

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

MEETING OF THE  
PROVISION FOR THE DELIVERY  
OF LEGAL SERVICES COMMITTEE

Friday, July 24, 2009

1:39 p.m.

Capitol Plaza Hotel  
1717 S.W. Topeka Boulevard  
Topeka, Kansas

COMMITTEE MEMBERS PRESENT:

Sarah Singleton, Acting Chairman  
Thomas A. Fuentes  
David Hall (by telephone)  
Michael D. McKay  
Laurie Mikva  
Bernice Phillips-Jackson (by telephone)  
Frank B. Strickland, ex officio

OTHER BOARD MEMBERS PRESENT:

Herbert S. Garten  
Thomas R. Meites

## STAFF AND PUBLIC PRESENT:

Helaine M. Barnett, President  
Karen M. Dozier, Executive Assistant to the President  
Victor M. Fortuno, Vice President for Legal Affairs,  
General Counsel, and Corporate Secretary  
Karen J. Sarjeant, Vice President for Programs and  
Compliance  
Charles Jeffress, Chief Administrative Officer  
Jeffrey E. Schanz, Inspector General  
David Maddox, Assistant Inspector General for  
Management and Evaluation, Office of the Inspector  
General  
John Constance, Director, Government Relations and  
Public Affairs Office  
Stephen Barr, Media Relations Director, Government  
Relations and Public Affairs Office  
Kathleen Connors, Executive Assistant, Government  
Relations and Public Affairs Office  
Marilyn Harp, Executive Director, Kansas Legal Services  
Colline Meek, Oklahoma Indian Legal Services; Steering  
Committee Member, North American Indian Legal  
Services  
C. Steven Hagor, Oklahoma Indian Legal Services; North  
American Indian Legal Services  
Don Saunders, National Legal Aid and Defenders  
Association (NLADA)  
Linda Perle, Center for Law & Social Policy (CLASP)

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Motions: 5, 5, 35, 42, 43

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

2 (1:39 p.m.)

3 CHAIRMAN SINGLETON: I would like to call to  
4 order the Provision for the Delivery of Legal Services  
5 Committee. My name is Sarah Singleton. I am standing  
6 in as chair in the absence of David Hall, who could not  
7 be with us today.

8 And let me first find out whether there is  
9 anyone on the telephone. Do we have any participants  
10 by telephone?

11 (No response.)

12 CHAIRMAN SINGLETON: It appears not. Let me  
13 take the roll call of the committee, then.

14 Mr. McKay?

15 MR. MCKAY: Present.

16 CHAIRMAN SINGLETON: Mr. Fuentes?

17 MR. FUENTES: Present.

18 CHAIRMAN SINGLETON: Ex-Officio member Mr.  
19 Strickland?

20 MR. STRICKLAND: Present.

21 CHAIRMAN SINGLETON: And Board Member Mikva?

22 MS. MIKVA: Present.

1 CHAIRMAN SINGLETON: Thank you.

2 The first item is approval of the agenda.

3 Are there any changes to suggest to our agenda?

4 M O T I O N

5 MR. FUENTES: Move approval.

6 MR. McKAY: Second.

7 CHAIRMAN SINGLETON: It's moved and seconded  
8 that the agenda be approved as submitted. Is there any  
9 discussion?

10 (No response.)

11 CHAIRMAN SINGLETON: Hearing none, all in  
12 favor say aye.

13 (A chorus of ayes.)

14 CHAIRMAN SINGLETON: Opposed?

15 (No response.)

16 CHAIRMAN SINGLETON: Agenda is approved as  
17 submitted.

18 Approval of the minutes of April 24, 2009?

19 M O T I O N

20 MR. FUENTES: Move approval.

21 MR. McKAY: Second.

22 CHAIRMAN SINGLETON: It's been moved by Mr.

1 Fuentes, seconded by Mr. McKay.

2 Any discussion?

3 (No response.)

4 CHAIRMAN SINGLETON: Hearing none, all in  
5 favor of approving the minutes say aye.

6 (A chorus of ayes.)

7 CHAIRMAN SINGLETON: Opposed?

8 (No response.)

9 CHAIRMAN SINGLETON: The minutes are approved  
10 as submitted.

11 Today we are lucky to have a presentation  
12 from KLS on enhancing leadership and training through  
13 the use of LegalMeetings, which is one of our TIG  
14 initiatives. Karen, are you going to introduce us to  
15 Marilyn, who we met this morning, or --

16 MS. SARJEANT: I'd be happy to.

17 CHAIRMAN SINGLETON: Great. Thank you.

18 MS. SARJEANT: I'd be pleased to introduce to  
19 the committee Marilyn Harp, who is the executive  
20 director of Kansas Legal Services. And they are one of  
21 our programs that has used the Technology Initiative  
22 Grants program very effectively.

1           MS. HARP: Well, thank you very much for  
2 having me, and I want to keep saying thank you for  
3 coming to Kansas. We really very much appreciate you  
4 being here.

5           When the opportunity arose to think about  
6 some of the things -- or the one thing that I thought  
7 we have used effectively to work on enhancing  
8 leadership and doing some training, our use of  
9 LegalMeetings came quickly to mind.

10           And I think we should start just with a few  
11 this morning that we cover the state; that we have 13  
12 offices, 130 staff, and 41 attorneys. So to pull  
13 people out for a day's meeting for some of our folks  
14 means they're gone from the office three days. The  
15 westernmost office is more than six hours from the east  
16 side of the state.

17           So the ability to do things by phone is  
18 something that we've always done. But this ability to  
19 add the visual element of doing things on the computer  
20 through LegalMeetings has been huge. And so I'm  
21 delighted to have this chance to tell you how much  
22 support our program would give that.

1           We, given the phased-in pricing, pay \$32 a  
2 month for -- which is the highest any program pays --  
3 for access to the Go To Meeting facilitation, a  
4 subscription to Go To Meeting, which is a commercial  
5 project within the legal services world that programs  
6 call LegalMeetings.

7           And were we paying the full commercial price  
8 without any discount from the company and without the  
9 LSC support, it's clear we'd be paying more than \$100 a  
10 month for both the LegalMeetings and the webinar  
11 ability. Now, within legal services, smaller programs  
12 pay \$10 a month. So everybody really can price in  
13 that.

14           But one of the things I think has  
15 particularly been helpful about the leadership of LSC  
16 is just picking a product. There are other products  
17 out there; we might have all decided to use one. But  
18 had we used different ones, that ability to work  
19 together and be on a particular -- have programs be  
20 able to, between programs, facilitate would have been  
21 much harder.

22           So having the outsource select the product



1 and also do a lot of the training that they do for it  
2 has been really good.

3 I suspect you all know what the functionality  
4 of this is. But basically, we can, by internet, hook  
5 in a particular point in time. A presenter's screen is  
6 visible to all of us who are hooked in. We can use  
7 audio with speakers and headset in our office for free  
8 using voice over internet protocol.

9 Or we can make a phone call and have a giant  
10 conference call, but we can both look at the screen --  
11 if during the meeting we need to look at somebody  
12 else's screen, that's easily passed around, so that --  
13 and we have used this for all sorts of things.

14 Certainly there is a huge amount of LSC  
15 training going on that we can access through that. But  
16 just within our office, our ability for my CFO and I to  
17 sit at our own desks and look at the budget on his  
18 computer with him moving things around, but me sitting  
19 in my office, not looking over his shoulder or  
20 something like that, has been a clear help.

21 We have three groups that meet monthly by  
22 LegalMeetings. Our managers meet monthly with an

1 agenda, our managing secretaries meet monthly with an  
2 agenda -- and just an idea of what they've been doing,  
3 it was time to update all our policy manuals anyway.  
4 And the other management philosophy is it's fine to  
5 tell people to read it, but maybe they will and maybe  
6 they won't. But if you all review it for possible  
7 updating, it gets everyone reading it.

8           So our managing secretaries, over the course  
9 of the last year, have been going through those policy  
10 manuals section by section at these meetings to tell  
11 us, you know, what they think might be grounds for  
12 changing. And at the same time, you know, we know that  
13 they know what's in there.

14           And then our pro bono coordinators all have a  
15 monthly call.

16           We also have some substantive law groups --  
17 our elder law group, our Social Security, our juvenile  
18 law, and our domestic law group all meet monthly. In  
19 order to make those calls accessible to busy litigating  
20 staff, those are over the lunch hour, which means  
21 people are making a point of coming back to the office  
22 for lunch.

1           But attendance on those has been quite good.

2       And if somebody says -- is looking for a resource, or  
3       we need to look at a document, it allows somebody to  
4       pull it up on the screen and look at it. So they can  
5       do that.

6           Another thing we've used is a lot of live  
7       taking staff on tours of the website so that we can  
8       take them right to the place on the website to look at  
9       a document.

10           We have recently updated our client database  
11       so that we can attach documents right to the record in  
12       the database. So we're working it how we'll go  
13       paperless, and the computer document will not be in  
14       some secretary or litigant's folder. It will be  
15       attached to the client record in the database.

16           Well, training 140 people about how to do  
17       that was -- is a challenge. But three or four of these  
18       Go To Meetings means they can watch it via that; during  
19       the meeting they can go to their computer and try it;  
20       and then we can go back collectively and say, did it  
21       work? What were the problems? It didn't work for you?

22       Well, we'll make you the presenter and see how that

1 happens.

2           So lots of communication, lots of sharing of  
3 skills, a lot less travel time. We really like that  
4 it's spontaneous, meaning that if two people are  
5 working on a joint presentation, they can say, let's  
6 have a meeting right now. But you can also plan ahead.

7           The kind of disadvantages I'm working on  
8 overcoming are things like the loss of bonding that  
9 comes from the live meeting, and how you need to  
10 balance getting people together. You all have given me  
11 a great opportunity for that. I have staff who  
12 probably haven't seen each other in six months, and  
13 they're around to peek in today.

14           So many of them came up with tasks they hope  
15 to work on between now and the reception tonight. And  
16 I'm excited to see what a working afternoon among our  
17 managers will result in. But it's going to be -- well,  
18 we don't get together a lot.

19           So it takes people a little while to feel  
20 comfortable talking on the phone. And so I've been  
21 working on some things about that. One of my future  
22 ideas, really encouraged by a new board member on

1 board, wants to think about a to the best of our  
2 knowledge club format.

3           And she was suggesting, for example, that  
4 there's a Ruby Payne book on the foundation of  
5 understanding poverty that might be a great, easy read  
6 for people. And then we could get together in a book  
7 club kind of format with Go To Meeting and build some  
8 bonding and understand the framework of the clients'  
9 lives that we work with and what we're trying to do for  
10 them.

11           So we're working on -- we're working on some  
12 of those things.

13           Sort of the next use of this, although we  
14 haven't done it yet, is that we have begun asking our  
15 clients for e-mail addresses when we do an intake.  
16 We've been finding through both that and some  
17 statistics that many of our clients have some -- they  
18 have an e-mail address, maybe not on a computer in  
19 their home, but they have an address or they have  
20 somebody who has an address or they have an address  
21 that's available to them at a part-time job or  
22 something.

1           And so we're thinking about how we can review  
2 pleadings we've prepared for the client in that kind of  
3 environment, where they and we are looking at the  
4 pleadings. We could make changes right away and get  
5 those together, so that -- we think that's coming, and  
6 something that could be available to some of our  
7 clients.

8           So I just -- it's an invaluable tool. I am  
9 certain that we probably wouldn't where we would be  
10 without it, without the TIG support in that and being  
11 guided to that product. But we love it.

12           CHAIRMAN SINGLETON: Thank you. Do we have  
13 any questions?

14           (No response.)

15           CHAIRMAN SINGLETON: I hate to be the one  
16 who's technologically challenged --

17           MS. HARP: No. That's fine.

18           CHAIRMAN SINGLETON: -- if you're not working  
19 on a document or your books or something like that,  
20 what is it you're looking at on the screen?

21           MS. HARP: Well, for example, one of the  
22 things I've liked about it is that it helps -- by using

1 the screen format, it can help keep everybody focused  
2 and it can help the meeting planner plan well.

3 CHAIRMAN SINGLETON: So like you might put  
4 your agenda up or something?

5 MS. HARP: You might put your agenda up, or  
6 you might create a PowerPoint of the agenda and, you  
7 know, as it flows through so everybody --

8 CHAIRMAN SINGLETON: Just like you did to us  
9 this morning, only it would be on your computer screen?

10 MS. HARP: On your computer. Exactly.

11 CHAIRMAN SINGLETON: So I could have stayed  
12 in Santa Fe and you could have been here in Topeka and  
13 we could have had the same meeting?

14 MS. HARP: We could have, a very similar -- a  
15 very similar meeting, and maybe a little more  
16 interactive.

17 CHAIRMAN SINGLETON: Yes. Right.

18 MS. HARP: It was kind of exciting today.  
19 But yes. But that same sort of thing.

20 CHAIRMAN SINGLETON: But you talk your  
21 questions; you don't type your questions?

22 MS. HARP: No, no. You're totally -- you're

1 totally audio, hooked in. And LSC makes -- they've  
2 negotiated a great phone rate or the free voice over  
3 internet opportunity, which is --

4 CHAIRMAN SINGLETON: And do you make any use  
5 of what I'm going to call webcams, but what I mean, is,  
6 you know, one of those --

7 MS. HARP: Yes. I know what you mean. And  
8 we don't. It would be -- I mean, my issue of, so are  
9 you looking at your e-mail while you're supposed to be  
10 listening to this?

11 CHAIRMAN SINGLETON: Yes, right.

12 MS. HARP: Which I know is one of the issues.  
13 And, you know, it's kind of why you have to keep the  
14 visuals sort of interesting, is to hold people's  
15 attention. But we don't make use of webcams.

16 CHAIRMAN SINGLETON: But I bet you could. It  
17 would be fairly easy to integrate it, it sounds like.

18 Anything else?

19 MS. HARP: I think my staff would tell you  
20 that it makes them feel like they're working, you know,  
21 at a law firm with far greater resources, the kind of  
22 law firm with far greater resources than we usually



1 have, because they have that available.

2 CHAIRMAN SINGLETON: Well, it sounds like it  
3 would be good for any program that has a large  
4 geographic area to cover, and multiple offices.

5 MS. HARP: Yes. And it's -- I can hardly  
6 imagine there's any program -- the small programs pay  
7 \$10 a month. So I can hardly imagine that any program  
8 --

9 CHAIRMAN SINGLETON: I think the coffee  
10 budget for most programs is bigger than your \$32 a  
11 month.

12 MS. HARP: Exactly. Right. Yes.  
13 Absolutely.

14 CHAIRMAN SINGLETON: Thank you. And thank  
15 you for our visit this morning.

16 MS. HARP: You're welcome, and we appreciate  
17 you coming.

18 CHAIRMAN SINGLETON: All right. We are now  
19 on an update of the LSC Private Attorney Involvement  
20 Action Plan, et cetera, et cetera.

21 Karen, I guess you're going to do that for  
22 us?

1           MS. SARJEANT: I am. Thank you very much.  
2 Karen Sarjeant, vice president for programs and  
3 compliance at LSC.

4           And in the president's board report are  
5 several items updating you on PAI activities. I wanted  
6 to only focus on one activity that recently took place,  
7 and that is our private attorney involvement advisory  
8 committee had a meeting. And that advisory committee  
9 has field program staff on it that participate with  
10 LSC.

11           The purpose of that group was to take a look  
12 at some private attorney involvement issues and  
13 determine whether there is additional guidance that LSC  
14 should be providing to the field. At this last meeting  
15 on July 20th, the most recent meeting -- and I believe,  
16 Sarah, this was at your suggestion -- we invited access  
17 to justice commission representatives to participate  
18 with the advisory committee.

19           And so on that conference call we had Chief  
20 Justice Hobbs from Colorado, Fred Bowman from Colorado,  
21 Jim Sales from Texas, and from New Mexico we had board  
22 member Sarah Singleton.

1           And these representatives of access to  
2 justice commissions shared with the advisory group the  
3 activities of their different commissions -- the broad  
4 range of activities that they have done, what they have  
5 done and how they've done it, the importance of  
6 recognition in their activities, and the importance of  
7 judicial involvement.

8           It was a very, very informative conference  
9 call. And, in fact, after the call the members of the  
10 advisory committee asked that we ask the  
11 representatives to make any written materials available  
12 that they had for their access to justice commissions,  
13 and they very promptly -- all of the representatives  
14 very promptly e-mailed that information to us so we  
15 were able to distribute that to the advisory committee  
16 group.

17           And we are determining how to distribute that  
18 information more broadly as a way of sharing with other  
19 states some of the very creative activities that are  
20 underway with these access to justice commissions.

21           The next steps for the advisory group: We've  
22 now had several meetings where we have had

1 participation by Linda Perle from CLASP. We've had  
2 participation by representatives from the ABA, and  
3 Steve Scudder and Terry Brooks, who participated with  
4 us.

5 And the advisory committee is now going back  
6 to review all of the information we've talked about and  
7 determine what if any guidance LSC needs to consider  
8 giving to our programs so that they can enhance their  
9 private attorney involvement activities.

10 That is the task in front of the advisory  
11 group over the next few months. And I believe by the  
12 October board meeting we will be able to come back to  
13 you with an almost final report of what this activity  
14 has developed over this year.

15 CHAIRMAN SINGLETON: Thank you. Any  
16 questions for Karen?

17 (No response.)

18 CHAIRMAN SINGLETON: Then let's move on. The  
19 staff report on the continuation of the Herbert S.  
20 Garten Loan Repayment Assistance Program.

21 I know that we're going to have some public  
22 comment on this. I'd rather take the public comment

1 right after you make your presentation. So Don, if you  
2 want to come up. Anyone else who wants to make public  
3 comment on this, why don't you come forward.

4 And I should call to your attention the fact  
5 that Don, on behalf of NLADA, did send a letter to LSC.

6 And that was in the supplemental materials you  
7 received when you checked into the hotel.

8 Karen?

9 MS. SARJEANT: Thank you. At the April board  
10 meeting, the board requested that LSC provide a  
11 recommendation on the continuation of the LRAP program.

12 And in your materials, as was just mentioned, you did  
13 get a report and a recommendation from staff. And I  
14 would ask that that full report and recommendation be  
15 made a part of the record.

16 CHAIRMAN SINGLETON: Mr. Reporter, will that  
17 be done?

18 THE REPORTER: Yes, ma'am.

19 CHAIRMAN SINGLETON: Thank you.

20 MS. SARJEANT: The recommendation from LSC  
21 management is that for fiscal year 2010, LSC should  
22 continue the Herbert S. Garten Loan Repayment

1 Assistance Program in its present form. And that is  
2 assuming that funding becomes available in the 2010  
3 appropriation. And we further recommend that funding  
4 be requested in the 2011 LSC budget for the reasons we  
5 will discuss.

6 Certainly our pilot program, LRAP program,  
7 has established that there is a very huge need in our  
8 community for LRAP assistance. And the reason we are  
9 indicating at this point that LSC should continue to  
10 request an appropriation for the next two fiscal years  
11 -- well, for 2010 and 2011 -- is the existence of  
12 pending and existing federal legislation on loan  
13 repayment.

14 And at this point in time, none of us know  
15 how that legislation is going to really impact the  
16 environment across the country on LRAP. Some things  
17 have been authorized. Some legislation has been  
18 authorized but not appropriated. And we think it's  
19 important to continue at this point until we can get  
20 more clarity on how these other programs are going to  
21 affect the legal services community.

22 So our recommendation is to continue this.

1 And we believe that as information becomes available,  
2 we will be in a better position to advise the board and  
3 make a more informed recommendation on whether we  
4 should continue an LRAP program at LSC.

5 Now, there is a letter from SCLAID and  
6 there's a letter from NLADA. And our positions are  
7 very similar, in that we think that at this point in  
8 time, the Corporation should continue the program.

9 Additionally, NLADA has asked that LSC gather  
10 some other data about the existence and use and cost of  
11 LRAPs, and that is something -- in our legal services  
12 community. And that is something that we would  
13 consider undertaking so that that information could  
14 help inform the board in making a determination whether  
15 this program should be continued.

16 So we are asking that this committee  
17 recommend to the full board that, if appropriated, that  
18 for 2010 the LRAP program continue. And we're also  
19 asking that this board request similar funding for 2011  
20 until such time as we think at that point we will be  
21 able to determine how the federal legislation is going  
22 to impact our pilot program.

1           CHAIRMAN SINGLETON: Is part of your  
2 recommendation that LSC undertake to gather the data  
3 that you mentioned?

4           MS. SARJEANT: You can make that a part of  
5 your recommendation. We will certainly do that. We've  
6 already had some preliminary discussions about, you  
7 know, the information that's been requested.

8           I must say that project probably would not  
9 start this year. It might be starting in January or  
10 some time after that that we would start attempting to  
11 collect that information.

12          CHAIRMAN SINGLETON: Well, I don't think it  
13 needs to be in the recommendation unless you  
14 particularly wanted that directive.

15          MS. SARJEANT: No.

16          CHAIRMAN SINGLETON: All right. Was that  
17 your report? I didn't mean to interrupt.

18          MS. SARJEANT: Yes. I would just say that we  
19 will be working closely with NLADA and others who are  
20 interested in this issue if we are starting to collect  
21 information so we try to get the full range of  
22 information to inform the board's later decision.



1           CHAIRMAN SINGLETON:  And one other question.  
2       You said some of the other LRAP programs had not been  
3       -- or appropriations had not been secured for them yet.  
4       Did you say some of them were not authorized yet?

5           MS. SARJEANT:  I didn't mean to, but --

6           CHAIRMAN SINGLETON:  You might not have.  I  
7       just --

8           MS. SARJEANT:  -- if you start talking about  
9       the specifics of the legislation, I would turn to  
10      either John Constance or Don Saunders to speak to the  
11      specifics of the legislation.

12          CHAIRMAN SINGLETON:  Boy, are you lucky.  
13      John Constance just walked in the back of the room.  So  
14      you may now turn to him.

15          But why don't we go to Don first.

16          MR. SAUNDERS:  Oh, okay.  Thank you.

17          CHAIRMAN SINGLETON:  And you should feel free  
18      to talk about that other legislation.

19          MR. SAUNDERS:  I never tried to speak for Mr.  
20      Constance, but I can speak briefly to that.  And I will  
21      be very before.

22          As has been suggested, we completely concur

1 with the recommendations of management and with the  
2 American Bar Association. Just a few highlights as to  
3 why that recommendation is important for FY 2011.

4           There is this sense in the broader community,  
5 particularly at some law schools, among some state  
6 programs, and possibly some employer programs, that the  
7 federal government, through its many activities, has  
8 fixed this problem.

9           Even if the Harkin bill were fully funded,  
10 even if LSC were to continue long-term, the problem of  
11 student debt is an enormous one. And your program, as  
12 successful as it has been, and it's certainly been a  
13 high profile program, for you to stop this program next  
14 year prior to a little more information being available  
15 with regard to the other federal programs would run  
16 some risk of adding to this sense that the feds have  
17 fixed it. So we would urge you, as does staff, to  
18 continue in your FY 2011 budget request to fund it.

19           With regard to the longer term, we have a  
20 very good committee that works with us on these issues,  
21 and it includes represents from Equal Justice Works,  
22 the ABA, the National Association for Law Placement, a

1 lot of young attorneys, and a lot of managers.

2           And as we discussed this issue, as you might  
3 imagine, for the longer term, people are not of one  
4 mind on it. But I think our general approach would be  
5 very cautious with regard to any LSC program, but  
6 particularly not wanting to recommend today regarding  
7 that because there do remain a few issues, even if the  
8 HEA bill is funded, that need to be worked out before  
9 you can get a clear environmental scan of what even the  
10 federal programs --

11           CHAIRMAN SINGLETON: Is the HEA the Harkin  
12 Amendment?

13           MR. SAUNDERS: HEA is the Higher Education  
14 Act. And it was in that context that Senator Harkin's  
15 civil legal assistance LRAP was authorized. Also  
16 authorized in that bill was an LRAP covering public  
17 defenders and prosecutors. That's a separate program  
18 to the Department of Justice. As you know, the HEA for  
19 civil legal aid attorneys is in the Department of  
20 Education.

21           We have worked very closely, and actually  
22 they're getting to the point of marking up the

1 education and labor appropriation in the Senate. We've  
2 worked very closely with Senator Harkin and his staff,  
3 and I'm pretty confident -- and I'm seldom confident --  
4 I'm pretty confident that there will be funding at some  
5 level for the FY 2010 process for the Harkin bill.

6           So I think the funding is likely -- the  
7 program is likely to get underway next year. The scope  
8 of it remains to be seen. And there's one additional  
9 problem of it that we are working on and that might  
10 influence a longer-term decision of this board.

11           At the very last moment in negotiations  
12 around the reauthorization of the Higher Education Act,  
13 there was an amendment added that prohibited the  
14 participation not just for civil legal aid attorneys,  
15 but many other loan repayment programs were prohibited  
16 from participating in cash benefits as well as the  
17 other benefits provided under the College Cost  
18 Reduction Act.

19           That is essentially the 10-year loan  
20 forgiveness program that is law now, and is a key part  
21 of making it possible for legal aid attorneys to  
22 actually commit their careers, like so many of the you

1 heard this morning, to this work.

2 An interpretation of the existing law would  
3 be that if you were to receive funding under the Harkin  
4 bill, you would not be eligible for the loan  
5 forgiveness plan after 10 years.

6 Those are inconsistencies that we've been  
7 trying to educate the Congress about, that they're sort  
8 of counterproductive. If the idea is to make it  
9 possible to make careers in this work, you would not  
10 want to have the Harkin bill make you ineligible for  
11 the loan forgiveness. That has not been worked out.  
12 And to me it is a significant piece of the authorizing  
13 puzzle that would affect the longer-term decision of  
14 this board.

15 And the other area that took me a little by  
16 surprise during our committee calls and our  
17 conversations about it was I was struck by the degree  
18 -- the number of your grantees who have their own loan  
19 repayment assistance programs. Many of them are small,  
20 short-term, not a lot of benefits.

21 But one thing is clear from an employer-based  
22 problem in this area: Those are taxable benefits to

1 the employee. And to the extent that a significant  
2 amount of LSC dollars are being essentially lost to the  
3 young lawyer through taxes, it seemed like it would be  
4 worth figuring out the data to figure out how much that  
5 figure might be because it seems to me that that would  
6 be relevant, a piece of relevant information in  
7 determining whether or not LSC dollars are best spent  
8 by creating some sort of national program.

9 Our initial inclination is absolutely not.  
10 But we heard information that would suggest that maybe  
11 half, if not more, of your grantees currently have  
12 employer-based loan repayment. That may be the best  
13 way to structure that.

14 So those features of how the Harkin bill will  
15 be administered, as well as this other information,  
16 would lead us to ask that you follow the staff  
17 recommendation for LRAP 2011 and return with more  
18 information with regard to whether or not LSC should  
19 have a full-scale LRAP program.

20 CHAIRMAN SINGLETON: Does anyone have any  
21 questions for either Karen or Don? Mr. Fuentes?

22 MR. FUENTES: Karen, could you run us through

1 numbers, refresh our members on previous numbers, the  
2 kind of money you're talking about now?

3 CHAIRMAN SINGLETON: Who was that addressed  
4 to? I couldn't hear.

5 MR. FUENTES: To Karen.

6 MS. SARJEANT: I'm sorry?

7 MR. FUENTES: Run us through numbers in the  
8 past and what you're talking about for 2010 and 2011.

9 MS. SARJEANT: The appropriation each year  
10 has been for a million dollars.

11 CHAIRMAN SINGLETON: And how many -- it's in  
12 your report. I think it's like in the 40s, like 48  
13 people get about 5600 each? Does that sound something  
14 like that?

15 MS. SARJEANT: Uh-huh. We have been able to  
16 make loans to 166 attorneys in 46 programs over the  
17 last four years. Now, our program is a very modest,  
18 limited program. And in this paper, we did some  
19 projections of what it might cost if we were doing a  
20 program in which it was open to everyone who might be  
21 eligible.

22 But right now, for the years we have gotten

1 the million dollars, and the amount of money that is  
2 loaned and forgiven is \$5600 per year per participant.

3 And we've touched 166 attorneys.

4 CHAIRMAN SINGLETON: Did you have any other  
5 data you wanted?

6 MR. FUENTES: Have you given thought to what  
7 is the possibility of sort of this action being  
8 counterproductive? And it goes back, I think, to a  
9 train of thought that Tom Meites has brought up in  
10 times past, that if this is going to be done otherly,  
11 do we give a false message that we are taking care of  
12 it so they actually don't need to be about doing it?

13 MS. SARJEANT: I don't think -- well, as an  
14 organization, we have not had that particular  
15 discussion. But I would say that we do not -- I  
16 certainly do not think that our program is widespread  
17 enough for a program, all programs to say, we don't  
18 need to do it because LSC is doing it.

19 We are really, as is indicated here, only  
20 again touching 46 programs. We estimate that there are  
21 many more attorneys, hundreds more, if not thousands,  
22 who are eligible



1           CHAIRMAN SINGLETON: Mr. McKay.

2           MR. MCKAY: But isn't it true that the  
3 original concept here was to give it a try?

4           MS. SARJEANT: It was a pilot.

5           MR. MCKAY: And to -- that's what a pilot  
6 means -- and to conduct studies afterwards and see how  
7 it helps with retention and even tracking people. And  
8 it's really -- and I understand that this project has  
9 assisted Senator Harkin and made him a case for his  
10 legislation. And it's not really one for the other,  
11 but it's part of it.

12                   And so that just confirms what I thought.  
13 And I do agree.

14                   And if I may just make a comment, since I  
15 have the floor, I would support this, the continuation  
16 of this, if for no other reason but for the name of the  
17 program.

18                   (Laughter.)

19           MR. MCKAY: There are other reasons.

20           MR. GARTEN: Are you running for office?

21           MR. MCKAY: The environment isn't as good as  
22 it once was. I'm going to be in the private sector for

1 quite some time.

2           But the other thing is that it in many ways  
3 violates the first rule of wing-walking: Don't take  
4 your hand off of one strut until you have your hand on  
5 the next strut.

6           And while we're very hopeful that Senator  
7 Harkin's legislation goes through, my personal feeling  
8 is if there's legislation that's passed that pays for  
9 everyone's school debts, the amounts that these  
10 attorneys are paid is still considerably low. And I  
11 think it would be a wonderful gift and certainly cannot  
12 do it for a whole bunch of reasons.

13           But anyway, I do support this. I think this  
14 pilot project has played a significant role in support  
15 this, and I think it's helping this legislation. So  
16 let's keep it going until -- I support keep it going  
17 until we get the legislation through.

18           CHAIRMAN SINGLETON: Well, I think at the  
19 moment the staff and the other groups have recommended  
20 that we continue with it in '10 if it's appropriate,  
21 and in '11 we put it into our budget request. That's  
22 slightly different than what you said, which was we

1 keep it going until something else replaces it, I  
2 think.

3 MR. McKAY: Yes. That's true. That's what  
4 my personal feeling is. I support let's go ahead in  
5 2010 and --

6 CHAIRMAN SINGLETON: Well, I was going to ask  
7 you to make your personal feeling into a motion, but --

8 MR. McKAY: Well, if someone wants to adopt  
9 it, that's fine, I guess. I'm more interested in  
10 waiting until the legislation passes, and so certainly  
11 our request for 2011, and hopefully we'll get the  
12 funding for 2010. We keep moving along until we get  
13 the change in the legislation.

14 CHAIRMAN SINGLETON: Well, in terms of  
15 procedurally going forward, I think this committee  
16 needs to make a recommendation to the board. I am  
17 hearing you say you agree with the recommendation. And  
18 would you make that a motion as to what the committee  
19 should recommend to the board?

20 M O T I O N

21 MR. McKAY: I recommend that we adopt  
22 management's recommendation.

1           CHAIRMAN SINGLETON: All right. Is there a  
2 second to that motion by a committee member? The chair  
3 will second it.

4           Is there further discussion of the motion?

5           MR. MEITES: I think it's wonderful. I would  
6 raise the point about how what we are doing intersects  
7 with existing legislation and proposed legislation. I  
8 found the report very helpful. And I think that  
9 keeping essentially the status quo until the situation  
10 clarifies, and there's a new board who has to worry  
11 about this, is all desirable.

12           CHAIRMAN SINGLETON: Okay. Is there any  
13 other discussion of the motion that's now on the floor?

14           (No response.)

15           CHAIRMAN SINGLETON: All right. The motion  
16 is that we recommend to the full board that they  
17 approve management's recommendation. All in favor say  
18 aye.

19           (A chorus of ayes.)

20           CHAIRMAN SINGLETON: Opposed?

21           (No response.)

22           CHAIRMAN SINGLETON: The motion carries.

1 Thank you.

2 We are now up to item 6, which was to be a  
3 staff report and recommendation on Native American  
4 delivery. Again, I know we have some people who  
5 traveled here, if only from the contiguous state of  
6 Oklahoma, but still we would like you to come forward,  
7 please.

8 Karen, would you like to bring us up to date  
9 on the posture of this now? And then we'll hear from  
10 the people who are representing NAILS, I think, today.  
11 Isn't that correct?

12 MS. SARJEANT: Yes. Thank you. As you will  
13 recall, we have been talking about LSC and NAILS, and  
14 this board has been talking Native American funding and  
15 delivery for some time.

16 At the January meeting, we talked about  
17 getting some assistance from an outside consultant to  
18 help generate the data to update the report that we  
19 wanted to use as the support for making whatever  
20 determination LSC was going to make on any change in  
21 the funding.

22 We obtained the services of a consultant. We

1 got the data. NAILS and LSC agreed on what data we  
2 needed the consultant to obtain for us. We also agreed  
3 that NAILS would obtain some other data about what's  
4 happening on the ground in the programs.

5           And on February 20th, we all agreed what that  
6 data was, and were set. There was some understanding  
7 both -- at that time, when we were trying to get a  
8 recommendation to the board in April. But we got the  
9 information back from the consultant, and so we were  
10 prepared to do a recommendation today to the board.

11           LSC has been communicating with the chair of  
12 NAILS, and we had not gotten any information back in  
13 several months. This afternoon, immediately prior to  
14 this meeting, it was brought to my attention that there  
15 was some miscommunication within the organization, so  
16 that what --

17           CHAIRMAN SINGLETON: The NAILS organization?

18           MS. SARJEANT: -- within the NAILS  
19 organization so that the communications that LSC was  
20 having with the chair of that organization were not  
21 making their way to other representatives within the  
22 organization, so that they were not aware of the fact

1 that we had been requesting this information through  
2 the chair for the last several months.

3 We spoke about this right before this  
4 meeting, and we agreed that -- because our  
5 recommendation to the boards that we did not have the  
6 information after requesting it, and we have agreed,  
7 subject to the board's approval, that we will go  
8 forward with NAILS continuing to -- well, they will now  
9 pull together the information that we have been waiting  
10 for.

11 And we will not go forward with the  
12 recommendation today so that when we come back in  
13 October, the board will have a full report that is  
14 informed by the data that NAILS was going to provide to  
15 us. And, you know, we will see if that in any way  
16 affects our recommendation as it stands today. But we  
17 do not want the board to consider it at this point.

18 CHAIRMAN SINGLETON: Thank you. Colline?  
19 Steve? You want to introduce yourselves first of all?

20 MS. MEEK: Hi. Yes. My name is Colline  
21 Meek, and I am one of the steering committee members of  
22 NAILS. And what NAILS is is the National Association

1 of Indian Legal Services. And we're kind of a  
2 voluntary, kind of loose organization of the Indian  
3 legal services programs funded by Legal Services  
4 Corporation.

5           And I agree with everything Karen said. I've  
6 been a member of the steering committee since 2003, and  
7 really, it's just been, under this administration in  
8 the last couple years, that our requests have been  
9 taken seriously and funding has been provided for the  
10 needed legal surveys and things.

11           And we are just -- in February, we were asked  
12 to collect some further data that necessarily has to  
13 come from the programs. And we're kind of stuck there.

14           There's been some miscommunication amongst our  
15 steering committee members. And then there's some  
16 inherent problems in trying to cull out that data from  
17 25 different legal services programs.

18           So we are just here today because we're from  
19 Oklahoma -- you guys visited our state last year, which  
20 is when the funding for the statistical update was  
21 approved, and Legal Services has been very supportive  
22 on that -- but to request some further time. And we



1 commit our time and efforts to getting that information  
2 to you in time for the October board meeting.

3 CHAIRMAN SINGLETON: But then you'd have to  
4 come all the way to Philadelphia.

5 MS. MEEK: To Philadelphia.

6 CHAIRMAN SINGLETON: But you can get us the  
7 information by then, you believe?

8 MS. MEEK: Yes. We'll put our efforts into  
9 it and make that happen.

10 CHAIRMAN SINGLETON: All right. Well, I'm  
11 sure we would appreciate this because it has been  
12 pending for quite a while.

13 MS. MEEK: Everybody involved here has put  
14 forth a lot of effort to get to this point, and I  
15 really think we've made a lot of progress for each kind  
16 of -- you know, culling out that data from the  
17 different programs.

18 CHAIRMAN SINGLETON: All right. Then I think  
19 the appropriate thing would be for this committee to  
20 table this item and to ask that it be put on our  
21 October agenda. Does that sound appropriate to you,  
22 Karen?

1 MS. SARJEANT: Yes.

2 CHAIRMAN SINGLETON: I'll entertain a motion  
3 to table if the committee so desires.

4 M O T I O N

5 MR. FUENTES: So move.

6 CHAIRMAN SINGLETON: Moved by Mr. Fuentes.

7 Is there a --

8 MR. MCKAY: Second.

9 CHAIRMAN SINGLETON: Seconded by Mr. McKay.  
10 I don't think that's debatable. All in favor say aye.

11 (A chorus of ayes.)

12 CHAIRMAN SINGLETON: Opposed?

13 (No response.)

14 CHAIRMAN SINGLETON: The item No. 6 is  
15 tabled. Thank you very much.

16 MS. MEEK: Thank you very much.

17 MR. HAGOR: Thank you.

18 CHAIRMAN SINGLETON: We're up to public  
19 comment. Do we have any other public comment?

20 (No response.)

21 CHAIRMAN SINGLETON: Seeing no one charging  
22 the microphones, we will move on to other business. Is

1     there other business to come before the committee?

2                     (No response.)

3                     CHAIRMAN SINGLETON:  Again, seeing nothing,  
4     would someone like to move to adjourn this committee  
5     meeting?

6                                     M O T I O N

7                     MR. FUENTES:  Move to adjourn.

8                     MR. McKAY:  Second.

9                     CHAIRMAN SINGLETON:  Moved by Mr. Fuentes,  
10    seconded by Mr. McKay.  All in favor say aye.

11                     (A chorus of ayes.)

12                     CHAIRMAN SINGLETON:  Opposed?

13                     (No response.)

14                     CHAIRMAN SINGLETON:  The ops -- I mean, the  
15    Provision for the Delivery of Legal Services Committee  
16    is hereby adjourned.  Thank you all.

17                     (Whereupon, at 2:25 p.m., the committee was  
18    adjourned.)

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