

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

MEETING OF THE PROMOTION AND PROVISION  
FOR THE DELIVERY OF LEGAL SERVICES COMMITTEE

OPEN SESSION

Friday, January 20, 2012

10:52 a.m.

U.S. Grant Hotel  
Crystal Ballroom  
326 Broadway  
San Diego, California 92101

COMMITTEE MEMBERS PRESENT:

Laurie I. Mikva, Chairperson  
Sharon L. Browne  
Victor B. Maddox  
Father Pius Pietrzyk, O.P.  
Julie A. Reiskin  
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

Robert J. Grey Jr.  
Harry J.F. Korrell, III  
Martha L. Minow  
Charles N.W. Keckler  
Gloria Valencia-Weber

## STAFF AND PUBLIC PRESENT:

James J. Sandman, President  
Richard L. Sloane, Special Assistant to the President  
Kathleen McNamara, Executive Assistant to the President  
Mattie Cohan, Senior Assistant General Counsel,  
Office of Legal Affairs  
Katherine Ward, Executive Assistant, Office of Legal  
Affairs  
Jeffrey E. Schanz, Inspector General  
Laurie Tarantowicz, Assistant Inspector General and  
Legal Counsel, Office of the Inspector General  
Thomas Coogan, Assistant Inspector General for  
Investigations, Office of the Inspector General  
David Maddox, Assistant Inspector General for  
Management and Evaluation, Office of the  
Inspector General  
Stephen Barr, Communications Director, Office of  
Government Relations and Public Affairs  
Janet LaBella, Director, Office of Program Performance  
Glenn Rawdon, Program Counsel, Office of Program  
Performance  
Willie Abrams, Program Counsel, Office of Program  
Performance  
Peggy P. Lee, Senior Staff Attorney, Southeastern  
Ohio Legal Services  
Ed Marks, Executive Director, New Mexico Legal Aid  
Ilene J. Jacobs, Director of Litigation, Advocacy  
and Training, California Rural Legal Assistance  
Kathy D. Duncan, Director of Pro Bono, Rural Legal  
Assistance, Legal Aid of NorthWest Texas  
Neal Dudovitz, Executive Director, Neighborhood Legal  
Services of Los Angeles County  
Yvonne Maria Jimenez, Deputy Director, Neighborhood  
Legal Services of Los Angeles County  
José R. Padilla, Executive Director, California Rural  
Legal Assistance

Julia R. Wilson, Executive Director, OneJustice  
Mary Flynn, Office of Legal Services, State Bar of  
California  
Don Saunders, National Legal Aid and Defenders  
Association (NLADA)  
Justice Earl Johnson, Jr., American Bar Association  
(ABA) Standing Committee on Legal Aid and Indigent  
Defendants (SCLAID)  
Deanell R. Tacha, Dean, Pepperdine School of Law

## C O N T E N T S

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3. Panel Discussion on Rural Legal Services Delivery	5
Moderator -- Willie Abrams, Office of Program Performance	
4. Discussion of Committee members' self-evaluations for 2011 and the Committee's goals for 2012	Deferred
6. Public comment	---
7. Consider and act on other business	---
8. Consider and act on adjournment of meeting	(057)

Motions: 4, 5, 57

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

2 (10:52 a.m.)

3 CHAIRMAN MIKVA: I'm calling to order the  
4 Promotion and Provision for the Delivery of Legal  
5 Services Committee meeting. I would note that  
6 concomitant members Sharon Browne, Victor Maddox,  
7 Father Pius, Julie Reiskin, and John Levi, ex officio,  
8 are present.

9 First item is approval of the agenda, although  
10 I will note that No. 4, the self-evaluations, we're  
11 going to move to consider at a telephone conference  
12 meeting that will be scheduled, I think, for some time  
13 maybe perhaps when this is over, if not some time while  
14 we're here, to occur in February, where we will also  
15 discuss the agenda for the coming year for the  
16 committee.

17 So with that modification, could I have a  
18 motion for approval of the agenda?

19 M O T I O N

20 MR. MADDOX: So moved.

21 FATHER PIUS: Second.

22 CHAIRMAN MIKVA: All in favor?

1 (A chorus of ayes.)

2 CHAIRMAN MIKVA: And approval of the committee  
3 meeting minutes from October 18th?

4 M O T I O N

5 MS. BROWNE: I'll move that they be approved.

6 MS. MIKVA: Second.

7 CHAIRMAN MIKVA: All in favor?

8 (A chorus of ayes.)

9 CHAIRMAN MIKVA: And now we have this  
10 wonderful panel. And I'm going to use John's excuse  
11 that I can't see the nametags. But also, we have our  
12 wonderful own OPP, Willie Abrams, who will moderate and  
13 introduce his panel. Thank you.

14 MR. ABRAMS: Thank you. Good morning, Madam  
15 Chair, members of the committee, and members of the LSC  
16 Board. I'm Willie Abrams, program counsel in the LSC  
17 Office of Program Performance.

18 Joining me this morning on the panel to share  
19 some perspectives on rural delivery is Ed Marks, who is  
20 executive director of New Mexico Legal Aid; Ms. Peggy  
21 Lee, who is a senior staff attorney with Southeastern  
22 Ohio Legal Services; Ms. Kathy Duncan, who's director

1 of pro bono at Legal Aid of NorthWest Texas; and Ilene  
2 Jacobs, who's director of advocacy, litigation, and  
3 training with California Rural Legal Assistance.

4           The perspective we want to give is not that  
5 will be tailored particularly to California, but we  
6 hope that will be a reflection of a national  
7 perspective of rural delivery. But, having said that,  
8 you can't provide a national perspective on rural  
9 delivery without considering California. So we're very  
10 pleased to have Ilene Jacobs from California to be a  
11 part of the panel.

12           The Office of Program Performance has been  
13 coordinating and collaborating with rural advocates  
14 throughout the last 10 or 15 years, especially in light  
15 of the reconfiguration of service areas that occurred  
16 in the mid to late '90s. Rural advocates were very  
17 concerned that LSC remain very mindful that there  
18 needed to be a significant and strong presence in rural  
19 communities.

20           So we started a series of conversations that  
21 was launched with a conference in Nebraska, a city in  
22 Nebraska, in November 2002. We generated a report that

1 is available, and we can provide that to you later, on  
2 how rural advocates saw the need to remain forever  
3 vigilant, that rural communities have a significant  
4 presence of legal aid going forward. And we tried to  
5 do that.

6 At a number of national conferences, whether  
7 it was NLADA or the ABA, ABA Equal Justice Conference,  
8 we designed sessions involving the rural issue to  
9 promote that. So in a way, we see this as an  
10 opportunity to continue that kind of coordination in  
11 collaboration.

12 We all realize that, taking the current  
13 financial and economic situation, that relying on  
14 conferences probably is not going to be the best way to  
15 go forward. So we're going to be looking at trying to  
16 do a series of webinars and just plain telephone  
17 conferences with groups of rural advocates, talking  
18 about issues and sharing their experiences.

19 So leading us off this morning will be Ed  
20 Marks, who will address opportunities and challenges of  
21 delivering legal services from a substantive  
22 standpoint. Ed?

1           MR. MARKS: Thank you, Willie. And thank you  
2 for having us here this morning. It's an honor to be  
3 here.

4           As Willie said, since November of this past  
5 year, I've been executive director for New Mexico Legal  
6 Aid. And before that, I was 18 years with Legal Aid of  
7 Western Ohio, which has offices in Toledo and Dayton,  
8 but also a big swath of rural Ohio.

9           And New Mexico Legal Aid has 10 offices spread  
10 across the state. If you've traveled through New  
11 Mexico, you know the kind of wide geographic footprint  
12 we have to deal with there. It's about 400 miles from  
13 north to south, roughly, and about 350 miles east to  
14 west.

15           From the lawyers population, a big chunk,  
16 probably well in excess of 90 percent of the lawyers in  
17 New Mexico, are within a 50- or 60-mile circle around  
18 Albuquerque and Santa Fe. We have quite a challenge to  
19 serve all of the other communities in the state.

20           There are 35 attorneys in total for New Mexico  
21 Legal Aid, and we have a budget for this year of  
22 roughly \$5.6 million.

1           The total population in New Mexico is 2  
2 million people, and about one-third of those live in  
3 counties and communities that are defined as rural.  
4 There are only three cities of any significant size in  
5 New Mexico, and that's Santa Fe and Albuquerque and Las  
6 Cruces, down in the very southern end of the state.

7           Now, the three largest cities have grown 21  
8 percent since 1990, but the rural counties are losing  
9 significant amounts of population. Hidalgo County in  
10 the very southwest corner of New Mexico, where New  
11 Mexico and Arizona and Mexico come together, has lost  
12 17-1/2 percent of its population in that period of  
13 time.

14           In the New Mexico rural counties, we've seen  
15 some of the highest measured poverty rates anywhere in  
16 the country. There are many counties in New Mexico  
17 where the poverty rate is 21 percent or higher. It's  
18 some of the highest in the nation.

19           New Mexico has the dubious distinction of  
20 being either the second from the bottom for the poverty  
21 rate measurements in the country, just above  
22 Mississippi, or the third from the bottom,, depending

1 on which study you look at. But either way, we have  
2 quite a challenge.

3           The rural population in New Mexico is also  
4 very diverse, not only Hispanic and Anglo, but a wide  
5 variety of tribal populations. We have 19 pueblo  
6 village tribes to serve through our program, with 19  
7 distinct language groups in addition to having to  
8 maintain capacity for bilingual Spanish and English  
9 staff.

10           As with many rural programs, one of our  
11 challenges is that we have some offices that are very,  
12 very small. We have two offices now which,  
13 regrettably, only have one attorney based in each of  
14 those offices due to recent budget cuts at both the  
15 state and federal level.

16           We're trying to come up with ways -- and I'll  
17 talk briefly this morning about what that we're trying  
18 to approach this challenge so that in the past, if  
19 someone had asked one of those attorneys, "How many  
20 attorneys work for your office?", the answer would be,  
21 "One."

22           But now we want the answer to be, "35,"

1 because we're trying to come up with ways to tie the  
2 resources of the entire organization together. Even if  
3 we don't have helicopters to fly people around, we can  
4 still use technology -- computer links,  
5 videoconferencing, other methods -- so that attorneys  
6 with special expertise in one part of the state can  
7 assist, and co-counsel can serve clients in the rural  
8 communities, including urban-based pro bono attorneys.  
9 And you'll hear more about that in a moment.

10 But as any of you who have done legal aid work  
11 know, one complex case can easily take 500 or more  
12 attorney hours. And if you've got a one-attorney  
13 office, that's a big deterrent to serving that client  
14 in the rural community, even if that client may have  
15 the best facts, the best legal position on their side  
16 to solve a problem that would affect many people across  
17 the state.

18 Unless we can find these methods to tie all  
19 these offices together so that the rural counties  
20 believe that they have the same capacity as the urban  
21 parts of the program, then there's going to be some  
22 natural incentive to not take those kinds of cases.

1           We also have increasing awareness of the  
2 multicultural context that we have to operate in in  
3 many of our counties. And by saying multicultural  
4 context, that goes well beyond the language issues.  
5 There are many communities, many ethnic backgrounds,  
6 where we have to be very aware of how people perceive  
7 the legal system to begin with.

8           The Navajo Nation, for example, which is  
9 mostly in Arizona but spills into the northwest corner  
10 of New Mexico, is going through -- their tribal court  
11 system is going through what they call a harmonization  
12 project, trying to look at aspects of dispute  
13 resolution that maybe are not in the mainstream of  
14 Western court systems, but still are very effective for  
15 the people who would come to court trying to get their  
16 problems solved.

17           When we are thinking about these issues, it's  
18 a very big challenge in rural areas to recruit and  
19 maintain the type of staff who have these cultural  
20 sensitivities and backgrounds so that we can provide  
21 the same kind of culturally sensitive advocacy in rural  
22 communities as we do in the urban centers.

1           The technology doesn't solve everything, but  
2   it's been a big, assisting tool for how we're  
3   approaching these issues. We have all of our offices  
4   now connected by webcams, which these days the systems  
5   are pretty good and they're fairly inexpensive.

6           It's not as good as being in the same room,  
7   but we use it not just to connect the attorneys  
8   together or the managers together, but we can  
9   place -- if a client walks into our small office in  
10   Silver City, New Mexico and needs expertise from an  
11   attorney who's based in Santa Fe, they can use these  
12   webcam connected to talk to each other and try to get  
13   some information and help to that client as quickly as  
14   possible.

15           We're also trying to improve our capacity for  
16   document assembly and regional brief banks that are  
17   easily searchable and accessible so that an attorney in  
18   a small office feels like they can take advantage of  
19   their colleagues in the larger office for research and  
20   back up that they wouldn't have to replicate.

21           We are launching a SharePoint site, which as  
22   many of you know -- have seen that kind of system, it's

1 like an internal website where people can not only  
2 trade broad information, but you can set up  
3 password-secure sites for an individual case. So if we  
4 have a case that a rural office needs to staff, then we  
5 could assemble a team that also includes urban-based  
6 staff from our problem or urban-based pro bono partners  
7 from law firms in Albuquerque or Santa Fe.

8           We have to be very conscious and keep thinking  
9 about ways that these systems play out in rural areas  
10 for mobile bandwidth because it's still a challenge in  
11 many parts of our state to find that kind of  
12 connectivity. If you walk into the Verizon store a few  
13 blocks from here, you'll see a map on their wall, where  
14 all the places where they have cell signal are red and  
15 the places where they don't are white.

16           Well, there's a big chunk of white in New  
17 Mexico where you can't get any cell signal at all. And  
18 we have to think how that play out for our staff as  
19 well as for our clients. Without that kind of  
20 connectivity, some of our clients may have to drive an  
21 hour and a half each way just to meet with the attorney  
22 for 30 minutes.

1           We are trying to improve our data mining  
2 capacity so that we're not just asking our community  
3 partners in the rural communities what they need from  
4 us, but we're looking at aggregate patterns to see  
5 trends and issues emerge that we can respond to before  
6 they become a larger issue.

7           An example would be if there is a particular  
8 landlord that owns apartment buildings in multiple  
9 rural communities, and they're doing the same  
10 thing -- apparently the microphone keeps -- a  
11 technology malfunction rears its head here.

12           (Laughter.)

13           MR. MARKS: But so that we can use the data  
14 mining to automatically alert us if a particular player  
15 in our rural communities is doing something that we  
16 might not see quickly one case at a time. But when you  
17 aggregate the data, the patterns emerge quickly.

18           For states such as our that have large rural  
19 components, I can't emphasize enough how important it  
20 is to look at the intake system that the program uses  
21 and make sure that a rural client has an equal chance  
22 of getting the program's attention as someone who lives

1 across the street from the largest urban office.

2           We have to look at it from a perspective that  
3 it's not just a system that should alert us to what's  
4 going on for clients who contact us directly, but for  
5 any other partners or providers or pro bono programs in  
6 the state so we can tie it all together and have the  
7 early warning system to know that our best response for  
8 using the resources we have is very much focused on the  
9 merits of the case and what the issue are.

10           And we try to diminish as much as possible the  
11 client's zip code and the happenstance of where they  
12 happen to be from. We don't want a client with a  
13 meritorious case getting turned away in the southern  
14 part of the state while we're taking a case of lesser  
15 merit in Santa Fe or Albuquerque.

16           Some of the other solutions that are a big  
17 help in this situation that we're facing is to have our  
18 managers and our senior staff understand that they need  
19 to work together as a statewide team to mentor  
20 co-counsel and supervise statewide, not just locally in  
21 their own office, but to be able to have their  
22 expertise available to attorneys even in our

1 one-attorney offices, and not just supervise and  
2 co-counsel and mentor with the people they happen to be  
3 able to physically see up and down the hall each day.

4           We're also reaching out to our private bar pro  
5 bono partners in the same way. There's one example  
6 that I wanted to mention from my former program in Ohio  
7 where we had an attorney from a large attorney in  
8 Columbus helping some of our rural advocates with some  
9 very complex electronic discovery issues. Otherwise,  
10 those offices would have probably been overwhelmed  
11 trying to navigate the thicket of what they had to go  
12 to get a lot of evidence that was contained only in  
13 emails.

14           But we very much are interested in building  
15 partnerships with urban law schools, with urban pro  
16 bono firms, so that if there's an issue that they're  
17 interested in, they can work with us to deliver that  
18 service using technology as much as possible in the  
19 small, rural communities.

20           We also want to use the same sort of  
21 technology solutions to make the rural offices more  
22 visible. We don't want the clients to have to guess

1 what it is that we can do for them and where they have  
2 to go to find us.

3           The internet is one piece of that; I'm amazed  
4 at the number of clients who have internet on their  
5 mobile phones now. But we also need to be stronger  
6 about making partnerships with faith-based  
7 organizations in rural communities, with social service  
8 organizations in rural communities, with private bar  
9 partners in rural communities, so that people have a  
10 better understanding of even though our numbers are  
11 small, we are intending to provide big-city solutions,  
12 even if the problem is in a small town with less than a  
13 thousand people.

14           So my time is running out this morning. I'll  
15 end it there. You'll hear how a lot of these things  
16 play out in more detail from the next presentations.  
17 But we are very determined and optimistic, even in the  
18 challenged funding resource environment we have, that  
19 we don't want anyone to feel like a rural community is  
20 going to get the leftovers from our system, or the  
21 rural community is going to get some level of response  
22 that's lesser than what someone would get in

1 Albuquerque or Santa Fe.

2 MR. ABRAMS: Thanks, Ed. Next we'll hear from  
3 Ilene Jacobs, who will describe some of the housing  
4 work they're doing here in California.

5 MS. JACOBS: Thank you, Willie, and thank you  
6 for giving me the opportunity to be here. I'm going to  
7 talk a little bit about our work in the housing area,  
8 and a little bit about the needs for additional  
9 resources in the rural areas for people with desperate  
10 housing and community resource needs.

11 I've been engaged in housing and civil rights  
12 advocacy since I was a student in Boston in the  
13 mid-'70s, studying segregated public housing and  
14 spending a school semester with the then-Boston Legal  
15 Assistance Project, representing tenants against  
16 slumlords.

17 I continued in what might be called law  
18 enforcement to try to remedy substandard housing  
19 conditions, to stop the closure of men's shelters, and  
20 to protect and preserve the rights of low income  
21 tenants in the District of Columbia and Baltimore,  
22 Maryland until coming to California in 1986, where I

1 started in the Marysville office of California Rural  
2 Legal Assistance and where I continue to practice.

3 I came to California immediately following one  
4 of the worst flood disasters in Northern California,  
5 and that started my California career, obtaining flood  
6 assistance for displaced tenants and creating a local  
7 family shelter.

8 I've sought to protect the fundamental rights  
9 to decent, affordable housing, fair housing, and to  
10 preserve the civil rights of our clients in rural  
11 California since that time as a staff attorney with  
12 CRLA, the directing attorney of our Marysville office,  
13 and now a statewide director of litigation, advocacy,  
14 and training.

15 I tell you this for several reasons:

16 One, because I think it gives me a unique  
17 perspective on housing and community needs in rural  
18 California;

19 Two, because I believe it gives me the  
20 authority to tell you that the housing and community  
21 issues confronting California Rural Legal Assistance  
22 clients are now dire, they are worsening, and they are

1 in need of an infusion of increased legal services  
2 representation in rural areas, but just by increased  
3 pro bono law firm representation;

4           Three, because it allows me to identify a need  
5 for rural research and policy development to address  
6 issues ranging from, one, the deleterious impact on  
7 physical health and emotional well-being of living in  
8 unhealthy, unsafe housing, and in communities that lack  
9 basic municipal services; two, to the impact of  
10 cutbacks to already scant federal and state programs  
11 that benefit rural areas; and finally, because it  
12 enables me to emphasize that increased legal services  
13 delivery in rural areas is essential to adequately  
14 address what I call a housing and infrastructure crisis  
15 of dramatic proportion in California and, I suspect,  
16 across the country.

17           Decent, safe, sanitary housing and equal  
18 municipal services -- and by that, I mean basic  
19 fundamental services like clean water, functioning  
20 sewers, functioning septic systems, street lights, and  
21 police protection for all economic segments of society,  
22 not dependent on one's race, one's national origin, or

1 disability -- are a measure of both the civility and  
2 the public health of our society, and they are a  
3 measure of individual dignity, health, and safety for  
4 our legal services clients.

5 CRLA advocates work hard to protect these  
6 fundamental rights by challenging the conduct of those  
7 who violate the law with impunity, forcing our clients  
8 to suffer the ill-effects of dilapidated housing; lack  
9 of heat; arsenic in their water supply; overflowing raw  
10 sewage; broken windows; malfunctioning plumbing;  
11 dangerous electrical systems; as I said, lack of  
12 streetlights; poor road drainage; and flooding.

13 We work with other legal services programs,  
14 with private and civil rights law firms, with law  
15 schools. We work with demographic and health and  
16 safety experts, researchers, and authors in order to  
17 mount challenges on behalf of our clients.

18 We pursue, negotiate, and litigate housing and  
19 civil rights claims. We conduct empirical research,  
20 anecdotal research, through our Rural Justice Forum  
21 series in order to substantiate the need for decent  
22 housing and equitable services in our rural

1 communities.

2           We feel that our work is hand in glove with  
3 the philosophy underlying LSC performance measures such  
4 as effectiveness in identifying the most pressing civil  
5 legal needs of low income people and targeting our  
6 resources to meet those needs; and such as  
7 effectiveness in legal representation and program  
8 activities intended to benefit the rural low income  
9 population.

10           You will find examples of these conditions,  
11 cases, and our collaborative research projects and  
12 publications in the briefing book that we've supplied  
13 to staff for you. And I apologize to Willie because  
14 we've brought 10 copies that he'll now have to carry  
15 back with him for you.

16           But this briefing book was put together by  
17 José Padilla, our executive director, and me for the  
18 committee, and it contains a number of very interesting  
19 publications and articles.

20           We have provided information on our two  
21 forums. We have it here, but we understood that the  
22 committee didn't want it distributed at this time. So

1 we have the briefing book available.

2 CHAIRMAN LEVI: Why not?

3 MS. REISKIN: We'll take them.

4 MS. JACOBS: Okay. We have them.

5 CHAIRMAN LEVI: They'll just go in the FedEx  
6 box. Those who wish to read them on the plane will  
7 read them on the plane, and the others will have them  
8 sent to them.

9 MS. JACOBS: Well, I promise they make good  
10 reading.

11 CHAIRMAN LEVI: We were all looking puzzled  
12 here. That was not a decision made up here.

13 MS. JACOBS: All right. Well, thank you, and  
14 we have them and we will distribute them. And, as I  
15 said, I think you will find them very interesting  
16 reading.

17 CHAIRMAN LEVI: But there are 11 board  
18 members, so you're one short.

19 MS. JACOBS: All right. I'll give up mine.

20 (Laughter.)

21 MS. JACOBS: You will find in the briefing  
22 book information on two forums that we sponsored, on

1 farmworker housing and health disparities; a paper that  
2 was produced, reviewed, and published by California  
3 Rural Legal Assistance and nationally known and  
4 recognized experts called, "Unsafe at Home." You will  
5 also find articles and case examples related to the  
6 issues that I have identified and will address in a  
7 moment.

8           We've provided copies of scholarly and press  
9 articles referring to our work on the exclusion of  
10 small town America from decent housing and fundamental  
11 municipal services; a copy of a framing paper from a  
12 conference with PolicyLink on underserved,  
13 unincorporated communities in rural California; and a  
14 paper we commissioned on changing definitions of  
15 rurality, a tough word, that highlights a number of  
16 issues, including issues related to the changing  
17 definitions of rural that are imminent and will, we  
18 think, adversely effect rural legal services clients  
19 not only in California, but again, throughout the  
20 country because the definition of rural is shrinking,  
21 but the needs of clients in rural areas is enlarging.

22           I elected to highlight today some of our

1 advocacy to improve, preserve, and protect mobile home  
2 parks because they are often the last remaining  
3 affordable housing for our lowest income clients, and  
4 one of the few opportunities remaining for home  
5 ownership for our lowest income clients.

6           They are often poorly maintained and managed;  
7 making matters worse, they're often targeted for  
8 over-zealous code enforcement, for closure rather than  
9 repaid, or they're threatened with conversion to  
10 another use with no alternative housing planned.

11           This results in harm and displacement to the  
12 most vulnerable populations -- the elderly, the  
13 disabled, extremely low income, farmworkers, low wage  
14 workers, racial and ethnic minorities, people who, in  
15 rural communities, simply cannot find decent,  
16 affordable, safe housing elsewhere because they are in  
17 already underserved rural areas.

18           I'll give you a few examples covered in the  
19 briefing book demonstrating the variety of issues  
20 confronting rural legal services clients and our  
21 approaches to advocacy.

22           One is Hernandez v. Riverside County. I've

1 never talked about these cases in two minutes, Willie,  
2 but I'll try. CRLA filed 30 administrative complaints  
3 with HUD alleging violations of Title 8 and Title 6.  
4 They were threatened with displacement for parks slated  
5 for closure. All low wage workers were threatened with  
6 displacement. Only Hispanic mobile home park owners  
7 were targeted with this code enforcement.

8 HUD assisted us to negotiate an enforcement  
9 agreement which resulted in a \$21 million settlement  
10 with Riverside County over 10 years, replacing all of  
11 the mobile homes, developing several decent, affordable  
12 mobile home parks, a community center, a clinic, and  
13 required future compliance with law.

14 *Becerra v. Hernandez* is a case where code  
15 enforcement completely failed and tenants were left  
16 without electricity for cooking, refrigeration, and  
17 cooling in desert heat, and lived with sewage  
18 overflows.

19 We obtained an injunction, and recently  
20 obtained an order of receivership, with the receiver  
21 collecting rents, making repairs, and maintaining the  
22 property. The court found that the conditions

1 threatened the health and safety not only of the  
2 residents, but endangered the public.

3           This is an example of the advocacy that we do  
4 with respect to one small mobile home park. And you  
5 can imagine the resources that are needed to address  
6 all of the mobile home parks in which our clients live  
7 in rural California.

8           In another mobile home park, Sunbird Mobile  
9 Home Park, we filed a complaint with the Public  
10 Utilities Commission because the water was poisoned  
11 with arsenic and the mobile home park owners were  
12 overcharging for it. The Public Utilities Commission  
13 issued remedies that not only addressed the water  
14 supply, but lowered the rates for the residents.

15           Another case against Ranch Mobile Home Park is  
16 on behalf of elderly and disabled residents who are on  
17 fixed incomes and now threatened with rent increase  
18 that was implemented by a rent control board and city  
19 council that is likely to result in their displacement,  
20 even though there was a conditional use permit that  
21 required the housing to be for low income and seniors.

22           We have filed a writ. We are co-counseling

1 with two pro bono law firms in the Los Angeles area who  
2 are very concerned about the displacement of the  
3 families and the loss of mobile home parks for the  
4 elderly and disabled in the area. We're also working  
5 with another legal services program, one LSC-funded and  
6 another not LSC-funded, in that case.

7           Finally, a case in which we have alleged  
8 housing discrimination in a federal court challenge to  
9 the closure of a mobile home park. The owner seeks to  
10 convert it to high end condominiums, notwithstanding  
11 that state law governs closure and change of use of  
12 mobile home parks and the client government has  
13 informed the owner that the proposed use does not  
14 conform to local ordinances as well.

15           The families there have lived there for many  
16 years, raised their children there, go to the local  
17 schools, belong to the church. The families are  
18 supported by the community, who have issued a  
19 resolution opposing the closure of the mobile home  
20 park, yet the owner persists in transferring the use of  
21 this park to an upscale use some time in the future.  
22 We are co-counseling in this case with a premier civil

1 rights firm concerned about the impact of park closure  
2 on low income minorities.

3           These cases demonstrate a trend in rural  
4 California and the need for resources to protect the  
5 rights of low income rural Californians, to preserve a  
6 supply of decent, affordable housing and to provide  
7 sufficient infrastructure in support of that housing  
8 and those communities.

9           I was going to say that I would be glad to  
10 take questions, but I think I'm not supposed to say  
11 that any more.

12           MR. ABRAMS: Hopefully we'll have a few  
13 minutes. So thanks, Ilene.

14           Next we'll have Kathy Duncan from Texas give  
15 us a perspective on how placebo plans out in a rural  
16 setting.

17           MS. DUNCAN: First of all, thank you very much  
18 for the opportunity to talk about our pro bono program  
19 at Legal Aid of NorthWest Texas. It's interesting  
20 because yesterday, the 19th of January, we celebrated  
21 60 years of legal aid in Legal Aid of NorthWest Texas.

22           To just give you a bird's eye view of our

1 program, this is a map, and I have the handouts in the  
2 back of the room. This is a map of our legal services  
3 program. We cover 107,000 square miles, and that is  
4 larger -- our geographic area is larger than the state  
5 of Colorado, which is 104,000 square miles.

6 Our program covers 114 counties. We have 11  
7 counties with no attorneys, 43 counties with 1 to 5  
8 attorneys, 16 counties with 6 to 10 attorneys, 12  
9 counties with 10 to 20 attorneys, and 32 counties with  
10 more than 20 attorneys to participate in our program.

11 Legal Aid of NorthWest Texas is the fifth  
12 largest legal aid program in the United States. We  
13 have 15 branch offices, and in each branch office there  
14 is a pro bono coordinator, and our pro bono  
15 coordinators are paralegals. That's with the exception  
16 of the Dallas Bar Association Dallas volunteer attorney  
17 program, which is managed by an attorney.

18 We have 46 bar associations in our service  
19 area. Five of those bar associations are in the Dallas  
20 area, which is our urban area, and 41 rural bar  
21 associations. And each of the bar associations in our  
22 service areas, they do some type of pro bono support to

1 our PAI program.

2           According to the state bar, Texas membership  
3 status as of January of 2012, there are 28,016  
4 attorneys in our service area. Of that number, 5,634  
5 attorneys are retirees, attorneys over 70, or are  
6 inactive members.

7           Non-exempt attorneys are active attorneys in  
8 our service area, and there are 22,382 attorneys that  
9 we can recruit to do some type of pro bono work with  
10 our program.

11           We have 8,297 attorneys that are enrolled to  
12 participate, and of that number, we have 2,166 who  
13 participated in our program by staffing our legal  
14 clinics, accepting pro bono cases, serving on our pro  
15 bono advisory boards, acting as presenters at our  
16 substantive law seminars, and conducting outreach  
17 activities that are considered as Know Your Rights  
18 workshops for the client community.

19           The 2,166 attorneys represent 26 percent of  
20 attorneys that are eligible to participate in our  
21 program do some type of pro bono work. Due to the  
22 limited resources in our rural areas compared to the

1 urban area, we developed pro bono advisory boards, and  
2 the pro bono advisory boards were created to recruit  
3 key stakeholders who can help us mold and shape the pro  
4 bono effort by using the local resources. Our pro bono  
5 advisory boards also act as a resource team to promote  
6 the need of pro bono services to increase client  
7 services in our rural areas.

8 Our pro bono advisory boards also create a  
9 collaborative partnership effort to donate in-kind  
10 donations, to help us finance our pro bono activities  
11 that we have on the local level.

12 Lastly, our pro bono advisory boards serve as  
13 a vital link to the client community and to the  
14 community resources. So we will have an ongoing  
15 dialogue of the type of legal services that is needed  
16 by our client population.

17 As you can see -- and again, it's in our  
18 packet of information -- our pro bono advisory boards  
19 consist of just every profession that is in our rural  
20 areas. Again, these professionals and the client  
21 community help us to mold our pro bono programs that is  
22 reflected in our particular rural communities.

1           Recruiting key stakeholders: It helps us to  
2 produce buy-in on the local level, which is very  
3 important. Plus it helps to demonstrate ownership of  
4 the local problem program. And by that, you get more  
5 people involved into the effort of doing pro bono work  
6 and to reach our client communities.

7           For an example, in the Amarillo service area,  
8 the pro bono advisory board helps to organize  
9 fundraising activities. They also help to provide  
10 outreach information about the legal services program  
11 and our pro bono effort.

12           In the McKinney program, they have special  
13 veterans clinics that is held in all of their 10  
14 counties. They also are working with the corporate  
15 counsel. McKinney has a lot of corporate lawyers in  
16 that particular service area, so there's an effort to  
17 involve them into the pro bono arena.

18           In the Midland branch office, the pro bono  
19 advisory board, they help to train the residents as  
20 well as the local social service providers to talk  
21 about and to open up a dialogue about the need to do  
22 pro bono.

1           In the Plainview office, they have 31 active  
2 state bar attorneys, and of the 31, they have 14 active  
3 attorneys that take cases through the program. And the  
4 very interesting thing about that is the fact that part  
5 of their pro bono committee is the CEO of an oil  
6 company. And that CEO contributes \$2,000 each year in  
7 order to have activities in the area as well as have  
8 the pro bono awards events.

9           Also, with the Plainview office, they  
10 recruited the local supervisor of Wal-Mart, which is a  
11 business. And the Wal-Mart company provides in-kind  
12 donations. We recently, last year, had a tailgate  
13 clinic, and Wal-Mart, they gave us the food necessary  
14 for the attorneys and the clients who made application  
15 through that program.

16           In the San Angelo office, the pro bono  
17 advisory board there took it upon themselves to take a  
18 list of all the eligible attorneys that was eligible to  
19 participate as a volunteer attorney, and as a result,  
20 they recruited 17 new attorneys to take pro bono cases  
21 through the program.

22           The pro bono advisory board also assists with

1 a project that we had a few months ago. That project  
2 was a Dial-A-Lawyer Clinic that was held. It was an  
3 all-day clinic, and the clients could call in. They  
4 were pre-screened, and they received advice from the  
5 private attorneys over the telephone.

6 As far as case referrals, we have a project  
7 that we call Project VCR, and that's a virtual case  
8 referral where all the cases are placed on the  
9 internet, and as a result, the attorneys can pick and  
10 choose the type of cases they want to accept pro bono.

11 By involving key stakeholders on the local  
12 level, it creates a continuous form for input and  
13 feedback which promotes private attorney involvement in  
14 civil legal services.

15 Lastly, I also in the packet of information  
16 have a copy of our 2012 work plan that was adopted by  
17 our board of directors on December 3, 2011, which goes  
18 more in-depth in the type of pro bono programs that we  
19 have in our rural areas, as well as what the bar  
20 associations are doing to promote pro bono, as well as  
21 law firms and the local law schools that are involved  
22 in our area.

1 MR. ABRAMS: Thanks, Kathy.

2 Next we'll have Peggy Lee, who's a senior  
3 staff attorney at Southeastern Ohio Legal Services,  
4 who'll talk about some of her foreclosure defense work  
5 and anti-scam work in probably what is Ohio's most  
6 rural region. Peggy? Thank you. Go ahead and talk  
7 about it. Just go ahead and mention what you have.

8 MS. LEE: What I have here to present to the  
9 Board is a copy of the Ohio Lawyer magazine. I'm going  
10 to be referring to one of the clients who's actually  
11 pictured here so you can have a face to put to the  
12 name. And we'll talk about in the context of the  
13 foreclosure defense work that SOLS has been involved  
14 with.

15 Well, thank you to the Board and to the  
16 committee for allowing me to address you today. I'm  
17 going to give you a case handler's perspective.  
18 Basically, SOLS, or Southeastern Ohio Legal Services,  
19 is the direct client services arm of Ohio State Legal  
20 Services, which is the grantee from LSC.

21 We have nine field offices throughout what is  
22 considered Appalachian Ohio. We serve 30 counties

1 throughout Appalachian Ohio in our service area.  
2 Because of that Appalachian status, we have specific  
3 rural problems that have been mentioned before. But we  
4 also have the Appalachian twist, which adds additional  
5 barriers that we have to work with.

6           General rural issues, some of which you've  
7 already heard today, include the distance to clients;  
8 lack of public transportation of any type; lack of  
9 sufficient internet and/or cell and/or land line  
10 availability -- some folks don't even have the basic  
11 telephone as we know it today to try to bridge the  
12 distance.

13           We also have, and this is probably unique to  
14 Appalachian Ohio, a lack of community resources which  
15 is even more dire now because of the economic crisis.  
16 But Appalachian Ohio never saw the boom that was in  
17 prior decades as well. So we're getting even worse  
18 than the low threshold than we were at before,  
19 unfortunately. We also have a very dire lack of pro  
20 bono availability, which I believe some of my  
21 colleagues have already addressed, and that is a huge  
22 problem.

1           The other unique -- well, additionally we have  
2 a lack of cohesion from county to county. Each county  
3 sort of serves as its own little fiefdom. And so we  
4 can't utilize a template approach to our different  
5 counties. We have to adjust ourselves to the  
6 particular whims and mercies of the local judges. And  
7 you may have one judge for a particular court.

8           The reliance upon state and federal funding,  
9 that is in short supply because of the current economic  
10 situation. To put it into perspective as to what we  
11 see in my office in Athens -- and I should have  
12 mentioned that earlier; I'm in our Athens, Ohio  
13 office -- one of the big problems is with the cuts that  
14 we've experienced, our Athens office has had a loss of  
15 staff and a redirection of priorities and case  
16 acceptance.

17           For example, we in Athens are not able to  
18 provide representation to applicants needing assistance  
19 with custody or divorce issues unless there are  
20 domestic violence issues involved. So we've had to  
21 turn a lot of family cases down because of the lack of  
22 sufficient funding. We've also had to narrowly sharpen

1 other areas that are crucial for our clients in having  
2 some basic dignity in their lives.

3           Now, I'm going to mention the unique  
4 Appalachian Ohio obstacles. There's a very big  
5 distrust of outsiders. So you can imagine somebody  
6 like me, who's been with SOLS since 1996, and despite  
7 that, I still have people who wonder if I speak  
8 English, for example.

9           But what you'll find is that once you have  
10 been accepted or you've been proven to be a help rather  
11 than a hindrance, then they latch onto you. But  
12 unfortunately, there is a big distrust of outsiders.

13           The other thing that we have to overcome is a  
14 lack of diversity in the population. And there's a  
15 long integration period, so we have to work constantly  
16 and persistently in order to make ourselves accepted  
17 and be a source of help and trust for our communities.

18           The lack of diversity also makes it difficult  
19 for us to recruit top candidates, not only to come to  
20 Ohio, to Southeastern Ohio, but also to stay in  
21 southeastern Ohio.

22           The other side of being in Appalachian Ohio is

1 the distance to urban areas. We're about an hour and a  
2 half from Columbus, which is probably our nearest urban  
3 area in Ohio. And in cases, like our Portsmouth  
4 office, it can be more than two hours from Columbus.

5 Because of that, it makes partnering with  
6 urban law firms, for example, very difficult. And  
7 because of that, pro bono, again, is very difficult to  
8 achieve.

9 What I would like to talk about is despite the  
10 fact that we have these obstacles, we do have some  
11 successes, one of which is something that Ed Marks'  
12 former program is part of still as well, and that's  
13 called "Save the Dream Ohio."

14 It was a statewide initiative created in 2008  
15 to address the foreclosure crisis in Ohio. It resulted  
16 from the governor, then Strickland's, task force who  
17 was looking into the foreclosure crisis as it was  
18 coming into Ohio and presenting itself.

19 Basically, it was a multi-agency approach  
20 which allowed all of us in Ohio legal services to come  
21 together and develop wide-ranging systemic approaches  
22 in the courts and in the non-court arenas such as

1 housing counseling, something that SOLS attorneys had  
2 never had before.

3           One of the great accomplishments that I  
4 particularly am proud of is we as a community of legal  
5 services offices throughout Ohio came together to write  
6 amicus briefs to the Ohio Supreme Court on the case  
7 U.S. Bank v. Duvall. And we had several attorneys from  
8 different programs contributing ideas and writing to  
9 the project that allowed us to submit something of, I  
10 think, importance as far as the foreclosure crisis is  
11 concerned.

12           We were provided unprecedented access to  
13 agencies that were not already partners with legal aid.

14 "Save the Dream Ohio" allowed us a lot of access to  
15 the Attorney General's office. Some of you may  
16 recognize the name Richard Cordray. We were able to  
17 work with his office when he was Attorney General.  
18 He's now the head of the CFPB.

19           We were able to work with other partners such  
20 as the Department of Development, Ohio Housing Finance  
21 Agency, Ohio Supreme Court Conflict Resolution Office,  
22 and so forth.

1           In our rural service areas, we are hindered by  
2 a lack of mediation services for foreclosure cases  
3 compared to the urban areas. And we also again have  
4 the lack of pro bono foreclosure assistance, which  
5 makes us the main law firm for Southeastern Ohio to  
6 help people save their home from foreclosure. Given  
7 all the unfortunate issues that have arisen in the  
8 foreclosure crisis such as robo-signing, we have become  
9 the local experts for homeowners trying to save their  
10 homes.

11           I mentioned earlier we have the Ohio Lawyer  
12 magazine. On page 16, when you receive your copy of  
13 the magazine, you will find a picture of Betty Bright.

14       And the reason we're bringing up this case is because  
15 it's an example of how we as part of "Save the Dream  
16 Ohio" were able to help her save her home.

17           Essentially, this is a case where it was a  
18 USDA direct loan. USDA had filed for foreclosure. The  
19 client, Ms. Bright, had indicated that she had made all  
20 her payments, but perhaps one payment got lost.

21           When Mr. Gordon, our attorney in our Lancaster  
22 office, tried to file an appeal of the notice of

1 acceleration that was issued to her, it came back.  
2 Why? Because the address on the notice did not have  
3 the right zip code. So basically, Mr. Gordon's attempt  
4 to appeal the acceleration notice in a timely manner  
5 came back, it didn't go through, and it was then  
6 declared untimely.

7           So because of the what we felt was a travesty  
8 that occurred as a result of their incorrect mailing  
9 address, we eventually -- because Chuck was the local  
10 attorney in Lancaster, he then contacted me as well as  
11 some other colleagues and I, as one of two foreclosure  
12 specialists for the whole program, got involved. We  
13 eventually got into discussions with the default  
14 servicing arm of the United States Department of  
15 Agriculture.

16           As a result of discussions over this matter  
17 with the counsel and with the head of the default  
18 servicing arm, we got them to admit that they had put  
19 the incorrect mailing address on their acceleration  
20 notices, therefore creating a due process violation.  
21 We were also able to get them to review pending  
22 foreclosures that were in the process in the Eastern

1 Region, which is where Ohio is part of. This was 22  
2 states' worth of information in the database.

3 And as a result, the USDA identified 1327  
4 borrowers who had been similarly given defective  
5 notices, and a range of remedies were then implemented  
6 to try to address that issue, including stopped active  
7 foreclosures in 340 cases.

8 We then worked with the USDA to not only  
9 revise their notices, obviously, to reflect the correct  
10 address, but also to simplify their required  
11 pre-foreclosure notices under the USDA direct program.

12 The other specific case I'd like to mention to  
13 you involves also Ed's former program, ABLE, Advocates  
14 for Basic Legal Equality. We're a sub-grantee of ABLE  
15 in a HUD project that is funding us to do rescue scam  
16 work.

17 Unfortunately -- and I'm sure my colleague  
18 from California is well aware of the major scammers who  
19 are trying to take advantage of people at their most  
20 vulnerable, trying to save their home and essentially  
21 taking their money and doing nothing.

22 ABLE had been awarded some grant money from

1 HUD to investigate and litigate, where warranted,  
2 foreclosure rescue scam cases. We are the rural  
3 component of that grant work. One of the recent  
4 successes, we had a client in our Zanesville office,  
5 and this client had paid a rescue scam outfit I want to  
6 say maybe just under \$2,000.

7 And essentially what we were to do is the FTC  
8 had already prosecuted the specific scam company in  
9 question. But because we had had some seminars and  
10 some meetings with the FTC, I was able to contact that  
11 specific Cleveland office, and they got into contact  
12 with the local Southern office that was directly  
13 involved with prosecuting the rescue scam company.

14 As a result, we were told that our client will  
15 get nearly a thousand dollars in settlement money  
16 because of the scam that was done upon her.

17 So basically, to sum it all up, we do what we  
18 can in Appalachian Ohio with what we have. But because  
19 of the cuts, it's making it more difficult for us to  
20 try to continue helping as many people as possible.  
21 But despite that, we do have some successes. So thank  
22 you.

1 MR. ABRAMS: Thanks, Peggy.

2 Madam Chair, I have 11:45. Is there time for  
3 questions? Five minutes for questions? Thank you.

4 PROFESSOR VALENCIA-WEBER: Thank you for your  
5 presentation. And I'd like to ask you what happens in  
6 rural areas when you have those natural  
7 disasters -- the floods, the tornadoes, plus fires?  
8 And I know that you have them in your areas.

9 And have you encountered those big emergencies  
10 which happen in rural areas which already don't have  
11 the preexisting services and resources you've all  
12 mentioned? And what have you encountered? What's been  
13 your good or bad experiences in responding and getting  
14 those emergency needs met?

15 MS. JACOBS: I hesitate to say it's a  
16 disaster, but it's a disaster. We have had experiences  
17 at least with clients of California Rural Legal  
18 Assistance in both flood disasters, at least two since  
19 I have been in California, and freezes that have  
20 affected the agricultural industry and thus affected  
21 farm workers.

22 It is extremely difficult to -- and actually,

1 we've also had fires that have affected our clients.  
2 It is extremely difficult in those times to pull  
3 together sufficient resources to address the disaster,  
4 and there are often hurdles that are faced in dealing  
5 with state and federal agencies who are there to assist  
6 with the disasters but have so many bureaucratic and  
7 administrative requirements that many of our clients,  
8 who have been either flooded out, burned out, or  
9 otherwise lost their home, are unable to overcome.

10           They don't have documentation to prove that  
11 they were a tenant living in the place at the time. So  
12 they are not eligible for flood disaster assistance.  
13 Or in the case of farmworkers, FEMA in at least one  
14 flood refused to make trailers available as temporary  
15 housing, and there were a number of complaints that had  
16 to go through a number of channels. And most of the  
17 farmworkers disappeared by the time that FEMA chose to  
18 address it.

19           So there are both issues raised by lack of  
20 resources -- because we're in already underserved  
21 areas -- and issues raised by administrative hurdles  
22 that our clients have faced.

1           But again, and I would say on the positive  
2 side, the resources that are there pull together and  
3 very clearly try to help using other charitable  
4 resources -- local churches, schools, and local  
5 government -- in order to fill in what is a tremendous  
6 gap.

7           MS. BROWNE: Thank you. It was a very  
8 informative presentation by all the panelists. And one  
9 item that came out was the unique nature of each of  
10 your communities, so that -- and there's quite a bit of  
11 distrust.

12           I'm wondering if there are certain programs or  
13 projects that you can share with one another, or do you  
14 share successful programs with one another to make the  
15 rural legal services more effective?

16           MR. ABRAMS: One of the things the Office of  
17 Program Performance attempts to do is, from time to  
18 time, to pull together rural advocates to present at  
19 sessions at the Equal Justice Conference or NLADA, and  
20 occasionally some regional conferences, where people do  
21 share with one another their experiences of overcoming  
22 the obstacles in rural communities.

1           Then outside of conferences, from time to time  
2 we try to facilitate conversation. For example, in the  
3 disaster area, LSC has an in-house disaster team that  
4 pulls our advocates together who have already gone  
5 through disaster to talk to people who are currently  
6 experiencing disaster, like the folks in California and  
7 other places. And that's been very helpful.

8           We probably need to do a lot more of that.  
9 And I know recently rural advocates have told us that  
10 they want to see a lot more conversations between  
11 advocates sharing their experiences, so hopefully we  
12 will see more of that.

13           MS. BROWNE: Are the successful programs put  
14 on the best practices section of the LSC website so  
15 that the other areas can take a look at them?

16           MR. ABRAMS: Yes. We have a website called  
17 the LSC Resource Information, LRI, where there are  
18 examples of best practices there.

19           MS. BROWNE: Thank you.

20           CHAIRMAN MIKVA: Mr. Maddox, you get the last  
21 question.

22           MR. MADDOX: Thank you. I've got a number of

1 questions. I not going to be able to ask everybody,  
2 and I hope to do that this afternoon. But I wanted to  
3 ask Ms. Lee, I'm pretty familiar with Southeast Ohio,  
4 and I think Father Pius is as well.

5           And in fact, I know a lot about Ohio  
6 generally. I grew up in Stark County, which has seen  
7 probably more jobs lost in the last 30 years than any  
8 county anywhere, I think -- 50,000 manufacturing jobs.

9           And in Southeast Ohio, there never were any real good  
10 jobs.

11           Here's my question. How many lawyers are in  
12 the Athens office?

13           MS. LEE: Right now we have a managing  
14 attorney. I'm considered the foreclosure specialist,  
15 but I also help with the general issues that we do  
16 because we're generalists otherwise. And a specialty  
17 is actually a unique situation for our program. So  
18 they consider me sort of half-general and half right  
19 now because I'm helping. And then we have one other  
20 full-time attorney.

21           MR. MADDOX: So two lawyers?

22           MS. LEE: Essentially. We serve Athens,

1 Vinton, Meigs, and Gallia Counties.

2 MR. MADDOX: And Gallia County is on the Ohio  
3 River. That's a long way from Athens.

4 MS. LEE: Yes. It's at least an hour.

5 MR. MADDOX: Meigs County is next door.  
6 Vinton County is as rural as it gets.

7 MS. LEE: Yes. Yes.

8 MR. MADDOX: Do they still have the New Vinton  
9 County Frogwhompers, by the way? My favorite band in  
10 college.

11 (Laughter.)

12 MS. LEE: Oh, you know, I don't know. But  
13 it's still one stoplight for the whole --

14 MR. MADDOX: I know. It's incredibly rural.

15 Here's my question. I think Mr. Marks said  
16 that one complex case can take 500 attorney hours. I  
17 just looked at your website, and there's a list of  
18 litigation. There are a lot of complex cases in your  
19 portfolio. And I know from my own caseload that 500  
20 hours on some of those cases is probably conservative.

21 The Athens News reported in September, in  
22 talking about foreclosures, that the number of

1 foreclosures in Athens County went from 128 to 192 last  
2 year, so a 40 percent increase or so in foreclosures.

3           How many clients who might have had a  
4 foreclosure case handled by your office didn't get  
5 handled because of the amicus brief you were filing in  
6 the Duvall case? That's not a softball question.

7           It's not really -- it reveals my bias that  
8 writing an amicus brief is not the best use of limited  
9 LSC dollars in the face of a foreclosure crisis because  
10 very capable lawyers are otherwise representing the  
11 parties in that case. Probably lots of other people  
12 are doing amicus briefs.

13           So I just wonder, how many? Do you know? We  
14 had the governor of Wisconsin tell sure at a meeting  
15 last year that when he was an LSC lawyer or a legal aid  
16 lawyer in New Mexico, he got involved in a big class  
17 action case back when those were allowed.

18           And after years of litigation and appeal to  
19 the 9th -- or the 10th Circuit, I guess, the owner of  
20 the little truck that had been seized came to him and  
21 said, when do I get my truck? That's all I really want  
22 to know. And Governor Doyle suggested that legal aid

1 lawyers need to keep their eye on that ball sometimes.

2           So I suspect the answer is that a lot of  
3 clients who had a foreclosure case didn't get  
4 represented because of however many hours your small  
5 office -- and, I mean, you're doing great work in  
6 Athens County, and Lord knows those counties need  
7 it -- but you weren't able to?

8           MS. LEE: Actually, I don't know if I agree  
9 with that because I am the sole attorney who does all  
10 the foreclosure cases that come to our office. And the  
11 only ones that I was not able to provide representation  
12 for are those who could not demonstrate the ability to  
13 afford the mortgage into the future and were instead  
14 maybe thinking about a walkaway option.

15           So I did not personally turn away anybody as a  
16 result of working on the amicus brief. And I've had  
17 many 3:00 a.m. showing ups in the office to work on  
18 things. So I don't know if I agree with that.

19           And the reason why it was important for us in  
20 legal services to get involved on the amicus  
21 issue -- the question, the certified question, if I  
22 remember it correctly, and I might be a little bit off

1 since I don't have it in front of me, was, does the  
2 plaintiff have to show that it owns the note and  
3 mortgage at the time of filing?

4           It is a very complex issue. And because a lot  
5 of private attorneys do not understand the Uniform  
6 Commercial Code, Article 3, do not understand all the  
7 nuances of standing and real party in interest issues,  
8 something that we in legal services have had to  
9 concentrate on because we are pretty much the only law  
10 firm available to our client population, we had the  
11 expertise to try to inform the court of what our  
12 position was on those issues.

13           And yes, we were not the original attorneys  
14 who actually represented the defendants at the lower  
15 court in Cleveland. But these attorneys who did  
16 represent the defendant had reached out to the legal  
17 aid community and had asked for us to assist.

18           So this is not something that we were looking  
19 for to try to accomplish something at the expense of  
20 actual clientele. I'm still very much on the ground  
21 every day in my office, trying to help those who are in  
22 foreclosure.

1           MR. MADDOX: I'm not suggesting that you're  
2 not. There is a debate about how, in the face of cuts,  
3 as you've pointed out, to maximize the effectiveness of  
4 the limited dollars. An at least there's one board  
5 member who wonders whether amicus briefs are the best  
6 way. I'm sure you were working overtime.

7           MR. LEVI: Thank you. We have another speaker  
8 here, and I don't think it's appropriate to keep  
9 waiting. I apologize. And I think we can have some of  
10 this after lunch.

11           CHAIRMAN MIKVA: I would like to thank our  
12 panel. It was very helpful.

13           (Applause)

14           CHAIRMAN MIKVA: Do I get to finish the  
15 meeting, or are we just going to defer till after  
16 lunch?

17           MR. LEVI: I think you're deferring that  
18 till --

19           MS. COHAN: You're suspending.

20           MR. LEVI: You're suspending.

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22 //

1 M O T I O N

2 MR. MADDOX: Madam Chairman, I'll move that we  
3 suspend our meeting of the committee until we can take  
4 it up later.

5 MS. BROWNE: Second.

6 CHAIRMAN MIKVA: All in favor?

7 (A chorus of ayes.)

8 CHAIRMAN MIKVA: The meeting is suspended.

9 (Whereupon, at 11:58 a.m., the meeting was  
10 suspended.)

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