

LEGAL SERVICES CORPORATION  
PROVISIONS FOR THE DELIVERY OF LEGAL SERVICES COMMITTEE

OPEN SESSION

Friday, April 29, 2005  
2:20 p.m.

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

COMMITTEE MEMBERS PRESENT:

David Hall, Chairman  
Michael D. McKay  
Maria Luisa Mercado  
Frank B. Strickland, ex officio  
Ernestine P. Watlington (by telephone)

OTHER BOARD MEMBERS PRESENT:

Lillian R. BeVier, Vice Chairman  
Robert J. Dieter  
Florentino A. Subia  
Herbert S. Garten  
Thomas R. Meites

OTHERS PRESENT:

Helaine M. Barnett, President & *ex officio*  
Board Member  
Victor M. Fortuno, Vice President for Legal Affairs,  
General Counsel & Corporate Secretary  
David Richardson, Treasurer & Comptroller  
Jonathan Asher, Acting Special Counsel to the President  
Patricia D. Batie, Manager of Board Operations  
Mattie Condray, Senior Assistant General Counsel  
Thomas Polgar, Director, Office of Governmental  
Relations & Public Affairs  
Laurie Tarantowicz, Assistant Inspector General &  
Legal Counsel  
Michael Genz, Director, Office of Program Performance  
Bernice Phillips, Nominee, LSC Board of Directors  
Thomas A. Fuentes, Nominee, LSC Board of Directors  
Karen Dozier, Executive Assistant to the President

PUBLIC:

Linda Perle, Center for Law & Social Policy (CLASP)  
Julio Lopez Keelaw, Union Abogados Serv. Legales  
Aleilda Centeno Rodriguez, Union Abogados Serv. Legales  
Benjamin Garcia-Gonzales, Telelawyer Attorney (Manager)  
Rafael Rodriguez Moctezuma, Puerto Rico Legal Services  
Facilitator for Litigation  
Carlos A. Rodriguez Vidal, Board Chair, Oficina Legal  
de la Comunidad  
Juan F. Correa Luna, Executive Director, CLO  
Don Saunders, National Legal Aid & Defender Association  
Luis Maldonado-Guzman, Executive Director, Puerto  
Rico Legal Services, Inc.  
Gladys Ares-Rivera, PAI Coordinator; and  
other members of the public

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

(2:20 p.m.)

1  
2  
3 MR. HALL: I would like to call to order the  
4 meeting of the Provisions Committee.

5 We are honored and delighted to be here in  
6 Puerto Rico and to commence our meetings with the  
7 Provisions Committee agenda.

8 And so I would like to first ask for an  
9 approval of the agenda as outlined on the agenda book  
10 on Page 4.

## M O T I O N

11  
12 MS. MERCADO: So moved.

13 MR. HALL: Is there a second?

14 MR. McKAY: Second.

15 MR. HALL: I will assume that it is approved  
16 by all committee members who are here unless I hear  
17 some objection.

18 MR. McKAY: So assume.

19 MR. HALL: Second, could I get an approval of  
20 the committee meeting minutes of February 4th which was  
21 the last time the Provisions Committee met?

22 And those minutes are in our book, as well.

1 M O T I O N

2 MS. MERCADO: So moved.

3 MR. HALL: Is there a second?

4 MR. McKAY: Second.

5 MR. HALL: I will assume that it is approved  
6 unless there are some objections.

7 Our major tasks for the Provisions Committee  
8 being here as we have done in other areas where we have  
9 been, is to hear from people in the field and to find  
10 out more specifically from them what sort of unique  
11 challenges they are facing.

12 And so we have two groups presentations that  
13 we would like to begin to hear.

14 The first is a presentation by Puerto Rico  
15 Legal Services.

16 So we would invite the various representatives  
17 to come forward and to be seated, and we can begin our  
18 presentations.

19 If, for the record, you could introduce  
20 yourself and indicate the role you play in the  
21 organization, that would be very helpful to us.

22 Welcome.

1 MS. ARES-RIVERA: Good afternoon.

2 My name is Gladys Ares. I work for Puerto  
3 Rico Legal Services as the private attorney involvement  
4 coordinator.

5 MR. GARCIA-GONZALES: Good afternoon, ladies  
6 and gentlemen.

7 My name is Benjamin Garcia-Gonzales. I am the  
8 managing attorney of TeleLawyer.

9 MR. HALL: Welcome. Please proceed.

10 (Pause.)

11 MR. HALL: Before moving forward, I want to  
12 just confirm that one of our other committee members,  
13 Ernestine Watlington, is on the phone, and whether you  
14 can hear us, Ernestine?

15 Ernestine, are you there?

16 (No response.)

17 MR. HALL: I will assume she is not there yet.

18 We may be connected with her, and so if it's  
19 in the midst of a presentation, we'll pause and let her  
20 get involved.

21 So we'll go ahead and move back to our  
22 presentations.

1           MS. ARES-RIVERA: As I said, my name is Gladys  
2 Ares. I have been working for Puerto Rico Legal  
3 Services for 20 years, the last two years as the  
4 private attorney involvement coordinator.

5           The Private Attorney Involvement Program was  
6 created in 1993, and its objective is to provide high-  
7 quality legal services to eligible clients through the  
8 private bar in an economic and efficient manner.

9           This is carried out by two parts.

10          We have two different components or two  
11 different models.

12          The first one is the compensated private  
13 practice, in Spanish known as "practica privada  
14 compensada" -- that is the way we mention it in Spanish  
15 -- and it is an integral part of Puerto Rico Legal  
16 Services.

17          It was created to serve the same priorities as  
18 the regular program, and this is a reduced-fee model.

19          The other part is the non-compensated, and it  
20 is carried out by the Puerto Rico Bar Association's pro  
21 bono program as a sub-grantee of Puerto Rico Legal  
22 Services.

1           The Private Attorney Involvement Program, the  
2 compensated model provides the following services:

3           Direct legal representation in local courts  
4 and administrative agencies. These cases have to be  
5 within our priorities -- housing, juvenile, family law,  
6 consumers, elderly, among others.

7           We also provide appellate procedures,  
8 bankruptcy cases, and telephone brief consultation and  
9 advice. This is done through our TeleLawyer Project.

10           And we also have notary services to our  
11 clients. In Puerto Rico, to be a notary, you must be a  
12 lawyer, so that's why we do notary services.

13           The way the compensated model works is through  
14 referrals. They are made through our 18 branch  
15 offices, considering our priorities.

16           Each office gives a list of the private bar  
17 attorneys who participate in the Private Attorney  
18 Involvement Program, and belongs to the geographical  
19 area served by the branch office.

20           As I said, this is a reduced-fee model, so  
21 payments are made in accordance with established fees.

22           The way it works is that once the case has



1 been accepted in the direct service center, the  
2 managing attorney has to decide whether to keep the  
3 case in the direct service center or make a referral.

4 In this decision-making process, facts such as  
5 the legal issue, resources, the available resources,  
6 and maybe the client, and also the client's special  
7 needs are to be considered, among others, to decide  
8 whether we can serve better a client from the direct  
9 service center or making a referral.

10 Once the private attorney joins our program,  
11 they get some benefits, and these are some of them:

12 Trainings and seminars; legal research  
13 materials; malpractice insurance policy; scholarships  
14 to attend educational events; access to legal  
15 libraries, facilities, and equipment.

16 And we do a yearly recognition to the best  
17 practitioners. Each branch office selects two  
18 attorneys each year, and they are given a certificate  
19 recognizing their contribution to our program.

20 The coordinator responsibilities are the  
21 following:

22 Supervises the island-wide operations and

1 administration, including on-site visits to the 18  
2 branch offices twice a year;

3 Verifies pro bono compliance with LSC  
4 regulations in coordination with the monitoring office;

5 Coordinates dissemination activities and  
6 recruitment;

7 Coordinates trainings;

8 Approves billing statements. What I really do  
9 is the final review of the billing statements that have  
10 been approved in the branch offices and sent to my  
11 office;

12 Grievance resolution;

13 And administrates the Ethical Conflict Panel.

14 We also do quality control by satisfaction  
15 surveys. They are sent to our clients and, where  
16 needed, investigations and corrective measures are  
17 instructed.

18 I would like to say that, to participate in  
19 the Private Attorney Involvement Program, attorneys  
20 must first become members of the pro bono program, so  
21 they should volunteer first, and then they can become a  
22 member of Private Attorney Involvement.

1           Now comes our next, the other component of our  
2 program. This is pro bono, and this is the non-  
3 compensated modal. It operates from six regional  
4 office: San Juan, Ponce, Mayaguez, Caguas, AVECITO.

5           This is north, south, west, middle, center,  
6 central east, and central north.

7           Pro bono should comply with LSC regulations --  
8 (Pause.)

9           MR. HALL: Continue.

10          MS. ARES-RIVERA: Okay.

11          They operate an island-wide 800 number,  
12 carries out their own training for volunteers, and they  
13 have their own executive director and their own board  
14 of directors, and the executive director is responsible  
15 to sent monthly statistics and fiscal status reports to  
16 Puerto Rico Legal Services.

17          MR. HALL: Is that -- before we move on to the  
18 TeleLawyer presentation, could we ask a few questions  
19 of you?

20          MS. ARES-RIVERA: Yes.

21          MR. HALL: How many -- do you have a sense of  
22 the number of lawyers who actually participate in the

1 compensated -- that is, the reduced -- the lawyer  
2 program?

3 MS. ARES-RIVERA: Yes. Yes. 645.

4 MR. HALL: 645?

5 MS. ARES-RIVERA: 645.

6 MR. HALL: And I assume they are scattered  
7 throughout the island in various locations?

8 MS. ARES-RIVERA: Yes, island-wide.

9 MR. HALL: And the recruitment for them is  
10 through the pro bono program, because they have to  
11 first do the pro bono before they move to the reduced  
12 fee?

13 MS. ARES-RIVERA: No, but we do different  
14 dissemination activities and recruitment activities,  
15 such as advertisements in the Puerto Rico Bar  
16 Association Newsletter.

17 We also do mailings to the newly -- the  
18 recently admitted lawyers to the bar.

19 And we also do written materials that are  
20 distributed in the different law schools.

21 MR. HALL: Okay.

22 You had mentioned about the benefits that the

1 attorneys received, and I was kind of struck by those  
2 -- the training, the malpractice insurance policies,  
3 scholarships to attend educational programs.

4 Do you know how that compares with say other  
5 programs? Is this a kind of standard that LSC-funded  
6 programs in general for private attorney involvement  
7 tend to provide these types of benefits, or is this  
8 something unique to your program, or do you know that?

9 MS. ARES-RIVERA: I really don't know how it  
10 compares. You know, I began in Legal Services  
11 Corporation in 1985, and since then, this is done this  
12 way.

13 This is, I think this is one of the most  
14 attractive offerings we make to them.

15 MR. HALL: Okay. All right.

16 And the Ethical Conflict Panel, how does that  
17 work and what sort of issues come up that makes that  
18 critical?

19 MS. ARES-RIVERA: Well, yes. This -- if we  
20 are representing one client, and we find out that we  
21 have a conflict, because years ago, we were the  
22 attorney of the other part in this case, when we find

1 out this, then we have to take that case out of the  
2 branch office.

3 The way it is done is that it is referred to  
4 my office in the central office, and then we handle the  
5 case, and this case is referred to a Private Attorney  
6 Involvement participant.

7 MR. HALL: Okay.

8 So I thought the Ethical Conflict Panel was  
9 something to also monitor whether there would be  
10 conflicts with the private attorney. Is that not part  
11 of it?

12 MS. ARES-RIVERA: No.

13 MR. HALL: Okay. It's just to make sure  
14 there's no conflict with that particular office and a  
15 prior client?

16 MS. ARES-RIVERA: No. It deals with  
17 conflicts, in-house conflicts, when we know -- when we  
18 discover that we have been representing both parts.

19 MR. HALL: Okay. Please.

20 MR. RODRIGUEZ MOCTEZUMA: Hi. My name is  
21 Rafael --

22 MR. MCKAY: Excuse me, Mr. Chairman. I had a

1 question as well.

2 MR. HALL: Sure. I think he's just continuing  
3 to answer that one.

4 MR. RODRIGUEZ MOCTEZUMA: Okay.

5 I work at the central office. I am the  
6 facilitator for litigation in the program.

7 It would be appropriate to say that this  
8 panel, the ethical panel, is the result of a decision  
9 from the Supreme Court in Puerto Rico concerning this  
10 matter of ethical conflicts, because as a matter of  
11 fact, one of the attorneys from Puerto Rico Legal  
12 Services when he was awaiting his turn in a court  
13 hearing, and the judge went to assign a case to this  
14 gentlemen, and once he checked out his client to be,  
15 there was a conflict. There was a conflict.

16 So he told the judge, and he refuses to  
17 represent this client.

18 So the case went over to the Supreme Court and  
19 in a decision, the Supreme Court suggested that we  
20 should create this kind of panel in order to represent  
21 the client, because in Puerto Rico, we have a very  
22 unique situation, which is that we are the only program

1 that serves all the indigent population all over the  
2 island.

3           So if we represent one poor, there will be  
4 another poor that is not going to have any other  
5 representation, so as a matter of fact, this ethical  
6 panel, once the case is referred to this panel, the  
7 attorney that is going to represent the other party is  
8 a private attorney through the Private Attorney  
9 Involvement Program. Okay?

10           MR. HALL: Okay.

11           MR. RODRIGUEZ MOCTEZUMA: So we try to manage  
12 to handle the representation of the people in Puerto  
13 Rico, because as a matter of fact, as was mentioned  
14 this morning by Mr. Maldonado, our indigent population  
15 could be about 1.8 million people.

16           So we only have I would say 130, 135 attorneys  
17 all over the island.

18           Okay?

19           MR. HALL: Okay. Thank you.

20           MS. ARES-RIVERA: By the way, whenever we find  
21 that we have been representing both clients in  
22 different branch offices, one of them is referred to



1 the Ethical Conflict Panel and the other one is  
2 referred to pro bono.

3 MR. HALL: Okay. That's good.

4 Other questions on the Private Attorney  
5 Involvement?

6 MR. McKAY: Thank you. Just a quick followup.

7 You indicate that there were 645 lawyer  
8 volunteers. Was that this past calendar year, that  
9 one-year period of time?

10 MS. ARES-RIVERA: Yes. Yes, for the past  
11 year.

12 MR. McKAY: Thank you.

13 And how many licensed lawyers are there here  
14 in Puerto Rico?

15 MS. ARES-RIVERA: Approximately 12,000, right?

16 MR. RODRIGUEZ MOCTEZUMA: There would be about  
17 from 10,000 to 12,000 lawyers --

18 MR. McKAY: Thank you.--

19 MR. RODRIGUEZ MOCTEZUMA: -- in the bar  
20 association.

21 MR. HALL: Thank you.

22 Maria.

1           MS. MERCADO:  What percentage of your budget  
2 goes to the reduced fee PAI part of your program?

3           MS. ARES-RIVERA:  To the Private Attorney  
4 Involvement Program, 12.5.

5           MR. MALDONADO-GUZMAN:  12.5 is the whole PAI,  
6 and from that the -- this is Luis Maldonado, executive  
7 director -- and from the board every year, the board of  
8 directors of Puerto Rico Legal Services decides what  
9 amount of the contract is going to be made to pro bono,  
10 and pro bono last year got 34 percent up to the 12.5.  
11 That would be about close to 637 --

12           MS. ARES-RIVERA:  45.

13           MR. MALDONADO-GUZMAN:  -- 45, \$645,000.  That  
14 is for pro bono, for the referral system.

15           MR. HALL:  Okay.

16           MR. MEITES:  If we didn't have a 12.5 percent  
17 requirement, how much would you spend on PAI?  More or  
18 less?

19           It wouldn't be more, because you could spend  
20 more now.

21           MR. MALDONADO-GUZMAN:  Right.

22           MR. MEITES:  Would it be less, and if so, how

1 much less, in rough terms?

2 MR. MALDONADO-GUZMAN: I really can't tell you  
3 at this moment. I'm not sure, because it is a  
4 requirement that we use that 12.5, and I believe that  
5 we, if there was no requirement as such for the Private  
6 Attorney Involvement, we could use that money in the  
7 regular program.

8 But I believe that that has to be sustained,  
9 because we have to involve all the others, because even  
10 though it's the same as in the states, we with our  
11 budget and our people and the kind of services that we  
12 serve, we roughly may scratch about 20 percent of the  
13 needs of the poor.

14 So we have to involve the private attorneys in  
15 this matter, anyway, because I think Ethical Canon  
16 Number 1 for all lawyers is to give to the needy our  
17 representation as lawyers, even though you're not in  
18 the program. It's for all the lawyers. It's Canon  
19 Number 1.

20 MR. MEITES: Thank you.

21 MR. HALL: Any other questions?

22 MR. GARTEN: I need some clarification.

1           I thought I had heard you say that the lawyer  
2 had to demonstrate that they were willing to do pro  
3 bono before you got them involved in the Private  
4 Attorney Program; is that correct?

5           MR. MALDONADO-GUZMAN: Yes.

6           MS. ARES-RIVERA: Well, the thing is that it  
7 is a requirement. If they want to be a Private  
8 Attorney Involvement participant, they must be a pro  
9 bono participant.

10          MR. GARTEN: Is there a certain minimum  
11 requirement as to how many cases they've taken before  
12 you put them in the program?

13          MS. ARES-RIVERA: No, there is no requirement  
14 for an amount of cases, you said.

15          MR. GARTEN: Thank you.

16          MR. MALDONADO-GUZMAN: What we try to do is  
17 find the most experienced in the different areas of  
18 law, and some cases need not necessarily be examined  
19 that way, but some do, and the experience over the  
20 years, well, you get to know many lawyers, and we find  
21 out the delivery, how they deliver their services and  
22 so on, so they're referred.

1           MR. HALL:  Why don't we move to the next  
2 presentation.  Thank you very much.

3           MR. GARCIA-GONZALEZ:  I am Benjamin Garcia-  
4 Gonzales, managing attorney of TeleLawyer.

5           I have 15 years of experience in the practice  
6 of advocacy, 13 of them with Puerto Rico Legal Services  
7 Corporation, the last seven as managing attorney of  
8 TeleLawyer.

9           When we talk about TeleLawyer, we are talking  
10 about six attorneys answering the phone from 8:00 a.m.  
11 to 5:00 p.m. from Monday to Friday, six attorneys and a  
12 managing attorney.

13           The attorneys do the complete work, from the  
14 demographic data until the advice or referral.  That's  
15 what we are talking about when we talk about  
16 TeleLawyer.

17           Our project has been giving legal advice  
18 primarily, and other services as referral and brief  
19 service secondarily, but in our way, we also establish  
20 a bridge with people in the mainland, in the United  
21 States, with legal programs in the island, and people  
22 with programs in the island, people in the island with

1 programs in the mainland.

2 We have been working as a bridge for them, and  
3 referring also clients for other LSC programs in the  
4 nation.

5 Our legal hotline started servicing clients in  
6 May 1998. At that time, that is a change in -- that is  
7 a new era, from 1998 to the present, because before  
8 1998, the client had to come to our office, wait to be  
9 served. From 1998, we changed that to giving the  
10 service to our clients at home everywhere in the  
11 island.

12 It was tough, with Puerto Rico LSC lawyers,  
13 one Private Attorney Involvement daily shift, and a  
14 secretary in 1998.

15 We concluded year 1998 servicing more than  
16 5,000 clients with just three LSC lawyers and one PAI  
17 daily shift.

18 We increased our clients served to more than  
19 9,000 the next year, and we started our data intake  
20 automatization during year 2000. That was another  
21 change of pace, automatization, using technology from  
22 2000 into the present.

1           From realization with the new data system,  
2 decreased our clients served to more than 7,000.  
3 However, the technology used as a service multiplier  
4 started from that time.

5           The familiarization process and a forced  
6 building change decreased our clients served in the  
7 year 2001 to almost 6,000.

8           During year 2002, we added a second PAI daily  
9 shift and a fourth LSC lawyer, increasing our clients  
10 served to more than 8,000.

11           The year 2003 was our best, servicing more  
12 than 11,000 clients.

13           Last year was a good one also, with more than  
14 10,000 clients served, and we added a fifth LSC lawyer.

15           Right now, we have five Puerto Rico LSC  
16 lawyers and two PAI daily shifts. That is an  
17 innovative way of using the PAI program, also, giving  
18 advice through the phone.

19           We are in the process of transforming our  
20 project from a legal hotline to an integrated  
21 centralized telephone intake system since January 2004,  
22 where we received the approval of a TIG grant.

1           The centralized telephone system will be used  
2 by us, Puerto Rico Legal Services, the Community Law  
3 Office, and LSC funded law school clinic, as you know,  
4 members of the community, and our sub-grantee, Pro-  
5 Bono, Inc.

6           Our goal is to establish an integrated central  
7 intake service to be used by those three elements  
8 mentioned before and other service agencies as a one-  
9 door entry to the system, and that is my dream -- a  
10 one-door entry, one-door entry for all our clients. I  
11 also have dreams, like Martin Luther King.

12           Since November 2004, we have a common  
13 database, and it is being used by all our offices and  
14 pro bono offices. We call it APLICIA Web. The name  
15 stands for the automated case information form in  
16 Spanish. It can be accessed to the Internet. That is  
17 a big progress for us.

18           It is a case service report requirements-based  
19 system. The database integrates the function in all  
20 our offices. It improves the information gathering,  
21 eligibility assessment, and reduces case duplicity  
22 (sic).



1           It can be accessed by other legal services  
2 providers from anywhere, with a proper user name and  
3 password.

4           The technology initiative grant provided us  
5 the opportunity to buy a Nortel network symposium  
6 express call center. Now we will have easy access to  
7 buy our decision making tools from up to the second  
8 real time displays to comprehensive reports.

9           We will have total control of all contact  
10 center variables from call volumes and wait times to  
11 sophisticated service options and call treatment  
12 strategies.

13           We can establish also, after our treatments,  
14 such as announcements, informing callers when we are  
15 open, redirecting them to other resources.

16           As I mentioned at the beginning of my  
17 presentation, our working hours are from 8:00 to 5:00  
18 Monday to Friday. With this system, we can extend  
19 during weekends and after working hours to receive the  
20 client information. Once we have the client  
21 information, we can call them back.

22           Now, we have the basic infrastructure for the

1 centralized telephone intake center. We have the  
2 telephone technology and database server  
3 centralization, but the service can be provided from  
4 anyplace in the island, anyplace. Structure won't  
5 limit us.

6 This issue will give us the flexibility to  
7 staff our project with in-house employees and other  
8 service provider employees. The flexibility will allow  
9 us to increase or decrease our capacity, depending on  
10 services demand.

11 Now we will place major emphasis on developing  
12 collaborative relationships with other agencies and at  
13 coordinating the various and wide-ranging program  
14 resources and linking those resources to the needs of  
15 Puerto Rico low-income clients.

16 Assessment of our system:

17 Our common database was installed in November  
18 2004, a few months ago. We just have five months using  
19 it in a trial-and-error period.

20 We finished the implementation phase in  
21 January 2005, including pro bono offices.

22 The new telephone technology was also

1 installed in November 2004.

2 We need to staff, we are in the process of  
3 staffing our project with the adequate amount of human  
4 resources necessary to fulfill the interview demand  
5 that we generate in our 26 regional offices.

6 When I talk about 26 regional offices, I am  
7 talking about 19 Legal Services Corporation, Puerto  
8 Rico Legal Services Corporation regional offices, six  
9 Pro Bono Offices, and the Community Law Office.

10 At this time, we are unable to evaluate  
11 comparatively with data the performance of the new  
12 system. However, we have a basic expectation that in  
13 the next year we can obtain measurably greater outcomes  
14 than with the old system.

15 A human being with the proper technology can  
16 multiply his capacity at unimaginable levels. This  
17 multiplied capacity can be offered for the service of  
18 the most needy, to increase their access to the justice  
19 system.

20 The most gifted lawyer can interview face-to-  
21 face a couple of clients daily. A hotline attorney can  
22 help more clients with the proper use of technology,

1 saving them a lot of money and a lot of time.

2 I am willing and able to receive your  
3 questions.

4 MR. HALL: I guess my first one, and then I'll  
5 see if any committee members have, you seem to be  
6 having operated on the model where it's very much  
7 attorney involvement in regards to the hotline, whereas  
8 you said the attorney is there from the beginning  
9 stage, taking I assume the demographic information and  
10 following of the person.

11 MR. GARCIA-GONZALEZ: That's right.

12 MR. HALL: We've seen some other programs  
13 where the intake is done by individuals who are not  
14 attorneys, but are paralegals or individuals who are  
15 not at that same level of expertise, and I assume at a  
16 certain point it's passed over to the attorney.

17 Did you experiment with that, or have you  
18 chosen this model because you've found it to be much  
19 more effective, either from a client standpoint or a  
20 resource standpoint?

21 MR. GARCIA-GONZALEZ: That has been a good  
22 model until now for the service that we are providing

1 right now. We are just giving counsel and advice to  
2 our clients.

3 But in the process to become a centralized  
4 center, our main effort will change from counsel and  
5 advice to intake, to intake and referrals, and some --  
6 some -- a lot, counsel and advice.

7 In that process, we have to change to adapt to  
8 another operational environment. To give -- to perform  
9 intake, we can use intakers, and if we have to give  
10 some advice, we have a panel of lawyers in the  
11 centralized to give those advice, but we need to change  
12 our form of providing the services to include as our  
13 human resources, intakers.

14 The intaker will receive the demographic data,  
15 can qualify the client, and then make a referral to our  
16 operational office or a referral to an in-house  
17 attorney for an advice and counsel.

18 MR. HALL: Thank you.

19 Before moving to other questions, I want to  
20 recognize that one of our other committee members,  
21 Ernestine Watlington, has joined us by telephone.

22 Welcome, Ernestine.

1 MS. WATLINGTON: Thank you.

2 MR. HALL: And please, if there are any  
3 questions you have, just let us know and we'll  
4 certainly take them.

5 Are there other --

6 MS. WATLINGTON: I will.

7 MR. HALL: -- questions on the TeleLawyer  
8 presentation?

9 MS. MERCADO: I just had a question --

10 MS. WATLINGTON: Not yet. I just tuned in. I  
11 want to hear what's going on.

12 MR. HALL: Sure.

13 MS. MERCADO: Yes. I was just curious, only  
14 because you use lawyers only as a model in your  
15 TeleLawyer.

16 For the part that dealt with preparing any  
17 kind of documents that were considered legal, I guess I  
18 wasn't quite sure, I guess, as to why only lawyers were  
19 used for your TeleLawyering, and if in that process you  
20 prepare documents, how do the clients receive those,  
21 especially if they're in a different region from where  
22 you're at.

1           Do they get that kind of assistance, or is it  
2 all oral advice?

3           MR. GARCIA-GONZALEZ: As of this time, our  
4 major effort is for counsel and advice.

5           We perform some brief service, but it's not  
6 our main effort.

7           MR. HALL: Any other questions?

8           (No response.)

9           MR. HALL: Okay. We'll move to the next  
10 presentation.

11           Thank you very much.

12           MR. MALDONADO-GUZMAN: My name is Luis  
13 Maldonado-Guzman. I am executive director of Puerto  
14 Rico Legal Services.

15           I excused Counselor Josefina Pantoja-Oquendo,  
16 who is the coordinator of this special project, as she  
17 could not make it to this meeting today.

18           The Special Education Project began in 1980,  
19 litigating with and co-litigating different kinds of  
20 cases being served by our regional offices throughout  
21 the island concerning special needs of students that  
22 were not granted the services they required for their

1 different impairments or disabilities when the  
2 Department of Justice had been receiving and is still  
3 receiving huge amounts of money for that purpose.

4           That began in 1980, and in 1981, a class  
5 action when it was not yet banned by the regulations,  
6 began in 1981 when the action was certified, the class  
7 was certified, and we litigated that case with special  
8 attention or primary attention given by the project  
9 components from the project directly.

10           In 1993, the special education was made, the  
11 program, and in 1996, after having been litigating the  
12 case for those years, came the ban, and then we had to  
13 leave the class action that had been filed.

14           What we did and still do is do individual  
15 representation in administrative and judicial  
16 proceedings regarding noncompliance with special laws  
17 that govern this area, especially the federal laws that  
18 rule this area of the law.

19           What was done, because the class action had  
20 been for so many years, there was established with the  
21 Puerto Rico Bar Association a liaison and the Puerto  
22 Rico bar with other components of the legal community



1 were able to take care of the class action, and they  
2 still are on an ongoing basis, and they are still  
3 representing these fellow lawyers, and we are not  
4 dealing with the class actions, only individual cases,  
5 which amount to a great quantity of cases.

6           The major achievements that this program has  
7 had is a high level of success in litigative actions.  
8 It has made and continues to make publications like  
9 videos, like -- I'm sorry -- yes -- to individuals, co-  
10 litigation and support with Puerto Rico Legal Services  
11 in our regional offices.

12           They have a 1-800 free counseling and advice  
13 phone number for the general public to call and receive  
14 community education in the broadest sense to parents,  
15 to communities, to even schools, even teachers, legal  
16 staff training for other attorneys that come to the  
17 program or begin to get related with this kind of --  
18 this type of litigation.

19           They have had, this program has had a high  
20 level, as I said before, of success in litigative  
21 actions. They have made videos. There is an agreement  
22 with the Television of the Government of Puerto Rico,

1 which has passed this video.

2           We have three-year contract where they pass  
3 this video that tells the different kinds of situations  
4 that the children, students at schools at different  
5 venues may have where to do what to do, what are their  
6 rights, and it's been going on for almost a year  
7 already, of a three-year contract that they will pass  
8 it for free on the public television.

9           A newsletter directed toward the community as  
10 such, but also to different groups which deal with  
11 these problems goes also to the schools and to the  
12 teachers.

13           Handouts, many handouts explain the different  
14 rights in different areas and describing different  
15 conditions, where to go and whom to call, what  
16 organizations they are, what private or government  
17 institutions can serve the needs that they have.

18           And we made a parents' booklet and manuals to  
19 explain to the parents and guardians of these children  
20 and youths what are their rights.

21           What I can say is the last number I remember  
22 we had maybe given close to 20,000 of these, and they

1 are constantly being asked for, because this is a  
2 recurring problem.

3           Once in the special education qualification  
4 for the public and private schooling, they stay there,  
5 and the needs vary, change, and they just don't rest,  
6 they really don't rest.

7           This is a very small component, this special  
8 project, but they work, I'm telling you it's admirable  
9 what they do.

10           They have collaborative efforts with public  
11 and private organizations, parents' organizations,  
12 schools, educators, medical schools. They have been  
13 giving conferences to schools of medicine in different  
14 areas of the medical world or profession, to attorneys  
15 in and out of our program.

16           They deal with communities as a whole. We  
17 have discovered several areas which there's a high  
18 level of children with different kinds of conditions  
19 that stand out from the rest of our served population  
20 and give concentrated attention to it, such as the  
21 island of Vieques, which is one of our municipalities,  
22 and they have been able to get grants from non-LSC

1 providers for these educational, mostly educational  
2 conferences all over the island for the parents, for  
3 not only the parents but also the next of kin of  
4 families to deal with different kinds of conditions  
5 with children with different kinds of limitations.

6 They really don't rest.

7 We are very proud of this, of these  
8 accomplishments, because they are also our teachers,  
9 telling us how to deal with this, and they are also  
10 recognized in the community as a group of persons that  
11 can be and are able and willing to go anywhere they are  
12 asked to go to get these rights and what all these  
13 needs are.

14 It's very complicated medical, psychological,  
15 educational limitations, and we are very proud of them.

16 MR. HALL: I guess one of the questions that  
17 always comes out when you talk about the success, that  
18 there's a difference between enforcing the law and  
19 whether the law is actually making a difference in the  
20 lives of the children in their educational level.

21 And I know that's a hard thing for us as  
22 lawyers to get our heads around.

1           But have there been any surveys, studies, or  
2 anything done either by educational institutions or  
3 others that have been able to indicate that the  
4 educational achievement of students who would fall into  
5 this category or who would benefit by this is better  
6 now than say 1980 when the class action lawsuit was  
7 brought, I mean any indication of that?

8           MR. MALDONADO-GUZMAN: I believe they do. I  
9 believe they do.

10           But to my knowledge, what has been done has  
11 had to be forced, because this time of the year -- one  
12 of the reasons why Attorney Pantoja isn't here is the  
13 region of the personalized individual tests to see  
14 where to locate -- to do that, it took almost 15 years,  
15 so they would do that, and today, the teachers even  
16 today -- and I'm very related to this, because one of  
17 my God-daughters is one of the students -- they just, I  
18 don't know.

19           They have a lot of money, but I don't think  
20 they put the energy that they have to put and the  
21 dedication into this.

22           It's very tough for the teachers, also, to

1 deal with these cases, is what we see, but then, well,  
2 we have to push and push and push in the individual  
3 cases, because only after so many years, in the class  
4 action I'm speaking now this moment, for the Department  
5 of Education to name the monitor, it took forever, and  
6 it's ongoing and ongoing and ongoing, but we will not  
7 rest.

8 I can't tell you if it's -- it should be  
9 better than 15 years ago, because they have been  
10 speaking about this, we have been talking about this  
11 and going public and saying this is what we need, and  
12 the parents have been educated, and now they're very  
13 conscious of the needs that they have, so they claim  
14 for them, and they ask them for advice.

15 That pressure, the parents' pressure I  
16 believe, as in the experience that we have had in  
17 environmental cases, if there is not pressure from the  
18 community well, you know, it can be an issue, but in  
19 special education, the parents, they will go and do  
20 what they have to do.

21 MR. HALL: Good.

22 Any other questions on this topic?

1 MS. MERCADO: I was curious about your staff  
2 attorneys or your staff in litigating these cases.

3 I assume that most of the funding comes from  
4 the Department of Education?

5 MR. MALDONADO-GUZMAN: For special education?

6 MS. MERCADO: Yes.

7 MR. MALDONADO-GUZMAN: Yes, from the U.S.  
8 Department of Education.

9 MS. MERCADO: Right.

10 MR. MALDONADO-GUZMAN: Yes.S

11 MS. MERCADO: So is the majority of that  
12 litigation in federal court?

13 MR. MALDONADO-GUZMAN: No, it was filed in the  
14 local court in Puerto Rico.

15 MS. MERCADO: Okay.

16 MR. MALDONADO-GUZMAN: It was filed in the  
17 local court, because --

18 MS. MERCADO: That was not a requirement as  
19 far as --

20 MR. MALDONADO-GUZMAN: No, it's because all  
21 the laws are applicable here, if not locally  
22 inapplicable.

1           MS. MERCADO: And the second question that I  
2 had for you was, you said a difficulty with the  
3 Department of Education enforcing or trying to fund  
4 compliance with special education regulations  
5 requirements.

6           MR. MALDONADO-GUZMAN: Mm-hmm.

7           MS. MERCADO: And I'm wondering whether part  
8 of the problem may be that your primary education  
9 system in Puerto Rico is in Spanish, correct?

10          MR. MALDONADO-GUZMAN: Yes.

11          MS. MERCADO: And I'm not sure how many  
12 Spanish speaking compliance officers you have from the  
13 Department of Education coming in to oversee, or do  
14 they have some locally that do that?

15          MR. MALDONADO-GUZMAN: Oh, they send Spanish  
16 speaking, but the compliance, what we have, we were  
17 forced to do in the class action, and what we still do,  
18 we take our own expert witnesses in special education  
19 and in the different disabilities that the children may  
20 have on an individual basis, on an individual basis,  
21 oh, yes, and they have had to comply. They have had  
22 to.



1           It has been enforced by the federal -- it's a  
2 lot of money they receive.

3           MR. HALL: Though this is not on topic, just  
4 for my own understanding, what are some of the other  
5 educational issues that your office might be assisting  
6 clients with in general, outside of the special  
7 education?

8           MR. MALDONADO-GUZMAN: Outside of special  
9 education?

10          MR. HALL: Yeah.

11          MR. MALDONADO-GUZMAN: At this time, major  
12 educational issues as such, but brief services  
13 referring to notarial services for students to go to  
14 college or being emancipated to get their student loans  
15 and so on, but not really at this time and for many  
16 years, mostly in education we have concentrated mostly  
17 on special education, because the system, the  
18 educational system in Puerto Rico is good now.

19                 In other areas related to education, we have  
20 had to file individual cases.

21                 In the juvenile delinquency, like they expel a  
22 student from the school because of misconduct, but they

1 take them to juvenile court instead of solving the  
2 problem with the different regulations they have at  
3 school, and sometimes we have been able to turn that  
4 around so they can deal with it at school and not  
5 necessarily stigmatize the child or youth for something  
6 that should be done by regulations of the Department of  
7 Education.

8 And some of those cases come along.

9 But the thing is that once stigmatized for a  
10 school, even for a petty crime, not a crime, a fault we  
11 call it here, because it's a minor, it's not an adult,  
12 it's enough for them just to get out of school and  
13 never go back.

14 MR. HALL: Okay. Thank you.

15 I think you have another presentation?

16 MR. MALDONADO-GUZMAN: Not at this moment.

17 MR. HALL: Okay.

18 MS. ARES-RIVERA: May I address the committee?

19 MR. HALL: Yeah, I know, but I thought they  
20 may have had another --

21 MS. ARES-RIVERA: Okay.

22 MR. HALL: Any other comments or --

1 MS. ARES-RIVERA: Yes.

2 You asked me about a unique feature of Private  
3 Attorney Involvement.

4 MR. HALL: Mm-hmm.

5 MS. ARES-RIVERA: And I'm afraid I didn't  
6 answer your question.

7 I think that Private Attorney Involvement is  
8 unique itself, because it allows us to provide legal  
9 representation to clients living far away from our  
10 direct service centers by providing them an attorney in  
11 their home town.

12 So I think that's the best feature of our  
13 program.

14 MR. HALL: Mm-hmm. Thank you.

15 Are there any other questions for the  
16 representatives of Puerto Rico Legal Services before we  
17 move to our next series of presentations?

18 (No response.)

19 MR. HALL: Well, thank you very much. It's  
20 been very informative. Appreciate all of the hard work  
21 that went into preparing the presentation, and it  
22 certainly brought about some enlightenment for us.

1           MR. MALDONADO-GUZMAN: Thank you.

2           MS. MERCADO: We also want to thank you for  
3 taking us through a tour of your local program to look  
4 firsthand at your work, not only in your outlying  
5 Carolina offices, but also in your main office and the  
6 work that you're doing.

7           MR. MALDONADO-GUZMAN: You're very welcome to  
8 come any time. Thank you.

9           MR. HALL: Thank you.

10           Next we will have presentations by the  
11 Community Law Offices, and we have two representatives  
12 who will come before us, and we would just ask that  
13 they would come forward and introduce themselves for  
14 the record and begin their presentations.

15           MR. CARLOS RODRIGUEZ-VIDAL: Greetings and  
16 good afternoon.

17           My name is Carlos Rodriguez-Vidal, and I am  
18 chairman of the board of the Oficina Legal de la  
19 Comunidad, or Community Law Office, as you may know it,  
20 and I'm also happy to join many of my compatriots who  
21 have welcomed you to Puerto Rico. We're very happy  
22 that you have brought your board meeting here this

1 week.

2 I'm also overjoyed to have the opportunity,  
3 however brief, to give you a little bit of an overview  
4 and talk about the Oficina and its missions and  
5 accomplishments in Puerto Rico.

6 I am one of seven members of the board who is  
7 an attorney, having received my initial appointment  
8 from the Puerto Rico Bar Association to this board in  
9 September of 1992.

10 My day job is as chair of a litigation and  
11 trial practice division of a 50-person law firm here in  
12 San Juan, but the Office itself is something that's  
13 very dear to my heart, and I've spent 12 years in its  
14 board and the last six as its board chair.

15 The Office was founded as the San Juan  
16 Community Law Office in 1981, as a non-profit  
17 organization intending to provide free, efficient, and  
18 high-quality legal services for indigent clients in a  
19 very large section of San Juan.

20 You do not have to go very far from where you  
21 will be meeting at the reception this afternoon or this  
22 early evening to see some of the housing projects and

1 some of the small barrios where our clients come from.

2           Urban planning, or a few would say the lack of  
3 it, has significant poor areas of the city of San Juan  
4 close to what are apparently affluent sectors of the  
5 city.

6           The Office's free legal services include legal  
7 a variety of different types of counseling and  
8 representation of indigent clients before Puerto Rico's  
9 administrative agencies and courts of law in areas that  
10 are related predominantly in this day and age in family  
11 law, housing, entitlements, consumer law, employment,  
12 education, and health, basically.

13           In addition, the Office's incorporators  
14 established a relationship, a very close relationship  
15 by joining forces with the Inter-American University  
16 Law School and its faculty to have some of its most  
17 important faculty serve as clinical professors and  
18 conduct their advocacy through this Office.

19           As you will hear in further detail from our  
20 program executive director, Juan Correo Luna, who joins  
21 me at this table and will address you shortly, the  
22 Office has maintained those close ties to the law

1 school to this day.

2           As I just mentioned, seven of our board  
3 members are attorneys, six are appointed by the Puerto  
4 Rico Bar Association, and one is appointed by the law  
5 school, and four other members are appointed as  
6 representatives of the community groups or our  
7 clientele or entities with whom we maintain very close  
8 working relationships from our community.

9           The quality of the services of the Office or  
10 that the Office provides and the level of commitment  
11 that it shows to its clients has proven to be very  
12 effective and efficient. Its working arrangement with  
13 Inter-American University Law School has provided a  
14 venue for the law professors to also contribute beyond  
15 academia and has trained numerous attorneys in areas  
16 related to poverty law.

17           The Office's accomplishments we believe have  
18 been significant.

19           A large number of former executive directors,  
20 board members, and staff attorneys, and clinical  
21 students, and law school faculty have gone on to serve  
22 with distinction in Puerto Rico's judicial branch,

1 including our current Chief Justice, the Honorable  
2 Federico Hernandez-Denton, who you heard from, in the  
3 executive the branch.

4           We have heads of agencies, of government  
5 agencies, such as the Women's Advocate Office director,  
6 who is a former executive director of our program.

7           And we also have the Family Department's child  
8 support administrator who was also a former executive  
9 director of our program and is currently an appellate  
10 judge.

11           We also have had leaders of the bar, such as  
12 the current president of the Bar Association, who is a  
13 former member of the board of the Office.

14           The Office has also established important  
15 programs to better serve its clients, and for example,  
16 the Office was the first entity that formed a legal  
17 services project to assist victims and survivors of  
18 domestic violence.

19           The incidence of domestic violence in Puerto  
20 Rico is significant, and in collaboration with the  
21 judicial branch of our government, which assigned us a  
22 small office in the San Juan Judicial Center, we are



1 able to counsel clients in matters related to  
2 protective orders and other related family members.

3           Due to the unfortunate social cycle of  
4 violence in which our society evolves, we have served  
5 over 5,000 clients in this area alone who have received  
6 services from the Office over the last seven years.

7           Earlier, the Office had founded an AIDS  
8 project in conjunction with law school faculty to  
9 provide legal services to clients in our geographical  
10 area who are HIV-positive or suffering from AIDS.

11           The Office also developed a project that  
12 provided legal assistance to the homeless of San Juan.

13           As you can see, the Office provides legal  
14 services to severely under-represented areas or  
15 segments of our populations, sectors of San Juan who  
16 would be otherwise ostracized by many.

17           Originally, all of the Oficina's funding was  
18 derived from the Legal Services Corporation. In 1996,  
19 the Office suffered budget cuts of nearly 51  
20 percent, a direct result of the budget cuts that  
21 Congress had imposed on the Corporation's budget.

22           The Office was forced to apply for, and

1 negotiate, and obtain funds from different sources to  
2 stay open, including an increase in the in-kind  
3 contributions from Inter-American University Law  
4 School.

5           The Puerto Rico legislature provided some  
6 funding, and for a few years, we received funding from  
7 the City of San Juan.

8           Unfortunately, a significant portion of those  
9 funds are non-recurring, so a significant portion of  
10 the time of our staff is devoted to attempting to bring  
11 some conscience to legislators both of our local  
12 legislative assembly as well as to the municipality or  
13 city of San Juan to bring to bear the importance of  
14 providing these services and how they need to be better  
15 funded.

16           For example, we look forward to the  
17 restoration of funds from the City of San Juan, which  
18 used to be assigned to the Office to provide legal  
19 assistance to HIV clients.

20           In the meantime, the Office's operational  
21 budget has grown to approximately \$1.2 million in real  
22 dollars, nearly double the budget that it maintained or

1 managed when the sharpest cuts were made. The  
2 Corporation now provides approximately a third of that  
3 amount, \$314,000.

4           This program may appear very small in the  
5 context of the funds that it receives from LSC. I  
6 could speak, however, about how cost-effective are the  
7 services that are provided by our staff and the  
8 services that are provided to our clientele in  
9 comparison to nearly any other legal services  
10 organization that we know about.

11           However, the number and the significance of  
12 its achievements make it, we believe, a model for  
13 others to follow and really justify its status as an  
14 independent entity that receives LSC funds.

15           Assigning the funds that are currently  
16 assigned to the Oficina Legal de la Comunidad to any  
17 other organization would not really serve the clientele  
18 in our geographical area.

19           I would submit that no other organization  
20 would be able to absorb the responsibility of serving  
21 the legal needs of the population served by our Office  
22 by simply adding \$314,000 to that organization. That

1 amount would simply be insufficient to fulfill the  
2 Office's mission and work.

3           The law school has generously increased its  
4 support for the program and our staff has been  
5 exceedingly effective in promoting our case before the  
6 Puerto Rico legislature to obtain additional funding,  
7 and our staff has to be commended for the way in which  
8 they have given committed and efficient use of their  
9 time on behalf of our clientele.

10           And at the same time, I don't want you to  
11 misunderstand me. I think the Office is very grateful  
12 for the support and the contribution that it receives  
13 from LSC over the past 23 years. It's just that I  
14 would respectfully submit to you that the contribution  
15 that the Corporation makes to the Office is one of the  
16 best investments that the Corporation makes in any  
17 program, as far as we are concerned.

18           In addition to providing services to a  
19 significant sector of San Juan, this program also  
20 serves as a laboratory ground for the training of  
21 future legal services attorneys, many of whom go on to  
22 work in our own program or at Servicios Legales de

1 Puerto Rico, or to become practitioners who contribute  
2 their time through Pro-Bono, Inc., an LSC sub-grantee,  
3 or through other pro bono projects.

4 At the same time, the community that the  
5 Office serves benefits from the expertise of law school  
6 professors who handle very important cases on their  
7 behalf.

8 So that just gives you an overview of the  
9 Office and our current position, and I thank you for  
10 the opportunity to address you, and I hope that you  
11 have a very productive meeting here.

12 MR. HALL: Thank you.

13 Why don't we hear both presentations and then  
14 just open it up for questions?

15 MR. CARLOS RODRIGUEZ-VIDAL: Very well.

16 MR. CORREA LUNA: Good afternoon. My name is  
17 Juan Correa and I'm the executive director of the  
18 Office Legal de la Comunidad, or Community Law Office.

19 First of all, I'd also like to welcome you to  
20 Puerto Rico and I hope this is the beginning of future  
21 meetings of the Board our island.

22 As our chairman of the board stated, our

1 Office was founded in 1981 out of a commitment to  
2 provide low-income persons access to high-quality and  
3 effective legal services. Our mission has been to  
4 serve as an instrument to make the constitutional  
5 expressions of equal justice and equal protection a  
6 reality for all.

7           Additionally, we have made special efforts to  
8 prioritize in community education so as to help low-  
9 income citizens in the development of skills that will  
10 allow them to be self-sufficient in their quest for a  
11 better quality of life.

12           Our staff, as mentioned before, is  
13 acknowledged by the legal community, including judges,  
14 family law prosecutors, law professors, and other  
15 attorneys, as professionals who possess extraordinary  
16 skills and expertise in important areas of law, and  
17 specifically those that relate to the plight of the  
18 poor.

19           Since the beginning of our program, the Inter-  
20 American University Law School has played a major role  
21 in helping us fulfill our mission. As part of the  
22 agreement and collaboration established with the law

1 school, our program has served as the clinical  
2 experience for hundreds of third-year law school  
3 students.

4 Under the terms of this agreement, each  
5 semester four to six clinical law professors supervise  
6 up to 40 or 60 students at our program's office. The  
7 law school, in turn, provides two cost-free legal  
8 secretaries that work from our program for the clinical  
9 professors, students, and our staff attorneys alike.

10 Additionally, the agreement with the law  
11 school includes the use of modern facilities at no  
12 cost, located in the Hato Rey area of San Juan where  
13 public transportation is available and accessible to  
14 clients.

15 The physical plant includes parking facilities  
16 for our staff and clientele, access to the law library,  
17 and consultation to law professors free of charge to  
18 our staff attorneys.

19 Our office location at the Inter-American Law  
20 School building is very accessible to clients. They  
21 can either walk, take inexpensive public  
22 transportation, or drive to reach our office.

1           A recently constructed modern urban train,  
2 already in operation, will provide additional access  
3 options to our clients, since one of its main stations  
4 is located at walking distance from our Office.

5           CLO, or Community Law Office benefits free of  
6 charge from all training activities, legal conferences,  
7 and seminars offered by the law school and by its  
8 continuing legal education program. These training  
9 activities have been an excellent source of information  
10 for updating CLO attorneys in new legal developments  
11 and developing the necessary legal expertise in the  
12 provision of high-quality and effective legal services  
13 to our clients.

14           At present, CLO staff has computers assigned,  
15 with access to the Internet, computerized research  
16 programs, and electronic mail provided by the Inter-  
17 American University of Puerto Rico, which also provides  
18 us free access services as part of the academic and  
19 community support to our services.

20           One of the most important aspects of this  
21 collaboration has been sensitizing and developing among  
22 students an interest in the need for social and



1 economic justice in our society. We are also proud to  
2 say, as stated before, that many of these students,  
3 after they graduate, end up working for us, Legal  
4 services of Puerto Rico, Legal Aid, or in other public  
5 service programs.

6 Another important aspect of this collaboration  
7 throughout all these years has been the creation of a  
8 number of clinical projects providing free legal  
9 representation and counsel to low-income families in  
10 the areas of family law, elderly law, domestic  
11 violence, housing, environmental law, among others.

12 As part of our State Planning process,  
13 cooperative and collaborative agreements have been also  
14 reached with the Puerto Rico Bar Association, Puerto  
15 Rico Legal Services, and other governmental agencies  
16 and community-based organizations and shelters in San  
17 Juan.

18 Among these are:

19 Casa Protegida Julia de Burgos, which is a  
20 shelter for victims of domestic violence;

21 Coordinaroda Paz Para la Mujer, a women's  
22 advocacy group;

1           The G-8 Community Group of Martin Pena in San  
2 Juan;

3           Proyecto de Peninsula de Cantera, a community  
4 group in based San Juan;

5           Fondita de Jesus, a shelter for the homeless;

6           Iniciativa Comunitaria, a health services  
7 group that provides services for HIV persons;

8           The Women's Advocate Office;

9           The Municipality of San Juan;

10          And the Puerto Rico Court Administration.

11          Constant feedback by these and other public  
12 and private organizations has been a source of updated  
13 information on the special needs of the population we  
14 serve, also.

15          CLO has been an active promoter of a network  
16 of service organizations and institutions that serve  
17 the homeless, victims of domestic violence and their  
18 children, as well as HIV/AIDS patients and their  
19 families.

20          For the last eight years, our program has  
21 counseled and represented thousands of domestic  
22 violence victims requesting protective orders, seeking

1 custody determinations, and struggling with a society  
2 still partially insensitive to this social problem.

3 Our commitment in domestic violence issues has  
4 been recognized by the Women's Advocate Office. This  
5 agency has continued to award us, and increase its  
6 funding, through the Violence Against Women Act funds.

7 Since our foundation, our program has been  
8 also successful in challenging family and housing  
9 regulations that affect our clients' rights.

10 During the past years, our program has  
11 consistently challenged Family Court's decisions in  
12 which the Court failed to consider previous domestic  
13 violence incidents as part of the custody determination  
14 procedure. We constantly argued that domestic violence  
15 was an issue particularly relevant, and that aggressive  
16 behavior should impair a parent from holding the  
17 custody of his child.

18 Our participation in legal proceedings,  
19 supplemented by our active participation in community  
20 education and professional activities, created the  
21 conditions for the approval of legislation in 2003, Law  
22 177, that specifically orders the court to evaluate, as

1 part of the criteria to be considered, the existence of  
2 domestic violence in custody cases.

3           Once again, our participation in legal  
4 proceedings, supplemented by our active participation  
5 in community education and professional activities,  
6 created the conditions for the approval of a  
7 legislation intended to protect innocent third parties  
8 from being evicted under the "One Strike and You're  
9 Out" policy.

10           Dozens of families in San Juan have not been  
11 added to the homeless population because of the  
12 effective legal representation provided by CLO,  
13 Community Law Office staff attorneys and clinical law  
14 professors.

15           The local statute incorporated many of the  
16 legal arguments and defenses made by our program staff  
17 attorneys and law professors in their pleadings before  
18 the courts.

19           During these past years, the Puerto Rico  
20 Housing Department, in recognition of our program's  
21 expertise in housing law, has requested our  
22 collaboration to train dozens of public housing

1 community leaders in public housing law and other legal  
2 rights.

3 In 2002, our Office and the Inter-American Law  
4 School actively participated in the first Congress on  
5 Equal Access to Justice celebrated in San Juan, and in  
6 1003, the chairman of our board was also appointed as a  
7 member of the Equal Justice Commission appointed by the  
8 Supreme Court of Puerto Rico.

9 At present, CLO and Inter-American Law School  
10 continue working hand in hand as a model project  
11 serving those in need and fully committed in making  
12 equal justice a reality.

13 We sincerely thank you for your support in  
14 this endeavor.

15 MR. HALL: Thank you.

16 A few questions, and just so I can get some  
17 better numbers, you've mentioned the number of clients  
18 you may have served in specific areas, but on a yearly  
19 basis, what's the rough estimate of the number of --

20 MR. CORREA LUNA: Taking last year, 2022  
21 persons visited our offices, okay? 922 requested legal  
22 representation.

1           MR. HALL: Okay. And the staff size,  
2 including the in-kind contributions?

3           I assume part of the in-kind contribution in  
4 the law school having some of its faculty members  
5 working on these cases.

6           MR. CORREA LUNA: We're talking about the  
7 space of our office, and we're also talking about two  
8 legal secretaries, six law professors, clinical  
9 professors.

10           They also, as I mentioned before in terms of  
11 the access to the Internet and the research tools  
12 through the Internet, we also have access to Lexus West  
13 with no cost.

14           The legal trainings they provide at the law  
15 faculty are freely open to out staff, also.

16           There are numbers, you know, of in-kind  
17 contributions by the law school.

18           MR. HALL: In addition to that, the staff that  
19 you have --

20           MR. CORREA LUNA: And we have an additional  
21 six attorneys working on our staff, a director,  
22 administrative director, and assistant administrative

1 director, four additional secretaries on our staff, and  
2 a paralegal on a part-time basis, and -- and we have as  
3 I mentioned before, two of those attorneys have been  
4 placed in the judicial court in San Juan, which along  
5 with a social worker, are representing victims of  
6 domestic violence in San Juan.

7           And as a matter of fact, we have placed an  
8 additional attorney in the municipality of Pallamon,  
9 also to represent domestic violence victims.

10           There's also a project, an academic project  
11 with a law professor and students that represents  
12 victims of domestic violence, that also works in  
13 cooperation with our domestic violence project.

14           MR. HALL: You mentioned the involvement of  
15 students in some of your programs.

16           Does the law school have a public interest or  
17 pro bono requirement so that all students before  
18 graduating would have to do some type of pro bono type  
19 of work or public interest work?

20           And if they don't, do you see that as a  
21 strategy that might get you even more student support  
22 or maybe you would get more support that you could

1 manage or supervise?

2 Have there been discussions around that?

3 MR. CORREA LUNA: There has. I regret to say  
4 that we still haven't got to the point where they have  
5 improved that, but I think there is really good grounds  
6 to have that in the near future.

7 MR. CARLOS RODRIGUEZ-VIDAL: If I may  
8 interject on the issue of pro bono, I think the prior  
9 panel pointed out correctly that we have -- our Canon  
10 Number 1 of professional ethics provides that attorneys  
11 must be willing to devote from their time willingly to  
12 indigent clients.

13 One problem that I have seen in this area,  
14 however, is that there is a separate canon of  
15 professional ethics that requires us to represent our  
16 clients competently, and there has been somewhat of a  
17 failure to recognize that poverty law and that many of  
18 these areas of family law and housing law are  
19 specialties among themselves.

20 And many people feel that just because you're  
21 representing indigent persons, you can merely appoint  
22 any old attorney to represent these clients.



1           So there has been a discussion going on that  
2 even though there is clearly the obligation from  
3 attorneys to represent our indigent population, they  
4 have to do it completely, and that's where this  
5 particular office comes in, because not only do we have  
6 a staff that is committed and dedicated to this area,  
7 but it is also providing a training ground for future  
8 attorneys not to do it simply voluntarily, but to do it  
9 competently, and it's something that is really missing  
10 in most of the discussions that we have heard when  
11 courts simply impose their views and appointments upon  
12 attorneys when they don't necessarily have the skills  
13 and knowledge to represent indigent people.

14           MR. HALL: Mm-hmm. Thank you.

15           You had mentioned some effort in the economic  
16 justice area, and I was just wondering what sort of  
17 initiatives has CLO been involved in or initiated to  
18 try to specifically focus on the economic development  
19 or economic justice types of issues.

20           Could you just elaborate a little bit more on  
21 that?

22           MR. CORREA LUNA: There have been in the past

1 projects, the clinical projects that have addressed  
2 these issues in the communities we serve, and  
3 specifically students have been working with  
4 communities in educating them in how to build a small  
5 business in their communities.

6           And we have nearby our office a really big  
7 community called Peninsula de Cantera. Peninsula de  
8 Cantera has around 14,000 population which is  
9 definitely under the poverty level.

10           And through all these years, they've worked  
11 with the community office to build a model community,  
12 and they got to the point where a number of grants not  
13 only by the public sector but by the private sectors  
14 have been going in this community, in the development  
15 of this community.

16           And a few years ago, the Governor of Puerto  
17 Rico, the previous Governor of Puerto Rico passed  
18 legislation, the legislation was called the community  
19 -- Special Communities Law, and that law assigned \$1  
20 billion for special communities, and it said in the  
21 introduction of the law that it was taking as a model  
22 the Peninsula de Cantera, and the success of that

1 community in developing and working to better the  
2 quality of life of that community. So -- and I'm glad  
3 to say we participated in the work with that community.

4 MR. HALL: Thank you.

5 Other questions from any of the other  
6 committee members who are present?

7 MS. MERCADO: I'm just curious.

8 I think one of the statements that the  
9 chairman of the board mentioned earlier was that it  
10 would be difficult to fill the gap by not having  
11 community legal services there at the university, and  
12 in particular I think because of the kind of population  
13 that lived in that area.

14 It seems like there's a high concentration of  
15 poverty in that area that is not accessible to other  
16 legal services, well, even the regular legal services  
17 providers.

18 MR. CARLOS RODRIGUEZ-VIDAL: I'm sorry I was  
19 misunderstood. I may have misspoken.

20 What I meant to say was that the contribution  
21 that Legal Services Corporation makes to this  
22 particular Office, which is now down to less than a

1 third of our budget, if that money were to be taken out  
2 of the office and given to some other legal  
3 organization, the work that is performed currently by  
4 the Office with that amount of money in addition to all  
5 the other contributions it receives would be very  
6 difficult to replicate.

7           If you were to take us out of the system of  
8 Legal Services Corporation and have this 60,000, 70,000  
9 people population be served by another Legal Services  
10 Corporation funded entity, they would not be able to  
11 provide the breadth, the depth, and the variety of  
12 legal services, we submit, that the Office provides.

13           MS. MERCADO: Because of the partnerships that  
14 you have?

15           MR. CARLOS RODRIGUEZ-VIDAL: Because of the  
16 partnerships we provide, because of the alternative  
17 fundings that we have been able to gather from other  
18 sources.

19           Of course, we are still restricted to a very  
20 large extent by the regulations, as to the breadth of  
21 the work that we can do, and we abide by those  
22 regulations.

1           MS. MERCADO: I was curious as to the  
2 difference between your Women's Advocacy Project and  
3 your Domestic Violence Project, as to the kinds of  
4 cases that you do or don't do.

5           MR. CORREA LUNA: What's the specific  
6 question?

7           MS. MERCADO: What is the difference in both  
8 projects? In listing the project, you were talking  
9 about a Women's Advocacy Project --

10          MR. CORREA LUNA: No, it's -- we have  
11 basically, it's the same, two projects of domestic  
12 violence project. We receive funds from the Women's  
13 Advocate Office, and we receive funds for one of those  
14 projects, which is the one where we placed two  
15 attorneys and a social worker in the Judicial Center in  
16 San Juan.

17          But I must point out, the Academic Model  
18 Project, which also works hand in hand with us, has  
19 produced a number of important legal material and  
20 educational material, a curriculum on domestic  
21 violence, a manual that provides information, very good  
22 information for victims of domestic violence, but also

1 for students and other law professors, and the law  
2 school has established a domestic violence course as  
3 part of this experience with our project and with our  
4 office.

5 MR. CARLOS RODRIGUEZ-VIDAL: In addition,  
6 maybe, addressing that question also, one aspect of the  
7 work is resolving the issue of domestic violence, but  
8 very often the issue of domestic violence is also  
9 linked to matters relating to family law, whether it be  
10 divorce, whether it be adoption, whether it be  
11 custodial matters, whether it be ways in which we can  
12 have the woman who is our client somehow brought into  
13 the employment sector.

14 So there are different ramifications to the  
15 initial representation in the simply domestic violence  
16 environment.

17 MR. CORREA LUNA: I want to just point out, in  
18 Puerto Rico domestic violence is a very, very serious  
19 problem. Two women are killed on a monthly basis, and  
20 that's a very serious fact in Puerto Rico. It's a  
21 very, very serious problem.

22 MR. HALL: My final question is a broad one,

1 and not that you are the only ones who can answer this,  
2 but I've been struck by the fact that here in Puerto  
3 Rico there is the two main programs that provide legal  
4 services to the poor, which we have heard from today,  
5 are both LSC funded and both thus having to comply with  
6 the restrictions that LSC imposed.

7 In other states that we've visited, there have  
8 been another entity that picks up a nonrestricted type  
9 of activity and cases.

10 I haven't heard from -- and it may be that I  
11 just overlooked it -- that there's another entity on  
12 the island who is doing the unrestricted work.

13 If there isn't one, then what is happening to  
14 those clients or those types of cases that in another  
15 state that we have visited, there is a Legal Aid  
16 Society of New York that is not receiving LSC funds and  
17 thus are able to do those types of cases.

18 What's happening here? Have you seen anything  
19 in that regard or anything you would want to comment  
20 about?

21 MR. CORREA LUNA: It's tragic. I can start by  
22 saying that.

1           During the previous years, the municipalities  
2   in Puerto Rico, a small number of municipalities in  
3   Puerto Rico, and San Juan, opened small offices to try  
4   to represent, provide the free legal representations to  
5   those clients that cannot be represented by legal  
6   services, but these offices have been closed.

7           So the only alternative these clients now  
8   have, and I'm saying it about, for example, in the  
9   criminal area, the misdemeanor cases are not attended  
10  by the Legal Aid Society, and we cannot, also, we  
11  cannot represent them, so these clients only have the  
12  alternative to have the judge appoint them an attorney.

13           There is no programs that specifically address  
14  this population.

15           The other population that cannot be provided  
16  legal representation by these two programs have the  
17  alternatives to go to the clinical schools or the other  
18  university, for example, of Rio Piedras, Mayaguez, and  
19  Ponce.

20           And we -- the Inter-American Law School also  
21  has two projects in the area of criminal law that also  
22  attempts, but it's a very -- we're talking about very,



1 very small projects.

2           So there's a large population that has not  
3 really gained access to the judicial system, and needs  
4 to gain that access, and it's a tragedy I believe in  
5 Puerto Rico.

6           MR. CARLOS RODRIGUEZ-VIDAL: You have two  
7 entities.

8           One, the Legal Aid Society, the Puerto Rico  
9 Legal Aid Society, which is simply criminal defense,  
10 and criminal defense only in felony cases. And that is  
11 met.

12           As Mr. Correa has mentioned, representation of  
13 criminal defendants in misdemeanors or other types of  
14 faults are not as represented, or represented at all.

15           There's also one other area, which is inmate  
16 rights, and inmate rights, there is a particular  
17 program that represents inmates from the Puerto Rico  
18 prison system, but that corporation, which is certainly  
19 better funded than our office is, the reason it's  
20 funded is because there has been a class action  
21 litigation having been kept since 1982 against the  
22 Government of Puerto Rico because of the prison

1 conditions and because there have been at least 12  
2 years of fines imposed upon Puerto Rico's government,  
3 and the district judge in that case decided to use the  
4 money from those fines not only to improve some of the  
5 services but also to provide legal services for the  
6 inmates and their families, so that corporation is  
7 being funded on that end.

8 But other than those two particular instances,  
9 there are a significant number of needs that are really  
10 unmet.

11 MR. CORREA LUNA: Tort cases.

12 MR. CARLOS RODRIGUEZ-VIDAL: Tort cases --  
13 there's no program -- a small group of attorneys can  
14 take those attorneys on a contingency basis, but it's  
15 like one or two or three, you know, and so it's in that  
16 sense, that's an issue that has come up in the Equal  
17 Justice Commission, and discussions are being made to  
18 try to respond to that issue.

19 MR. HALL: Thank you very much.

20 Any other questions from any other committee  
21 members?

22 (No response.)

1           MR. HALL: Well, thank you both for an  
2 excellent presentation and again, appreciate the time  
3 you have devoted to this, and it's certainly provided  
4 us with some better insights of how you're addressing  
5 the poor here, and I'm certainly intrigued with the law  
6 school connection. That's something that I definitely  
7 support and am glad that the law school is deeply  
8 committed to supporting this project.

9           MR. CARLOS RODRIGUEZ-VIDAL: Thank you all  
10 very much and I hope you have an opportunity to meet us  
11 at the law school later this afternoon.

12           MR. HALL: We look forward to that.

13           Our next item is public comment.

14           If there is any public comment to come before  
15 the committee, please come forward at this time.

16           (No response.)

17           MR. HALL: Hearing or seeing none, we will  
18 move on.

19           We will consider any other business to come  
20 before the committee. Is there anything else that one  
21 of the committee members would like to raise?

22           (No response.)

1           MR. HALL:  Then I would seek a motion for  
2 adjournment.

3                                   M O T I O N

4           MS. MERCADO:  So moved.

5           MR. HALL:  Second?

6           MR. SUBIA:  Second.

7           MR. HALL:  The meeting of the Provisions  
8 Committee is now adjourned.  Thank you all for  
9 attending.

10                           (AT 3:49 p.m, the meeting of the Provisions  
11 Committee was adjourned.)

12                                   \* \* \* \* \*