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LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

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

OPEN SESSION

Friday, April 16, 2010

2:01 p.m.

Sheraton Tucson Hotel & Suites  
5151 East Grant Road  
Tucson, Arizona 85712

COMMITTEE MEMBERS PRESENT:

- Laurie I. Mikva, Chairperson
- Sharon L. Browne
- Thomas A. Fuentes
- Victor B. Maddox
- Hon. Sarah M. Singleton
- John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

- Jonann C. Chiles (by telephone)
- Robert J. Grey, Jr.
- Martha L. Minow
- Charles N.W. Keckler

1 STAFF AND PUBLIC PRESENT:

2  
3 Victor M. Fortuno, Interim President and General  
4 Counsel

5 Kathleen Connors, Executive Assistant to the President  
6 Patricia Batie, Acting Corporate Secretary and FOIA  
7 Officer, Office of Legal Affairs

8 Mattie Cohan, Senior Assistant General Counsel, Office  
9 of Legal Affairs

10 Karen J. Sarjeant, Vice President for Programs and  
11 Compliance

12 Charles Greenfield, Program Counsel III, Office of  
13 Program Performance

14 Charles Jeffress, Chief Administrative Officer  
15 Jeffrey E. Schanz, Inspector General

16 Joel Gallay, Special Counsel to the Inspector General,  
17 Office of the Inspector General

18 Laurie Tarantowicz, Assistant Inspector General and  
19 Legal Counsel, Office of the Inspector General

20 Thomas Coogan, Assistant Inspector General for  
21 Inspections, Office of the Inspector General

22 Ronald "Dutch" Merryman, Assistant Inspector General  
for Audit, Office of the Inspector General

David Maddox, Assistant Inspector General for  
Management and Evaluation, Office of the Inspector  
General

Stephen Barr, Media Relations Director, Government  
Relations and Public Affairs Office

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1 STAFF AND PUBLIC PRESENT:

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Julie Reiskin, LSC Board Nominee

3 Gloria Valencia-Weber, LSC Board Nominee

4 Lillian Johnson, Executive Director, Community Legal  
Services, Phoenix, Arizona

5 Jeff Kastner, Community Legal Services

Patricia Gerrich, Community Legal Services

6 Anthony Young, Executive Director, Southern Arizona  
Legal Aid, Tucson, Arizona

7 Michael Brune, Board Vice President, Southern Arizona  
Legal Aid

8 Barbara Urias, Client Board Member, Southern Arizona  
Legal Aid

9 Levon Henry, Executive Director, DNA Peoples Legal  
Services, Window Rock, Arizona

10 Amanda Sampson, Board Member, DNA Peoples Legal  
Services

11 Randy Evans, DNA Peoples Legal Services

12

Don Saunders, National Legal Aid and Defenders  
Association (NLADA)

13

Robert Stein, Standing Committee on Legal Aid &  
14 Indigent Defendants (SCLAID), American Bar  
Association

15 Linda Perle, Center for Law & Social Policy (CLASP)

Ellen Katz, William E. Morris Institute for Justice

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7 Presenters:

8 a. Lillian Johnson, Executive Director,  
9 Community Legal Services, Phoenix

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

(2:01 p.m.)

CHAIRMAN MIKVA: Let me call the meeting to order.

And maybe the first thing: It was suggested that the committee, which has changed some personnel, at least those members of the committee that are here could introduce themselves.

My name is Laurie Mikva and I'm the chair of this committee.

JUDGE SINGLETON: I'm Sarah Singleton, and I'm a member of this committee.

MS. BROWNE: Sharon Browne, and I'm a new member.

CHAIRMAN MIKVA: And Victor Maddox and Tom Fuentes are missing in action, but I think they'll be coming soon.

The first item of business is approval of agenda. Could I have a motion to approve?

## M O T I O N

JUDGE SINGLETON: So moved. Sarah Singleton.

CHAIRMAN MIKVA: Second?

1 MS. BROWNE: I'll second. Sharon Browne.

2 CHAIRMAN MIKVA: All in favor?

3 (A chorus of ayes.)

4 CHAIRMAN MIKVA: And the second item is  
5 approval of the minutes from January 29th.

6 JUDGE SINGLETON: Could you hold on just a  
7 minute?

8 (Pause)

9 MS. CHILES: Hi. I'm sorry to interrupt.  
10 This is Jonann Chiles on the telephone. Laurie, could  
11 you speak up just a wee bit or speak into the mike?

12 CHAIRMAN MIKVA: Yes, Jonann. I'll try.

13 MS. CHILES: Now you're coming through loud  
14 and clear. Thank you so much.

15 CHAIRMAN MIKVA: Okay.

16 M O T I O N

17 JUDGE SINGLETON: Move the approval of the  
18 minutes.

19 CHAIRMAN MIKVA: Second?

20 MS. BROWNE: I'll second. This is Sharon  
21 Browne.

22 CHAIRMAN MIKVA: All in favor?

1 (A chorus of ayes.)

2 CHAIRMAN MIKVA: Minutes are approved.

3 The third item of business is to consider and  
4 act on the committee chart, discussion to reflect the  
5 name change. As you people will recall, the name of  
6 the committee has been changed from the Provision for  
7 the Delivery of Legal Services Committee to the  
8 Promotion and Provision for the Delivery of Legal  
9 Services Committee.

10 However, it has been suggested that the staff  
11 will come up with a proposed new charter, and that we  
12 should take it up after that. So we should table it  
13 till the next meeting. Anybody have --

14 M O T I O N

15 JUDGE SINGLETON: Do you want a motion? Move  
16 to table.

17 CHAIRMAN MIKVA: All right. Second?

18 MS. BROWNE: I'll second.

19 CHAIRMAN MIKVA: All in favor?

20 (A chorus of ayes.)

21 CHAIRMAN MIKVA: And now the meat of our  
22 meeting is a presentation by the Arizona legal services



1 program.

2 MS. SARJEANT: Thank you. My name is Karen  
3 Sarjeant. I'm the vice president for programs and  
4 compliance at the Legal Services Corporation. And I'd  
5 like to welcome you as the new chair of the committee,  
6 of the newly named committee, Promotion and Provision  
7 for the Delivery of Legal Services Committee.

8 This afternoon, we are going to have a  
9 presentation on the economic downturn and the impact of  
10 that downturn on the Arizona LSC grantees and clients.  
11 This morning we had a very interesting presentation by  
12 the three Arizona programs about the services they  
13 deliver, the challenges they're facing, and the  
14 different delivery models they have in place.

15 This afternoon they are going to continue that  
16 discussion, focusing on what they're doing to address  
17 what is happening to clients in relation to the  
18 economic downturn.

19 At this time I would like to introduce, at my  
20 far right, Lillian Johnson, who's the executive  
21 director of Community Legal Services in Phoenix;  
22 Anthony Young, the executive director of Southern

1 Arizona Legal Aid; and Levon Henry, who's the executive  
2 director of DNA Peoples Legal Services.

3 MS. JOHNSON: Good afternoon. It is indeed a  
4 pleasure again to have the opportunity to speak to you.  
5 And you need to get used to it: Welcome to Arizona..

6 CHAIRMAN MIKVA: Thanks.

7 MS. JOHNSON: We are very pleased to have you  
8 choose to -- for some of you to choose our state to be  
9 the first state that you visited, to hear about what  
10 work is being done in legal services programs, and we  
11 invite you to feel comfortable in asking us any  
12 questions. If we don't know the answer, we perhaps  
13 know someone who does know the answer and can get it  
14 to you.

15 Again, we'd like to reiterate that we were so  
16 happy to have you that the presentation you received  
17 from us this morning at Southern Arizona Legal Aid  
18 really covered much of the issues that we're going to  
19 focus on for this committee meeting. And we ask that  
20 you bear with us. But feel free to ask any follow-up  
21 questions.

22 What we thought would be a good way to sort of

1 begin the process was to ask Levon Henry, the executive  
2 director of DNA Peoples Legal Services, to really just  
3 give an overview and a focus on some of the issues  
4 facing the tribal communities.

5 MR. HENRY: Thank you, Lillian. And welcome  
6 to Arizona.

7 CHAIRMAN MIKVA: Thank you.

8 MR. HENRY: I've been the -- excuse me -- I've  
9 been the executive director for DNA Legal Services for  
10 about seven years now. And during that time, one of  
11 the questions that came up -- hold on a minute. Let me  
12 back up.

13 I want to introduce someone else that's here  
14 in the room with us. Amanda Sampson, who is back here  
15 on this side, is our board member. And we have board  
16 members from both New Mexico, Arizona, and Utah. And  
17 she is here because she's the closest board member.  
18 She's one of the assistant attorney generals for the  
19 Pascua Yaqui Tribe near Tucson. That's assistant,  
20 right?

21 MS. SAMPSON: Yes.

22 MR. HENRY: She's also a past DNA attorney who

1 worked in our Flagstaff office. And so I really  
2 appreciate her being here.

3 As I was saying, I've been the executive  
4 director for about seven years. And before that, I had  
5 worked as a staff attorney for DNA Legal Services, and  
6 even before that, I was what they call a tribal court  
7 advocate with the program. And so I've worked my way  
8 up.

9 About three years ago, I was talking to a  
10 newspaper reporter who was doing some background --  
11 gathering some background information. And one of the  
12 questions they asked me, because I had lived all my  
13 life out there on the reservation except for leaving to  
14 go to school, but I always came back -- and the  
15 question was, you've been here most of your life. What  
16 changes have you seen over that time?

17 And in thinking about it, I had to say,  
18 really, none. Nothing has really changed. And in the  
19 past seven years that I've been executive director with  
20 DNA, you ask me that same question again, how have  
21 things changed, and my answer is the same. They really  
22 haven't. It really hasn't.

1           You know, the country nationwide is talking  
2           about an economic downturn. They're talking about  
3           unemployment at 10 percent, and that's very troubling.  
4           Anthony this morning mentioned Arizona was at  
5           20 percent unemployment.

6           In our service area -- excuse me -- in our  
7           service area, unemployment is around 40 percent, if not  
8           higher. And there really -- I mean, you really have to  
9           have an economy to have a downturn in the economy. And  
10          on the reservations where we work, there really is no  
11          economy.

12          The primary jobs on the reservations are  
13          government, whether it's tribal government; the federal  
14          government, meaning Public Health Service; or with the  
15          schools, the state schools. But that's pretty much it.

16          On the Navajo reservation, they depended a  
17          lot -- a lot of their income for the tribe came from  
18          mining, coal mining. Some of the country's largest  
19          strip mines are located on the reservation, and the  
20          reservation is in an area where there is plenty of  
21          coal, oil, gas. But that's all being depleted now.

22          And so the mines are starting to shut down.

1 Oil and gas deposits are running out, so companies are  
2 moving on. And so you have a lot of people who are out  
3 of work.

4 As far as gaming, because that's always an  
5 issue that comes up when you're talking about Native  
6 Americans and tribes, there's always talk about gaming.  
7 Why don't you go to the gaming tribes and ask for  
8 assistance?

9 The areas that we work in, the tribes, they do  
10 some gaming, but not -- they don't have the population  
11 to support that gaming. Or they don't have gaming at  
12 all, not like what they would have in the metro areas  
13 of Phoenix and Tucson.

14 A sad story that -- as far as gaming goes, at  
15 least sad in my point of view, is that the Navajo  
16 Nation recently decided to get into the gaming  
17 industry, so they opened a small casino just outside of  
18 Gallup, New Mexico. It was on the reservation, but it  
19 was billed as gaming for Navajo.

20 There was an article in the local paper soon  
21 after that operation started where it said that in  
22 the first 24 hours, they took in something like

1     \$1.2 million. And it was a long two-page article. And  
2     you turn to the second page, and if you're not paying  
3     attention, in the second page it says that of the  
4     people that were there in that first 24-hour period,  
5     95 percent of them were Navajo.

6             And I had to point this out to one of the  
7     committees for the Navajo Council, saying that if you  
8     have that much money coming in but you have that many  
9     Navajos who are there, you're just taking from one  
10    pocket and putting it in the other.

11            What's going to happen to those people once  
12    the find out -- they figure out -- that they've lost  
13    all their money? Who are they going to go to? They're  
14    going to come to our doors, and they're going to ask  
15    for help.

16            One of the responses from the legislators  
17    said, well, if you have statistics on that, show us.  
18    And, you know, how do you account for that when you  
19    have 40 percent unemployment, or 50 percent  
20    unemployment, and you have people knocking on the door  
21    every day for all kinds of issues that they're bringing  
22    up, and how do you ask them about, you know, have you

1     been to the casino lately? How do you work that  
2     question in? How do you get the results that you need,  
3     that I would need, to take back to the Navajo  
4     legislators and say, here's the data that you want.

5             You know, it's one of those things that -- you  
6     know, people talk about, well, the gaming industry is  
7     going to save the reservations. From my point of view,  
8     it's really not happening, especially in this case.

9             We don't have the mortgage crisis that other  
10    areas talk about because people can't own homes on the  
11    reservation. So if you can't own a home, you can't get  
12    a mortgage. We have other issues unique to the Navajo.  
13    You can't own a home because land is held in trust by  
14    the federal government.

15            And that land, because you don't own it, you  
16    don't own the property, you don't own that little  
17    quarter-acre where you want to put a home, the bank is  
18    not going to give you any money because if you ever  
19    default, they can't get anything except for the home,  
20    but not the underlying land. And so that's another  
21    issue that we have to deal with.

22            I point these few things out just to say that



1 we have a unique situation where we work, not only here  
2 but in all the other reservations across the country.  
3 You have issues with land and land title. You have  
4 issues about lack of the economy or where things are --  
5 if you're dependent on logging or mining, that's going  
6 away.

7 But the big thing coming up is uranium ore is  
8 at an all-time high. A few years ago, a pound of ore  
9 was probably selling for 25 cents. Now it's selling  
10 for \$25, figuratively speaking. And there's plenty of  
11 uranium up there in Indian Country, and plenty of  
12 companies that want to get at it.

13 But what they leave behind, as they did 20 or  
14 30 years ago, is radiation, where you have people that  
15 are affected now because of that, where you have  
16 animals that are infected with it, or ground water is  
17 informed. And so now you've got those issues to deal  
18 with.

19 And so how do you keep that balance? How do  
20 you keep, on the one hand, people who say, yes, we can  
21 make money from mining because, you know, we get paid  
22 for that; at the same time, how do you keep something

1 like ground water that's vital -- how do you keep  
2 those -- how do you keep a balance between those two?  
3 And so those are some of the issues that we're having  
4 to deal with.

5           And we're finding ways to do that. It's not a  
6 totally bleak picture. We're finding ways to do that.  
7 We're finding ways to work with the mining companies  
8 and their use of water, or trying to find a solution to  
9 how perhaps people can get a mortgage and build a home  
10 for themselves, finding solutions to issues like that.

11           And so that's what we're trying to do now.  
12 And we're working with the people on the reservations  
13 and dealing with some of those issues because as one of  
14 the tribal judges says, you know, if you're going to  
15 court and you're in an adversarial situation, there's  
16 always one person that's going to win and there's one  
17 person that's going to lose.

18           And you look at how things are done  
19 culturally, to be able to come together so that both  
20 sides are satisfied with the outcome. That's something  
21 that you should look for. And so that's what we've  
22 been trying to do many of the circumstances that we

1 have to deal with.

2 Because there's always going to be a need for  
3 electricity and power. There's always going to be a  
4 need for other things like that. But at what expense,  
5 is the question. And so that's what we have to deal  
6 with.

7 Those are some of the issues that we deal  
8 with. You know, on the reservations we don't have the  
9 public transportation so that clients can get to our  
10 offices, so we go out to where they are. We send our  
11 staff out to where the clients are. A lot of times the  
12 clients can't get to the courthouses and so, you know,  
13 we try to ask the court to go out and hold hearings out  
14 there. The Navajo Supreme Court has done that.

15 So it's actually getting things decentralized,  
16 and so that we're getting out to where our clients are  
17 living and getting even the courts to acknowledge that  
18 so that they can come out and hold hearings or meet  
19 with the people out there where they can't come in.

20 That's how we try to deal with some of these  
21 issues on the reservation, and try to figure out how we  
22 can best serve our population with the resources that

1 we have. We don't have the infrastructure for  
2 technology. We have nine offices on the reservations,  
3 or in our service area; all but one of them are hooked  
4 up to some kind of -- are hardwired. There's one  
5 office that has satellite internet service, and that's  
6 very slow. But we deal with it.

7 And it's not one of those things that, you  
8 know, we'll come to the Corporation and say, we'd like  
9 a TIG to, you know, maybe build a new satellite, put a  
10 new satellite in orbit. You know, we're not going to  
11 ask for that. Maybe.

12 (Laughter.)

13 CHAIRMAN MIKVA: TIG grant.

14 MR. HENRY: Right. But we find ways to get  
15 around it. We find ways to deal with it because that's  
16 what we have, and that's what we've always done. And  
17 we figure out a way to do it. We have the people who  
18 are smart enough to do it. And every issue that we  
19 come up against, whether it's funding, providing  
20 services, community education, we use what we have and  
21 we deal with it.

22 And so that's how we provide much of our

1 services. So unless you have other questions, I'll  
2 turn it over to Anthony.

3 CHAIRMAN MIKVA: I have a question, Mr. Henry.  
4 This is Laurie Mikva.

5 I'm wondering how restrictions have affected  
6 your operation, if at all. I guess another way of  
7 asking that is what might you do differently if some of  
8 the restrictions were eliminated?

9 MR. HENRY: Several years ago, before these  
10 current restrictions were in place, years ago DNA Legal  
11 Services had brought a lawsuit against the Navajo Tribe  
12 for jail conditions. The reason why they brought that  
13 was because the people that were being put in the  
14 tribal jails really should not have been there.

15 Where they kept the inmates was deplorable.  
16 Even the diet that they had, the lack of exercise, all  
17 those issues came together at one time. And so DNA  
18 Legal Services brought a lawsuit against the Navajo  
19 Nation.

20 That resulted in a consent decree, and that  
21 consent decree is in place even now. However, because  
22 DNA Legal Services hadn't been able to keep up with

1 that and to force the Navajo Nation to live up to that  
2 consent decree, things have started sliding back down  
3 to where they were before.

4 It's gotten to the point now where about a  
5 month ago, a private lawyer filed the same suit in  
6 tribal court against the Navajo Nation on those same  
7 conditions, and he asked us to help. We couldn't. You  
8 know, it's one of those things where we would like to  
9 be involved, but we can't.

10 And that's just a specific example of what  
11 would happen if we had the chance. You know, we could  
12 improve some of the conditions, even for people who  
13 have been arrested and having to be put in jail.

14 CHAIRMAN MIKVA: Thank you.

15 MR. MADDOX: Mr. Henry, I have a couple  
16 questions. First of all, I appreciated your comments  
17 this morning, or presentation. And I confess, I don't  
18 have a lot of background in tribal law and your  
19 programs in particular, so if I say anything that  
20 sounds basic, you know, forgive me.

21 But first of all, did you all benefit from the  
22 recent Cobell Settlement, where there was a couple of

1 billion dollars in trust funds that were provided  
2 through the settlement of the trust fund litigation?

3 MR. HENRY: There are some Navajo tribal  
4 members that have -- or that would benefit from that if  
5 that were ever to be approved, that settlement were  
6 ever to be approved by Congress. What is being brought  
7 out is that an individual person who owns part of an  
8 allotment, and in this case there will be probably  
9 several Navajos in the eastern part of the reservation,  
10 depending on how much interest you have in land and how  
11 much resources were taken from your land, the minimum  
12 you could get is, in one part, a thousand dollars. And  
13 in another part of the settlement, the minimum you  
14 could get is 500. Put together, you could get a total  
15 of \$1500 for being a class member.

16 DEAN MINOW: Could I just interrupt for a  
17 minute -- it's Martha Minow -- just to clarify. The  
18 Cobell settlement, as I understand it, was a suit  
19 against the federal government for mismanagement of  
20 trust lands, lands held in trust. Correct?

21 MR. MADDOX: Correct.

22 DEAN MINOW: And also, to my understanding,

1 not a single penny has been spent because it has not  
2 been approved by Congress. Is that correct?

3 MR. MADDOX: Correct. It hasn't been funded  
4 yet. I think that the Justice Department approved it.

5 I guess my real question, though, was would  
6 the tribal government benefit as a participant in that  
7 settlement if it came about? And then would the tribal  
8 government be obliged to, you know, increase the  
9 funding, whatever funding they provide to DNA?

10 MR. HENRY: DNA does not get any funding from  
11 any of the tribes where we work except for the Hopi  
12 Tribe, and we get that because we provide public  
13 defender services to the Hopi Tribe. You know, if we  
14 had a couple of days, we could probably continue on  
15 this question. But --

16 MR. MADDOX: Sure. It's way more complicated  
17 than this will allow.

18 MR. HENRY: The 30-second version is that --  
19 or the answer is no. From that settlement, tribes have  
20 their own similar lawsuit, and that has not even gone  
21 into any kind of settlement discussions yet. The  
22 Cobell settlement involves individual landowners.



1 Tribes have their own. And I don't know how much that  
2 would -- if that would ever settle how much that would  
3 be. But I would guess that the Navajo Tribe, or any  
4 other tribe, already has designs on how they're going  
5 to spend that money. And my guess is that Legal  
6 Services is not even on that list.

7 MR. MADDOX: Thank you. Sort of along the  
8 lines of the restrictions question, you indicated a  
9 moment ago, you know, communal ownership, mining  
10 issues, environmental issues, and whatnot. And I think  
11 you said you're dealing with these issues with the  
12 tribal governments.

13 I gather it's sort of in an advocacy role? Is  
14 that what you were suggesting?

15 MR. HENRY: It's not necessarily in an  
16 advocacy role. It's more in a collaboration of, you  
17 know, how can the people in our service area benefit  
18 from that? Say, for instance, with the gaming recently  
19 opened on Navajo, where I'm trying to convince the  
20 council or the tribal government to fund Legal  
21 Services, you know, I was telling them that what you're  
22 doing is, yes, you're creating a new source of revenue,

1 but you're also creating a social problem that's going  
2 to have to be addressed.

3 And the only people who can do that out there  
4 are people like Legal Services, who can address some of  
5 those issues. So it only makes sense to take some of  
6 those gaming dollars and turn it over to Legal  
7 Services. Very simple logic, in my head. But trying  
8 to convince a government to do that is a whole 'nother  
9 story.

10 MR. MADDOX: Right. Well, when it comes to  
11 something like the ownership issue, I mean, home  
12 ownership would seem to be sort of a fundamental area.  
13 I mean, if I understand it, basically the land is  
14 communal in the tribe. And so while it's held in trust  
15 by the government, the federal government, ultimately  
16 the beneficial owner is the tribe. Is that right?

17 MS. JOHNSON: No.

18 MR. HENRY: Not really because you can never  
19 own the land. You can only get a lease to build a  
20 home, to farm the land, to graze animals on the land.  
21 You can only get a lease for that. You can never own  
22 it because of the trust situation, where the federal

1 government does hold it in trust for the tribe.

2 MR. MADDOX: But who's the -- I mean, if the  
3 government's the trustee -- and Martha, maybe you can  
4 tell me -- who's the owner?

5 DEAN MINOW: Well, I'll send you a treatise on  
6 the subject. It's a long, complicated story. But  
7 after the allotment movement, there was a revision.  
8 And so there's a combination of government management.  
9 But no, it's not ownership any more in the tribes.  
10 They eliminated the idea of ownership.

11 So I wish I could summarize it. I wish I  
12 could understand it. But it's not tribal ownership in  
13 quite the same way that we might think about property  
14 ownership in the past because it's governed by the  
15 federal government. So it's not ownership in the way  
16 that we would understand property ownership.

17 MR. MADDOX: I'll sign up for the course.  
18 Thanks.

19 MR. HENRY: And what you're talking about,  
20 Mr. Maddox, is just a small bit of the issues that we  
21 have to deal with.

22 MR. MADDOX: I'm sure.

1           MR. HENRY: Because the people who -- the  
2 attorneys and advocates who work with DNA Legal  
3 Services, or any Indian legal services, had to deal  
4 with tribal governments and tribal courts, state  
5 governments and state courts, and federal governments  
6 and federal courts.

7           And each one of those has their own laws.  
8 Each court has their own rules. So whatever court  
9 you're in, you have to be able to understand those  
10 particular issues, but also the laws that apply to  
11 those issues. And Native Americans are the only  
12 minority group that have a section of the U.S. Code  
13 dedicated to governance of tribal members and tribes.  
14 They're the only ones who have their court system.

15           And so we're asking a lot from people who are  
16 coming out of law school to deal with those issues.  
17 And it takes somebody who's very dedicated, like the  
18 staff that we have, who may not have the benefit of  
19 going and taking a federal Indian law course in law  
20 school, but are very smart, that come out and have to  
21 pick up those things, you know, in the short time that  
22 they're there.

1           And so that's some of the issues that they  
2     have to struggle with. They have the same questions  
3     you have. So your questions to me are not anything I  
4     haven't already heard from our own staff. But that's  
5     what we struggle with.

6           MS. BROWNE: Sharon Browne. I just had a  
7     question. You have a lot of issues that you  
8     identified. Are you able to use voluntary lawyers at  
9     all because of the complexity of the tribal law, state,  
10    and federal laws?

11          MR. HENRY: Excuse me. We do use volunteer  
12    lawyers. However, we use those in two of our offices  
13    that deal with state issues, state court issues, in  
14    Flagstaff, Arizona, where we serve Coconino County in  
15    Arizona, and in Farmington, New Mexico, where we serve  
16    San Juan County.

17          The LSC guidelines or funding guidelines tell  
18    us that we have to have a certain percentage of funding  
19    dedicated to providing volunteer service. And a lot of  
20    those attorneys in those areas come out and volunteer  
21    for us. And so those are the only two areas that we  
22    have actually dedicated to using volunteer service.

1           The Navajo Nation has its own bar association,  
2           and part of being a member of the bar association, you  
3           have to provide pro bono service. However, that pro  
4           bono service is not tied into working with DNA Legal  
5           Services, at least not yet. That's something that we  
6           can work on to try to get that done.

7           But it's something that -- you know, working  
8           with the courts on the Navajo reservation, and  
9           including the Hopi reservation and other tribal courts,  
10          trying to get that done is a little more difficult just  
11          because of some of the issues that we have run into --  
12          change in judges, you know, things like that. It's not  
13          consistent.

14                 CHAIRMAN MIKVA: Mr. Fuentes?

15                 MR. FUENTES: Thank you.

16                 Mr. Henry, can you comment on what impact  
17          alcoholism and alcohol has on your workload, your  
18          caseload, and where you see it day-to-day, and how it  
19          is part of this bigger picture?

20                 MR. HENRY: Alcohol sale is prohibited on the  
21          reservation, and it's prohibited on most reservations.  
22          Because of that -- and the area that we work in, the

1 Navajo Nation, alcohol sales are prohibited. But you  
2 have so many -- because of the distances that people  
3 have to drive just to go to do their shopping,  
4 bootlegging is still a big industry on the  
5 reservations. You know, you don't hear anything  
6 about -- you know, you don't hear that in other parts  
7 of the country. But it's still a big industry on the  
8 reservation.

9           And because of the lack of economy, because of  
10 the lack of many other services, people are always  
11 going to find a way to turn to alcohol. And that's  
12 become a big issue in terms of what we see in domestic  
13 violence situations. A lot of the criminal cases that  
14 are going through court are alcohol-related. A lot of  
15 the social issues that we deal with are alcohol-  
16 related. And many of the tribal governments are trying  
17 to figure out a way how to deal with that.

18           For instance, they may say that, well, we can  
19 legalize alcohol sales on the reservations, or like in  
20 some instances sale by the state, or sale by the tribe  
21 in this case, tribal government. So even though  
22 alcohol on one hand is a very big problem, on the other

1 hand there was this big pushback by saying that no, we  
2 don't want alcohol legalized on reservations for any  
3 number of reasons, whether it's traditional, whether  
4 it's religious. You know, there are a number of other  
5 reasons there's that pushback.

6 Recently, because of the gaming, some of the  
7 gaming tribes have put into their compacts with the  
8 state that they would serve alcohol in their casinos.  
9 So that's another entry point into the reservation for  
10 alcohol sales. But it is a big issue that we deal with  
11 every day.

12 CHAIRMAN MIKVA: Thank you, Mr. Henry.

13 MR. HENRY: Thank you.

14 MR. YOUNG: Again, welcome to Arizona.

15 CHAIRMAN MIKVA: Thank you.

16 MR. YOUNG: I'd like to begin by introducing  
17 our board members at Southern Arizona Legal Aid. We  
18 have our vice president, Mike Bruny, who I believe is  
19 in the audience there. And then one of our client  
20 board members, Barbie Urias, I believe is also in the  
21 audience.

22 Starting with the reservations and following



1 up on Levon's comments, I would second his statement  
2 that the reservations, they didn't see an economic  
3 boom, so there was not a downturn the way we're seeing  
4 for communities off the reservation.

5           If you were to travel onto some of the more  
6 isolated reservations like the Tohono O'odham  
7 reservation or the San Carlos Apache Tribe or the White  
8 Mountain Apache Tribe reservations, you won't see  
9 subdivisions where there was significant building of  
10 owner-occupied homes.

11           What you'll see is essentially tribal-owned  
12 housing, where the residents are leasing or renting  
13 those properties. And those properties, more  
14 oftentimes than not, are not in very good condition.

15           The casino reservation income has been on the  
16 downturn in Arizona, from the reports that we're  
17 receiving. The majority of the casinos are in isolated  
18 areas, where persons would have to travel 30 miles or  
19 more out to them to participate in the gaming  
20 activities. And as I alluded to earlier, Arizona  
21 relies heavily on tourism and people visiting and  
22 traveling in our state, and that is down as a result of

1 the economic downturn.

2 Our funding, and I mentioned earlier that we  
3 receive direct funding from the White Mountain Apache  
4 Tribe to do defender work on the reservation -- we have  
5 a contract with them -- and they have not paid us under  
6 that contract for a little more than a year now.

7 We've continued to provide the services, but  
8 our board now has reached a point where we're ready to  
9 discontinue providing those services on the reservation  
10 if we're not paid for the services that we're  
11 providing. And we know that that is a result of the  
12 economic downturn that they're experiencing as a result  
13 of gaming loss.

14 The other thing that I want to mention is, for  
15 the White Mountain Apache Tribe reservation, the lumber  
16 industry is a main industry for them. And that has  
17 tanked, essentially, because of the housing bust.  
18 There's just not the need for lumber that there was a  
19 year or two ago because of the economic downturn.

20 I've spoken this morning about our use of  
21 laptops and satellite cards to be able to do outreach  
22 to our client community. And Levon alluded to,

1 earlier, the difficulty in doing that on the  
2 reservations.

3 We've found that reservations, more oftentimes  
4 than not, will contract with one cell phone service  
5 provider. And so we have to find out who that provider  
6 is and whether or not that provider offers coverage on  
7 the reservation and to communities that we can access.  
8 And we really had a challenge in having to go through  
9 all of the major cell phone providers until we were  
10 able to identify ones that provided quality cell phone  
11 service so that we could use our laptops on the  
12 reservation.

13 I mentioned to you earlier, and I'd just like  
14 to reiterate these words on the record, in terms of the  
15 poverty population in our state. And I had reported  
16 this morning that Arizona is reporting numbers of  
17 800,000 persons, or 14 percent of our population, in  
18 poverty.

19 But I quoted some statistics that were more  
20 recent concerning our poverty population, that being  
21 Medicaid recipients in Arizona totaling 1.2 million  
22 between February 2009 through February of this year.

1 That represents a 14 percent increase. And I quoted to  
2 you earlier food stamp recipients in Arizona being at  
3 approximately one million in Arizona for the periods of  
4 February '09 through February of this year, and that  
5 representing a 31 percent increase.

6 We are also seeing in the legal services  
7 community an increase in the number of persons coming  
8 to us for services. I just jotted down some numbers on  
9 my way here, and just in the last quarter of this year,  
10 over 500 persons have applied at Legal Aid, just in the  
11 Tucson office, for help with a family law matter. And  
12 so that represents an increase in the number of people  
13 that are coming to us for assistance with family law  
14 matters.

15 On the funding front, even though we have  
16 received increases in federal legal services funding,  
17 we have been experiencing decreases in our state and  
18 our funding. Southern Arizona Legal Aid suffered  
19 approximately a 46 percent reduction in IOLTA funding.  
20 We suffered a 15 percent reduction in our Title 20  
21 funding -- and this is all this year for fiscal year  
22 '09/2010 -- and are expecting a reduction in our

1 funding from the Gila River reservation. I mentioned  
2 to you earlier that we received funding from the Gila  
3 River Indian Tribe, and we've received a 15 percent  
4 reduction in funding there.

5 We have been able to secure additional funding  
6 to support our housing work, but it really has not been  
7 successful for us. The Making Home Affordable program  
8 or programs that are intended to prevent homelessness  
9 or allow for rapid rehousing of those about to become  
10 homeless have required that Southern Arizona Legal Aid  
11 work with third party organizations, where those funds  
12 are made available to the third party organization that  
13 then contracts with the Legal Aid program to do the  
14 legal work.

15 And we just have not seen the cases being sent  
16 to us from that third party organization, resulting in  
17 the Legal Aid program, or Southern Arizona Legal Aid,  
18 not being able to bill fully for those contracts. An  
19 example I will give you is the legal assistance  
20 associated with mortgage foreclosure prevention. You  
21 might remember that was a national project, and a lot  
22 of legal aid programs participated in that.

1           We had a contract for I believe it was \$75,000  
2     that ran for the '09 calendar year, and we were only  
3     able to bill 25,000 under that contract. And since  
4     that was a one-year contract, it did not extend over  
5     into the 2010 year. And it was essentially because the  
6     cases were not being referred to us.

7           I mentioned earlier this morning in our  
8     presentation that Southern Arizona Legal Aid had  
9     operated a statewide elderly hotline that was funded by  
10    our state Supreme Court. Those funds were provided to  
11    the state Supreme Court from the legislature, as a line  
12    item from the legislature that went to the state  
13    Supreme Court and then to Southern Arizona Legal Aid.  
14    Those fundings were totally eliminated, resulting in  
15    the discontinuance of the hotline.

16           While our federal funding has increased from  
17    the Corporation, we've received decreases in funding  
18    from other sources, and that really has made the  
19    increases from LSC negligible. In 2009, SALA had a  
20    hiring freeze, where we decided not to fill any new  
21    positions except those essential positions that we had  
22    to fill.

1           We had hoped to end that this year. We've  
2       decided to stay at our current funding staff levels and  
3       not increase our staff, although we have decided to  
4       lift the hiring freeze. The economic downturn, I will  
5       say, has resulted in we're seeing less turnover in  
6       staff, with the exception of in our rural communities.

7           There was a question earlier that I wanted to  
8       address on the tribal reservations as it relates to the  
9       use of volunteer lawyers. While we have been, I think,  
10      very successful in using volunteer lawyers off the  
11      reservation, we've had no success in using volunteer  
12      lawyers on the reservation, in part due to the  
13      requirements of licensure -- you have to be licensed to  
14      practice in the tribal courts that we serve -- and the  
15      uniqueness of tribal practice, the fact that they have  
16      their own tribal code that is followed in the code  
17      there.

18           And many of the lawyers in the communities  
19      where there are tribal communities do not practice in  
20      tribal court, I will say with the exception of here in  
21      Pima County. In Tucson, there are a number of  
22      attorneys that practice in the Pascua Yaqui court, but

1 we've not been successful in getting them to volunteer  
2 in that court. We have had success in getting them to  
3 volunteer in the state court.

4 I alluded to earlier the mortgage foreclosure  
5 crisis having increased the number of mortgage scams  
6 that are occurring in our state, and our U.S. Attorney  
7 General commenting that Arizona is the epicenter of  
8 mortgage foreclosure.

9 We've seen that firsthand in the Southern  
10 Arizona Legal Aid service area, where homeowners who  
11 are in foreclosure, behind on their mortgage, are  
12 working, have the income where they could pay their  
13 mortgage, but are unable to pay the arrearages that  
14 have occurred because they had a point in time where  
15 they were not able to pay their mortgage; or  
16 essentially have this money, but can't give it to the  
17 mortgage company or loan server, being victimized by  
18 the mortgage scam companies, who then come in and try  
19 to take those funds away from them, leaving  
20 homeowners -- and we've had a number of homeowners who  
21 have been scammed, and without the resources to move  
22 into a new home after they've been foreclosed on.



1           Another area that we have been experiencing  
2           the costly economic downturn are renters who have been  
3           impacted by the mortgage foreclosure crisis in Arizona.  
4           Renters oftentimes are paying their rent; they're  
5           diligently and timely paying their rent payments, only  
6           to find that the house has been foreclosed right out  
7           from under them.

8           Arizona offers little or no protections for  
9           tenants in that predicament, such that the new owner  
10          can show up and tell the tenant to move out, or give a  
11          five-day notice consistent with Arizona's forcible  
12          detainer statute, and then force the tenant out of the  
13          home.

14          And we've seen a number of cases there. I  
15          know the federal government did some work there, the  
16          Congress, in passing legislation that would allow  
17          homeowners (sic) to stay in their properties for  
18          90 days if they had a long-term lease. But there are  
19          many residents in Arizona that have no written lease.  
20          They have a verbal lease that essentially is a month-  
21          to-month loss. And so helping those individuals to  
22          become rapidly rehoused, or to find housing after they

1       become homeless, has been a challenge for our program.

2               Even though our staff has not increased --  
3       we're a staff of about 66 persons now, have not  
4       increased -- we're seeing an increase in the number of  
5       clients who are coming to us. We have been fortunate  
6       in that we have been able to tap into the volunteer  
7       lawyer community, and they have been supportive of our  
8       work.

9               But the demand is so high and the complexity  
10       has been such that the work requires more than brief  
11       counsel and advice or assistance in the form of a self-  
12       help clinic, but requires more direct representation  
13       from lawyers. And our staff component is where most of  
14       the direct representation work is done.

15              That concludes my report. If there are any  
16       questions?

17              DEAN MINOW: It's Martha Minow. Thank you for  
18       your comments now and this morning as well.

19              I have a question about how do you assess the  
20       effectiveness of your services? Do you keep measures  
21       of client satisfaction? What measures besides numbers  
22       of people served do you have? What kind of assistance

1 might you want to have to improve your own ability to  
2 know about the effectiveness of your services?

3 MR. YOUNG: We do collect client satisfaction  
4 surveys. Beginning earlier this year, we started to  
5 compile those surveys, and so it allows us to get  
6 feedback from the clients on the quality of our  
7 services.

8 We also receive monitoring visits and reports  
9 from our other funders, and that helps to offer input  
10 to us on how we can improve our services and where  
11 we're deficient. I think the Legal Services  
12 Corporation's efforts at its performance criteria and  
13 quality in the legal services programs has certainly  
14 been useful to us.

15 We just recently had a visit in March where  
16 the LSC staff had an opportunity to visit all of our  
17 offices. We were really pleased they had a chance to  
18 both visit and interview the staff in each of our  
19 offices, and to meet with several of our board members,  
20 attorney board members and client board members.

21 We've not received a written report, but we  
22 had an exit interview with LSC staff where they made

1 some very, I think, useful recommendations to us on  
2 what we can do to improve the quality of services to  
3 our clients.

4 And so those are the tools that we use, and  
5 we're certainly pleased to have the input from the LSC  
6 staff.

7 CHAIRMAN MIKVA: Ms. Singleton?

8 JUDGE SINGLETON: Thank you. This is Sarah  
9 Singleton. Thank you, Anthony and all of you. It was  
10 very informative this morning.

11 I have something of a follow-up, I think, to  
12 the Dean's question, and that is: Wasn't it your  
13 mission statement was to help people with the goal of  
14 getting them out of poverty? Wasn't that part of your  
15 mission statement?

16 MR. YOUNG: We don't use that language.

17 JUDGE SINGLETON: Oh, I thought it was right  
18 in there. That was yours? How do you measure that?

19 MR. HENRY: We keep a statistic on what kind  
20 of income or what kind of funding or what benefit we  
21 get for the client. And one of the items that we kept  
22 track of was the money that we put back in their pocket

1 or the money that we have saved them. And over -- I  
2 think it was in -- well, I'll say 2008, we calculated  
3 about 3.2 million put back in their pocket or saved for  
4 our clients. That's one of the measures that we use in  
5 that area.

6 JUDGE SINGLETON: So it's more on a micro  
7 level; you look at each individual client --

8 MR. HENRY: Right.

9 JUDGE SINGLETON: -- as opposed to standards  
10 of living across the client community?

11 MR. HENRY: Right.

12 MR. YOUNG: Remember, Ms. Singleton, we do  
13 try -- at Southern Arizona Legal Aid, we try to capture  
14 the economic benefit to the client. And so when we're  
15 able to recover a support award for the client, we're  
16 able to document that in our case management system,  
17 whether that's a monthly support award or a lump sum  
18 support award. So we try to capture information that  
19 way.

20 JUDGE SINGLETON: And do you ever capture  
21 information about money brought into the community or  
22 money brought that would relieve states of obligations

1       they might have such as if you capture money from the  
2       federal government that otherwise wasn't being paid to  
3       people in Arizona?

4               MR. YOUNG: We have only begun conversations  
5       about that at southern Arizona Legal Aid. We haven't  
6       put together a process. What we have done, though, is  
7       to capture our volunteer attorney time and to put a  
8       dollar figure on the value of that time to legal  
9       services and to the community.

10              CHAIRMAN MIKVA: Thank you.

11              MS. JOHNSON: Again, I'm Lillian Johnson,  
12       executive director of Community Legal Services.  
13       Community Legal Services has the good fortune or  
14       misfortune of covering Maricopa County and the four  
15       other counties that really represent the largest  
16       population in Arizona.

17              And we are by far responsible for more of the  
18       poor people, based upon our service area populations,  
19       so that much of the information that you've heard about  
20       Arizona really more directly applies to Community Legal  
21       Services. And I just would like to give you a little  
22       bit more information about some of these areas.

1           For example, contrary to some people's belief,  
2 poor people actually own property in Arizona. And  
3 there was actually a boom that they experienced in the  
4 urban community, whereby there were actually people who  
5 had at least two members of their household working,  
6 and they were still financially eligible to be served  
7 by us.

8           In fact, in our assessment of the needs of our  
9 client community, we determined that we had a  
10 significant number, percentage of our client community  
11 who were characterized as the working poor that had  
12 different problems than poor people without jobs.

13           As a result, we created projects designed to  
14 help the working poor so that one of the problems we  
15 created was we actually had to identify employment law  
16 as a specialty so that our clients could actually get  
17 legal assistance in that area.

18           Another area that we determined was a real  
19 issue was their home ownership. As Anthony has  
20 described, in rural parts of Arizona they'll make an  
21 agreement on a napkin, and they will really be  
22 operating under that agreement. So when something goes

1 wrong, that's when they come and they need legal help.

2           And I can tell you, in our urban communities,  
3 it's been a challenge trying to determine whether or  
4 not there was any interest that was litigatable in  
5 those situations. But that's the reality that we  
6 discovered, really, of our client community.

7           So that the mortgage crisis that everybody  
8 else experienced began to show its face to Arizona's  
9 poor much earlier because there were already equity  
10 scams. People were getting rich telling poor people  
11 that they had problems with their roof, and that if  
12 they could just sign here, they wouldn't have to pay  
13 them any money. But they took a lien out on their  
14 home, and in some cases they actually got money from  
15 those scams.

16           And it was overwhelming to us because it was  
17 more complex than our lawyers could address. So we had  
18 the good fortune of having a vibrant volunteer lawyers  
19 program, and it was the result of that partnership and  
20 that vibrancy with regard to the volunteer lawyers  
21 program that we were able to put together coalitions of  
22 lawyers to actually begin to address them.



1           And CLS lawyers could continue to work on the  
2 cases that we could work on because we had lawyers who  
3 are able to be involved in complex litigation and  
4 actually begin to help some of the people -- but I  
5 stress some of the people. There were far too many for  
6 us to be able to assist, even with the assistance of  
7 volunteer lawyers. So that began to take its toll on  
8 Arizona.

9           So when -- the time that really the rest of  
10 the country began to see the mortgage crisis, it was a  
11 huge problem for us. So we already had an increase in  
12 people requesting and needing access to bankruptcy  
13 lawyers. We also had a need for consumer advocacy.

14           And because of the nature of the individual  
15 representations that most of our staff are involved in,  
16 we did not -- we did not, in this particular case in  
17 Arizona -- have lawyers who specialized in consumer  
18 law. We used our volunteer lawyers program to really  
19 just send those cases to volunteer lawyers who do that  
20 type of work all the time.

21           When we began to see these scams, we  
22 recognized that we really could not afford to not have

1 the expertise within the legal services programs so  
2 that we could handle some of those individual cases.  
3 And with the assistance of the Arizona Foundation for  
4 Legal Services, and what you heard about was the  
5 steering committee, was joined together to ask the  
6 foundation to really allocate the money to create a  
7 consumer law project.

8 So we were able to identify what we needed,  
9 and we had the good fortune of having a good  
10 collaborative relationship in Arizona among the legal  
11 services program and with the foundation so that we  
12 were able to begin to try and address those problems.

13 Now, I can tell you that it's far better than  
14 it has been. And then the bottom of the economy fell,  
15 so that people who were never financially eligible to  
16 be served by us suddenly, because one or more members  
17 of their household who were previously employed became  
18 unemployed, their only recourse was to seek our  
19 services.

20 So that in Community Legal Services' case, we  
21 received more than 50 percent increase in requests for  
22 assistance. And I can tell you it was unfortunately at

1 a time when we were also seeing local funding sources  
2 and their allocation of resources to us going down. As  
3 a result of that, we actually had to reduce our staff.

4 So in 2008, Community Legal Services,  
5 experiencing the loss of local funding, and also  
6 looking at what was happening on the national level,  
7 concerned about having the resources to continue to  
8 allocate -- to pay our staff. We reduced our staff by  
9 10 percent. Five of the staff that we laid off were  
10 lawyers. We went from 20 lawyers in Maricopa County to  
11 15, legal services lawyers. And as a result of that,  
12 that meant that there were fewer people that we were  
13 able to provide individual direct representation in  
14 court.

15 And we began to continue to collaborate with  
16 all of our partners and to really try and direct our  
17 resources where we could have the greatest impact. We,  
18 like Southern Arizona Legal Aid, joined with other  
19 housing entities to try and address the foreclosure  
20 crisis. Like Southern Arizona Legal Aid, we also have  
21 had issues with the housing counseling agencies not  
22 getting the clients to us.

1           And so while we are a participant and are also  
2 working with these coalitions, the amount of money,  
3 additional money, that's actually been provided to us  
4 is not the same as how much was committed to us in the  
5 event that we were able to provide services as a result  
6 of the referral from the housing counseling agencies.

7           However, that was additional revenue to help  
8 us to continue to have the staff that would work  
9 exclusively on the mortgage foreclosure case. We were  
10 able to retain the consumer law project attorney, and  
11 again, our commitment to inclusion of volunteers has  
12 really helped us to continue to address some of these  
13 problems in partnership with the private bar, the  
14 Attorney General's office, and of course, our  
15 colleagues in legal services programs.

16           But make no mistake about it. We're not doing  
17 what we need to do in order to really address the  
18 myriad consumer law problems that are being presented  
19 to us each and every day.

20           Another area that we saw a significant  
21 increase directly related to the economy was domestic  
22 violence. Unfortunately, the number of people who seek

1       our assistance in the family law area is so great that  
2       for individual direct representation, Community Legal  
3       Services only takes victims of domestic violence.

4               And in our efforts to try and make sure that  
5       no victim of domestic violence is harmed because they  
6       could not afford or get access to a lawyer, we have  
7       been really inundated with people who previously were  
8       not in a position to seek legal assistance that are  
9       seeking legal assistance because the violence has  
10      gotten so great.

11              We have the good fortune of being part of a  
12      coalition that includes -- as you heard this morning,  
13      includes domestic violence shelter and staff. And we  
14      also are able to maintain information about where they  
15      can obtain additional access to legal assistance.

16              But make no mistake about it: There continues  
17      to be a number of people who have experienced domestic  
18      violence, if they're not experiencing it at this  
19      moment, that want and need a lawyer. But because we  
20      don't have the resources and we're not able to identify  
21      a volunteer lawyer, that they don't get access to that.

22              The other area that I think we touched upon

1 this morning, but I don't think you fully appreciate  
2 how important it has been to us, is our collaboration  
3 effort. More than a decade ago, Arizona was, like  
4 other states, really encouraged, pretty much forced, to  
5 reduce the number of legal services programs in our  
6 state. And there was really more emphasis on getting  
7 down to one program than there was to really determine  
8 how that would impact the quality and delivery of legal  
9 services.

10 We had the good fortune of having leadership  
11 in our state bar, and leadership with the Arizona  
12 Foundation for Legal Services program, and with people  
13 like Levon and Anthony -- their counterparts because  
14 neither of them were in their positions -- who actually  
15 stepped up to the plate and decided that we would join  
16 together in a statewide effort to really do what's best  
17 for Arizona.

18 And we went from seven to three. And that  
19 really meant a lot to all of our clients because we are  
20 all working together to maximize the resources that are  
21 available in the state, to make sure that we work  
22 closely together on problems that really affect the

1 majority of Arizona low-income client community. And  
2 we have the good fortune of having a bar foundation  
3 that not only provides us with resources through IOLTA,  
4 but they work closely with us to address our needs in  
5 different ways.

6           And one example is stepping up to the plate  
7 and helping us. We could not have developed  
8 ArizonaLawHelp.org. We could not have really a  
9 technologically effective and efficient statewide  
10 structure without the help of the Arizona Foundation  
11 for Legal Services and Education. We would not be able  
12 to sit here today and say that we are very proud of  
13 what we're doing with the limited resources that we  
14 have available to us if we did not have the kind of  
15 local support that you've seen in the Arizona  
16 Foundation for Legal Services and Education.

17           And we really would encourage you, if there's  
18 anything you can do to get that restriction having to  
19 do with other folks' money off of the legal services  
20 community, that would be a tremendous help. I can tell  
21 you that some funding sources would choose not to  
22 provide the resources if their money is going to be

1 restricted like the Legal Services Corporation funding.

2           The other thing that I again would echo  
3 Anthony's comments earlier today: The allocation of  
4 resources for loan repayment is absolutely essential.  
5 That was real leadership when the Legal Services  
6 Corporation itself began to make the point of raising  
7 it with Congress. It has been an enormous assistance  
8 to us.

9           I can tell you that we do not -- we're not  
10 able to compete for lawyers in this economy or any  
11 other without having to take note of the tremendous  
12 loan amounts that they have hanging over their heads,  
13 and the lack of, you know, commitments from other  
14 sources to forgive those loans, so that they make  
15 choices to take employment where they can so they do  
16 have the resources to pay that loan off.

17           And with the loan repayment programs that  
18 we're all able to offer, we're adding a significant  
19 back and forth. And we really appreciate that, and we  
20 really encourage you to continue to be advocates for  
21 legal services programs in that regard.

22           CHAIRMAN MIKVA: Mr. Fuentes?



1           MR. FUENTES: Thank you very much.

2           Ms. Johnson, thank you. Your comments are  
3 very helpful to us, and I particularly enjoyed your  
4 presentation this morning. You stated it so well about  
5 how you went about making a work plan, and trying to do  
6 what was in that work plan, and avoiding what was not  
7 in that work plan. And I think you said that so very  
8 well, and it resonated with me.

9           I did notice in the presentation where you  
10 presented the mission statement of your efforts. And  
11 you spoke of, in that mission statement, of advocacy,  
12 and also of meeting the needs in terms of getting at  
13 service to the constituency.

14           But I didn't see in there the term "education"  
15 in that mission statement. And you know, we here at  
16 the Legal Services Corporation not long ago added the  
17 word "promotion" to the name of this committee because  
18 we realized that it's not just in the provision of  
19 services that we do our job, but also in promoting the  
20 message, educating the general public and, in  
21 particular, educating the bar of their obligations and  
22 responsibilities in terms of meeting those less

1 fortunate.

2 Do you have programs and activity that are  
3 specifically aimed at educating the general community  
4 to understand how deep the problem is, and educating  
5 the bar? I myself come out of food banking. That's  
6 how I came to this board. And we found in food banking  
7 that, you know, we're never going to feed everybody.

8 There's always going to be some hungry person  
9 in our world. But we get so much more accomplished  
10 when we make conscious our neighbors of hunger. And  
11 then people get involved. And then they care. And  
12 then they begin trying to do for their neighbor what  
13 needs to be done.

14 Can you tell me what you do or what's in that  
15 work plan to educate both the general population and  
16 the bar?

17 MS. JOHNSON: Yes. And perhaps I didn't do it  
18 as well as I thought I did.

19 Our mission is really to eliminate the  
20 poverty-based inequities in the civil justice system.  
21 And our strategic plan has among its strategic goals,  
22 one of course is to increase funding. But the second

1 one -- and interestingly enough, our strategic planning  
2 process brought up exactly what you said. Our second  
3 one really commits us to branding and community  
4 awareness.

5           And it was so important in our planning  
6 process that the message got out both that there is a  
7 problem and that it's in everybody's interests that  
8 access to our justice system is available, and it's not  
9 based upon how much money you can afford to pay a  
10 lawyer.

11           And so as part of that, we have a committee  
12 that has really identified marketing as a significant  
13 issue for us. We've begun that process on a very  
14 conscious level, and as Anthony described this morning,  
15 we're doing it on a statewide level because we don't  
16 want just the people in Yuma or in Maricopa County  
17 understanding the role of legal aid and access to the  
18 justice system. We want all of the state. And we  
19 include in our marketing plan, very consciously, the  
20 broader legal community.

21           And I can tell you that what we've learned and  
22 why we're so committed to voluntarism is because we've

1 learned that the best advocate for us and for our  
2 client community is someone who's had the opportunity  
3 to do something for someone else that's led to  
4 resolution of a legal problem.

5           So we have a very vibrant volunteer lawyers  
6 program that's intended to have ambassadors. And we  
7 very consciously partner not only with the state bar,  
8 but with each -- and this is very important to us --  
9 each of the counties, which are all voluntary bars.  
10 And the partnership is directly related to increasing  
11 the number of lawyers who are participating in a real  
12 way.

13           I don't think we would have been successful in  
14 terms of getting our state Supreme Court's support or  
15 the state bar Legal Services Committee to begin to  
16 consciously include our issues in the decisions that  
17 the Board of Governors have made. And I certainly  
18 think that we're doing it on a more conscious -- we're  
19 doing it more consciously in collaboration with the  
20 foundation to educate the public.

21           So part of the marketing is a plan to get the  
22 information out to the broader public about what we do,

1 but also how important it is for access to justice.

2 MR. FUENTES: It would seem to me -- and this  
3 is just one member's opinion -- but it would seem to me  
4 that that really ought to be the first priority, and  
5 the funding comes second, because then you can  
6 geometrically utilize and multiply what resources you  
7 do get that are paid for. But that should be just a  
8 matter of approach.

9 The other thing I'd like to comment on because  
10 I've heard it mentioned a couple times is the issue of  
11 restrictions. And there's a great deal of history to  
12 why these restrictions came to be. It was because  
13 things really did get out of hand, and the Congress had  
14 to act to implement those restrictions.

15 And of course, we've had recent scandals, with  
16 ACORN and other organizations like that, that I think  
17 make it a very difficult environment to eliminate  
18 restrictions. Because certainly the cause and the  
19 reason for the existence of LSC suffered in those years  
20 when abuses took place, and the restrictions had to be  
21 put in place.

22 And we functioned doing the work case by case,

1 meeting the needs of the poor with those restrictions.  
2 And I just think it's incumbent on all of us to look  
3 back at that history because there are very complex  
4 reasons why they came to be. Thank you.

5 CHAIRMAN MIKVA: Ms. Minow?

6 DEAN MINOW: Thank you again, Ms. Johnson.  
7 It's a very interesting presentation. There are three  
8 points that you touched on that I wonder if you can  
9 clarify now or maybe some other times.

10 But your interesting points about the  
11 increasing numbers of people who come to seek services  
12 where there are one or two members of the family who  
13 have jobs -- I wonder if you actually have data about  
14 that, what percentage of those that you're serving, and  
15 how has it changed over time, are people who are  
16 working poor as opposed to entirely unemployed. So  
17 that's my first question.

18 The second question is: This involvement of  
19 volunteer lawyers again is extremely interesting. And  
20 also, you mentioned that you can put a dollar value on  
21 their time. And I wonder if you've actually tracked  
22 that, and tracked that in your budget, and also whether

1 you tracked the increase in the numbers of volunteers  
2 over time.

3 And then finally, in terms of identifying  
4 patterns or problems such as the consumer fraud issues,  
5 I wonder if there are ways in which you do or can  
6 imagine in the future working with the state Attorney  
7 General or also the federal Department of Justice,  
8 which has identified that in particular as an area of  
9 primary concern.

10 MS. JOHNSON: Hmm. A very complex set of  
11 questions.

12 In terms of tracking, with regard to the  
13 working poor, in our priority-setting process, we did  
14 an assessment in 2000, and we were able to gather  
15 information from a number of sources, some of which  
16 included the source of our information, people who  
17 applied for services.

18 But other sources were community organizations  
19 and the requests that we did not -- that were denied.  
20 But we did not have hard data that we maintain to be  
21 able to deal with it.

22 The process of assessing what the client needs

1 are, that is a work in progress for Community Legal  
2 Services. But the interesting issue for us is that the  
3 process itself gave us more information than we would  
4 have had had not we engaged in the process.

5 And so some of the learnings that we got was  
6 that there were more information, if you were listening  
7 well, that you could gather about the conditions of  
8 your clients that they are telling you in different  
9 ways.

10 And you need to listen, and you need to seek  
11 out opportunities for you to give that information, so  
12 that the kinds of problems that they were bringing to  
13 us that we were saying we did not -- was not within our  
14 priorities was information that we use. But whether or  
15 not we had really good statistical data, I'd have to  
16 say absolutely not.

17 But what that taught us is that we needed to  
18 listen more and we needed to ask more questions. So we  
19 had other social service agencies to provide us with  
20 information, and we looked at the data that we did have  
21 in place. And the data that we did have in place is  
22 yes, there were, you know, two people working, and



1 still they were eligible for our services.

2 And what happened also was that as soon as we  
3 identified that, began to make changes so that they  
4 came. And they came in great numbers. So we  
5 recognized that that was a good way of gathering  
6 information and then trying to respond to it.

7 Now, Anthony, I know sometimes, when we talk  
8 about Arizona as though it's -- Anthony indicated that  
9 they are working on capturing information about the  
10 number of hours and the value of that with regard to  
11 volunteer lawyers. And that's a work in progress for  
12 all of us. But no, we do not capture that information  
13 and then project it and include it in our budget.

14 What we have done -- and again, the process  
15 sometimes gives you more information -- we have  
16 recognized that there has been so much significant  
17 value in lawyers who volunteer to take a case or  
18 interview a client, they are more likely -- and we have  
19 information that tracks this -- to donate to legal  
20 services. So our equal justice campaign has another  
21 donor every time we get the volunteer lawyers.

22 And so we see that as you don't have to tell

1 us that twice and nobody has to, you know, write that  
2 in a report. We got that. So we're recruiting  
3 volunteers, and we're saying, donate here. Donate  
4 here. And they're donating their time and their  
5 resources.

6 And they're the best ambassadors because they  
7 tell their colleagues, have you gone down to Community  
8 Legal Services and volunteered? I had this case. And  
9 so we've been able to track that. And that's why we're  
10 so big on voluntarism.

11 And we have in our strategic plan -- as a  
12 direct result of that, we have in our strategic plan  
13 the expectation that we increase the number of  
14 volunteers by 10 percent. And it doesn't matter to us  
15 that it's just our urban. We want it all throughout  
16 the program because we understand the value of having  
17 those ambassadors out there.

18 I hope I answered them.

19 DEAN MINOW: You did. The last one was just  
20 leveraging what you do in relation to the state  
21 Attorney General or the federal Department of Justice.

22 MS. JOHNSON: We do collaborate. And they

1 work with us. A classic example is we are looked upon  
2 for the brochures that the Attorney General's office  
3 passes out for tenants, the landlord/tenant booklet,  
4 the consumer information. And we work with them.

5 If we can get them to take a case, problem  
6 solved. But they, like us, have limited resources, and  
7 they have -- you know, tend to have numbers of people,  
8 residents, that the problem has to affect because they  
9 can get involved.

10 So yes, we do. And you're right, we can even  
11 do a better job.

12 DEAN MINOW: Thank you.

13 CHAIRMAN MIKVA: Ms. Singleton?

14 JUDGE SINGLETON: Lillian, a number of years  
15 ago, I was here -- not here in Tucson but here in  
16 Arizona, in Phoenix, for a meeting. And they took us  
17 down to the courthouse there to look at the self-help  
18 center, the kiosks and all of that stuff.

19 And I'm wondering whether having that in fact  
20 helps your client population to be able to fend for  
21 themselves, and whether or not your program does  
22 anything to try to make it so those are more useful to

1       them.

2                   MS. JOHNSON: Kiosks were a great idea, and  
3 I'm sure that they are useful to a number of people who  
4 would otherwise not have access to a lawyer. But you  
5 might have heard us describe a project called FLAP.  
6 The acronym is Family Law Assistance Project.

7                   JUDGE SINGLETON: Yes.

8                   MS. JOHNSON: Because nothing takes the place  
9 of actually talking with someone with legal knowledge  
10 to be able to understand how to fill out those papers.  
11 So we have a very effective, very successful -- again,  
12 it's a volunteer lawyers project, Family Law  
13 Assistance, in the courthouse where that very same  
14 self-help center -- we have lawyers on duty that will  
15 explain and answer questions.

16                   And yes, we have discovered that that is a  
17 tremendous help. In fact, the Maricopa County Bar  
18 Association, which is our partner in this providing the  
19 service, they had a mechanism where they had a lawyer  
20 referral service. So if you were not eligible for our  
21 services because you make too much money, you would be  
22 referred to a lawyer referral attorney, and you'd pay

1       \$35 for a 30-minute consultation.

2               We had so many people eligible -- who were  
3 poor -- who were eligible to be seen by a volunteer  
4 lawyer that all of the lawyer referral service  
5 attorneys began to volunteer for us. So yes, that's a  
6 very effective mechanism, and we've been working with  
7 the bar association and with the courts to try and make  
8 it more useful for our clients. Absolutely.

9               CHAIRMAN MIKVA: Mr. Fuentes.

10              MR. FUENTES: I just have a brief follow-up,  
11 if I could.

12              Mr. Henry, you had mentioned earlier about law  
13 students and help during the summers in the program.  
14 How many law schools are there in Arizona, and do such  
15 summertime interns or helpers, do they come just from  
16 Arizona, or do they come out of the state, or do they  
17 have training in tribal law?

18              MR. HENRY: There are three law schools in the  
19 state, and we get a couple of students from at least  
20 two of the law schools to help us during the summer.  
21 Most of our students for the summer program come from  
22 places in the Boston area, D.C. area, the Northwest,

1 Seattle, Portland, San Francisco Bay area.

2 And a lot of these students do not have a  
3 background in federal Indian law. But they want to  
4 learn, and so they come to us partly for that reason,  
5 partly because they're looking for something different,  
6 and they want to do some work in public service.

7 A lot of times we just catch them because of  
8 our name.

9 MR. FUENTES: So you're nationwide in your  
10 recruitment, then?

11 MR. HENRY: Our recruitment is nationwide.  
12 And if I just may take a second here to say that  
13 Harvard honored me as being a Wasserstein Fellow a  
14 couple years ago.

15 DEAN MINOW: We were honored by your  
16 participation.

17 MR. HENRY: And we get students from there  
18 also. So we recruit nationwide, and that's always been  
19 our goal.

20 MR. FUENTES: Good. Thank you.

21 CHAIRMAN MIKVA: Ms. Johnson, Mr. Young,  
22 Mr. Henry, I don't think we can thank you enough for

1 welcoming us to Arizona, for really helping us do our  
2 job by giving us so much information, and mostly for  
3 doing your job, which is what this is all about. So  
4 thank you very much.

5 MS. JOHNSON: Thank you for having us.

6 (Applause)

7 CHAIRMAN MIKVA: Do we have time for a two-  
8 minute break?

9 MS. SARJEANT: I have very short updates.

10 CHAIRMAN MIKVA: All right. Really short,  
11 then.

12 MS. SARJEANT: Very short. Karen Sarjeant.

13 The update that I was going to give on Help  
14 Close the Justice Gap: Unleash the Power of Pro Bono,  
15 you really have just heard. Programs are really taking  
16 advantage of understanding that the private bar is a  
17 valuable resource.

18 And the point I wanted to make out of what  
19 we've heard is our 2009 CSR data is also showing that  
20 there are 10,579 more private attorney involvement  
21 cases that were reported to us, which is an  
22 11.4 percent increase over 2008.

1           So that the initiative of the board, the hard  
2 work of the programs, the contributions from the  
3 private bar is in fact coming together in a way that is  
4 providing additional resources to provide legal  
5 services.

6           The advisory group that was set up by the  
7 Corporation to work on private attorney involvement  
8 issues will be having another session at the Equal  
9 Justice Conference to talk about creative private  
10 attorney involvement projects, challenges they're  
11 having with the regulation. Our goal is to bring that  
12 back to this board and give you some type of report on  
13 what we've gathered from the two national meetings --

14           JUDGE SINGLETON: When is that?

15           MS. SARJEANT: -- on that issue. At the May  
16 Equal Justice Conference? We had a big --

17           JUDGE SINGLETON: Yes. What date?

18           MS. SARJEANT: It will be May 13th or 14th.

19           JUDGE SINGLETON: So it's a pre-meeting?

20           MS. SARJEANT: No. It's during the  
21 conference. And I think what's going to happen in  
22 terms of this pro bono initiative and the other work



1 of the committee is that since you now have a new  
2 committee, there will be further discussion as we move  
3 forward on what the work plan of this committee is  
4 around these issues.

5 I think private attorney involvement is going  
6 to stay on as one. It really is moving forward now,  
7 and there are lots of new ideas that are coming up.  
8 David Hall, a former board member, used to always want  
9 us to spend more time figuring out how to connect the  
10 law school academy to the work that legal services  
11 programs are doing, and I think that's something this  
12 board will want to come back to.

13 JUDGE SINGLETON: Go ahead.

14 MR. LEVI: This is John Levi. I just have a  
15 thought for you that comes out of my work: having a  
16 law firm adopt a public school. Have we ever thought  
17 about, and I put out there, having -- talking to  
18 managing partners of law firms about actually adopting  
19 an LSC office, and thinking about that as a kind of a  
20 strategy?

21 But today we're running out of time. I just  
22 throw that out there as a thought.

1           MS. SARJEANT: I'll take that back to the  
2 committee, and we'll certainly talk about it. You will  
3 get, in the finance committee meeting, a report on the  
4 LRAP funding. I just wanted to let you know that with  
5 the 2010 funding, we were able to add in 94 new  
6 participants into the LRAP. So you will hear more  
7 about that in finance.

8           MR. LEVI: And one other question about that,  
9 and I don't know if it's this committee or it's the  
10 finance committee. But we're hearing today, at least,  
11 how important this is.

12          MS. SARJEANT: Absolutely.

13          MR. LEVI: And the question is, at 5600, who  
14 set that? Should it now be 6,000? Should it be 7500?  
15 And is there any consideration, and in what committee  
16 is that being deliberated?

17          MS. SARJEANT: Well, that's an interesting  
18 question because actually, this committee needs to have  
19 a discussion about whether or not -- and the board, the  
20 full board, needs to have the discussion -- whether,  
21 when they come to the 2012 budget process, whether they  
22 are going to continue to make the request for LRAP. So

1 I leave that to the board to determine which committee  
2 they want to have that discussion.

3 CHAIRMAN MIKVA: John, you understand it's a  
4 line item. It's not something we can --

5 MR. LEVI: Yes. I do understand it's a line  
6 item.

7 MS. SARJEANT: Two other quick updates. One  
8 is the National Institute for Trial Advocacy is again  
9 making 48 positions available free of charge to LSC  
10 grantees for a July trial advocacy skills training at  
11 their headquarters in Colorado. And we're very  
12 grateful to NITA for doing this for a second year in a  
13 row. It is wonderful. Programs are struggling with  
14 having training resources. So this is a real gift from  
15 NITA to them.

16 And finally, I wanted to let you know that we  
17 have been able to select the Barnett Fellow for the  
18 summer from NYU, who will be starting in June. Renee  
19 Hatcher will be joining us for the summer months.  
20 She's a rising third year at NYU law school. And as  
21 you all know, there is this Helaine Barnett fellowship  
22 program, and Renee will be our first fellow.

1           So those were the very quick updates from this  
2 committee.

3           JUDGE SINGLETON: What's a rising third year?

4           MS. SARJEANT: She's about to finish her  
5 second year.

6           JUDGE SINGLETON: Oh, okay.

7           (Laughter.)

8           MS. SARJEANT: Also in your materials, the  
9 visit schedule for 2010 for both OPP and OCE. If you  
10 have any questions, feel free to ask me.

11          JUDGE SINGLETON: You didn't want us to come  
12 with you, did you?

13          MS. SARJEANT: On the visits?

14          JUDGE SINGLETON: Yes.

15          MS. SARJEANT: You sure can.

16          JUDGE SINGLETON: No, thanks.

17          CHAIRMAN MIKVA: They're going to Hawaii.

18          JUDGE SINGLETON: I think I'll skip it.

19          CHAIRMAN MIKVA: I have a request for next  
20 time, which is that as this committee is starting to  
21 think about priorities for the coming year, whether you  
22 could present us some staff input on this, and some

1 input from the grantees and what they think the  
2 priorities of the committee should be.

3 And in particular, whether -- one that in  
4 particular I would like to see some thought is the  
5 oversight function of LSC and whether that needs to be  
6 reviewed.

7 MS. SARJEANT: I think we can definitely do  
8 that, and I think that would be very appropriate for  
9 this committee, to take a look at the way we do  
10 oversight, whether there are changes that need to be  
11 made. Are we doing it in a way that is getting us the  
12 kind of results and information that we need to be very  
13 strategic about our oversight?

14 So we will certainly go back and talk with  
15 staff, bring something back, and part of that  
16 discussion will be figuring out how we can get some  
17 input from our programs to present to the board also.

18 CHAIRMAN MIKVA: Thank you.

19 MR. LEVI: And may I say, as a new board,  
20 we're learning our way. But as we learn our way, we're  
21 being given information, some of it unsolicited, but  
22 all well-intentioned.

1           And one of the things that I think we may want  
2   to do as a board is to actually bring in folks from the  
3   field, not just because we happen to be in their  
4   community, but those that you know, that we know, are  
5   well-recognized in the field, to give us their best  
6   insight.

7           And I think that would be helpful to us as a  
8   board as we go forward, and hopefully helpful to you as  
9   you hear from them in how we can best help them.

10           MS. SARJEANT: I think that would be  
11   incredibly helpful. And I think that there are also  
12   ways through the various project director meetings that  
13   are held throughout the year where board members could  
14   participate and get additional feedback.

15           But I will actually take that as kind of the  
16   charge for the next couple of meetings for this  
17   committee, to figure out how to bring in some ideas and  
18   people from the programs to have some interaction with  
19   this committee and the board about what the priorities  
20   ought to be. I think that's a great idea.

21           CHAIRMAN MIKVA: Thank you. I guess you  
22   mentioned opportunities for us. If somehow there could

1 be a list, they could be made known to us, and  
2 certainly that maybe there's one in our area or  
3 whatever, that would be really helpful.

4 MS. SARJEANT: Uh-huh. Will do.

5 CHAIRMAN MIKVA: Thank you.

6 Anything else? Public comment?

7 (No response.)

8 M O T I O N

9 MR. FUENTES: Move to adjourn.

10 MS. BROWNE: Second.

11 CHAIRMAN MIKVA: All in favor?

12 (A chorus of ayes.)

13 CHAIRMAN MIKVA: The meeting is adjourned.

14 (Whereupon, at 3:38 p.m., the committee  
15 meeting was adjourned.)

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