about some of the same issues, they had been
16 engaged in one of these exchanges and had, you know,
17 learned a lot both ways. And something like that would
18 be, you know, might be beneficial in terms of getting a
19 different view of some different issues.

20 MS. SANTINI: Absolutely.

21 MS. BARNETT: I think a lot of the suggestions

1 that were made will be some things that we will take
2 back to the Office of Program Performance in an effort
3 to give technical assistance and provide that kind of
4 help to the program. So I thank the Board members for
5 many of their suggestions in this regard.

6 MR. MALDONADO-GUZMÁN: Okay. We thank you
7 very much.

8 CHAIRMAN STRICKLAND: We thank you.

9 MR. MALDONADO-GUZMÁN: This is what we have up
10 to this moment. Thank you.

11 CHAIRMAN STRICKLAND: Thank you for being with
12 us this morning.

13 I want to acknowledge the presence of two
14 nominees to our board, Tom Fuentes and Bernice
15 Phillips, who are with us this morning in the audience
16 and we hope that their progress through the
17 confirmation process will be very fast. We are
18 encouraged that it may take place over the next couple
19 of months. So we will keep pushing in that direction
20 to the extent that we can do it.

21 APPROVAL OF MINUTES OF THE BOARD'S MEETING

1 OF FEBRUARY 5, 2005

2 CHAIRMAN STRICKLAND: All right. The next
3 item on our agenda is approval of minutes of the board's
4 meeting of February 5, 2005. And I believe those
5 minutes are in your book at page, let's see, 93. I have
6 a minor change to make on page 97 to delete an
7 apostrophe in the word "provisions." So I am playing
8 the part of Bill McCalpin, a distinguished member of
9 this board over a number of years, who focused on
10 punctuation. So with that change, I would accept a
11 motion to approve the minutes of February 5, 2005.

12 M O T I O N

13 MR. GARTEN: So moved.

14 CHAIRMAN STRICKLAND: Is there a second?

15 MR. SUBIA: Second.

16 CHAIRMAN STRICKLAND: Any discussion?

17 (No response.)

18 CHAIRMAN STRICKLAND: All those in favor of
19 the motion, please say aye.

20 (Chorus of ayes.)

21 CHAIRMAN STRICKLAND: Those opposed, nay.

1 (No response.)

2 CHAIRMAN STRICKLAND: And the minutes are
3 approved.

4 APPROVAL OF MINUTES OF THE EXECUTIVE SESSION
5 OF THE BOARD'S MEETING OF FEBRUARY 5, 2005

6 CHAIRMAN STRICKLAND: Now the approval of the
7 minutes of the executive session of the Board's meeting
8 of February 5, 2005, which are -- give me a page
9 reference there.

10 MS. BEVIER: 113.

11 CHAIRMAN STRICKLAND: All right.

12 MS. BEVIER: Sorry. That is Ops and Regs.

13 MS. MERCADO: I think it is a blank page.

14 CHAIRMAN STRICKLAND: They are here because I
15 had another change on that.

16 MR. GARTEN: What is the date?

17 CHAIRMAN STRICKLAND: Yes. Sorry. It is
18 page 113.

19 MS. MERCADO: No, that is ops and regs.

20 CHAIRMAN STRICKLAND: I beg your pardon. You
21 are right.

1 MS. BEVIER: 117 there is something. 117.

2 CHAIRMAN STRICKLAND: Yes. All right. I
3 would entertain a motion, then, to approve the minutes
4 of the closed session of the Board on February 5, 2005.

5 M O T I O N

6 MS. MERCADO: So moved.

7 CHAIRMAN STRICKLAND: A second?

8 MS. BEVIER: Second.

9 CHAIRMAN STRICKLAND: Any discussion?

10 (No response.)

11 CHAIRMAN STRICKLAND: All those in favor,
12 please say aye.

13 (Chorus of ayes.)

14 CHAIRMAN STRICKLAND: All those opposed, nay?

15 (No response.)

16 CHAIRMAN STRICKLAND: And those minutes are
17 approved.

18 Then we have some more minutes. I am sorry we
19 are not being very efficient on finding these minutes.

20 MS. BEVIER: Because they are not here. Those
21 are the minutes of the conference call, right? They

1 are not in here.

2 CHAIRMAN STRICKLAND: Apparently those minutes
3 are not in the book. If we later discover those
4 minutes, we will come back and take action to -- all
5 right. We will pass on that agenda item and if we find
6 those minutes -- and maybe they haven't been prepared,
7 that is a pretty recent meeting -- and we will approve
8 them some other time.

9 CHAIRMAN'S REPORT

10 CHAIRMAN STRICKLAND: So let's move, then, to
11 the Chairman's report. And the item I would like to
12 bring to the Board's attention is that the Atlanta Bar
13 Association celebrated the 20th anniversary of the --
14 what we call the Cuban Detainee Project last week and a
15 number of people who were involved in that program
16 gathered for a reception at one of the Atlanta law
17 firms.

18 And that program was -- well, by way of
19 history, President Carter invited a group that came to
20 be known as the Marielitos to come to the United States
21 by whatever means they could develop and many of them

1 came by small boats. And after they arrived on our
2 shores, a number of them were detained, for various
3 reasons, by the Immigration and Naturalization Service
4 and a large number of them came to be housed in the
5 Atlanta Federal Penitentiary, which is a maximum
6 security prison. It is very -- it is a very foreboding
7 place when you see it and when you drive by it.

8 So the Atlanta Legal Aid Society undertook to
9 represent these detainees and, among other things, they
10 filed habeas corpus petitions, which were granted by
11 Federal District Judge Marvin Shoob, but that decision
12 was reversed by the Eleventh Circuit. After all this
13 work that the Atlanta Legal Aid workers had done, they
14 were deported because of the reversal.

15 So Judge Shoob called me one day. I was, at
16 the time, the president of the Atlanta Bar Association,
17 and he called me and asked me to come over for a visit.

18 And those are the kinds of things you respond to
19 immediately. You give those attention. So I made my
20 way over to the federal courthouse and we had a nice
21 discussion about the concept of the Atlanta Bar

1 undertaking a volunteer project to provide
2 representation for the Cuban detainees.

3 And it would not be another attempt with
4 habeas corpus petitions because that had already been
5 reversed by the Eleventh Circuit. So the Atlanta
6 Bar -- the first thing that I did in that regard was to
7 go see Steve Gottlieb, who is the executive director of
8 the Atlanta Legal Aid Society then and now, to educate
9 the bar on the nitty-gritty aspects of representing
10 these detainees and, oddly enough, also to seek some
11 funding assistance from the Atlanta Legal Aid under
12 their private attorney involvement, a portion of their
13 budget.

14 So we went ahead with the project and
15 recruited -- I want to make it very clear, though, for
16 the record that we were coming on the heels of work
17 already done by Atlanta Legal Aid. We did not initiate
18 the project or invent it. Well, I guess you could say
19 we invented our own project, but we were coming on the
20 heels of a lot of work that was done by Atlanta Legal
21 Aid lawyers.

1 We were able to recruit about 400 lawyers out
2 of the Atlanta Bar to undertake these cases on a
3 volunteer basis and we engaged -- it became a staffing
4 problem to coordinate the lawyer with the translator
5 and with the prison. So we engaged a staff person. We
6 raised enough money to hire somebody to staff the
7 project and we ended up representing over 800 of those
8 detainees at the prison.

9 Also, it was difficult to follow the progress
10 of what happened to the detainees that people
11 represented. In fact, when I walked into this
12 reception, the first question I heard from a guy I
13 guess who just wanted to needle me a little bit, he
14 said, "I want to know what happened to my clients." And
15 unfortunately, I couldn't give him the answer to that.

16 But it was a very successful program and so
17 much so that the Atlanta Legal Aid and the Atlanta Bar
18 decided to recognize the 20th anniversary of it with
19 this reception that I just described. So Judge Shoob
20 was there, who is now a senior judge, but he is still
21 active and has a regular calendar. So we asked him to

1 make a few remarks and other people. We decided to let
2 people reminisce a little bit.

3 So it was a very enjoyable evening and I
4 wasn't there as a representative of the Legal Services
5 Corporation, but I thought it would be of interest to
6 the Board and this audience for me to tell you about
7 that event. So that concludes the Chairman's report and
8 let's see if other members of the Board have any
9 reports. Let's start with Lillian.

10 MEMBERS' REPORT

11 MS. BEVIER: Well, we had a successful
12 Operations and Regulations Committee meeting in
13 Charlottesville and I just would like to say it was my
14 pleasure to host the people that came and we got a full
15 day's work done and it was a very successful meeting.
16 Better, in many ways, than the sort of half -- hour and
17 a half, two hour, hour meetings that we are able to
18 have. We were able to give sustained attention to a
19 reg that has been pending for several years and I think
20 we may even be in a position to have the Board
21 successfully vote on that today. So that concludes my

1 report.

2 CHAIRMAN STRICKLAND: Well, before we go to
3 other members -- and I know that Lillian is too modest
4 to mention this herself. So I will do it. We were
5 very pleased to have Lillian in Atlanta recently to
6 deliver the Henry J. Miller lecture at the Georgia
7 State University Law School. It is a lecture series
8 that is funded by one of the Atlanta law firms and
9 there are two lectures each year and Lillian was the
10 distinguished lecturer for the spring part of that
11 program and we were glad to have her.

12 We participated -- at least the members of our
13 law firm were invited to a dinner that evening after
14 that lecture and we were pleased to have her in town
15 and I wanted to make the Board aware of her academic
16 reputation, which I am sure led to her invitation to
17 give that lecture.

18 MS. BEVIER: Well, if you are going to tell on
19 me, I will tell on you. Frank was an exceptionally
20 gracious host. We had breakfast and then he actually
21 sat through the lecture and I think he only slept

1 through half of it. It was before dinner and then he
2 was at the dinner as well and I had the good fortune of
3 sitting next to Steve Gottlieb, who I had a wonderful
4 conversation with, and he is a very impressive
5 executive director and incredibly enthusiastic after
6 many years on the job. It was a wonderful occasion and
7 southern hospitality is everything it is cracked up to
8 be.

9 CHAIRMAN STRICKLAND: Okay. Other board
10 members have reports? Herb.

11 MR. GARTEN: Most recently this past
12 Wednesday, the American Bar Association has an annual
13 convening of lawyers from throughout the country --
14 about 250 showed up -- called ABA Day in Washington,
15 the purpose being to visit their respective Congressman
16 and Senators with an urging them to follow through on
17 legislation that is pending. And invariably, the
18 number one item on the list is Legal Services
19 Corporation and the appropriation.

20 And I am pleased to report that our president,
21 Helaine Barnett, was the keynote speaker at the opening

1 session on Wednesday lunch time. She is very well
2 known and was very well received and unfortunately the
3 two of us could not participate in the second day;
4 however, I did join the Maryland delegation and we
5 called on three of our congressmen. The next day the
6 group was to call on Senator McCulski and we have heard
7 about her importance in the appropriation area, but she
8 is with LSC continually and there won't be any problem
9 in support from her.

10 It is inspiring really to see all these
11 lawyers show up and contribute two days of their time
12 each year. It has been going on for many years. And I
13 think it is very effective and it is an honor, really,
14 to be among the group that meets on that annual basis.

15 I attended a session at the University of
16 Maryland on technology in the law back in January where
17 they convened a number of people throughout the country
18 and I was particularly interested in a paper delivered
19 by a professor from the Chicago College of Law and he
20 is also involved with the Illinois Institute of
21 Technology.

1 He recently sent me some very extended
2 material on a subject matter that he addressed, but
3 basically what he has to say about Legal Services
4 Corporation is the best thing I have heard from anybody
5 in many years. And I will just read you the first
6 paragraph of his paper.

7 “The most important new technology development
8 for justice customers was stimulated by the Legal
9 Services Corporation, Technology Innovation Grants,
10 TIG. The creative efforts of legal assistant projects
11 to use technology established a nationwide platform for
12 innovation and service delivery.”

13 Our corporation is mentioned throughout these
14 papers and I will make them -- it is almost a book --
15 available to Helaine and perhaps it could be
16 distributed to the Board members. I think you will
17 find it of interest.

18 CHAIRMAN STRICKLAND: Okay. Good. Any other
19 board members? Lico?

20 MR. SUBIA: I got good news. We make it
21 around on motorcycles and we collect on the March of

1 Dimes and we collect \$17,000 for the little children.
2 And then on when we first start, there is critical
3 little children and we grant their wish for people that
4 are going to, you know, they have got six months, eight
5 months to live. So we collect many thousand dollars.

6 And then to top it off, because of the LSC now
7 belongs to the Northern Legal Services Corporation, we
8 met Governor Perry from Texas, we met Les Verde and we
9 talk and everything and he was very glad. He told me,
10 "So your family would give a ride to President's wife,
11 Laura Bush. You know, I got a motorcycle too." And he
12 bought himself a motorcycle and now these guys that are
13 building them choppers, they are building a motorcycle
14 for President Bush. So that was good news.

15 And we got together. I never thought I was
16 going to get -- you know, he is very kind, you know,
17 Governor Perry. I thought he wasn't going to go and
18 talk to me, but he came to me and talked to me, you
19 know, "I like you Lico. You are doing good deed and
20 you are the kind of people we like."

21 CHAIRMAN STRICKLAND: Well, thank you very

1 much for that report.

2 Any other board members have reports? Oh,
3 sorry, Rob?

4 MR. DIETER: Just to report on an item in
5 Colorado, there was a recent change to our CLE
6 requirements. We are required to renew your license to
7 take 15 hours of CLE every year for 3 years for a total
8 of 45. And the changes that they permitted lawyers to
9 earn three hours of that credit through pro bono work
10 by doing one hour of -- I am sorry. Five hours of pro
11 bono work counts as one hour toward the three hour
12 limit.

13 So an attorney can claim credit for three
14 hours of CLE now by doing 15 hours of pro bono work.
15 So it remains to be seen how people -- how many people
16 take advantage of that and, you know, where their
17 efforts are put. But anyway, that is a new development
18 there.

19 CHAIRMAN STRICKLAND: All right. Thank you.
20 Any further reports from board members?

21 (No response.)

1 CHAIRMAN STRICKLAND: All right. Helaine, we
2 are ready for the President's Report.

3 PRESIDENT'S REPORT

4 MS. BARNETT: Thank you, Mr. Chairman. I am
5 please to have the opportunity to share with the Board
6 some recent developments at LSC, an update on the
7 status of several initiatives and my activities since
8 the Board meeting of February 5th.

9 Continuing the practice of meeting with all
10 LSC staff, we had an All Staff Meeting on
11 February 23rd. As part of the meeting, we showed
12 highlights from the video of our 30th Anniversary
13 Celebration to all the staff, including the video
14 greetings from Senator Hilary Clinton and Senator Pete
15 Domenici and the not previously seen interviews with
16 some of our special guests who attended the celebratory
17 reception that included Roberta Cooper Ramo, Alex
18 Forger, Bill Whitehurst, Jonathan Ross, Martha Barnett
19 and Zona Hostettler.

20 On February 24th, we celebrated Black History
21 Month with a Lunch and Learn event, including --

1 featuring Georgia Congressman John Lewis as our keynote
2 speaker. Congressman Lewis' moving and inspiring
3 remarks were the highlight of the event. He eloquently
4 shared his incredible involvement in and commitment to
5 the civil rights movement. We were also honored to
6 have Wilhelm Joseph, the Executive Director of Maryland
7 Legal Bureau, as a guest speaker and to have special
8 greetings sent to us by our board nominee, Bernice
9 Phillips, who was also an invited speaker, but unable
10 to be with us in person.

11 As a result of input we received at the annual
12 TIG conference in January, we adopted a two-tiered
13 approach this year for the process of applying for TIG
14 grants. This year we asked for a letter of intent and
15 then after our review, we will decide which programs to
16 invite to submit full applications for funding. We
17 received 50 letters of intent requesting a little more
18 than \$3 million in total funding; 14 of the requests
19 were for continued funding of websites. We have only
20 approximately \$1.25 million to allocate. And so we are
21 now in the process of deciding whom to invite to submit

1 a full application.

2 We sent the proposed final draft of the
3 description of our pilot LRAP program and the LSC
4 grantee and participating attorney application forms to
5 our LRAP Advisory Task Force for their final review and
6 comments. And Herb Garten is the Board liaison to that
7 advisory group.

8 Pursuant to a suggestion at the last board
9 meeting, we included a means test for the attorney
10 applicants. We received final comments from the
11 Advisory Task Force this week and after making final
12 revisions after we returned from the Board meeting, we
13 plan to launch the pilot LRAP by e-mailing to all
14 grantees the grantee application process and by
15 announcing it on our website. In addition, we will
16 brief our two Congressional appropriations committees.

17 We will also be sensitive that any publicity
18 generated by LSC in announcing the LRAP pilot project
19 does not work at cross purposes with or inadvertently
20 undermine the ABA's efforts to secure a federal
21 legislative fix to existing law on the

1 Income-Contingent Repayment program, which does affect,
2 among others, public service lawyers struggling with
3 the same challenge of paying off educational debt.

4 We are previewing our mentoring project at the
5 Equal Justice Conference in Austin, Texas next week.
6 We are collaborating with the NLADA and with MIE on the
7 development of a training curriculum. We are
8 proposing, as we have told the Board, that 10 proteges
9 and 10 mentors participate in a program an 18-month
10 period, which will include 3 training events, which
11 will be scheduled to take place at NLADA's Annual
12 Conference in November of this year, at the MIE
13 Supervisor's Training Conference in March of 2006 and
14 the final one at the NLADA Annual Conference in
15 November of 2006.

16 The pilot combines one-on-one mentoring and
17 group mentoring concepts. There will be a screening
18 committee consisting of representatives from NLADA, MIE
19 and the ABA, as well as LSC staff and representatives
20 of our Leadership and Diversity Advisory Committee,
21 that will propose 20 to 25 mentors and at least 15

1 proteges from which I will select the actual mentors
2 and proteges. It is our desire to learn from this
3 effort and determine whether mentoring programs can
4 help encourage the development of a diverse corp of
5 future leaders for legal services programs.

6 In trying to document the current justice gap
7 between the legal needs of low-income individuals and
8 available resources to fund advocates to provide legal
9 assistance, in order to give that information to the
10 Finance Committee and the board when we ask for our
11 budget mark for fiscal year '07, we have asked all LSC
12 grantees to collect data for a two-month period, which
13 began March 14 and will continue until May 13th, on the
14 number of individuals that are unable to serve or
15 unable to serve fully.

16 We received several questions from our
17 grantees regarding the survey and as a result, we have
18 developed a list of frequently asked questions and
19 responses to assist grantees who have similar
20 inquiries.

21 We have appointed an Advisory Committee to

1 work with our internal committee on revising LSC's
2 Performance Criteria, which has not been revised since
3 1993. The Performance Criteria are used by LSC in its
4 evaluation of applications submitted in response to the
5 Request for Proposal in competition and in our program
6 visits. We have been meeting regularly by telephone,
7 but have scheduled an in-person meeting for May 10th at
8 our office to review an initial revised draft of the
9 Criteria. Our board chairman has appointed David Hall
10 to be the Board liaison to that effort.

11 Just to share with you some events that I have
12 attended since the last board meeting. At the
13 recommendation of Vice Chairman Lillian BeVier, I was
14 invited by the students of the University of Virginia
15 Law School to be the keynote speaker at their dinner
16 that was part of the annual Public Service Conference,
17 which was held in Charlottesville, Virginia on
18 February 11th. It was a remarkable event organized and
19 run entirely by students and was a very impressive
20 weekend program.

21 I was most appreciative for the gracious and

1 generous introduction by Professor BeVier. I was
2 pleased to speak to the students about the rewards of a
3 public service career and to encourage them to pursue
4 their interest in public service and to consider a
5 career in legal services for the poor.

6 I attended the meeting of the ABA House of
7 Delegates at the ABA Midyear Meeting in Salt Lake City
8 on February 14th.

9 On March 2nd, I gave the luncheon address at
10 the Oregon Equal Justice Luncheon in Portland, Oregon
11 for approximately 300 supporters of legal services. I
12 took the opportunity in the morning to visit two
13 offices of Oregon Legal Services, the Hillsboro Office
14 and the Multnomah Office. After the luncheon, I met
15 with leaders of the State's Equal Justice Commission for
16 a very productive two-hour session.

17 On the preceding evening, Judge Ellen
18 Rosenbaum hosted a dinner in my honor at which
19 approximately 18 people, which included some of the LSC
20 funded supervisors of Idaho -- of Oregon Legal Services
21 and the executive director shared the evening with me.

1 On March 3rd, I attended the California
2 Project Directors Meeting in Los Angeles. I met with
3 the executive directors of all 11 LSC funded programs,
4 including the executive directors from Greater
5 Bakersfield Legal Assistance, Central California Legal
6 Services, Legal Aid Foundation of Los Angeles,
7 Neighborhood Legal Services of Los Angeles County,
8 Inland Counties Legal Services, Legal Services of
9 Northern California, Legal Aid Society of San Diego,
10 California Rural Legal Assistance, By Legal Aid and
11 Legal Aid Society of Orange County and discussed with
12 them recent developments at LSC.

13 After the meeting, I visited the Crenshaw
14 office of the Legal Aid Foundation of Los Angeles and
15 met with the staff and then went to dinner with its
16 executive director, Bruce Iwasaki, and four very
17 impressive younger members of their staff.

18 The following morning, Neal Dudowitz, the
19 executive director of the Neighborhood Legal Services
20 of Los Angeles County, took me to visit its Glendale
21 Office and then its Pacolma Office, where I met with

1 all members of their staff, most of whom participated
2 in person and those in a small outlying office
3 participated by video conference.

4 I attended the national Summit on the future
5 of Self-Represented Litigants sponsored by the National
6 center for State Courts in Chicago on March 24th and a
7 lovely dinner meeting with Tom Meites. Mike Genz and
8 Jon Asher also attended as participants from LSC and
9 during lunch, I had the opportunity to spend time with
10 Chief Judge Karla Grey, who also attended, the chief
11 judge from the Montana Supreme Court, who was so
12 gracious to us in Montana.

13 I attended the Midwest Project Directors
14 Meeting in Chicago on April 15th and met with the
15 executive directors from LSC-funded programs in
16 Nebraska, Iowa, South Dakota, Illinois, Minnesota,
17 Missouri and Wisconsin.

18 As you heard from Herb Garten, I participated
19 in ABA Day in Washington just this past Wednesday where
20 I addressed the luncheon gathering on the funding for
21 LSC, which is one of the three priorities of the ABA

1 efforts in Washington. I attended the reception that
2 evening honoring Congressmen Wolf and Serrano and the
3 dinner given by the APA president with other leaders of
4 the ABA.

5 As a member of the ABA Task force to Revise
6 the ABA Standards for Providers of Civil Legal
7 Assistance to the Poor, I participate in regularly
8 scheduled conference calls and receive valuable input
9 from LSC staff in those efforts.

10 Finally, but not least of which, I take great
11 pleasure in introducing JoAnn Wallace to the Board of
12 Directors, who is the new president and chief executive
13 officer of NLADA effective July 1. JoAnn is currently
14 NLADA's senior vice president for programs and prior to
15 joining NLADA, she worked at the Public Defender
16 Service for the District of Columbia for 14 years.

17 On behalf of the Legal Services Corporation,
18 JoAnn, we look forward to continuing to work closely
19 with you in your new position and with all of NLADA.

20 Thank you, Mr. Chairman.

21 CHAIRMAN STRICKLAND: Thank you very much,

1 Helaine, for that great report. You have been very
2 busy. That is quite an impressive array of places that
3 you have visited.

4 Do any Board members have questions for
5 Helaine? Lillian.

6 MS. BEVIER: Well, I have a comment. I
7 neglected -- I am sorry. For some reason I thought
8 that I had mentioned this last time, but how could I
9 have since it hadn't happened yet. Helaine's talk to
10 the students at the University of Virginia Law School
11 was really very inspiring.

12 Her whole career, of course, is a
13 manifestation of devotion to public service and it was
14 just wonderful for the students to be able to hear what
15 she had to say and she told them everything that they
16 really needed to know from someone who had devoted her
17 life to public service and she just did a wonderful job
18 and was a great representative of the Legal Services
19 Corporation. So it was a delight to have her.

20 CHAIRMAN STRICKLAND: Thank you very much,
21 Lillian, for adding those comments about Helaine's

1 visit.

2 I think the last item we will take up -- our
3 lunch is scheduled to begin at 12:15 and it might be a
4 logical break if we hear from the Inspector General for
5 his report and then take our lunch break and we will
6 come back after lunch and deal with our committee
7 reports if that is okay with the Board.

8 And Kirt, we are ready for your report.

9 MR. WEST: I will tell you this will be very
10 brief.

11 CHAIRMAN STRICKLAND: All right.

12 MR. WEST: So you may want to reconsider those
13 comments.

14 CHAIRMAN STRICKLAND: We may decide to after
15 your report.

16 INSPECTOR GENERAL'S REPORT

17 MR. WEST: I just wanted to mention a couple
18 of things. We have a lot of work pending and I don't
19 want to go into it because it is pending and when the
20 work is done, you will get the results of it.

21 We are undergoing a peer review that the

1 process started a couple of weeks ago. We got a
2 questionnaire from the AmTrack IG who is coming in to
3 do a peer review of our audit function. Prior to that
4 when I first started -- assumed the position back in
5 the fall, I commissioned an internal review of our
6 audit operations.

7 As a result, I -- we are in the process of
8 making some improvements and hopefully the peer review
9 will acknowledge those improvements and we will get a
10 clean bill of health in it, but we did find some things
11 that needed some corrections, particularly in terms of
12 policies. And that is a big activity for an IG's office
13 because the peer review is what, you know, determines
14 how your audit work is going. And as information, that
15 peer review actually covers a period prior to my
16 assuming the job. It is the fiscal year 2004 audits
17 they look at. So it is audits from October 1 of 2003
18 until September of 2004.

19 I will be -- it is at the printer now, our
20 summer annual report to Congress will be arriving at
21 the Board members early next week and it either was

1 sent out Friday or it will be sent out on Monday and
2 you will receive it and I believe we already have a
3 scheduled time for your response to that.

4 For the people in the audience, the statute
5 requires that the Board transmit it by the end of May
6 and it will be on our website shortly thereafter for
7 anybody who would like to look at it. I have issued a
8 report to the Board on the LSC lease. I am not going
9 to discuss anything more about it because it is
10 undergoing a Freedom of Information Act review and
11 until that review is done, it will remain within LSC.

12 The last thing is that the -- and you will
13 hear, I think, in the Finance Committee report that
14 our -- the auditor, who was commissioned by the OIG to
15 do the financial statement audit of the LSC financial
16 statement, gave an unqualified opinion, which is a
17 clean opinion, and that is a good news story. And
18 those are my comments.

19 CHAIRMAN STRICKLAND: Okay. Anybody have
20 questions for Kirt?

21 (No response.)

1 CHAIRMAN STRICKLAND: Okay. Thanks, Kirt.

2 Okay. I will change my mind about what we
3 will take up before lunch and because of the brevity of
4 the IG's report, we are able to move ahead.

5 David, could you go ahead and give us a report
6 of the Provision Committee?

7 CONSIDER AND ACT ON THE REPORT OF THE COMMITTEE

8 ON THE PROVISION FOR THE DELIVERY OF LEGAL SERVICES

9 MR. HALL: Yes, Mr. Chairman. The Provisions
10 Committee met yesterday, some of you were here. Our
11 main items were to hear from the representatives from
12 the Puerto Rico Legal Services and from the Community
13 Law Offices. Both are LSC-funded projects. I will try
14 to briefly summarize some of the points that they made.
15 They were both very thorough and eloquent reports. So
16 I would like to capture some of the highlights for
17 those board members who were not present.

18 First, the Puerto Rico Legal Services reported
19 to us on three items: the private attorney involvement,
20 the Tele-Lawyer project and the special education
21 project. Under the private attorney involvement, they

1 indicated that they have over 600 attorneys who
2 participate in this project and they participate in a
3 couple of ways. The reduced fee manner where an
4 attorney will provide the services, but is compensated,
5 but compensated at a reduced amount, and those who are
6 not compensated at all, which are, in essence, doing
7 pro bono work.

8 And one of the requirements that they have, as
9 a way of trying to instill the pro bono ideal, is to
10 require attorneys to participate in the pro bono
11 component before they move to the reduced fee
12 arrangement. So about 12.5 percent of their budget is
13 committed to the private attorney involvement. They
14 are also using their funds to support the pro bono --
15 or a portion of their funds to support the pro bono
16 initiative as well.

17 Some other points that I thought were
18 important about the way the private attorney
19 involvement works here is that there is an ethical
20 conflicts panel that they have set up to make sure that
21 there are no ethical conflicts occurring between the

1 attorneys who they may be using or more importantly,
2 also, to make sure that if they -- if there is a
3 conflict in the sense that one of the Legal Services
4 offices has represented a client involved in the
5 dispute on one side, that they are not now representing
6 a client involved in the dispute on the other side.
7 And therefore, that is when matters are referred out to
8 a private attorney.

9 They also indicated that there is this
10 referral for the compensated attorneys that, through
11 the 18 branches, they keep a list of the various
12 private attorneys who can participate in the program
13 and thus cases are referred out to them as needed. So
14 it is clear that this is a key part of their operation.

15 I was also impressed by the amount of benefits
16 that the attorneys who participate in the program
17 receive from training legal research materials,
18 malpractice insurance policies, et cetera. So there is
19 clearly some incentives for private attorneys to
20 participate in this particular effort.

21 On the Tele-Lawyer project, this was an effort

1 on their part to get the use of technology employed in
2 trying to service their lawyers -- or to service their
3 clients through having six full-time lawyers who answer
4 the phones from 8:00 to 5:00 Monday through Friday and
5 they are primarily providing advice and counsel, but
6 they do do some brief service cases as well.

7 This project has grown from serving about
8 5,000 clients in 1998 to serving over 11,000 clients in
9 2003 and 10,000 this past year. They are trying to
10 move this whole effort to a point where it is a what
11 was labeled as a kind of one door entry so that all
12 calls that are coming in for people who are receiving
13 services can come to this one source and then Puerto
14 Rico Legal Services and the Community Law Office and
15 the pro bono projects are all taking up the cases from
16 that particular aspect.

17 Certainly the future efforts is to try to move
18 this whole project to a point where there is an even
19 greater use of technology, in addition to the telephone
20 use, so that there is not only a collaborative
21 relationship among those who provide legal services,

1 but that there is a collaborative relationship with
2 other agencies and organizations who are involved in
3 this effort.

4 The last project that they presented on is the
5 special education project. This came out of a 1980
6 litigation -- class action litigation concerning the
7 violation of students with special needs by the state
8 government. And this effort -- this class action was
9 successful. In 1996 when LSC regulations changed,
10 private attorneys have continued to represent the
11 class, but Puerto Rico Legal Services continue to
12 provide individual representation to those individuals
13 who were involved in this process.

14 This effort of trying to sensitize the
15 government to the needs of students who have special
16 needs, from their perspective, have been extremely
17 successful and not only in getting the needs and issues
18 addressed by those students who are covered by this
19 type of provision, but it has also kind of raised the
20 profile of these sorts of issues and they have
21 developed numerous publications and videos and

1 newsletters that go out on a regular basis and they
2 have developed a collaborative effort with parent
3 organizations and educators and other attorneys.

4 So overall, the sense was that this effort has
5 brought about not only an increase in the needs of the
6 students being addressed, but it has certainly raised
7 the awareness of educators and parents that there are
8 some rights that they can enforce and hopefully that
9 the enforcement of those rights are providing better
10 quality education for those students.

11 We then heard a presentation from the
12 Community Law Office, which is the second LSC-funded
13 project here in Puerto Rico. We heard both from the
14 executive director and the chair of the Board. This
15 organization was founded or this effort was created in
16 1981. What is unique about it, as we saw last night
17 from our visit, it is a collaborative effort between
18 Inner American Law School where tremendous in-kind
19 support is provided and students are used and
20 professors' expertise are brought to bear.

21 This organization has also been able to make a

1 tremendous contribution to the profession in general.
2 Numerous individuals who have worked in CLO have gone
3 on to distinguished positions like Supreme Court,
4 appellate judges, leaders of the women advocacy
5 program, et cetera.

6 Some of the projects that they are involved in
7 that they shared with us is the domestic violence
8 program where they seek protective orders for women who
9 have been abused. They indicated that the domestic
10 violence issue in the island is very critical, that two
11 women die a month because of domestic violence and
12 therefore, it is of high priority for them. And this
13 program is something that they put a lot of effort to.

14 They also mentioned an AIDS project and a
15 homeless project that they have also initiated and have
16 been involved in, an economic justice project where
17 they have been working with the small businesses to try
18 to help individuals on the island engage in economic
19 development through the creation of small businesses
20 and have also been engaged in other sorts of
21 self-sufficiency efforts as well.

1 They are very appreciative of the support that
2 they receive from LSC and felt that although that is
3 one -- only one-third of their budget, that that
4 one-third, if placed anyplace else with another
5 organization, could not have the impact that they are
6 having in part because of the expertise that they have
7 developed and certainly because of the collaborative
8 effort that they have with Inner American University.

9 The final point was made, which became
10 apparent also through our conversation today, that CLO
11 and the Puerto Rico Legal Services, who are both
12 LSC-funded organizations, are the only organizations
13 that are providing civil legal services to clients,
14 that there may be some sporadic effort in this arena by
15 individual attorneys, but there is no strategic and
16 organized effort to do that.

17 So therefore, from their assessment, there is
18 a large population that are presently going unserved
19 because of the restrictions that are in place because
20 neither one of these organizations can cover those
21 sorts of activities. So from their assessment, there

1 is a big hole that needs to be addressed in regards to
2 providing full services to individuals who are below
3 the poverty level. They also indicated that, like we
4 have seen at other places, that only about 20 percent
5 of the legal needs in the island are being addressed.

6 There was no other business to come before the
7 committee. So that was the main focus of our time
8 yesterday and again, I would like to thank the
9 representatives from Puerto Rico Legal Services and
10 from CLO for providing us with some important
11 information. That ends my report.

12 CHAIRMAN STRICKLAND: All right. Thank you.

13 Are there any questions of board members for
14 David Hall?

15 (No response.)

16 CHAIRMAN STRICKLAND: Okay. Rob, do you think
17 we could take up the Finance Committee report right
18 now? Go ahead.

19 CONSIDER AND ACT ON THE REPORT OF THE

20 FINANCE COMMITTEE

21 MR. DIETER: Yes. Let me get my place here.

1 The Finance Committee met this morning and had a
2 presentation from the Inspector General regarding the
3 annual financial audit and then received reports from
4 David Richardson regarding financial results through
5 February 28th and the internal budgetary adjustments.

6 CHAIRMAN STRICKLAND: You might want to pull
7 that mike up a little closer.

8 MR. DIETER: Okay. We received reports from
9 David Richardson regarding the financial results
10 through February 28th of 2005 and the internal
11 budgetary adjustments and considered and acted upon the
12 resolution that appears on page 86 of the Board book
13 and unanimously supported presenting this resolution to
14 the Board for full adoption by the Board.

15 M O T I O N

16 MR. DIETER: And so at this time, I move that
17 the Board adopt the Resolution 2005-005, I believe it
18 is, at page 86 of the Board book. And this resolution
19 incorporates the information that is provided in the
20 Board book through February of 2005.

21 CHAIRMAN STRICKLAND: All right. That is a

1 motion. Does this have a number on it?

2 MR. DIETER: Well, it is at the bottom left
3 corner.

4 CHAIRMAN STRICKLAND: I see. I got it. Thank
5 you.

6 All right. There is a motion to adopt
7 Resolution 2005-005 found at page 86 in your book. Is
8 there a second to that motion?

9 MR. GARTEN: Second?

10 CHAIRMAN STRICKLAND: Any discussion of the
11 motion?

12 (No response.)

13 CHAIRMAN STRICKLAND: All right. Hearing
14 none, all those in favor of the adoption of that
15 motion, please signify by saying aye.

16 (Chorus of ayes.)

17 CHAIRMAN STRICKLAND: And those opposed nay.

18 (No response.)

19 CHAIRMAN STRICKLAND: Let the record reflect
20 it passed unanimously. Ernestine, did you vote?

21 MS. WATLINGTON: Yes. I said aye.

1 CHAIRMAN STRICKLAND: Okay. Unanimous vote.
2 Anything else, Rob?

3 MR. DIETER: Well, we received a brief report
4 from Tom Polgar regarding the appropriations process
5 and there is really nothing substantive to share with
6 the committee. I think everybody, with the exception
7 of Helaine, was there at the meeting.

8 And then we also noted that we would probably
9 have to have a special meeting of the Finance Committee
10 sometime in September to work on developing a budget
11 mark figure to present to OMB sometime in October and
12 whether or not we need a special telephonic meeting or
13 can wait to present that number to the Board at the
14 full meeting at the end of October remains to be seen.

15 So we are going to work on those plans and come up
16 with a schedule at the next meeting of the Board at the
17 end of July. And that concludes my report.

18 CHAIRMAN STRICKLAND: Okay. Any questions of
19 Rob regarding the Finance Committee?

20 CHAIRMAN DIETER: Mr. Chairman?

21 CHAIRMAN STRICKLAND: Yes, Ernestine.

1 MS. WATLINGTON: I just want to thank Mr. Hall
2 for such a good description of what the -- of the
3 report on that committee since not being able to
4 participate in that yesterday, he really gave a good
5 explanation of what happened and I appreciate it and
6 thank him very much.

7 CHAIRMAN STRICKLAND: Thank you, David, you
8 heard that.

9 MR. HALL: Yes, I did.

10 CHAIRMAN STRICKLAND: I just wanted to make
11 sure David heard your works about that, Ernestine.

12 All right. We will now take our break for
13 lunch and sometime during the lunch we will decide --
14 our schedule called for the -- even though our informal
15 schedule in the book says that we will reconvene at
16 1:30, as you heard earlier, the way we published our
17 notice in the Federal Register for today, that is once
18 we got started with our meeting process, that we can
19 just keep on going.

20 So if our lunch should conclude a little bit
21 earlier than that, we will just announce, during the

1 lunch, that we will reconvene perhaps a few minutes
2 ahead of 1:30, but for the moment, we will recess for
3 lunch and look forward to seeing you at lunch and
4 afterwards. Thanks.

5 (Whereupon, at 12:12 p.m., a luncheon recess
6 was taken.)

7 LUNCHEON KEYNOTE ADDRESS

8 MS. BARNETT: Good afternoon, everybody. We
9 are very privileged today to have with us, as our guest
10 speaker, the Honorable José Alberto Morales, who has
11 quite a very distinguished background and resume.
12 Professor Morales obtained his jurist doctor magna cum
13 laude from the Catholic University of Puerto Rico. In
14 1980, he obtained a master's degree in philosophy of law
15 from Harvard Law School.

16 In 1986, he became president of Sacred Heart
17 University. In 1992, he was nominated to be a judge of
18 at the Puerto Rico Appellate Court where he served as
19 an appellate justice for a number of years.
20 Thereafter, he was nominated to be dean of Catholic
21 University School of Law and a few months later was

1 nominated to be president of the same institution.

2 At present, he is a professor at the Catholic
3 University Puerto Rico School of Law, but most
4 recently, he was appointed president of the Access to
5 Justice Commission, which was created by the Supreme
6 Court. So not only is he past president of Catholic
7 University and a retired appellate judge here in Puerto
8 Rico, but he is the current president of the Access to
9 Justice Commission appointed by the Supreme Court.

10 He has also published numerous articles and
11 been the recipient of numerous awards and recognitions
12 and honors and it is our distinct pleasure to welcome
13 him as our keynote speaker at lunch today. Honorable
14 José Alberto Morales. Thank you for joining us.

15 (Applause.)

16 MORAL RECONSTRUCTION AND SOLIDARITY:

17 A REQUIREMENT FOR TRUE JUSTICE

18 MR. MORALES: I am going to be reading
19 something because I have the same problem with English
20 that I have with my wife, that I understand her, but I
21 don't dominate her.

1 (Laughter.)

2 MR. MORALES: Mr. Chairman, Mrs. Barnett,
3 distinguished members of the Board of Directors,
4 amigos. Justice has been mechanistic for too long.
5 From Roscoe Pound's argument against mechanical
6 operation of legal rules to Roberto Unger's denouncement
7 of the procedural justice machine, a whole century has
8 elapsed. The word justice, for people everywhere,
9 means trouble, not peace; problems, not solutions; it
10 means unbearable material and emotional costs,
11 procrastination and stress, both personal and communal.

12 This is so for the well-to-do mainstream of
13 the social fabric. It is also true for the poor, the
14 left behind, the economically, socially and culturally
15 disadvantaged. I will argue today that if we are not
16 ready and able to change this for all, including the
17 mainstream of our societies, we are morally obliged to
18 at least change it for the economically, socially and
19 culturally disadvantaged.

20 I was asked to address this distinguished
21 Board of Directors on the subject of solidarity and

1 legal education. A few days after, John Paul II died.

2 I took it as a sign that my thoughts ran immediately
3 towards his most notable legacy. The man took bold
4 steps. Given his sensitive position of spiritual, not
5 political leadership to free Eastern Europe from
6 communist totalitarianism and economic stagnation and
7 he also took bold steps to reinstall moral and
8 spiritual values in the West.

9 For this he argued, once and again, that
10 social reconstruction requires more than anything else
11 "a moral reconstruction based on conscious engagement,
12 in solidarity of all the forces of the entire society."
13 That was said in a letter to Brezhnev in 1980.

14 So I must begin by joining John Paul II
15 arguing that to overcome the inefficiencies and the
16 injustices of the procedural justice machine, we need
17 more than anything else a moral reconstruction. Such
18 reconstruction may well start, of course, in our law
19 schools and continue in the bench and in the practice
20 of law. But it must be based on the conscious
21 engagement, in solidarity of all the forces of the

1 entire society.

2 Legal Services Corporation, as it is called to
3 assist the poor, the left behind, the economically,
4 socially and culturally disadvantaged, must also listen
5 to this call. Your well deserved prestige, your sense
6 of mission and urgency regarding the needs of the poor
7 brings the zest factor needed for a meaningful movement
8 in the direction of a moral reconstruction for the true
9 justice, not mechanical, not merely procedural, that
10 our countries need.

11 Let me quote Roscoe Pound extensively. "The
12 most important and most constant cause of
13 dissatisfaction with all law at all times is to be
14 found in the necessarily mechanical operation of legal
15 rules. This is one of the penalties of uniformity....
16 The law has always ended in a compromise, in the middle
17 course between wide discretion and over-minute
18 legislation. In reaching this middle ground, some
19 sacrifices of flexibility of application to particular
20 cases are inevitable. In consequence, the adjustment
21 of the relations of man and man according to these

1 rules will of necessity appear more or less arbitrary
2 and more or less in conflict with the ethical notions
3 of individuals." That is his quotation.

4 By 1906 -- that is when Roscoe Pound said
5 this -- the population of the United States was around
6 92 million registered in 1910. Now it is in the order
7 of 300 million registered in 2000. The U.S. population
8 has more than doubled. Puerto Rico has had around
9 1,100,00 then, now it has 3,800,000, more than tripled.

10 It is clear that population growth has
11 exponentially complicated what Pound described in 1906
12 as a major juridical challenge. He denounced then that
13 the rationalist and historicist orthodoxy of judges,
14 lawyers and legislators alike, would ignore accelerated
15 social change especially caused by the urban
16 concentration.

17 Thus, while U.S. cities were crying out for
18 creative responses to urgent social needs, especially
19 of those living at the margins of the urban
20 concentrations, our profession was responding with
21 legal jargon on procedural labyrinths with "the

1 oscillation between wide judicial discretion on the one
2 hand and strict confinement of the magistrate by minute
3 and detailed rules upon the other hand," on Roscoe
4 Pound's words.

5 The glass is half full, it is true, not half
6 empty. Much has changed and progressed legally and
7 judicially in the past century, but we are still
8 dissatisfied with all law at all time because of the
9 mechanical operation of legal rules and legal
10 institutions.

11 And our judicial and justice system, in
12 general, is not responding to the major conundrum of
13 drug abuse and drug trafficking or the need of housing
14 and nourishment for the abandoned or the absence of
15 guidance and preventive services for early delinquents
16 or the victims of mental infirmity or dysfunctional
17 families. All those are patent and stubborn social
18 facts related to marginality. Our legal system has a
19 mediocre, a half full glass response, to all of them.

20 One of our major discoveries in the Access to
21 Justice Commission of Puerto Rico is the extensive --

1 pardon, the existence in sociological terms, of a
2 closed circle within our legal profession. We have a
3 tendency to look only to ourselves and our singular
4 case by case victories in the justice system when we
5 are confronted with our deficiencies. But if we look
6 outside, we may find a wide range of solutions to the
7 complicated systemic thicket we cannot really avoid.

8 Let me just mention three major
9 transformations that emerged in the industrial
10 environment of the turn of the millennium, which we
11 need to know and embrace. The first is the total
12 quality revolution, the second is the technological
13 networking revolution and the third is what
14 philosophers have started to call the neo-renaissance
15 or the rediscovery of a more holistic or organic
16 reality with compelling and even mystical personal and
17 societal missions awaiting fruition.

18 Before looking at each transformation, and
19 before you notice it, I must insert a disclaimer. It
20 is ironical, I know, to propose industrial and
21 technological solutions to the injustices of the

1 procedural justice machine, but this is simple. In
2 this argument mechanism, technologies and industrial
3 paradigms are servants not masters.

4 You have heard about the participatory
5 initiative or the Deming Proposal or the Total Quality
6 Management Movement of the turn of the millennium. The
7 concept, originally experimented in the manufacturing
8 industry, made major breakthroughs for production
9 without defects at the lowest costs possible and with
10 the highest level of satisfaction for all clients,
11 direct and indirect.

12 In the United States TQM brought forward a
13 positive shift given the competition by Asian and
14 European emporiums that had subdued American industry
15 in previous years. After such an industrial history of
16 success, many other social enterprises, including
17 education, started using TQM and total quality
18 statistical assurance as strategic tools. And they
19 worked very wells as long as people would participate
20 and become committed to team work and continuous
21 betterment of organizational results.

1 The time has come for the use of TQM and
2 statistical quality assurance within our judicial
3 system. Judges, lawyers, paralegals, social workers,
4 psychologists and many other social actors must join in
5 forming a critical mass capable of evaluating every
6 step of each judicial process and service and
7 immediately design and implement proactive responses to
8 ever defect or opportunity found in the process.

9 Such engagement is facilitated now that
10 Internet and Intranet technologies make possible
11 national, international, inter-professional and
12 societal networking. In our Access to Justice
13 Commission, we learned about thousands of
14 organizations, public and private -- these mainly
15 not-for-profit -- working with drug prevention, housing
16 for the abandoned, guidance and preventive services for
17 early delinquents, the victims of mental infirmity and
18 dysfunctional families.

19 The bad news is that they do not converse nor
20 interrelate with our legal system; the good news is
21 that Internet and Intranet make such conversation,

1 interrelation and critical and creative interaction in
2 a strategic alliance possible.

3 I am now personally involved in an
4 organizational process of this sort, as consultant to a
5 pharmaceutical company. The key to the ongoing
6 process, as complex and sensitive as it is, is
7 interactive communication. Personal computers,
8 Internet, Intranet and DSL, which provides 24 hour
9 connection, makes both organizational and one on one
10 communications very effective. They facilitate urgent
11 decisions, ownership of responsibility, follow-up of
12 the time schedule and measurement of results.

13 When I first learned of the TQM revolution, I
14 felt it was humanist dreams come true. I thought this
15 was part of what philosophers anticipate as a reaction
16 to post modern nihilism. My preferred authors like
17 Carol Wojtyla, a Polish philosopher who afterwards
18 became John Paul II, Emmanuelle Mounier, a French
19 thinker, and Joseph Kentenich, a German spiritual
20 leader, called this reaction neo-renaissance or as I
21 said before, the rediscovery of a more holistic or

1 organic reality with compelling and even mystical
2 personal and societal missions awaiting fruition.

3 In TQM, each employee in or around an assembly
4 line, and other actors within or without the particular
5 industry, would be called to participate in evaluating
6 critically each step of the productive process. They
7 would all, through brainstorming, come up with creative
8 ideas to make the product better while reducing time
9 and costs spent and exceeding each of the customer's
10 expectations. The commitment of each person in the
11 critical and creative evaluation of things that this
12 movement exerted seemed to me as a possible catalyst
13 for a worldwide moral revival, a counter-current to the
14 mechanistic industrial revolution coming, ironically,
15 from industry.

16 Before this, an employee would act as
17 mechanically as the assembly line. The need for
18 partnering and teamwork related to this type of
19 personal and communal encounter was, for me, the right
20 step in the right direction. It was the
21 personalization and humanization of the assembly line.

1 but remember T.S. Eliot's poem:

2 "O world of spring and autumn, birth and
3 dying! The endless cycle of idea and action, endless
4 invention, endless experiment, brings knowledge of
5 motion but not of stillness; knowledge of speech, but
6 not of silence, knowledge of words, and ignorance of
7 the Word."

8 After the first experimentation with TQM,
9 another trend of downsizing and outsourcing brought
10 uncertainty and unrest within the industry that learned
11 so much from it. Thus, TQM is now only one of the
12 driving forces of industry, not the driving force. It
13 comes in handy, unfortunately, as a prelude to
14 downsizing, which strikes employees at the heart. It
15 is considered a humbug in many circles. It is speech,
16 for many, knowledge of words and ignorance of the Word.

17 Remember that in Eliot's poetry the Word, with
18 uppercase, is love.

19 In our Access to Justice Commission, we
20 proposed TQM methods to evaluate and come up with
21 creative ideas about processes in which the poor

1 litigate. We asked judges, lawyers, lay personnel and
2 even the Dean of the law school of the University of
3 Puerto Rico -- he directed this effort -- to come up
4 with a critical look and creative ideas to make each
5 judicial process better while reducing time and costs
6 spent and meeting or exceeding the expectations of
7 litigants.

8 We dreamed that such evaluation would overcome
9 what Pound denounces as "the adjustment of the
10 relations of man and man according to rules that of
11 necessity will appear more or less arbitrary and more
12 or less in conflict with the ethical notions of
13 individuals."

14 Immediately technology shined as a start. It
15 is an excellent tool to integrate so many existing
16 private and public services that can make the judicial
17 process more effective in solving real problems at a
18 lower cost in a faster time line with better results.
19 Those results were so promising that one member of our
20 commission, a partner in one of the most prominent law
21 firms serving the well-to-do mainstream of our

1 community, asked that such integrated services be
2 extended immediately to all, including his clients.

3 But we must remember that a judicial TQM
4 project must go beyond a simple participatory exercise
5 or else it will soon be perceived as a humbug. We
6 cannot forget what John Paul said once and again:
7 judicial, as economic and social, reconstruction
8 requires more than anything else "a moral
9 reconstruction based on the conscious engagement in
10 solidarity of all the forces of the entire society."

11 We at the Commission proposed an ample process
12 of genuine participation. For this, leadership is
13 necessary. Our new chief justice -- you met him
14 yesterday, the Honorable Federico Hernández Denton --
15 has made this a priority of his administration. It is
16 clear to him, as it is to our Commission, that the
17 Access to Justice Alliance that we propose is easier
18 said than done. Judges, lawyers and lay personnel must
19 believe in the process and become so committed to it as
20 to make the conscious engagement in solidarity of their
21 forces and other forces of our society.

1 And we lawyers are trained to be litigious.
2 We are so committed to the “necessarily mechanical
3 operation of legal rules,” as Pound said, that probably
4 only a new generation of lawyers, educated in a
5 humanistic, not mechanistic version of law, could make
6 such a process work. Let me quote again Pound’s
7 necessarian theory.

8 “The necessarily mechanical operation of legal
9 rules...is one of the penalties of uniformity....
10 [T]he adjustment of the relations of man and man
11 according to these rules will of necessity appear more
12 or less arbitrary and more or less in conflict with the
13 ethical notions of individuals.”

14 Roberto Unger, one of Pound’s successors in
15 the Harvard’s jurisprudence chair, has important things
16 to say about such necessity.

17 “Most legal traditions of the past [rely] upon
18 a secular or sacred vision of the one right and
19 necessary order of social life. Modern legal doctrine,
20 however, works in a social context in which society has
21 increasingly been forced open to transformative

1 conflict. It exists in a cultural context in which, to
2 an unprecedented extent, society is understood to be
3 made and imagined rather than merely given.”

4 In another of his insightful arguments, Unger
5 carries forward his criticism of a rigid view of
6 rights.

7 “Traditional legal thought has accustomed us
8 to think of communal life as almost beyond the proper
9 scope of legal rights. If the jurists are to be
10 believed, legal regulation appears in the domain of
11 intimate and communal relations as the hand of Midas,
12 threatening to destroy whatever it touches.

13 “But this supposed antipathy between rights
14 and community reflects both a rigid view of rights and
15 an impoverished conception of community. Its actual
16 effect is often to leave communal life all the more
17 subject to the forms of self-interested exchange and
18 domination from which the policy of legal abstention
19 expected to protect it.”

20 Law schools must become aware of this. Law
21 for many law schools is speech, mere semantics;

1 knowledge of words and ignorance of the Word, in Eliot's
2 words. We lawyers need to learn that even in the most
3 mechanical of processes, within the procedural justice
4 machine, if our institutions are to serve human
5 purposes with true justice, something more profound
6 than legal rules and doctrines is required. More than
7 words, says the song.

8 Through our regular programs, through
9 continued education, through active participation in
10 the process analysis and transformation of the judicial
11 organization, law schools must strive to form a
12 critical mass for a continuous judicial reconstruction.

13 I know what you are thinking, that this is an
14 optimistic, poetic, mystical and in any case, gigantic
15 task that few schools will address. May I just
16 reiterate that if we are not ready and able to start
17 the profound processes of change here envisioned for
18 all in our society, we are morally obliged to at least
19 do it for the economically, socially and culturally
20 disadvantaged. And if there is anyone around to carry
21 out such a quixotic task, these are students, those who

1 have not benefitted from the necessarian theory yet.
2 Here is Roberto Unger's suggestion to law professors as
3 himself:

4 "The decisive psychological insight that
5 provides the beginning of our response is the awareness
6 that the sense of living in history serves as an
7 indispensable prelude to every generous impulse capable
8 of extending beyond the closest personal
9 attachments.... We teach this by pushing the negative
10 lessons to the extreme point at which they start to
11 become constructive insights."

12 I commend you and your Servicios Legales de
13 Puerto Rico, and particularly that because of the Inner
14 American University's approach to it that it is very
15 close to what I have just said, for an excellent job in
16 assisting the poor, the left behind. You were the
17 first to call the attention of our Supreme Court to the
18 urgency of this agenda.

19 I commend you, once again, because your well
20 deserved prestige, your sense of mission and urgency
21 regarding the needs of the poor, brings the zest factor

1 needed for a meaningful movement in the right
2 direction, the direction of a moral reconstruction that
3 will make possible the true justice, not mechanical nor
4 merely procedural, based on the conscious engagement,
5 in solidarity, that our societies need. Thank you very
6 much.

7 (Applause.)

8 MS. BARNETT: Thank you very much for those
9 inspiring remarks and it is clear, I am sure to
10 everybody here, that the poor in Puerto Rico are
11 fortunate to have you as the chair of the Commission on
12 the Access to Justice. Thank you for joining us today.

13 (Applause.)

14 (Whereupon, at 1:13 p.m., luncheon was
15 adjourned.)

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1 A F T E R N O O N S E S S I O N

2 CHAIRMAN STRICKLAND: Let me call to order the
3 afternoon portion of our board meeting. And the next
4 order of business will be the report of the Ops and
5 Regs Committee and in the absence of Tom Meites, the
6 chair of that Committee, I will call on Mike McKay for
7 that report.

8 CONSIDER AND ACT ON THE REPORT OF THE OPERATIONS
9 AND REGULATIONS COMMITTEE

10 MR. MCKAY: Thank you, Mr. Chairman. The
11 Committee met yesterday. We began by addressing an
12 issue we have been addressing on several occasions, at
13 several previous meetings, that was the financial
14 eligibility regulation 45 CFR, Part 1611. Our final
15 significant effort to address it was on April 1st. As
16 Lillian indicated, we went to Charlottesville and spent
17 nearly a full day going through this regulation line by
18 line.

19 Since it is such a significant rule and as we
20 have spent quite a bit of time on this, I am asking,
21 Mr. Chairman, if we could have Mattie Condray come up

1 and present a very brief summary of this rule. And as
2 she does come up, I just want to remind the Board just
3 the great work she has performed over really several
4 years with many interested parties who have come and
5 helped produce what I think, I think we think the
6 Board -- or the Committee thinks is a very good
7 product. We are also very grateful to the many parties
8 who participated in the rulemaking process and made
9 presentations to our committee. Mattie?

10 MS. CONDRAY: Thank you very much. For the
11 record, I am Mattie Condray with the Office of Legal
12 Affairs. The draft notice of proposed rulemaking is in
13 your books starting on page 18. This -- the draft is
14 essentially the same as the draft that has been in your
15 books for the last several meetings with a couple of
16 exceptions and that is what I am going to focus on
17 today.

18 At the April 1st meeting of the Operations and
19 Regulations Committee, we went through the entire
20 draft, as Mike said, and we -- the staff was given
21 direction from the Committee to make a few changes to

1 the previous version of the draft and I would just like
2 to outline them.

3 First, which you can find on the discussion on
4 page 17 of the draft NPR, which I guess is page 34 in
5 the book, and then the regulatory text that is on
6 page 49 in the book. In the previous version of the
7 draft, management was proposing that fixed debts and
8 obligations, which is one of the authorized exceptions
9 to the annual income ceiling that our grantees would be
10 permitted to take into account in assessing the
11 financial eligibility of applicants, we have proposed
12 that current taxes, which is -- current taxes are not
13 currently part of the regulation allowed -- as part of
14 the allowable exceptions.

15 We have proposed to put -- consider current
16 taxes as part of fixed debts and obligations and the
17 Committee felt that current taxes were really a
18 different animal than other fixed debt and obligations
19 and so asked us to separate those out into a separate
20 bullet point and so it is.

21 There is -- in the preambular discussion, the

1 notice specifically asks for comment on the scope of
2 the term "current taxes" and whether there is an
3 appropriate definition that we should add to the regs.

4 So that is one of the things that we will be asking for
5 comment on. Another change, I guess what I consider in
6 the term of major --

7 MR. MCKAY: Mattie, excuse me.

8 MS. CONDRAV: Sure.

9 MR. MCKAY: I am sorry to interrupt, but I am
10 wondering if it might -- instead of going into this
11 kind of detail, if you could give just a brief summary
12 of the regulation in general instead of discussing the
13 last few changes.

14 MS. CONDRAV: Oh, yes, sure.

15 MR. MCKAY: If you don't mind doing that.

16 MS. CONDRAV: No, not at all. This is our
17 regulation on financial eligibility for individuals in
18 groups. The regulation is, in many -- the proposed
19 regulation is, in many respects, similar to, in
20 substance, to what we currently have. There is some
21 major reorganization of the regulation, which is

1 intended to make the regulation read much better so
2 that people will be able to understand it and follow it
3 better, which will then aid the Corporation in
4 enforcing it.

5 There are also some changes that are intended
6 to streamline the regulation and provide some
7 additional flexibility for our grantees in applying the
8 guidelines that are provided in the regulation in
9 creating their own eligibility policies that have to be
10 consistent with the regulation. That is, I mean,
11 really the short summary of it.

12 In addition, we have provided -- we are
13 proposing some new provisions on group, representation
14 of groups, with some additional standards set forth in
15 the regulation for assessing the financial eligibility
16 of groups and the types of groups that may be provided
17 service.

18 And there are is some streamlining and
19 flexibility changes of the client changes to the
20 retainer agreement requirement, which is, for the most
21 part, retained in its current form as in retainers will

1 be required for extended service case, but not in brief
2 service or advice of counsel cases, but there are some
3 changes to make that regulation easier, again, for our
4 grantees to apply.

5 MR. MCKAY: Thank you very much. I want to
6 also let the Board know that we spent a lot of time
7 focusing on a particular provision, which is 1611.6 on
8 page 59 of your notebook. This relates to
9 representations of groups. We were alerted and were
10 very aware that this is of concern to several
11 constituencies, particularly some members of Congress.

12 I want to make sure the Board knows that we spent a
13 lot of time really scrutinizing this provision.

14 We are aware that some are thinking this might
15 be a back door way to get into class actions again. We
16 were very sensitive to that. We feel very comfortable
17 about that. In fact, next month, two members of the
18 Committee and the chairman of the Board will be meeting
19 with some members of Congress to make sure they know
20 that we carefully studied it and feel very comfortable
21 with this new language. Are there any questions for

1 Mattie before I move to a recommendation to the Board?

2 (No response.)

3 CHAIRMAN STRICKLAND: I would say go ahead
4 with your recommendation.

5 MR. MCKAY: All right. Very good. Sorry.

6 MR. DIETER: I am just curious. What is the
7 process that we are going through at this point in
8 time?

9 MR. MCKAY: I am about to make a
10 recommendation. We are recommending since this has
11 gone through -- this process began under the previous
12 board.

13 MR. DIETER: Right.

14 MR. MCKAY: And it has been opened for comment
15 and the recommendation of the Committee will be to
16 publish it again for more comment. So we won't be
17 voting to approve the rule today, it will be simply
18 putting it out for comment again for 30 days, which is
19 our recommendation, which will allow us to address this
20 in finality fairly soon.

21 MR. DIETER: Okay.

1 MS. BEVIER: This is going to be an NPRM,
2 right?

3 MS. CONDRAY: That is correct, a notice of
4 proposed rulemaking.

5 MR. DIETER: And then the comment period is
6 for 30 days?

7 MR. MCKAY: That will be our recommendation to
8 the Board.

9 MR. DIETER: I mean, how do we receive the
10 comments?

11 MR. MCKAY: There is a process. Go ahead,
12 Mattie.

13 MS. CONDRAY: Comments will come in to me and
14 I will, in whatever form you would like to have the
15 comments distributed to you, I will do that. We also
16 place all of our comments electronically up on our
17 website as they come in and then in preparation for the
18 July meeting, there would be a memo summarizing, you
19 know, the salient points in the comments as well as
20 attaching any of the comments you wanted and there will
21 be a final rule drafted for presentation to the

1 Committee to make a recommendation to the full Board
2 and the preamble to that final rule will also address
3 the comments that come in.

4 MR. DIETER: I had a couple of other --

5 CHAIRMAN STRICKLAND: Go ahead.

6 MR. DIETER: On page number 27 at the top and
7 10 at the bottom, the middle paragraph, there is a
8 discussion of excluding certain assets from bankruptcy
9 proceedings and I am not an expert on the new
10 bankruptcy law, but did you all take into account what
11 changes may be happening under the new federal
12 bankruptcy legislation in terms of whether that is
13 consistent with what we are doing here?

14 MS. CONDRAY: I don't know that -- we didn't
15 sit and review the bankruptcy law. I would say the way
16 this is written in the preamble, it is -- whatever the
17 law would provide -- this is going to conform, of
18 necessity, to whatever the law is.

19 MR. DIETER: Oh, okay. And then on page I
20 guess 38/21, the top is page 38 and the bottom is 21,
21 the -- on the eligibility group in the proof, and I

1 apologize because I wasn't able to participate in the
2 working session, but was there any discussion of
3 requiring groups to document that they are unable to
4 obtain pro bono legal services from other sources
5 before, you know, we can accept a group as a client?

6 MS. CONDRAY: That is part of the requirement.

7 In Section A of the -- in the regulatory text -- you
8 can just turn to page 59 of the book. That is the
9 first place I easily found it. Subsection A.

10 MR. DIETER: Yes.

11 MS. CONDRAY: "A recipient may provide legal
12 assistance to a group corporation if it provides
13 information showing that it lacks and has no practical
14 means of obtaining funds to retain private counsel and
15 either." So that is a condition precedent for any
16 group is that it must be able to demonstrate that it
17 lacks the funds to provide -- to retain legal counsel
18 and lack -- no practical means of obtaining funds.

19 MR. DIETER: Okay. But that is different than
20 if you -- you may not have money, but you may be able
21 to obtain pro bono representation, right, you know,

1 through, you know, by seeking out some other, you know,
2 alternative other than you don't have any money to hire
3 your own attorney. That is what I was trying -- the
4 "no practical means" really is only referring to
5 financial resources; is that right?

6 MS. CONDRAV: Generally that is correct. I
7 mean, it is my understanding that groups -- if they can
8 find counsel elsewhere, they can have them and by the
9 times groups are seeking assistance from our grantees,
10 it is because there isn't somebody else out there who
11 will help them much the same way with many individuals
12 who have a hard time finding pro bono counsel to help
13 them with their individual legal problems.

14 MR. DIETER: But there is no requirement that
15 they demonstrate that before they would be -- before we
16 could accept them as a client.

17 MS. CONDRAV: Well, that is correct.
18 Individual clients are not required to demonstrate that
19 they could not find pro bono counsel first, they are
20 just required to demonstrate that they are financially
21 unable to afford the assistance.

1 MR. DIETER: Yes, but you might have -- well,
2 a group is a different than an individual, I think, in
3 terms of, you know, the availability of pro bono work
4 to do -- pro bono groups to do some of the work that I
5 understand --

6 MS. CONDRAY: I will say that the Corporation,
7 in the last -- the entire history of this regulation
8 going back not only to 1983 when this was changed, but
9 also the prior iteration of the rule, the Corporation
10 has never required a group to demonstrate that it lacks
11 the ability to find other pro bono counsel, but it has
12 always required the group to show that it lacks the
13 ability to obtain private counsel.

14 MR. DIETER: Okay.

15 CHAIRMAN STRICKLAND: Go ahead.

16 MR. DIETER: Well, I have another comment,
17 then, sort of --

18 MS. MERCADO: Well, can I address that before
19 we go to something else --

20 CHAIRMAN STRICKLAND: Certainly. If it fits
21 in there, go ahead.

1 MS. MERCADO: -- to that particular point.

2 CHAIRMAN STRICKLAND: Yes.

3 MS. MERCADO: I think an additional problem
4 that you would have by making it a mandatory
5 requirement that a group show that it couldn't obtain
6 pro bono counsel is the reality that most jurisdictions
7 don't necessarily have a pro bono requirement unless all
8 the states are going to start doing mandatory pro bono
9 from all counsel by imposing that as a requirement in a
10 jurisdiction, which doesn't have a pro bono program or
11 an active pro bono bar activity, then you are going to
12 automatically exclude a group that may very much need
13 our assistance, meets all the financial requirements
14 and eligibility and all the priority of cases that that
15 particular grantee had as his priority of cases solely
16 because you are putting the restrictions of adding to
17 it that they were not able to find pro bono counsel
18 where none exists.

19 MR. DIETER: Well, I would point if there is
20 none -- it is simply a representation by the group that
21 they have -- they are not able to obtain pro bono

1 counsel to handle this affair. For example, in our
2 program at one time, when we were having to enforce,
3 you know, financial regulations pretty tightly, we
4 could go above those guidelines if we received letters
5 from the clients saying that they had at least talked
6 to two other attorneys in the community and the
7 attorneys had determined that they were not -- the
8 clients didn't have the resources to, you know, hire a
9 private counsel. And in that situation, we would
10 proceed to represent them even if they were, you know,
11 over our financial guidelines somewhat.

12 There are two things, two angles that I guess
13 I am concerned about. One is, you know, is this -- one
14 is the back door provision or the question. The other
15 is, is there an opportunity for us to involve, you
16 know, pro bono activities in more opportunities to
17 represent low income people, get that portion of the
18 bar more involved in becoming aware of the problems
19 that exist and the needs that exist and that if groups
20 aren't required to, you know, at least make an attempt
21 to, you know, seek out pro bono counsel in that way,

1 you know, are we simply going to be the sort of
2 attorney of first resort so to speak.

3 And, you know, I am concerned about the
4 backdoor problem and then also the other question of is
5 there a way for us to get corporate firms, that sort of
6 expertise, to do the kind of pro bono work that we
7 really are not as capable of providing, but those
8 groups may be more capable of providing and the certain
9 situations with group representation that may be
10 strengthened so the access to justice community would
11 get involved as much as possible.

12 And I raised this issue once in Montana and I
13 am not going to, you know, beat it to death here, but
14 it is something that, through my own experience, in
15 terms of requiring a client to do that, was not
16 considered burdensome. It gave us protection from the
17 private bar claiming that we were representing people
18 that we should not be representing. So it served sort
19 of a beneficial purpose from our point of view as well.

20 I guess the other question I had, along these
21 lines, is that the burden of the program undertaking

1 representation to establish that they fall within
2 compliance or is it our burden to show that they don't
3 fall within compliance? If somebody were to complain,
4 do we have to establish that they have -- they are not
5 in compliance with the provision or do they have to
6 establish for us, they have the burden of showing that
7 they have fulfilled the requirements? I wasn't sure.

8 MS. CONDRAY: I would believe, as with all
9 regulatory requirements, if we had a complaint and we
10 investigated, they would have to demonstrate, to our
11 satisfaction, that they had complied with the
12 regulation.

13 MR. DIETER: Okay. There is one other
14 question on page -- it is 39/22, the second of the last
15 paragraph of this section. It starts, "LSC notes." And
16 I wasn't sure how this provision interacts with the
17 other eligibility requirements or is that something
18 that is going to be addressed later on? It notes that
19 there is this potential, you know, there is sort of
20 multiple regulations regarding eligibility, but it isn't
21 saying which one has priority or how to interact.

1 MS. CONDRAV: It is not a priority, there is a
2 cross reference. In the general section on, "Manner of
3 Determining Eligibility," Subsection (a)(2) says,
4 "Making financial eligibility determinations regarding
5 groups, a recipient shall follow the requirements set
6 forth in 1611.6(b) of this part." So it is -- so the
7 general provision on the manner of determining
8 eligibility cross references the specific requirements
9 for groups that are set forth in part 1611.6 dealing
10 with groups.

11 MR. DIETER: So you have to jump through
12 multiple hoops. Is that the way it works?

13 MS. CONDRAV: It is really just -- it is not
14 so much multiple hoops as it is just a cross reference
15 in that section because nothing else in Section 1611.7
16 is inconsistent in any way with what is in 1611.6.

17 MR. DIETER: I was really thinking more of,
18 say, the restriction on the represented aliens,
19 restrictions on certain --

20 MS. CONDRAV: The preamble to the -- well,
21 1611.7(c) makes clear that the eligibility requirements

1 set forth in 1611 and it is also discussed in the
2 preamble --

3 MR. DIETER: Okay. So these just refer to
4 financial eligibility.

5 MS. CONDRAY: Refers only to the eligibility
6 requirements set forth herein and don't apply to
7 eligibility -- any other eligibility requirements,
8 which, for example, would be the 1626 eligibility
9 requirement, and for that matter, don't get into what I
10 would call subject matter eligibility whether the issue
11 for which the applicant or the group is seeking legal
12 assistance is something that is restricted or not. In
13 a way, you can call that eligibility requirement.

14 MR. DIETER: Right.

15 MS. CONDRAY: And they are not eligible. It
16 is clear throughout the regulation that this is not
17 talking about those issues and that whatever
18 requirements apply are going to apply notwithstanding.

19 MR. DIETER: Okay.

20 CHAIRMAN STRICKLAND: All right. Maria Luisa?

21 MS. MERCADO: On that same section,

1 1611.6(b)(1), the introductory paragraph of (b)(1) all
2 make sense to me with all the preliminaries that have
3 occurred, but then when you start "and either" small
4 roman numeral "i" and roman numeral "ii" small "i," it is
5 a little confusing what other the characteristics would
6 be of a financially eligible individual other than
7 considering their income, their income prospects, their
8 assets and obligations. It seems like it ends up
9 confusing you as to whether or not -- what are the
10 characteristics. Is there a definition for what the
11 characteristics are?

12 MS. CONDRAY: There is some discussion of that
13 in the preamble and I can tell you -- and I can fill
14 you in and I am sure Mike or Lillian can fill in some
15 more. From the discussion at the April 1st meeting,
16 what we were getting at is to the extent that there
17 is -- the group as a group that is an entity that is
18 something other than necessarily the individuals who
19 comprise it.

20 So for a group that is comprised of eligible
21 individuals, you want to look at the financial

1 resources that is available to that group, but there is
2 also the -- looking at who would be financial eligible.

3 One way of doing -- of determining that, which is not
4 what is proposed, but one way of determining that would
5 be to do an individual financial eligibility screen on
6 every member of the group, but it was determined that
7 that would essentially make representation of,
8 especially larger groups, practically impossible.

9 The example that we used a lot was a group of
10 a housing -- a tenant's association. That you don't
11 necessarily -- you know how many tenants live in the
12 building, but you don't necessarily know how many of
13 them, at any one time, consider themselves members of
14 the tenant's organization.

15 But you can look to the characteristics of the
16 organization, is this a public housing project where
17 everybody has to be Section 8 compliant to be eligible
18 to live in it? Well, that is going to be a fairly good
19 indicator of the -- that the people who comprise that
20 group are people who would be financially eligible had
21 you done an individual eligibility screening on each

1 and every one of them.

2 In essence, we heard from two project
3 directors who say this is essentially what they look at
4 now. If they are going to look at a group who is
5 primarily composed of eligible individuals, they have
6 to be looking at something now to be able to make a
7 determination that they are financially eligible and
8 this is the sort of thing they look at. And the Ops
9 and Regs Committee decided that, well, that -- it would
10 make sense to have that in the actual body of the text
11 of the regulation. If this is what they are kind of
12 already doing and this is what it is we think is
13 appropriate for them to be doing, let's write that.

14 So that is how that particular came about.
15 And in terms of groups who are primarily composed of --
16 a group who has a primary activity, the standard is
17 that the group has as its principal activity, the
18 delivery of services to those persons in the community
19 who would be financially eligible.

20 Well, again, short of doing an individualized
21 screening on all the people they provide services,

1 which is just not necessary or practical, we look at
2 what is the characteristics of the group who are being
3 provided services. So to use the Food Bank example
4 that we have used over time and again, the persons who
5 are coming to the Food Bank are, by and large, the same
6 persons who would be eligible if they had individual
7 legal needs that they were seeking assistance for from
8 the recipient.

9 MS. MERCADO: But it is also possible that you
10 can have a group like one of the -- let's say some
11 church group that does do a Food Bank and then, you
12 know, maybe they decide they are going to do some kind
13 of low-income healthcare provider, whether it is, you
14 know, providing basic immunizations or diabetes checks
15 or whatever, you know, for the elderly or what have
16 you.

17 Now is that considered a primary activity?
18 They are doing the Food Bank, they are now doing this,
19 the same little group of church ladies that are doing
20 it, what -- is this going to prohibit you because they
21 have done one primary activity in helping the poor? It

1 may be a different population.

2 MS. CONDRAY: You know, I don't think we have
3 addressed exactly -- the regulation doesn't specifically
4 address exactly what a primary activity is and whether
5 you can have -- I don't think it -- I mean, at this
6 point, I am merely just -- this is my own reading,
7 okay? I am not speaking for anybody, but it says a
8 primary activity, not the primary activity.

9 So I don't think the regulation, on its face,
10 limits any group to a -- it only gets one primary
11 activity. And of course, the regulation would specify
12 that the representation has to be consistent -- has to
13 be related to that activity. But I am not sure if
14 that -- I don't know if that answers your question or
15 not or if you are asking -- I think I am a little
16 confused on what your question is about the
17 characteristics of the people who would be served or --

18 MS. MERCADO: It is two separate questions.

19 MS. CONDRAY: Or what a primary --

20 MS. MERCADO: It is two separate questions.

21 MS. CONDRAY: -- activity is.

1 MS. MERCADO: The first one deals with the
2 characteristics. The second one deals with the primary
3 activity because I still believe that Section (i) and
4 Section (ii)(i) are redundant and confusing. You have
5 already defined what a group that is eligible for legal
6 services does or doesn't do. You have considered their
7 income, their ability to get income, their acts and
8 obligations, and then you create this other nebulous
9 category that it is not real clear --

10 MS. CONDRAY: Well -- sorry. Go ahead and
11 finish.

12 MS. MERCADO: I didn't see a definition for it
13 in any other part of the body of the regulation. And
14 that is why it didn't make sense to me.

15 MS. CONDRAY: Okay. In (ii) specifically,
16 (b)(ii), I think really addresses something very
17 different. That addresses the characteristics of the
18 persons receiving services from the group whereas the
19 resources available to the group, that is -- I mean,
20 what resources are available to the Food Bank is a very
21 different question than what are the characteristics of

1 the people who get services from the food group.

2 And to the extent that the regulation proposes
3 that the -- to be eligible, that the group has to be A,
4 a financial -- it has to be a financially eligible
5 group and B, has to be a group that meets one of the
6 two criteria in (a)(1) or (a)(2), depending on the type
7 of group it is. (b)(1)(i) and (b)(1)(ii) kind of
8 parallel the two different types of groups and are
9 aimed at identifying the types of information that the
10 recipient needs to look at to make an eligibility
11 determination.

12 So if the group comes in and is an (a)(1) type
13 of group, the group -- the recipient would look to
14 fulfill (b)(1)(i) to make its eligibility
15 determination. If the group is coming in and saying we
16 are eligible under (a)(2), the recipient would look at
17 (b)(1)(ii) for this information to make an eligibility
18 determination. So (i) and (ii) associate with
19 different parts of (a).

20 MS. MERCADO: Well, I guess all I am saying is
21 that you have already said that in (a)(1) and in

1 (2)(b)(1) without the (i) and (ii).

2 MS. CONDRAY: Except for the fact that (b)(1)
3 without (i) or (ii) only looks at the financial
4 resources available to the group and does not address
5 the eligibility characteristics in (a)(1) and (2).
6 Kind of (b)(1) addresses the -- what is in just (a),
7 the clause of (a) prior to subparagraph (1). It does
8 not address (b)(1), prior to the colon, does not
9 address the eligibility criteria in paragraph --
10 subparagraph (1) or subparagraph (2). And (i) and (ii)
11 are intended to be what matches the criteria, the
12 documentation for the specific criteria set out in (1)
13 and (2). So if (b)(1) prior to the colon matches (a)
14 prior to the colon, (i) matches (1) and (ii) matches
15 (2).

16 MS. MERCADO: Right. So I didn't know if it
17 was being redundant.

18 MS. BEVIER: It is not redundant.

19 MS. CONDRAY: It is not redundant.

20 MS. BEVIER: One says who you may provide
21 service to and the other says how you determine that

1 you may provide service to those people, how you find
2 out about it. That is not redundant.

3 MS. CONDRAY: In many ways --

4 MS. BEVIER: One is the criteria and the other
5 is how you find out that the criteria has been met, the
6 things you look to. Right precisely.

7 MS. CONDRAY: In many ways it is parallel to
8 the structure for financial eligibility for
9 individuals. Section 1116.4 (sic), as proposed, sets
10 forth basic eligibility requirements for an individual,
11 but there are other provisions, then, which talk about
12 what it is the program has to look at to make that
13 determination that the person seeking assistance is, in
14 fact, financially eligible.

15 CHAIRMAN STRICKLAND: Yes, sir, Rob.

16 MR. DIETER: One other observation. (b)(1),
17 you know, (ii), it says for a group --

18 CHAIRMAN STRICKLAND: Where are you?

19 MR. DIETER: Page 8 at the bottom, page 59 at
20 the top. There is an inconsistency in that
21 terminology. For a group having as a primary activity

1 and then up in --

2 MS. CONDRAV: Oh, thank you.

3 MR. DIETER: And then it has principal
4 activity.

5 MS. CONDRAV: I think in the actual draft
6 notice of proposed rulemaking I caught that.

7 MR. DIETER: Okay. And then primary is used
8 again on page 9 at the top.

9 CHAIRMAN STRICKLAND: So which one is it
10 supposed to be?

11 MS. CONDRAV: It is supposed to be principal.

12 MS. MERCADO: Also, in your other -- in your
13 discussion in the preamble, it talks about a primary
14 activity as opposed to a principal.

15 MS. CONDRAV: It should be principal. I
16 thought I had caught it everywhere. I will re-run the
17 global find and replace and get all of those.

18 MS. MERCADO: So it would "a principal
19 activity" rather than "a primary activity?"

20 MS. CONDRAV: Correct.

21 MR. MCKAY: I think the Board can sense the

1 kind of work our committee has been wrestling with and
2 the working group has been wrestling with. I want to
3 remind the Board that we are not going to be voting on
4 this today. We are going to continue to work on this.

5 Of course, any member of the Board is welcome to join
6 us at our future committee meetings because we are
7 going to continue to work on this.

8 I think the comments that have been made, I
9 have certainly taken good notes, I am sure Lillian has
10 been listening as well, and we will make sure that
11 these are focused upon as we consider the other
12 comments as well.

13 MS. BEVIER: Mike, I just have one comma to
14 add. 1611.6(a).

15 MS. CONDRAV: What page?

16 MS. BEVIER: Page 8 bottom, 59 top.

17 MS. CONDRAV: Okay.

18 MS. BEVIER: The comma should come between, on
19 the third line, there between "retain" and "private
20 counsel." And "Recipient may provide legal assistance
21 to a group, and so forth, if it provides information

1 showing that it lacks and has no practical means of" --
2 no, it should come between "funds."

3 MS. CONDRAV: Funds.

4 MS. BEVIER: Sorry. Thank you.

5 MS. CONDRAV: Thanks.

6 CHAIRMAN STRICKLAND: Mike, where do you want
7 that comma?

8 MS. BEVIER: Between "obtaining" and "funds."

9 CHAIRMAN STRICKLAND: You got that Mattie?

10 MS. CONDRAV: Yes. Okay.

11 CHAIRMAN STRICKLAND: All right.

12 MS. CONDRAV: I see where it is. I have got
13 it marked in both copies. No, thank you.

14 CHAIRMAN STRICKLAND: We will bring the
15 Harvard Blue Book in here any minute to consider this
16 writing.

17 The question I have was this, I don't want to
18 do this if this is not the appropriate time, but
19 somewhere in the process, as opposed to the language of
20 the rule, it might be helpful to give an example of
21 some group that fits the criteria. You understand what

1 I mean?

2 MR. MCKAY: Yes.

3 CHAIRMAN STRICKLAND: Just a practical
4 illustration.

5 MS. CONDRAY: And that is the preamble. I
6 believe that is in the preamble, but certainly we can
7 take another look at it.

8 MR. MCKAY: You would like to see it in the
9 body of the rule?

10 CHAIRMAN STRICKLAND: Well, no-no. I mean, in
11 the discussion.

12 MR. MCKAY: Sure. Okay.

13 CHAIRMAN STRICKLAND: Just bring forth a
14 hypothetical group that has some cause if a grantee
15 wants to undertake and just present it in sort of
16 practical terms instead of the language of the rule
17 terms.

18 MR. MCKAY: Very good. We will do that in our
19 next presentation.

20 MS. CONDRAY: Again, if it is the Board's
21 will, we can add that to it prior for it going out to

1 publication or we can just wait and incorporate that
2 language into the draft of a final rule, whichever is
3 the Board's pleasure.

4 CHAIRMAN STRICKLAND: Well, I wasn't trying to
5 get anything incorporated into the language. I was
6 just trying -- in the discussion --

7 MS. CONDRAV: That is what I mean. I --

8 CHAIRMAN STRICKLAND: This colloquy, not the
9 rule itself, but --

10 MS. CONDRAV: That is --

11 MR. MCKAY: That we discuss as part of our
12 presentation to the Board is what I hear you saying.

13 CHAIRMAN STRICKLAND: Yes. Yes.

14 MS. CONDRAV: Okay.

15 MR. MCKAY: Sure. Yes. And we will do that
16 perhaps even give examples that might not qualify as
17 well, but I think that is a great idea and I actually
18 had that in mind.

19 MR. DIETER: Sorry. Is the preamble, does
20 that start on page 18? Is that what you are referring
21 to?

1 MS. CONDRAV: Yes. Yes.

2 MR. DIETER: Okay.

3 MS. CONDRAV: For people who aren't -- who
4 haven't been doing -- writing federal regs their entire
5 career, I apologize. The entire document, which starts
6 on page 18 of your board book and goes through page 51,
7 that entire thing is the notice of proposed rulemaking.

8 It includes the preamble, which is everything from
9 page 18 through page 44. All of that is the preamble.

10 That is kind of the explanatory materials, which
11 explain what the Corporation is doing and why it is
12 doing it.

13 The proposed text begins -- of the regulation
14 begins on page 45 and goes through page 51. So it is
15 everything from 18 through 51, which will be what is
16 published in the Federal Register for public comment.
17 The redlined document, appearing on page 52, was really
18 just a visual aid for the Board members to be able to
19 see the changes that we were proposing in the text of
20 the regulation itself.

21 MR. MCKAY: So I am ready to make a

1 recommendation to the Board if the Chairman will --

2 CHAIRMAN STRICKLAND: Go right ahead.

3 M O T I O N

4 MR. MCKAY: All right. Mr. Chairman, the
5 Committee recommends that the Board approve, for
6 publication in the Federal Register the notice of
7 proposed rulemaking on LSC's financial eligibility
8 regulation, that is 45 CFR, Part 1611, as amended to
9 reflect provision of the discussion of the OIG's
10 position on the group representation provisions
11 appearing at pages 20 to 22 of the current NPRM draft.

12

13 And I apologize. I wanted to -- I forgot to
14 mention to you all that the OIG's office would like to
15 make some minor changes in the preamble that more
16 accurately reflects their position. And we thought
17 that that made sense when they told us at the Committee
18 meeting yesterday and so that is why that is part of
19 our recommendation.

20 MS. MERCADO: Do we have that with us?

21 MR. MCKAY: Laurie is here to highlight those

1 changes if you would like to hear what they are, the
2 issue being that the preamble did not accurately
3 represent what the OIG's position was.

4 So if you could give a highlight of those,
5 Laurie, we would appreciate it.

6 MS. TARANTOWICZ: Thank you. For the record,
7 Laurie Tarantowicz from the OIG. I think, because of
8 the quick turnaround from the April 1st meeting to
9 getting the material in the Board book, the OIG and
10 management didn't have the opportunity to work together
11 to get the preamble to reflect what the OIG's comments
12 were and the changes that were made in -- at the April
13 meeting.

14 So a lot of or some of our concerns more
15 addressed, at the April meeting, specifically, for
16 example, we had been concerned that in -- as to group
17 representation, the rule had no requirement,
18 particularly that recipients look at income and assets
19 of the group before determining eligibility and the
20 Committee added that to the rule. So it was those
21 types of changes that we will, of course, work with

1 management on. It will actually, probably, make the
2 discussion much shorter than it appears in your
3 workbook now.

4 MS. MERCADO: Were there any other comments or
5 other additions that we had? I think CLASP and NLADA
6 that worked on that. Were there any other revisions
7 that are going to go into it that we are going to have
8 a copy of or anything?

9 MR. MCKAY: I think the only thing we are
10 talking about were minor revisions made by OIG in the
11 preamble that were not included in the wake of the
12 April 1st meeting.

13 CHAIRMAN STRICKLAND: But they are in this
14 draft? They have been incorporated?

15 MS. CONDRAV: No, not yet.

16 CHAIRMAN STRICKLAND: They will be.

17 MS. CONDRAV: Right. The recommendation from
18 the Committee is that the Board approve publication and
19 allow management and the OIG to work together to make
20 those minor changes in those -- in the discussions that
21 appears in those two pages and then be able to get it

1 out for comment.

2 MR. MCKAY: Yes. Yes, the only changes, as I
3 understand it, are OIG's position, not anyone else's.

4 MS. CONDRAY: Right. Yes. Right.

5 CHAIRMAN STRICKLAND: Okay. So with that
6 understanding, your motion encompasses that concept.

7 MR. MCKAY: It does. It does, Mr. Chairman.

8 CHAIRMAN STRICKLAND: All right. Is there a
9 second to that motion?

10 MS. MERCADO: Second.

11 CHAIRMAN STRICKLAND: Any further discussion?

12 (No response.)

13 CHAIRMAN STRICKLAND: All right. Let's
14 proceed to a vote, then, on the motion. All those in
15 favor of the motion, please say aye.

16 (Chorus of ayes.)

17 CHAIRMAN STRICKLAND: Those opposed?

18 (No response.)

19 CHAIRMAN STRICKLAND: Passed unanimously. You
20 have a couple of other --

21 MR. MCKAY: Yes, Mr. Chairman. I see

1 Mr. Dieter's --

2 MR. DIETER: When we get the examples
3 illustrating the group representation, it also would be
4 helpful to me if they provided some examples of the 200
5 percent exception, you know, where there is a change in
6 that. I am kind of -- I don't understand the context of
7 that. So that would help me at that point.

8 CHAIRMAN STRICKLAND: Okay. Well, you and I
9 are both after some so-called practical examples.

10 MR. DIETER: Yes.

11 CHAIRMAN STRICKLAND: And that is what I -- I
12 should have used that term a while ago when I was
13 proposing it to you, Mike.

14 MR. MCKAY: Yes. Thank you. We will do that.

15 Moving on to the next subject, if I may. The
16 Committee, over the last several meetings, had been
17 addressing the class action issue I believe in the wake
18 of a petition or a complaint that we received. And in
19 the course of our review, discovered that there were
20 six programs that were still involved in one way or
21 another with class actions. And these were class

1 actions that were brought well before the congressional
2 prohibition.

3 And our committee asked about the status of
4 those few remaining class actions and Vic Fortuno and
5 Jonathan Asher gave a presentation yesterday. They, in
6 response to our request, contacted those six programs
7 by phone, they were on the speaker phone, they actually
8 had a script that they prepared ahead of time, but they
9 also offered representatives of each program to look at
10 the -- our committee's transcript from February 4th to
11 perhaps get a better understanding of what the issue
12 was.

13 They, that is Mr. Fortuno and Mr. Asher,
14 respectfully asked each program to withdraw from the
15 remaining class actions where they are the attorney of
16 record. They subsequently heard back from each of them
17 and the responses fell into the following categories:
18 either the programs had obtained substitute counsel or
19 were in the process of trying to obtain substitute
20 counsel or reported back that the cases were now closed
21 and they did not need representation at all.

1 Two politely declined to withdraw. I believe
2 Vic did tell us that their involvement was probably
3 within compliance with LSC regulations. This is giving
4 an example. Taking calls from indigent clients asking
5 questions about the matter or whether or not they are
6 members of the class. It is the same kind of work they
7 would perform if they were not counsel of record
8 obtaining the -- answering the same questions that are
9 posed.

10 We did ask that the compliance office monitor
11 these two remaining cases and Jon and Vic will do a
12 memo to the file to document their good work and we did
13 ask that the Committee address this issue again at our
14 October meeting in Boise so we can continue to monitor
15 this important issue. No action -- we are not asking
16 for any action from the Board on this subject.

17 The next issue relates to the Dean Andal
18 petition and you may recall that Mr. Andal filed a
19 petition to open rulemaking to amend our regulation on
20 class actions. That is rule 1617. We heard from him
21 in Cincinnati. He came and made a presentation to the

1 Committee. And his position is that the
2 non-adversarial exception to the class action
3 prohibition should be deleted.

4 The Committee carefully considered his request
5 over more than one meeting. We concluded that the
6 rulemaking process for 1611 (sic) should not be
7 reopened and Chairman Meites did call Mr. Andal,
8 explain to him our position and we were told that he --
9 Mr. Andal appreciated the opportunity to make the
10 presentation to the Committee, understood our position.

11 M O T I O N

12 MR. MCKAY: So in the wake of really several
13 meetings, that is consideration of the petition,
14 hearing from Mr. Andal and doing our follow-up work,
15 the Committee does recommend to the Board,
16 Mr. Chairman, that the Board deny the petition
17 submitted by Mr. Dean Andal to open the rulemaking to
18 amend LSC's regulation on class action, that is 45 CFR
19 Part 1617.

20 CHAIRMAN STRICKLAND: And that is a motion to
21 that effect.

1 MR. MCKAY: I so move.

2 CHAIRMAN STRICKLAND: Is there a second?

3 MS. MERCADO: Second.

4 CHAIRMAN STRICKLAND: Any discussion of the
5 motion?

6 (No response.)

7 CHAIRMAN STRICKLAND: All those in favor of
8 the motion, please say aye.

9 (Chorus of ayes.)

10 CHAIRMAN STRICKLAND: Those opposed, nay.

11 (No response.)

12 CHAIRMAN STRICKLAND: Motion adopted.

13 MR. MCKAY: The next subject, Mr. Chairman, we
14 could fall into the category of being gluttons for
15 punishment. We have addressed the issues that were on
16 our plate and are looking for new issues. We are aware
17 that the rulemaking process began a long time ago for
18 Rule 1626, which is alien -- the alien regulation.

19 We know that the Corporation has received a
20 petition by a grantee in Wisconsin regarding the 12.5
21 percent PAI obligation. And there are other rules we

1 might look at as well. So we discussed the rulemaking
2 agenda, discussed the subject of listing our priorities
3 and we think the Committee would like to come up with
4 an agenda for our future work.

5 M O T I O N

6 MR. MCKAY: And so we are recommending to the
7 Board, Mr. Chairman, that the Board direct the staff to
8 publish a notice in the Federal Register seeking public
9 comment for a period of 30 days on suggestions toward
10 the development of a rulemaking agenda. And I make
11 that motion, Mr. Chairman.

12 CHAIRMAN STRICKLAND: Is there a second?

13 MS. BEVIER: Second.

14 CHAIRMAN STRICKLAND: It has been moved and
15 seconded and is there any discussion to the motion?

16 MR. MCKAY: Just a brief -- I don't think I
17 thoroughly explained it. You know, instead of us
18 deciding in a vacuum what we should be addressing, we
19 should send out the word and say okay. What -- should
20 we go back and focus on the alien regulation. Have
21 their been issues that have surfaced since then that we

1 should be paying attention to.

2 And so instead of making the decision in more
3 of a vacuum, we thought we should open it up and let
4 people know we are interested in hearing and let as
5 many people know as possible that we would like to hear
6 from them on this subject and we think we would make a
7 better -- our decision as to what we should address
8 next would be better made if we heard from more folks.

9 And that is the underlying principle of our
10 recommendation to the Board and the motion.

11 CHAIRMAN STRICKLAND: Further discussion?

12 (No response.)

13 CHAIRMAN STRICKLAND: All right. All those in
14 favor of the motion, please say aye.

15 (Chorus of ayes.)

16 CHAIRMAN STRICKLAND: Those opposed, nay.

17 (No response.)

18 CHAIRMAN STRICKLAND: The ayes have it.

19 MR. MCKAY: Finally, Mr. Chairman, the last
20 issue we addressed, and Lillian brought this to our
21 attention, it is a renewed concern and that is -- or an

1 issue -- I think it is a concern for some -- the
2 Federal Sunshine Act and our regulations are not the
3 same, they are different, and we all think we need to
4 better understand the difference between what is in the
5 statute and what is in our own regulations.

6 And so we have asked Vic Fortuno to prepare,
7 for our July meeting, a presentation of the differences
8 between the two. And it doesn't require a board action,
9 but just to let you know that that is on our plate as
10 well, Mr. Chairman.

11 CHAIRMAN STRICKLAND: All right.

12 MR. MCKAY: That is the end of our report.

13 CHAIRMAN STRICKLAND: Thanks very much.

14 All right. Our next item is to consider and
15 act on the report of the Performance Reviews Committee.
16 Chairman Lillian BeVier.

17 CONSIDER AND ACT ON THE REPORT OF THE
18 PERFORMANCE REVIEWS COMMITTEE

19 MS. BEVIER: The Performance Reviews Committee
20 met yesterday afternoon. We met in closed session.
21 The Committee considered and acted on its internal

1 procedures for engaging in the evaluation of the
2 President. We have a tentative schedule for conducting
3 that performance evaluation and have a sense of how we
4 intend to proceed.

5 In addition, the Committee considered the
6 issue of whether the IG should be subjected to the same
7 kind of performance review to which the President is
8 subjected. There is some tension with -- not tension
9 in that. There is -- the IG's position is generically a
10 rather odd one in terms of the potential for having to
11 represent both sides of the fence, if you will, and
12 there are some issues with respect to how one goes
13 about evaluating the IG. And the Committee has those
14 issues under consideration. That is all.

15 CHAIRMAN STRICKLAND: Okay. Any questions for
16 Lillian?

17 (No response.)

18 CHAIRMAN STRICKLAND: All right. The next
19 item, then, is consider and act on proposed -- the
20 proposed process for the review and development of
21 strategic directions. And Helaine, are you going to

1 give us a presentation on that?

2 CONSIDER AND ACT ON PROPOSED PROCESS FOR THE REVIEW
3 AND DEVELOPMENT OF STRATEGIC DIRECTIONS

4 MS. BARNETT: Thank you, Mr. Chairman. As the
5 Board is aware, LSC has a document entitled Strategic
6 Directions 2000 to 2005 and December 31, 2005, is the
7 end of this plan for direction and therefore, we would
8 like to raise to the Board the way the Board would like
9 to proceed with management in reviewing that document
10 in deciding in how it wishes to go forward as LSC
11 charts its future course of action.

12 I have presented to the Board a brief
13 memorandum, which is my understanding as to the
14 background of how that document was prepared by a prior
15 board. And the impetus for strategic planning of this
16 type comes from the Government Performance and Results
17 Act of 1993, otherwise known as GPRA. And although we
18 are not bound by it, it was designed for large federal
19 executive agencies and we are much smaller and do not
20 have the staff we apparently sought to conform to the
21 spirit of the requirements and in essence, it was

1 called strategic directions because it didn't fully
2 comply with the GPRA requirements as a strategic plan.

3 Nonetheless, we are proposing, for the Board's
4 consideration, that we begin the process in earnest to
5 develop together what our future direction should be.
6 And one of the first questions for the Board to
7 consider is what period of time that might cover. The
8 last strategic direction was a five year period of
9 time. Is five years the appropriate time? Is three
10 years more appropriate to review it in 2008? So that
11 is an issue for your consideration.

12 And in also developing the process for the
13 review and the development of LSC's strategic direction,
14 we suggest to the Board that the Board might want to
15 confer and seek input from various potential
16 stakeholders, which would include, of course, LSC's
17 staff, the executive directors and other senior staff
18 of LSC-funded programs, NLADA, CLASP, MIE, the National
19 Association of IOLTA programs, the American Bar
20 Association and various entities of the American Bar
21 Association, such as SCLAID, the IOLTA Commission the

1 Pro Bono Committee, Delivery of Legal Services
2 Committee, the Commission on Minorities and
3 Professionals, Commission on Women.

4 We would want like to get input from
5 congressional staff, we suggest, members of the
6 judiciary, client representative groups and other
7 stakeholders that you may identify or others may
8 identify for us. And our suggestion, for the Board's
9 consideration, is that we seek written submissions from
10 these groups that -- if you would so direct us, we
11 would invite written submission prior to the July board
12 meeting at which time the Board might like to set aside
13 a set period of time for their review and to begin the
14 discussion.

15 I am also prepared to commit LSC's staff at
16 this endeavor and I have actually begun the process of
17 asking the senior managers at LSC for their preliminary
18 thoughts based on existing strategic direction what
19 might be continued, what might be changed and what
20 perhaps was omitted that should be included. And we
21 certainly would be prepared to include address of the

1 Board's consideration also at the July meeting.

2 And what I would like to do at this meeting is
3 to set in place a process to go forward with board
4 direction as to the development in the next few years,
5 as determined by the Board, as to LSC's future
6 direction.

7 CHAIRMAN STRICKLAND: Well, I am impressed by
8 the proposed process that you have set forth in your
9 memorandum and just to express my own thought on that,
10 I think we should probably consider undertaking it
11 since we are just at the end of a five-year plan,
12 another five-year plan.

13 M O T I O N

14 CHAIRMAN STRICKLAND: And just to get the
15 matter on the table for discussion, I would move using
16 five years, the adoption of your proposed process for
17 the review and development of strategic directions.
18 And if we can get a second to that motion.

19 MR. MCKAY: Second.

20 CHAIRMAN STRICKLAND: Then is there any
21 discussion on that? David.

1 MR. HALL: Yes. The only thing I would
2 suggest, as a part of this process, it seems like
3 before moving to the development of the next five-year
4 plan, that there should be some assessment of the
5 five-year plan that we were just under.

6 I mean, there was some clear goals outlined of
7 where we should have been by this particular time and I
8 think as you begin to structure this new plan and this
9 new process, it seems like there should be some
10 assessment of how well we did and many of the
11 stakeholders that you are listing as individuals who we
12 are going to get ideas for -- from to build the future,
13 should also be individuals who we should get some
14 assessment from them, as well, as to how well we have
15 done or where we have fallen short on the existing
16 plan. So that would be my suggestion, but otherwise --

17 CHAIRMAN STRICKLAND: Is there any objection
18 to considering the motion amended to include that
19 suggestion?

20 MS. BARNETT: Not at all.

21 CHAIRMAN STRICKLAND: Any objection? Okay.

1 Let's then consider the motion to be amended to include
2 the assessment of the previous five years' strategic
3 plan as a part of the process that you will follow and
4 bring to us.

5 Did you have a question?

6 MS. BEVIER: Well, I just have a comment or a
7 concern. I think this is a really important endeavor
8 and what is -- and obviously we are at a very
9 preliminary stage. So the fact that we have no idea
10 how the inquiry is going to be structured shouldn't
11 concern us at this time, but I think it is important
12 when you are doing a strategic plan to have an idea of
13 what -- how to organize the discussion.

14 And, you know, whenever I have been engaged in
15 a strategic planning process in other endeavors, there
16 has always been a facilitator of some sort or some way
17 of organizing the setting of priorities and the tasks
18 and so forth.

19 And so I would -- I guess I would be satisfied
20 with the staff coming forward with a proposed way of
21 structuring our discussion, you know, where you do the

1 strengths, weaknesses and opportunities and challenges,
2 those kinds of things, and so that when we get the
3 input from these stakeholders, and so forth, we can
4 begin to get a little more focused. I am just
5 concerned about the amorphous nature of it at this
6 point and I, you know, I would hope that the staff can
7 help us to structure our discussion.

8 MS. BARNETT: We take that as a challenge.

9 CHAIRMAN STRICKLAND: Yes.

10 MS. MERCADO: I am sorry, Mr. Chairman.

11 CHAIRMAN STRICKLAND: Go ahead.

12 MS. MERCADO: I was just going to suggest that
13 Lillian's comments, actually in part of the strategic
14 planning, we would be able to utilize someone who is a
15 facilitator to do that and which we did several times,
16 you know, throughout that. And I think that Helaine
17 pointed that out in her memorandum. And we did meet
18 different times with actually trained specialists in
19 doing strategic planning, but we had the input from all
20 these different stakeholders to sort of help us look at
21 and focus of what it is that we wanted to do.

1 So it doesn't necessarily negate that we get
2 that assessment of what we have done from the last five
3 years and what they would like to see us do in the next
4 five years, it just helps focus our discussion, once we
5 actually do get ready to sit down and, you know, spend
6 a day or two doing strategic planning as a board.

7 CHAIRMAN STRICKLAND: Are you suggesting that
8 we might have a called meeting of the Board --

9 MS. MERCADO: Just for that, mm-hmm.

10 CHAIRMAN STRICKLAND: -- devoted exclusively
11 to strategic planning?

12 MS. MERCADO: Mm-hmm.

13 CHAIRMAN STRICKLAND: In addition to the
14 suggestion here; that is, that we take specific amounts
15 of time at the July and September meetings, or October,
16 whatever. It is really October, isn't it?

17 MS. MERCADO: It is in October.

18 CHAIRMAN STRICKLAND: You are suggesting that
19 as an additional step.

20 MS. MERCADO: Right.

21 CHAIRMAN STRICKLAND: As I understand it.

1 MS. MERCADO: Probably the October meeting
2 would be more appropriate than the July. In July, you
3 would be getting all the comments and you sort of need
4 to work through those.

5 CHAIRMAN STRICKLAND: Well, I guess we will
6 leave the question open as to whether we call a special
7 meeting. We will see how we do.

8 MS. MERCADO: Or just add a date to your board
9 meeting.

10 CHAIRMAN STRICKLAND: Yes. Yes, sir?

11 MR. DIETER: In terms of soliciting comments,
12 I think until we, you know, decide how we are going to
13 structure this, that having people coming in in July
14 would be kind -- would be preliminary. I mean, we can
15 certainly solicit written sort of first reactions if we
16 wanted, but I think it would take a lot of time to have
17 people come, you know, for one thing all the way to
18 California to make their presentations when we are so
19 early in the game.

20 CHAIRMAN STRICKLAND: Yes. I think you are
21 probably right.

1 MS. BARNETT: Limit it to just written
2 comments.

3 CHAIRMAN STRICKLAND: Yes, I think so.

4 MS. BARNETT: For July?

5 CHAIRMAN STRICKLAND: Right.

6 MR. GARTEN: Frank?

7 CHAIRMAN STRICKLAND: Yes, sir.

8 MR. GARTEN: How about getting the background
9 of how they put together this 2000 plan to begin with
10 and procedures they went through.

11 CHAIRMAN STRICKLAND: Yes, I think we have
12 that.

13 MS. BARNETT: Yes.

14 CHAIRMAN STRICKLAND: We may not have it right
15 here, but is it in your memo?

16 MS. BARNETT: I don't think so.

17 MR. GARTEN: I didn't see it.

18 MS. BARNETT: On page 130, there was an
19 abbreviated procedure.

20 MS. BEVIER: Yes.

21 MS. BARNETT: Look on 130 and 131.

1 MS. BEVIER: It is very abbreviated.

2 MS. BARNETT: It is very abbreviated.

3 MS. BEVIER: Yes.

4 MS. MERCADO: But I know that our strategic
5 planning committee were recorded. And if someone wants
6 to, they can go to the transcript of the strategic
7 planning meeting. I mean, they were all recorded. So
8 those records exist if anybody would like to look at
9 them. I am sure that our archives have that. But in
10 any event, I think that Helaine's memo would just sort
11 of synchronize very quickly just the time line, more
12 than anything else, of what it took us to do these.

13 CHAIRMAN STRICKLAND: Did the Board have a
14 strategic planning committee designated for that?

15 MS. MERCADO: There was a strategic special
16 committee to sort of synchronize the comments that came
17 in from the field to sort of lend some direction, work
18 with the experts on -- but then the full board actually
19 met during the strategic planning.

20 CHAIRMAN STRICKLAND: Yes.

21 MS. MERCADO: It wasn't limited to just the

1 committee.

2 CHAIRMAN STRICKLAND: Okay. We will fold that
3 into the process as we come back in July.

4 MS. BEVIER: We might be able to get enough
5 information just from looking at the minutes. Do you
6 think we would or would we have to look at everything?

7 In any event, maybe just an effort on the part of
8 staff to find out how it went and what the process was
9 and summarize it for us.

10 MS. MERCADO: The minutes are so brief.
11 Unfortunately, you really almost have to look at the
12 transcripts and there were some summaries of some
13 documents and Victor, correct me if I am wrong, there
14 were also some computer program DVD's that were done on
15 the various plannings that were actually outlined. You
16 can even look at it. I mean, there has been already a
17 lot of preliminary work. I am sure some of those
18 issues may be the same, some of them may be different.
19 The strategies may be different, but --

20 CHAIRMAN STRICKLAND: Herb, did you have a
21 point?

1 MR. GARTEN: Yes. Well, I just mention that
2 the short writeup does refer to President McKay hiring
3 Tom McSweeney and his organization to set up a
4 strategic management to be consultant for the project.

5 They probably issued some kind of report to begin with
6 to the Board that the Board then reported on. So
7 perhaps John has it in his files.

8 MR. MCKAY: He might.

9 CHAIRMAN STRICKLAND: Well, we will
10 certainly -- we have asked the staff, I think, to
11 review that and bring us back some information about
12 how the plan was developed. So I think at the first
13 brush at it, let's ask the staff to bring us that
14 information and see what we need to do from there.

15 MR. DIETER: At one point I had compiled some
16 information on the strategic planning. We have had, I
17 think, three periodic reviews of the plan up until
18 January 2003. There were performance -- at least there
19 were some reports in here tied to the performance
20 reviews of that if anybody wants to take a look at
21 that.

1 CHAIRMAN STRICKLAND: You mean measuring how
2 we are doing as against the plan?

3 MR. DIETER: They had progress reports in '01,
4 '02 and one is as of dated January of '03. I haven't
5 looked at them in a while, but there was some
6 follow-through on the plan up until about the point
7 where the Board changed and the president changed and
8 everything and I think our decision was we were just
9 going to wait and put that all off until we had some
10 more continuity in terms of --

11 CHAIRMAN STRICKLAND: So there has been some
12 work, then, in response to David's point.

13 MR. DIETER: Right.

14 CHAIRMAN STRICKLAND: But it is not all the
15 way through this year and so on.

16 MS. BARNETT: It stopped in January of '03.

17 CHAIRMAN STRICKLAND: Yes. Okay. Let's see.
18 Where did we leave off? Do we have a motion or did we
19 already adopt that motion?

20 MS. MERCADO: We haven't adopted it yet.

21 CHAIRMAN STRICKLAND: We did or didn't?

1 MR. HALL: No. We have a motion in which you
2 incorporated my --

3 CHAIRMAN STRICKLAND: And we didn't vote on
4 it.

5 MR. HALL: We didn't vote on it.

6 CHAIRMAN STRICKLAND: All right. Is there any
7 further discussion before we proceed to a vote? I lost
8 the thread there for a minute.

9 MR. WEST: Mr. Chairman, if I just might add a
10 couple of things.

11 CHAIRMAN STRICKLAND: Yes, sir. Go ahead.

12 MR. WEST: In addition to in the past that the
13 Corporation had committed following in the spirit of
14 GPRA and there have been a number of representations to
15 Congress. Since that point, there have been a couple
16 of developments in Washington, I think, that we need to
17 take cognizance of and the two things. One is the
18 President's management agenda, in which scorecards are
19 issued to agencies and the second is something called
20 the Performance Assessment Rating Tool, which is really
21 a scoring of agencies.

1 And I think it is important to look at because
2 those agencies that got zeroed out in this year's
3 President's budget were agencies that basically flunked.
4 They couldn't demonstrate their program purpose and
5 design, strategic planning, program management and
6 program results and accountability. So I think as we
7 go through this process, I think we need to take in
8 account sort of where the political issues are today
9 and not just sort of look at the GPRA process, but, you
10 know, take it to the next level.

11 And I would add that I think in addition to
12 the list that Helaine presented, which is pretty
13 comprehensive, I think we probably ought to include OMB
14 in that as a -- to get their input. And I guess when
15 she said LSC staff, I assume she was counting my office
16 as -- LSC is a separate stakeholder. We obviously want
17 to be part of that process, but Congress is more and
18 more relying on these scorecards and I think down the
19 road, it is going to be more and more important for the
20 Corporation to go talk to Congress in a language that
21 they understand.

1 CHAIRMAN STRICKLAND: Yes, Maria?

2 MS. MERCADO: And in looking in that model,
3 one of the problems that we have with our model,
4 because the convener that worked with us was from the
5 FBI, the strategic planning director, and part of the
6 problem that we had was that a lot of the goals that
7 Legal Services would seek to meet, unfortunately, were
8 tied to funds, to our level of funding.

9 And so are you going to give us zero funding
10 because we didn't increase, you know, 10 percent more
11 representation of poor people or 20 percent more
12 representation when our funding got cut, you know, 10
13 percent. And so there has to be a reality mode that if
14 there is going to be a scorecard by Congress as to what
15 we are and we are not able to deliver, that it always
16 take into the fact the funds that we do or don't get and
17 they get cut.

18 And I think that was a problem that we had in
19 discussing with a convener or moderator in facilitating
20 that I used sort of X, Y, Z numbers, you know, zero or
21 pluses, but it doesn't quite work as easily that way

1 with Legal Services saying that the model that we are
2 looking at and how we reach those goals may be a little
3 bit different because it is the delivery of services to
4 people and it is not rigid.

5 CHAIRMAN STRICKLAND: Rob?

6 MR. DIETER: Well, I would endorse his
7 suggestion as -- I fault myself for not bringing it up
8 actually. As I understand the process, and I am not an
9 expert in it, but OMB works with the Agency to
10 establish realistic goals for the Agency not, you know,
11 aspirational goals that are unachievable within the
12 budget, but in reality, as I understand, OMB will sort
13 of lower the expectations of the Agency in terms of
14 what they realistically can achieve over a certain
15 period of time given their, you know, budget
16 constraints.

17 And so it is not intended to be a process
18 where anybody is penalized because they didn't reach a
19 goal that wasn't possible and achievable within a
20 certain time frame. And, you know, as I understand the
21 budgeting process, there is -- with the Administration,

1 material that we are seeking?

2 CHAIRMAN STRICKLAND: Right. I think we
3 are -- between now and the July meeting, we are, it
4 seems to me clearly, in a fact-finding mode and we will
5 look for further information from you and the staff.

6 All right. We still haven't voted on our
7 motion, have we.

8 MR. HALL: But I think we can do that pretty
9 quickly.

10 CHAIRMAN STRICKLAND: I think so.

11 Any further discussion? Don't be raising your
12 hands. We have got to --

13 (No response.)

14 CHAIRMAN STRICKLAND: All right. We are ready
15 to vote on that motion. All those in favor of the
16 motion, please say aye.

17 (Chorus of ayes.)

18 CHAIRMAN STRICKLAND: Those opposed, nay.

19 (No response.)

20 CHAIRMAN STRICKLAND: Okay. The ayes have it
21 and that motion is adopted. Was there anything further

1 on that, Helaine?

2 MS. BARNETT: No, there wasn't.

3 CHAIRMAN STRICKLAND: Okay.

4 MS. BARNETT: Thank you, Mr. Chairman.

5 CHAIRMAN STRICKLAND: All right. Item 15,
6 Helaine, is consider and act on the Board's meeting
7 schedule for calendar year 2005; isn't that right, or is
8 it 6?

9 MS. BEVIER: Well, the dates in the book are
10 6 -- or 5 I mean.

11 MS. BARNETT: The dates in the book are 5, but
12 actually consider and act on other business is going to
13 be 2006.

14 CHAIRMAN STRICKLAND: Okay.

15 MS. BARNETT: But you can act on the remaining
16 dates. I think you have already acted on it.

17 CHAIRMAN STRICKLAND: I think we have.

18 MS. BARNETT: It is just a reminder --

19 CHAIRMAN STRICKLAND: Yes.

20 MS. BARNETT: -- that we have a conference
21 call on --

1 CHAIRMAN STRICKLAND: So that is on the tab
2 called -- well, it is on page 111 and 12.

3 MS. BARNETT: Right.

4 CHAIRMAN STRICKLAND: That is the 2005 meeting
5 schedule. Do we need to take any action on that or is
6 that just an information item?

7 MS. BARNETT: No, that has already been
8 approved.

9 CHAIRMAN STRICKLAND: Okay.

10 MR. DIETER: Is the May 19th meeting
11 happening? That was just a contingent date, wasn't it,
12 or is that --

13 MS. BARNETT: No. I believe that is a
14 response to the SAR. We haven't received it. Kirt said
15 we will be receiving it Monday or something to that
16 effect.

17 MR. DIETER: Okay.

18 MS. BARNETT: And then we have to --

19 MS. BEVIER: And what time is that?

20 MS. BARNETT: I am not sure we have set a time
21 actually. I don't see --

1 CHAIRMAN STRICKLAND: I think we will have to
2 send out an e-mail on that.

3 MS. BARNETT: We will check with you and then
4 send it out.

5 CHAIRMAN STRICKLAND: Yes. Yes.

6 MS. BARNETT: We will follow up with a time.

7 CONSIDER AND ACT ON BOARD'S MEETING SCHEDULE
8 FOR CALENDAR YEAR 2006

9 MS. BARNETT: What I wanted to bring for the
10 Board's consideration if not the dates for 2006, but the
11 location for the meetings and we are proposing that the
12 Board meet in Portland, Oregon and Providence, Rhode
13 Island and in Charleston, West Virginia and of course
14 having the annual meeting, as we are bound to, in
15 Washington, D.C. And I would propose to speak to the
16 Chairman next week and then we will send out proposed
17 dates.

18 CHAIRMAN STRICKLAND: All right. So at the
19 moment that is a -- do we need to -- a motion on those
20 locations or do we just need to, by consensus, agree
21 that those --

1 MS. BARNETT: Do we need a motion on the
2 locations?

3 CHAIRMAN STRICKLAND: Do we need a motion on
4 that, Vic? Sometimes those things change.

5 MR. FORTUNO: You may, but it is not necessary
6 and if you do act by motion, then it is going to
7 require the same level of formality to undo that if
8 there is a change.

9 CHAIRMAN STRICKLAND: Why don't we not adopt a
10 motion, then, if that is satisfactory to the Board, but
11 we will just, in terms of an information item to the
12 Board, say that those are the proposed locations and it
13 may turn out that, for one reason or another that we
14 don't know about today that one of those might not work.
15 So we will keep you informed on that both as to the
16 locations and the dates.

17 MS. BARNETT: Okay.

18 CONSIDER AND ACT ON OTHER BUSINESS

19 CHAIRMAN STRICKLAND: Is there any other
20 business to come before the open session of the
21 meeting?

1 (No response.)

2 CHAIRMAN STRICKLAND: And is there any public
3 comment? Yes, sir. Luis, please come forward.

4 PUBLIC COMMENT

5 MR. MALDONADO-GUZMÁN: Since you are going to
6 continue doing your business in a closed meeting, I
7 would like to say farewell until the next time, that
8 you should come -- consider Puerto Rico again. We have
9 been very honored to have you here. It has been a
10 great experience for us. We are very thankful to you
11 and we expect to meet again very soon and do -- and
12 continue doing our work. Thank you very much for being
13 here and I believe -- and I hope that you have had a
14 very well stay here. Thank you.

15 CHAIRMAN STRICKLAND: Well, we thank you and
16 your colleagues at Puerto Rico Legal Services and the
17 Community Law Office and the Inner American University
18 Law School for wonderful hospitality. I am sure I
19 speak for the whole board in --

20 (Applause.)

21 MR. MALDONADO-GUZMÁN: Thank you.

1 CHAIRMAN STRICKLAND: Thank you very much.

2 All right. Then at this -- is there any other
3 public comment? Yes. Please come forward.

4 MS. WALLACE: Mr. Chairman, I just wanted to
5 thank Ms. Barnett for her earlier acknowledgment of my
6 appointment to the position of president and CEO for
7 NLADA beginning July 1st. I wanted to thank you for
8 including NLADA in your program visit the past couple
9 of days and to assure you that next time, if you are so
10 gracious to include us, we will get to the bus on time.

11 But seriously, we were delayed because we
12 spent some time, a few minutes, talking with staff to
13 get further information about the gap between the
14 individuals, the number of individuals living on the
15 island in poverty and the availability of legal
16 services. And to say that those numbers are alarming
17 is certainly an understatement and very sobering when
18 you think about the fact that each of those numbers
19 represents a person with a face and a name and a person
20 who should be able to access justice in our country.

21 So I simply wanted to say I look forward to

1 working with you, to co-leading and co-laboring that
2 struggle. I am very excited and honored to be able to
3 have the opportunity to lead NLADA. I will not be able
4 to attend in July when my appointment is official. So
5 I just wanted to say that we look forward to continuing
6 to work in that struggle with you. Thank you.

7 CHAIRMAN STRICKLAND: The feeling is mutual
8 and thank you very much for your comments and thanks
9 for being here for this meeting.

10 Any other public comment?

11 (No response.)

12 CONSIDER AND ACT ON WHETHER TO AUTHORIZE AN EXECUTIVE
13 SESSION OF THE BOARD TO ADDRESS ITEMS
14 LISTED BELOW UNDER CLOSED SESSION

15 CHAIRMAN STRICKLAND: All right. At this
16 time, then, I would entertain a motion to close the
17 meeting and go into an executive session of the Board
18 to consider the items listed under -- on our agenda
19 under "Closed Session" as the agenda was amended. Is
20 there such a motion?

21 M O T I O N

1 MR. HALL: So moved.

2 CHAIRMAN STRICKLAND: Is there a second?

3 MR. GARTEN: Second.

4 CHAIRMAN STRICKLAND: Those in favor of the
5 motion, please say aye.

6 (Chorus of ayes.)

7 CHAIRMAN STRICKLAND: We will just take a
8 short break here and convene again in about I hate to
9 say 10 minutes because it might turn into 3. Let's say
10 five minutes and see how that works.

11 (Whereupon at 2:52 p.m., the open session
12 meeting of the LSC Board of Directors was adjourned to
13 closed session.)

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