

TRANSCRIPT OF PROCEEDINGS

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS MEETING)
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Pages: 1 through 138

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LEGAL SERVICES CORPORATION

BOARD OF DIRECTOR'S MEETING

Holiday Inn
113 West Missouri
El Paso, Texas

Thursday,
December 19, 1985

The Board of Director's met, pursuant to notice,
at 1:00 p.m.

PRESENT:

PEPE J. MENDEZ, Chairman
ROBERT A. VALOIS
MICHAEL B. WALLACE
W. CLARK DURANT, III
THOMAS F. SMEGAL
PAUL EAGLIN
LORAIN MILLER
CLAUDE G. SWAFFORD
LEANNE BERNSTEIN
HORTENCIA BENAVIDEZ

ALSO PRESENT:

JOEL THIMELL
MICHAEL J. COSTER
DAVID GESSNER
TERRY ROCHSE
CRAVEN THORNS
JUDY RAUSCH

P R O C E E D I N G S

1
2 MR. DURANT: At this time, without break and
3 hitting the ground running, the Board of Directors' meeting
4 for the Legal Services Corporation for Thursday, December
5 19, will commence.

6 The first item I'd like to do is thank everybody
7 in El Paso who has made this a very hospitable visit. I
8 appreciated the reception last night and the opportunity
9 to talk to people from Houston and Austin and other places.
10 That's the reason we make these trips. Logistically it
11 is sometimes very difficult. But I think it's important
12 for the work that we're doing to get the kind of input
13 that comes both formally and sometimes, sometimes even more
14 importantly informally.

15 And so my thanks to people in Texas for all of
16 their comment and their hospitality. It has been very
17 helpful.

18 At this time, Hortencia, since we were going to
19 have a priest that you had recommended offer an invocation
20 or prayer before we begin the meeting, since we have gone
21 over I would appreciate it if you would offer us a prayer
22 before we start.

23 MS. BENAVIDEZ: Father Almighty, we come to you
24 this morning with humble trust, imploring your guidance
25 and your help. We ask that you touch our hearts and give

1 us the wisdom and the strength to do our job which is to
2 deliver service to the poor, conscientiously and to the
3 best of our ability.

4 We ask all this in the name of your Dear Son, Jesus
5 Christ, who is loved in justice's love.

6 Amen.

7 MR. DURANT: Only adjournment, Mother Theresa,
8 and Hortencia could get us all to stand at once.

9 The first item on the agenda will be the
10 approval of the agenda.

11 Are there any motions to amend it or do we want
12 to --

13 MR. MENDEZ: Mr. Chairman, I would move that we
14 amend the agenda, placing Item 5 before Item 4, and
15 reorienting the fiscal year '87 budget mark to the first
16 of the actions of the Audit and Appropriations Committee.

17 MR. VALOIS: Second.

18 VOICE: Mr. Chairman, could you please request
19 your people to speak into the microphones so we can hear
20 over the speakers. I'm sitting right here and can hardly
21 hear what's going on.

22 MR. DURANT: Fine. I appreciate your making
23 the request.

24 VOICE: Thank you.

25 MR. MENDEZ: In the back are you able to hear us?

1 MR. DURANT: The motion is to amend the agenda
2 to move Item 5 before Item 4; is that correct?

3 MR. MENDEZ: That's correct. And reorient '87
4 to the first portion of --

5 MR. DURANT: Of your, of your report.

6 MR. MENDEZ: That's correct.

7 MR. DURANT: All right. Has there been a second.

8 MR. VALOIS: Yes.

9 MR. DURANT: Any disc --

10 MR. EAGLIN: Do you want a second motion now
11 or do you want to vote on this one?

12 MR. DURANT: Well, if we could vote on this one.

13 MR. EAGLIN: All right.

14 MR. DURANT: Okay. Any discussion on this
15 particular motion?

16 (No response.)

17 MR. DURANT: All right. Hearing none, all those
18 in favor say "aye".

19 (A chorus of ayes.)

20 MR. DURANT: Opposed?

21 (No response.)

22 MR. DURANT: The motion is carried.

23 Mr. Eaglin?

24 MR. EAGLIN: Yes. My motion would be to move three
25 to the end of the substantive matters, that is, in other

1 words, take it before public comment, because the meetings
2 here in El Paso were prepared by our present leadership.
3 And we will be taking some actions now that will be
4 pointing our direction for the next year.

5 I don't know who's interested in chairman and
6 vice chairman. Last year I was contacted about the
7 election. This year I have not been contacted. So I
8 don't know who is interested, whether we have any
9 competition or not. And I would prefer to deal with some
10 of these substantive matters before we deal with chairman
11 and vice chairman.

12 MR. SMEGAL: Second.

13 MR. DURANT: Any discussion?

14 MR. MENDEZ: Mr. Chairman, I see no difficulty
15 with that.

16 MR. VALOIS: Mr. Chairman, I don't really think
17 that that's a great time consuming matter. I think that
18 we ought to just go ahead and get on with it. I think we
19 just --

20 MR. EAGLIN: Well, we handled paper and paper
21 ballots and so forth last year. It did take up a bit of
22 time.

23 MR. DURANT: Well, we -- Mrs. Swafford?

24 MS. SWAFFORD: I think there might be some need
25 for people to come and go. And I think we should take it

1 in the order in which we presently have it, because it
2 won't take up much time. It didn't last year. I would
3 not be for that.

4 MR. DURANT: All right. Well, then the motion --

5 MR. EAGLIN: It's not exceedingly critical to
6 me. I don't mind, you know. I just think that it would
7 come better at the end, because, as I said, I have not been
8 contacted. I don't know what's in store here. But if that
9 creates a problem for Ms. Swafford I'd be glad to defer to
10 her on that.

11 MR. DURANT: Well, Mrs. Swafford, I think Mr.
12 Eaglin is saying that he will defer to you --

13 MS. SWAFFORD: Very well.

14 MR. DURANT: -- as your preference on behalf of
15 where it is.

16 MS. SWAFFORD: Thank you. Thank you, Mr. Durant.

17 MR. DURANT: Thank you, Mr. Eaglin. Then you
18 withdraw the motion?

19 MR. EAGLIN: Sure. Well, with his permission.

20 MR. DURANT: With the approval of the second?

21 MR. SMEGAL: well, I did not second because I
22 thought it was time consuming, I seconded because I
23 listened to what Paul said. And it seems to me the
24 thrust of his motion is to put it in the proper order, which
25 is after we have gone through the items that the current

1 board has set on this agenda.

2 MR. EAGLIN: Ms. Swafford was pointing to some
3 problems that perhaps she is going to have some problems
4 with moving it to the later time. I'm willing to go with
5 what she says.

6 MR. SMEGAL: Oh. I'll withdraw my second.

7 MR. DURANT: All right.

8 MR. MENDEZ: Mr. Chairman, since Mr. Wallace
9 is not present, I move that we delete Item 6.

10 MR. DURANT: Any second to that?

11 MR. SMEGAL: Second.

12 MR. DURANT: There is no objection from Mr.
13 Wallace, by the way.

14 Any discussion?

15 (No response.)

16 MR. DURANT: Hearing none, all those in favor
17 say "aye".

18 (A chorus of ayes.)

19 MR. DURANT: Opposed?

20 (No response.)

21 MR. DURANT: Motion carried. Item 6 is stricken.

22 The next, any other motions on the agenda?

23 (No response.)

24 MR. DURANT: The next item is the approval of
25 the minutes of November 8 in, where were we, Anaheim.

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Are there any discussions regarding the minutes?

MR. SMEGAL: On page 3, with respect to Mr. Olsen's appearance, the state bar has many committees and other kinds of organizations, but in addition to that the board of the governors of the State Bar of California have some committees. And Mr. Olsen appeared as chairman of one of those committees of the board rather than the committee which exists in the state bar.

I would ask that you clarify that by inserting at line 3 of the paragraph that starts with my name, following California State Bar Board of Governors, and three lines further down where the sentence in the middle starts "He stated that the committee", well again, it's the board committee. And I would ask that you insert the word "board" to make it clear that Mr. Olsen's appearance was on behalf of the board of governors.

MR. DURANT: Okay.

MR. BAKER: Do I understand it correctly, after California State Bar insert "Board of Governors".

MR. DURANT: Put "Board of Governors."

MR. SMEGAL: "Board of Governors."

MR. BAKER: And the "board committee" two lines down.

MR. SMEGAL: Yes.

1 MR. DURANT: On the sixth line down in that
2 paragraph.
3 Do you want to do that in the form of a motion?
4 MR. MENDEZ: No, I think we just acquiesce in it.
5 It's sort of technical.
6 MR. DURANT: Okay. Any other comments on the --
7 MS. BENAVIDEZ: On page 13.
8 MR. DURANT: Thirteen.
9 MS. BENAVIDEZ: My name was misspelled.
10 MR. DURANT: Which name?
11 MS. BENAVIDEZ: My name.
12 MR. DURANT: Oh, your name. Well, absolutely,
13 that should be corrected.
14 Would you send the word processor through and
15 correct that?
16 Any other corrections?
17 MR. EAGLIN: What was that last one, Mr.
18 Chairman?
19 MR. DURANT: Ms. Benavidez' name was misspelled
20 on page 13.
21 MR. BAKER: On the second from or third from last
22 line.
23 MR. VALOIS: The word "stricken" I believe is
24 misspelled on page 7, first paragraph.
25 MR. DURANT: Mr. Baker, could you next Wednesday

1 go through these minutes and make sure that all the
2 spellings are correct?

3 MR. BAKER: Okay.

4 VOICE: As long as we're correcting misspellings,
5 on page 14 --

6 VOICE: Get near a mike, please.

7 MR. DURANT: Well, if it's just technical I
8 think you can just tell us.

9 VOICE: On page 14 there is a reference to
10 Kwaku Duren, who is a member of -- is identified as
11 representing a local union of Legal Services. His name is
12 misspelled. And it should be K-W-A-K-U D-U-R-E-N, last name.
13 And the union represents the employees at the Legal Aid
14 Foundation of Los Angeles.

15 MR. MENDEZ: Did you get that, Tim, the
16 spelling?

17 MR. BAKER: Could you repeat that, please?

18 MR. MENDEZ: Please repeat the spelling.

19 VOICE: K-W-A-K-U is the first name. D-U-R-E-N
20 is the last name.

21 MR. MENDEZ: Thank you very much.

22 MR. DURANT: Any other corrections or technical
23 or otherwise to the minutes?

24 (No response.)

25 MR. DURANT: Hearing none, may I have a motion to

1 approve them?

2 MR. VALOIS: So moved.

3 MR. DURANT: Second?

4 MS. MILLER: Second.

5 MR. DURANT: All those in favor say "aye."

6 (A chorus of ayes.)

7 MR. DURANT: Opposed?

8 (No response.)

9 MR. DURANT: The next item on the agenda is the
10 election of chairman and vice chairman of the board.

11 MR. MENDEZ: Mr. Chairman, desiring consistency
12 and continued work and believing that you have done a
13 superb job, I would again nominate you, Clark Durant, as
14 Chairman for the Board.

15 MS. MILLER: I'd like to make a second to that.

16 MR. DURANT: Any discussion?

17 MR. MENDEZ: Why don't we turn this over to Bob
18 since this is the thing and he's the vice chairman.

19 MR. VALOIS: Are there any other nominations?

20 (No response.)

21 MR. VALOIS: The nominations are closed.

22 Pass out the ballots, I guess.

23 MR. MENDEZ: Well, if there's no -- I tell you,
24 we don't need a ballot I don't think. Just do it orally,
25 do it by roll call.

1 MR. VALOIS: Well, then if there are no other
2 nominations then I guess by popular acclaim the chair --

3 MR. MENDEZ: I think we've got to take an oral
4 vote on it.

5 MR. VALOIS: Do you want to take a voice vote?

6 MS. SWAFFORD: Close the nominations then.

7 MR. MENDEZ: Voice vote by person, I think.

8 MR. VALOIS: There are no other nominations?

9 MR. MENDEZ: No.

10 MR. VALOIS: Okay. All those in favor of Mr.
11 Durant being reelected chairman say "aye."

12 (A chorus of ayes.)

13 MR. VALOIS: Those opposed.

14 (A chorus of noes.)

15 MR. VALOIS: Okay, I believe Mr. Durant is our
16 new chairman or continued chairman.

17 MR. DURANT: I want to thank you for the vote
18 of confidence. I think we will be -- I think we have all
19 over the last year found this to be a fascinating experience.
20 I think the comments that have been made both here and
21 other places, I hope that in making our determinations
22 that we honestly assess information that is presented to
23 us and that we act with an open heart and in good faith.

24 While there may always be differences at time,
25 I know from my standpoint, and I think from the full board's

1 standpoint, that we do act with a commitment to justice,
2 and not to minimum access but to, as I referred in my
3 remarks at our confirmation and swearing in, to a concept
4 of maximum access. As I say, there may be differences as
5 to how best that's achieved.

6 I know from my years in representing, which still
7 go on, but I don't do any more criminal work, but in
8 representing indigent people at less than sometimes a dollar
9 an hour, that poor people are the most not only overregulated
10 but potentially the most abused children or otherwise. And
11 that I hope that we can fill our obligations to them in
12 all the appropriate ways.

13 The next item on our agenda is the election of
14 a vice chairman of the board.

15 MS. SWAFFORD: Mr. Chairman, I would like to make
16 a motion that Mr. Robert Valois be elected vice chairman.

17 MS. BENAVIDEZ: I second that.

18 MR. DURANT: Ms. Benavidez, you second that?

19 MS. BENAVIDEZ: Yes.

20 MR. DURANT: Are there any other nominations?

21 (No response.)

22 MR. DURANT: Hearing none, let us do this by
23 a voice vote as well.

24 All those in favor of Mr. Valois as vice
25 chairman please signify by saying "aye."

1 (A chorus of ayes.)

2 MR. DURANT: Opposed?

3 (No response.)

4 MR. DURANT: It's unanimous.

5 MR. VALOIS: Thank you, fellow members of the
6 board. I appreciate your support. And I have enjoyed
7 working with everyone of you and look forward to another
8 year, and especially look forward to the assistance in
9 working with the field once again.

10 MR. DURANT: The next item on our agenda is the
11 report from the Audit and Appropriations Committee.

12 Mr. Mendez.

13 MR. MENDEZ: Mr. Chairman, we have just adjourned
14 the Audit and Appropriations Committee, as the record
15 should reflect. And we are taking out, we are going to
16 readdress the staff recommendation, the fiscal year '87
17 budget mark. And I don't know what the Chair's pleasure
18 is. I think it might be we can either make comments,
19 make motions, or --

20 MR. DURANT: Well, why don't -- I think the best
21 thing to do would be to allow -- I want as much opportunity
22 for different options as possible. Why don't we start it
23 with some, with a motion. If there are to be amendments
24 or discussions we can do it that way.

25 What is the pleasure of the board?

1 MS. BERNSTEIN: I would like to make a motion
2 for a 1987 budget mark 280 million. Because of my voice
3 I've asked a staff person to make a presentation for me.
4 And if there is a second for the purposes of discussion, I
5 will ask the staff person to do that for me.

6 MR. MENDEZ: Mr. Chairman, I don't know how well
7 everyone heard. You said \$280 million?

8 MS. BERNSTEIN: Yes.

9 MR. MENDEZ: For purposes of discussion I will
10 second that motion and request that Mr. -- Is it Mr.
11 Jarvis?

12 MS. BERNSTEIN: Yes.

13 MR. MENDEZ: And ask Mr. Jarvis to come forward
14 and make the presentation on behalf of Mrs. Bernstein.

15 MS. BERNSTEIN: Mr. Chairman.

16 MR. DURANT: Yes?

17 MS. BERNSTEIN: Could we take a brief break?

18 MR. DURANT: Five minutes. We will take a
19 five-minute break.

20 (Whereupon, a short recess was taken.)

21 MR. DURANT: At this point the meeting will
22 reconvene.

23 Please sit down so that we can continue this
24 and move along at an appropriate pace. I have been told
25 that there are a number of people in the field who have

1 planes to catch and whatever and will have comments. And
2 I want to keep this moving.

3 Mr. Jarvis, you have been asked by Mrs. Bernstein
4 to make a report in support of her motion. Could you
5 please do so now?

6 MR. JARVIS: Yes. Due to the special
7 circumstances of Ms. Bernstein's voice this morning she
8 has asked that I read from her notes and also present two
9 charts to the board as a basis for her lower budget mark
10 of \$280 million.

11 Due to the concern over the general deficit in
12 the federal budget, Member Bernstein would like to see a
13 reduction in an attempt to have Legal Services make its
14 mark in the area of reducing that national deficit. She
15 does not consider it to be an extreme reduction because
16 she does believe that due to a greater involvement of the
17 bar nationally, which will hopefully be encouraged and
18 increased, that the private sector will begin to take more
19 of a responsibility for those less fortunate providing
20 legal needs.

21 The first major concern as a basis for the
22 \$280 million mark is that there shall be no increases for
23 basic field due to increases in funding to the field since
24 1982. That in an of itself is of course not sufficient
25 to rationalize it. But Member Bernstein would like to

1 bring to the attention of the board that the numbers of
2 attorneys serving the poor have decreased since 1981.

3 This first chart, the board I hope can see, is
4 the numbers of attorneys in LSC field programs, showing a
5 downward trend from 5,944 in 1981, to 4,728 in 1985.

6 What does concern Member Bernstein is that these
7 increases -- decreases in field attorneys have been during
8 a time in which funding for Legal Services in millions of
9 dollars has increased from 1981 figures of \$369.2 million
10 to \$411 million in 1985. This is total funding for Legal
11 Services, LSC federal funds as well as all other funds to
12 Legal Services grantees.

13 Cases closed as well, as shown in the fact book
14 of Legal Services, have remained static in some years in
15 comparison to 1984 and '85, and have actually reduced in
16 number: 1,245,226 cases in 1981; 1,274,318 in 1983; and
17 a reduction of 50,000 in 1984 to 1,227,358 in 1984.

18 Member Bernstein would like to stress that if
19 the board votes against this \$280 million mark it is not
20 necessarily creating more service for clients, it is
21 justifying an increase of dollars to attorneys while their
22 numbers are lowered in 1985.

23 Personnel allocations have been increasing
24 steadily to 71.1 percent in 1984, an increase over the
25 previous years since 1981, nearly 10 percent.

1 In 1985 there's something like 1,300 less
 2 attorneys than in earlier years receiving tens of millions
 3 of dollars more money.

4 Member Bernstein also would like to bring to the
 5 board's attention that the minimum access concept is
 6 misstated so often in testimony before the board. LSC
 7 grantees are not the sole delivers of legal services.
 8 And the fact of private sector involvement and the
 9 increase in studies on those that are becoming involved
 10 in alternatives to Legal Services' federally funded
 11 programs are not always accounted for in the minimum
 12 access service of the poor.

13 Also, support functions bear very high burden
 14 in the budget. It is Member Bernstein's personal belief
 15 that they have not met the burden of absolute necessity
 16 at the levels at which they are funded. Therefore, while
 17 the field remains at its present mark, the support functions
 18 are to be, in the \$280 million mark, eliminated completely.
 19 Section two of the segment of the budget.

20 Also, migrant and Native American programs should
 21 be somewhat reduced because A) these clients can be
 22 served by any basic field program if priorities are so
 23 set and if that important sector is so deserved and the
 24 local boards and Legal Services grantees make that
 25 decision to serve them;

1 B) these clients are funded on non-census basis
2 and yet other sources for these, other sources other than
3 Legal Services funding, are more available for these
4 particular clients. The Bureau of Indian Affairs in the
5 case of Native Americans; the Justice Department's Native
6 American involvement, as well as an increased involvement
7 in state IOLTA programs, in California in particular, the
8 specific setting aside of funds for undocumented aliens
9 and farm worker issues and cases.

10 Most money available in states that also have
11 migrant populations can be gained from other sources as
12 well as an addendum to the funding.

13 Also, due to specific problems that are appearing
14 in a disjunction between funds to migrant programs and
15 the numbers of people served by those particular programs,
16 Member Bernstein would also like to see funds
17 reallocated to those programs with a history of serving
18 these special needs clients.

19 Therefore, the migrant and Native American
20 segment should be funded at half of the level at which
21 the mark presently exists.

22 I have completed the reading of the notes for
23 Mrs. Bernstein.

24 MR. DURANT: Is there any other discussion within
25 the board?

1 (No response.)

2 MR. DURANT: I'd like to have a vote then on
3 Ms. Bernstein's motion.

4 All those in favor of the motion signify by
5 saying "aye."

6 (A chorus of ayes.)

7 MR. DURANT: All those opposed signify by saying
8 "no".

9 (A chorus of noes.)

10 MR. DURANT: The motion fails.

11 Mr. Eaglin, for the purposes of making a motion
12 I recognize you.

13 MR. EAGLIN: Thank you, Mr. Chairman.

14 Mr. Chairman, I would like to follow up on the
15 presentations we have had extensively this morning and
16 move for the consideration of the board the adoption of
17 the Project Advisory Group proposed mark for 1987, a
18 total of \$385 million. Breakdown as follows -- Or could
19 I just reference there their one page, Mr. Chairman?

20 MR. DURANT: Please.

21 MR. EAGLIN: Would that be sufficient?

22 MR. DURANT: Yes, that would be fine.

23 MR. EAGLIN: All right, I will just reference
24 their paper there.

25 I would also like to remind the board of

1 something that I said last year. I pointed out that I
2 was willing to take up their offer which was that we join
3 in an effort and go before Congress and advocate strongly
4 this position. And I believe that we could unify the
5 Legal Services community behind us and make a very, very
6 strong impression on Congress. And I think we would be
7 able to achieve some significant increases, very usable
8 increases in the budget for Legal Services.

9 MR. DURANT: Thank you, Mr. Eaglin. Is there
10 a second to that?

11 MS. SMEGAL: Second.

12 MR. DURANT: Okay. Any comment or discussion
13 within the board?

14 MR. SMEGAL: Yes, I have a comment. Yes.

15 MR. DURANT: Mr. Smegal.

16 MR. SMEGAL: I think there are two things that
17 I'd like to focus on that happened since we last started
18 meeting last December. As Clark pointed out we have had
19 a fascinating year. And I could 26 fascinating meetings
20 on this subject, not counting the meetings we had on the
21 selection of the president.

22 Last year we were disadvantaged in that we came
23 to the meeting on December 20 not experienced in Legal
24 Services, not knowing where this -- how this program came
25 to be and how it should be conducted. We were dependent

1 upon the staff. The staff came in with a budget
2 recommendation of 305 million, which was adopted by this
3 board.

4 A year has gone by, and we now have the
5 unique circumstance of being more experienced than staff.
6 This board now has a year of experience with Legal
7 Services. And I suggest to you maybe the board doesn't
8 have or the staff doesn't have quite that much experience.
9 But more importantly, I think, what we have seen this
10 morning, what we have seen over the last couple of days
11 is a unified position with respect to what we have heard
12 from the staff with respect to their expertise and with
13 respect to PAG and all of the people that testified this
14 morning, with respect to their expertise in particular.

15 Both of those elements, the staff and the field
16 programs, have recommended that we seek from Congress a
17 25.7 percent increase for fiscal year 1987. And I would
18 direct you to Dave Gessner's document dated December 13.
19 The last line of it would increase the administration from
20 11.2 million to 14 million. And if you do some simple
21 math you will find that that is a 25.7 percent increase.

22 PAG's increase is entirely consistent therewith.
23 In fact, it's the same increase, 25.7 percent, from 305
24 million -- 305.5 million to 385 million.

25 So I am delighted that I am able to see a uniform,

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1 unified recommendation both from the staff and from PAG
2 at this juncture, a year into our deliberations as board
3 members.

4 Thank you, Mr. Chairman.

5 MR. DURANT: Thank you, Mr. Smegal. I love having
6 you as a member of this board. And I mean that sincerely.

7 Any other comments from members of the board?

8 (No response.)

9 MR. DURANT: I promised Mike Mellen, the president
10 of, is it West El Paso or is it West Texas?

11 MR. MELLEN: West Texas.

12 MR. DURANT: West Texas Legal Services an
13 opportunity to comment.

14 Mr. Mellen.

15 MR. MELLEN: Thank you, Mr. Chairman and Members
16 of the Board.

17 My name is Michael Mellen. I live at 1410
18 Ash, Abilene, Texas. I am an eligible client. I am also
19 a disabled veteran and I am on Social Security disability.
20 And I come from Region 7.

21 I would like to address the LSC budget mark for
22 1986 and 1987, which blatantly does not contain any monies
23 for client participation or training, and the defunding of
24 the National Clients Council.

25 I would remind the board that this Legal Service

1 program was designed to have close communication with the
2 clients and active participation of the client community
3 in the LSC program, which we as clients feel that this is
4 being eroded away.

5 There is a need to train the client community
6 to be effective professional board members of their local
7 programs as intended by Congress. I am an eligible client,
8 a client board member, and the second term president of
9 the board of directors of the West Texas Legal Services
10 Corporation. I have found the training and participation of
11 the client community to be valuable in the functions of the
12 West Texas Legal Service program. And, therefore, strongly
13 urge this committee to reinstate in the '86-'87 budget
14 monies for client training and participation.

15 I would also like to have an answer to the
16 question I am about to ask from the chairman of this board.
17 And the question is, I would like to know or have described
18 in detail how the -- the reason why the client
19 participation and training was removed from this budget,
20 and also to, let's see -- The client community -- You'll
21 have to bear with me on this. I got here late last night
22 and some questions were raised during the day that I've
23 been trying to write on.

24 MR. DURANT: That's fine. No problem.

25 MR. MELLEN: And sometimes my writing is bad.

1 MR. DURANT: I'll tell you, Mr. Mellen, to make
2 it even easier for you, why don't you prepare a -- I will
3 give you any written response that you'd like of any
4 detail in any length that you, to any particular question
5 that you've got.

6 MR. MELLEN: Okay. Well, the question is, What
7 criteria was used to remove the client participation and
8 training? Was there a study done, et cetera? If so, I
9 would like some information on that.

10 And also, in view of the removal of this client
11 participation, is there going to be some other program to
12 bring in this client participation as was truly intended
13 by Congress in the beginning?

14 In raising this issue and asking these specific
15 questions I don't mean to indicate that my board does not
16 have any other serious concerns with the LSC budget.

17 Are there any questions?

18 MR. MENDEZ: May I make a comment, Mr. Chairman?

19 MR. DURANT: Mr. Mendez.

20 MR. MENDEZ: I appreciate your concerns. And
21 picking up on what Claude Swafford said earlier -- I don't
22 know if you heard her comments -- not only do clients need
23 training, every member of the board needs training.

24 MR. MELLEN: I have an answer to that question.
25 Number one, on our board two-thirds of our board comprises

1 of attorneys. And if attorneys can't go through college,
2 law school and other kind of trainings they have to
3 become good board members, I really don't see the need for
4 their training. I see the need for client members who have
5 no training, who do not have the legal expertise, who
6 do not have the college education. And to function on an
7 equal professional level they need to be trained on how
8 to be and function and perform as board members.

9 There are other kind of training that the client
10 community needs that is not needed by other attorney board
11 members because they've already had this training.

12 MS. SWAFFORD: Let me just --

13 MR. DURANT: Mrs. Swafford.

14 MS. SWAFFORD: Yes. One thing about that, let me
15 just assure you that lawyers just because they are through
16 law school doesn't mean that their need for training and
17 continuing education has ceased. They stand in need of it
18 and they recognize they stand in need of it.

19 MR. MELLEN: I agree with that. But as far as
20 being board members or training on board members, I think
21 there is more of a need in the client community for this
22 type of training than there is in the attorney community.

23 MS. SWAFFORD: It seems to me there's need for
24 both.

25 MR. DURANT: But I will, if you want to prepare

1 a letter to me or to Mr. Wentzel, or directly to me is
2 what I would prefer that you do --

3 MR. MELLEEN: Okay.

4 MR. DURANT: -- on those specific issues I would
5 be more than glad, as a number of people know that I am
6 willing to do, carry on a conversation with you and then
7 involve more of the board in that as we go along.

8 MR. MELLEEN: Okay.

9 MR. MENDEZ: One other thing I would like you
10 to do is besides telling, making those statements, I would
11 like to get some of your suggestions about the type of
12 training you would like to see and the type of items that
13 you would like to see done.

14 MR. MELLEEN: We have a, as a member of the
15 client community we do have -- This will change from time
16 to time.

17 MR. MENDEZ: I understand. But what I really
18 am specifically interested is what your suggestions are,
19 because each client will have different goals. And it's
20 good to get us a broad spectrum of what you need and what
21 the various other clients want.

22 MR. MELLEEN: You would like an idea?

23 MR. MENDEZ: Yes.

24 MR. MELLEEN: Some ideas on specific training or --

25 MR. MENDEZ: That's correct.

1 MR. MELLEN: I think that, that probably should
2 be left up a little bit to our service centers. They have --
3 You know, I'm just one person. And my view of training
4 that's needed is different than, say, like the total client
5 community. And I think our service centers have a better
6 grasp on that situation than I would.

7 MR. MENDEZ: Now I'm not asking for the service
8 center. I'm asking for yours specifically, because the
9 way service centers get theirs is to ask other people like
10 yourself. And you expressed enough interest to come here
11 today. And anybody that comes here and makes a
12 presentation and has this kind of interest will be listened
13 to. And I want to hear from you specifically.

14 MR. MELLEN: Well, I feel our service centers
15 have listened to us because at the end of every training
16 session that I have had we have had to make remarks or
17 suggestions or comments on the training. And there is
18 always a section on there for future client concerns and
19 also on what kind of training the clients feel are needed.
20 And then I believe our service centers correlate all these
21 suggestions and come up with training programs.

22 And I have yet to go to a training program that
23 I felt was bad. I have always come out of a training
24 program that I have learned something or have been able to
25 teach somebody else something. So I find these trainings

1 very invaluable. Not only is this training used on the
2 board, but the people that are trained go back out into
3 their community. And normally they get involved with
4 other community-type programs. And they use that training
5 that they get here to assist themselves in pulling themselves
6 up out of poverty or whatever situation they are in.

7 I really can't stress the importance of
8 training. Because if you keep a person ignorant you
9 basically keep him in that poor cycle.

10 MR. DURANT: Mr. Mellen, thank you very much.
11 I appreciate your comments.

12 MR. MELLEN: Thank you.

13 And I will get back with both of you. Thank you.

14 MR. DURANT: Any other comment?

15 MR. BYRD: If I may, I'm Robert Byrd. That's
16 B-Y-R-D, by the way. If you don't mind. I believe that
17 the state support in this proposal from the staff is to be
18 zeroed out. And I would like to speak to that.

19 State support is very important to our local
20 programs.

21 MR. DURANT: In the motion that's on the floor
22 that doesn't occur. Okay? I mean, when that comes up
23 I will recognize you for that.

24 MR. SMEGAL: If, if it comes up.

25 (Laughter.)

1 MR. EAGLIN: Mr. Chairman, I'd like to ask Mr.
2 Smegal if he knows something I don't know.

3 MR. DURANT: Well, I think Mr. Smegal may be
4 quite correct.

5 Any further comment?

6 (No response.)

7 MR. DURANT: Okay. All those in favor of Mr.
8 Eaglin's motion signify by saying "aye".

9 (A chorus of ayes.)

10 MR. DURANT: Opposed?

11 (A chorus of noes.)

12 MR. DURANT: There were three yeses.

13 Are there any other --

14 MR. SMEGAL: So the vote was six/three.

15 VOICE: Could you tell the audience who the "yes"
16 votes were?

17 MR. DURANT: I'd be glad to. Mr. Eaglin, Mr.
18 Smegal and Ms. Benavidez.

19 Are there any other motions?

20 MR. MENDEZ: Mr. Chairman, I have a motion. I
21 move that we adopt an overall budget mark of \$305,500,000.
22 I am not happy with some of the internal line items of the
23 staff's budget proposal and, therefore, am proposing the
24 following line items totals as part of my motion.

25 For Roman numeral one, \$277 million.

1 Subparagraph A, \$272 million.

2 Subparagraph B, \$2 million.

3 Subparagraph C, \$3 million.

4 MR. EAGLIN: Excuse me, the last one?

5 MR. MENDEZ: Three million.

6 Roman numeral two, \$15.5 million overall. Excuse
7 me, \$15 million. One million dollars in A; \$14 million
8 in B.

9 Roman numeral three, \$13.5 million.

10 I ask for a second, Mr. Chairman.

11 MR. DURANT: Is there a second?

12 MR. VALOIS: Second.

13 MR. DURANT: Any discussion?

14 (No response.)

15 MR. BYRD: Could I ask you to please help me
16 by stating what that means in terms of state support?

17 MR. DURANT: All right. In terms of --

18 MR. MENDEZ: It means that we haven't decided
19 within the line, within the categories.

20 MR. DURANT: This does not, this motion does --

21 MR. MENDEZ: Does not speak to that.

22 MR. DURANT: Does not speak to that. It does
23 not.

24 MR. MENDEZ: And my inclination, speaking
25 personally, this is not part of the motion. Okay. My

1 inclination is not to zero out state support.

2 MR. BYRD: Thank you. That's very important
3 to us. We have certain contract obligations with our
4 unions that mandate that we provide training that only
5 the center currently provides, no one in the bar or
6 anyone else provides. We also have a variety of needs
7 that only the center can deliver in terms of training.

8 And also, we are at a new beginning. We are
9 only now commencing a technological breakthrough using
10 ABA Net and direct computer services so that the brief
11 bank to be maintained in Austin by the Texas Legal Services
12 Center will be a real resource. It would be a shame to
13 stop those efforts at this time.

14 And I appreciate your understanding.

15 MR. DURANT: I have one comment. I am going to,
16 Mr. Mendez, support your motion. But I am doing it with
17 this reservation. In the testimony yesterday on one of
18 the particular items, just to use a specific example, where
19 it was suggested that we shouldn't do it because we don't
20 have the money for it, it seems to me we have a twofold
21 obligation. One is is that I think some factor is given
22 to the weight of Graham-Rudman, the deficit questions and
23 whatever. But I think a great part of our responsibility
24 is to make a judgment based on demonstrated need and
25 whatever, to carry out our obligations under the statute.

1 I am going to ask Mr. Wentzel between now and
2 January to look at some of the questions raised not only
3 in Mrs. Bernstein's presentation but also in terms of
4 the other presentations that were made to determine whether
5 or not we are in fact addressing the question of legal
6 need as distinguished from legal want, as we debated a
7 year ago.

8 Also, I want more support for the recommended
9 increase in corporation management and grant administration.
10 But with that comment I am prepared to support your
11 recommendation. And, if necessary, we can revisit amounts
12 as we have at other points during the course of the year,
13 whether it be in January or another time.

14 Any other comments or discussion?

15 MR. SMEGAL: Yes, I've got some comments. I
16 guess this is the reverse of what I just said a minute
17 ago. I'm going to vote against this motion primarily for
18 the reason that I think we have been given the opportunity
19 over the last year to understand better what we're all
20 about. In addition to that, we've had a staff come in
21 and tell us they need another \$2.8 million to run the
22 Corporation.

23 Now, we've got one sack of money here. And it
24 keeps coming out three point -- \$305 million, and we're
25 going to reach into that sack and we're going to take out

1 another 2.5 million, even under Mr. Mendez' motion, 2.5
2 million to run what will be less of a program.

3 I think the realities are the staff understands
4 the problems. This money does not meet their need and
5 they need more of it. And I think as day follows night,
6 the programs have had the same problems. They continue
7 to have the same problems. And by reducing them from
8 274 million, the field programs, to 272 million, I don't
9 think we justify the need to have \$2.5 million more of
10 administration and grant -- grant administration. And I'm
11 going to vote against this.

12 MR. DURANT: Mr. Coster, are you here?

13 Well, Mr. Gessner, maybe you know, does the -- Is
14 that reduction in the field program, is that what is
15 supposed to be the question on the program audits?

16 MR. MENDEZ: That's not part of the --

17 MR. DURANT: I'm just asking for information.
18 Is that what that change is from? We're not allocating
19 in specific categories. I'm just asking as a point of
20 information is that what the difference is?

21 MR. GESSNER: Are you asking whether the amount
22 you've recommended, whether --

23 MR. DURANT: All I'm asking is you have the
24 number that is in the motion for the field programs is --
25 It's 272. In the motion it's 272.

1 MR. MENDEZ: Mine is 272.

2 MR. DURANT: Just a minute before I ask you
3 the question.

4 (Pause.)

5 MR. DURANT: I just had my question answered.

6 Any other comment?

7 Okay, all -- Yes, sir?

8 MR. MESSER: I'd like to speak against this
9 particular motion.

10 My name is Joe Messer. I am an organizer with
11 the National Organization of Legal Services Workers. And
12 a number of our members are here today as well.

13 I'd like to first apologize, indicate that my
14 casual attire is not due to lack of respect to the board
15 but due to the vagaries of the airline baggage handling
16 business.

17 MR. MENDEZ: I hope the rest of us don't have
18 that.

19 MR. MESSER: I'd like to build on a point that
20 Mr. Durant made. In the prior discussions between board
21 members and Mr. Roche there was a discussion of, in
22 essence, the number of eligible clients, the numbers of
23 people in poverty. At no time have I ever heard from this
24 board a statement that indicates that there really, that
25 there really is adequate funding to meet the current legal

1 needs of poor people however you count them, whether it's
2 33 million, 35 million, 29 million, 50 million, that there
3 isn't any consensus that we are currently meeting those
4 needs. In fact, quite to the contrary. I have heard both
5 board members and representatives of the field say
6 otherwise.

7 At a minimum, we don't even know, and I know
8 the Chairman has been long interested in determining some
9 of these things. And without that kind of information it
10 seems to me that a budget mark of 305 which involves a
11 massive increase in central administration and asks local
12 programs and local staff to further restrict services, to
13 avoid -- to be able to hire new people, to restore some
14 of these slots that have been lost under the budget cuts
15 of the last several years, to do all of those things, to
16 not be able to reopen priorities, and at the same time
17 increase central administration by 2.5 million is really
18 shocking.

19 And I think that one way to obviously deal with
20 that is to come up with some figure in between this one
21 and the figure that you have just rejected as a reasonable
22 one.

23 I would note that Ms. Bernstein herself has come
24 up over last year's proposal. And if the board as a whole
25 would adopt a percentage increase similar to the percentage

1 increase in her proposal from last year we might have a
2 figure that would at least be a compromise amongst all the
3 various elements.

4 MR. DURANT: Thanks.

5 Give my best to Jim Braude when you talk to him,
6 too.

7 MR. MESSER: I'll do that.

8 MR. DURANT: Any other discussion?

9 (No response.)

10 MR. DURANT: All those in favor of the motion
11 indicate by saying "aye".

12 (A chorus of ayes.)

13 MR. DURANT: Opposed?

14 (A chorus of noes.)

15 MR. DURANT: Okay.

16 MR. MENDEZ: Take a roll call.

17 MR. EAGLIN: I voted no.

18 MS. BERNSTEIN: I voted no.

19 MS. MILLER: I voted yes.

20 MR. DURANT: Okay. Mr. Smegal?

21 MR. SMEGAL: No.

22 MR. MENDEZ: Aye.

23 MR. DURANT: Aye.

24 MS. BENAVIDEZ: No.

25 MS. SWAFFORD: Aye.

1 MR. VALOIS: Aye.

2 MR. DURANT: Five/four. Motion carried on a
3 vote of five to four.

4 MR. MENDEZ: I've got the rest of this report.

5 MR. DURANT: Yes. Can we have the rest of your
6 report please, Mr. Mendez?

7 MR. MENDEZ: Mr. Chairman, with regard to the
8 COB '86, the committee recommends to the board the
9 continuing funding of all programs, of all programs through
10 contracts, through grants and contracts, including the
11 Corporation, at FY '85 levels, but that excludes the
12 National Client Council.

13 MR. VALOIS: You're talking about for a 3-month
14 period of time then?

15 MR. MENDEZ: For a three-month period of time.

16 Mr. Chairman, just to clarify matters, this
17 of course excludes the Reggies.

18 MR. DURANT: What about National Clients Council?

19 MR. MENDEZ: Well, I stated that, that it
20 excluded National Clients Council.

21 MR. DURANT: Are you making that as a form of
22 a motion?

23 MR. MENDEZ: That's correct. The committee
24 recommended it. And at this time I would make a formal
25 motion that the board adopt continued funding of all the

1 programs through grants and contracts at fiscal year 1985
2 levels for a period of 90 days and that the Corporation
3 operate on fiscal year '85 levels for a period of 90 days.

4 MR. DURANT: Is there a second to that?

5 MR. VALOIS: Second.

6 MR. DURANT: There's a second.

7 I'd like a question to Mr. Wentzel. That should
8 include the two, the two-check situation that occurs in
9 December should not --

10 MR. MENDEZ: Yes. Mr. Chairman, that --

11 MR. DURANT: That is four checks?

12 MR. WENTZEL: That's correct.

13 MR. MENDEZ: That is my understanding what we
14 specifically are doing is the two checks now and that the --
15 at '85. And then at four --

16 MR. DURANT: Their getting four checks.

17 MR. MENDEZ: They're getting four checks in
18 the next 90 days.

19 MR. SMEGAL: It is also, I assume, implicit in
20 this at some point when we do distribute the grants there
21 will be a catch-up on the --

22 MR. MENDEZ: That's correct.

23 MR. SMEGAL: -- 4.2 or whatever it is?

24 MR. DURANT: Whatever that is.

25 MR. SMEGAL: People keep changing that number on

1 me. Four point two back, retroactive back.

2 MR. MENDEZ: Of course.

3 MR. SMEGAL: So the fifth check, the fifth check
4 they get will pick up the increase, fiscal year '86
5 increase?

6 MR. DURANT: Fifth. Well, whatever is the
7 quickest and expeditious way to do that.

8 MR. SMEGAL: Okay.

9 MR. DURANT: Any other discussion?

10 Yes, Mr. Roche?

11 MR. ROCHE: Mr. Durant, one of the speakers
12 yesterday made a point that I don't think was all that
13 foolish, and that was that if we have to forebear for
14 four months an increase, somehow we ought to have some
15 interest on that. And I know you can't do that. But I
16 would like to hear a sense of this board that you will
17 attempt to cover that sort -- roughly that figure out of
18 your 1985 carry-forward.

19 MR. MENDEZ: Mr. Chairman, I would not agree
20 with that at all. In the first place, we are giving them
21 an extra month's check early. And that's costing in
22 interest approximately \$1.5 million to \$2 million out
23 of the U.S. Treasury. And we have had some discussion
24 about that. And I intend to address that matter in the
25 later meetings.

1 MR. ROCHE: Mr. Mendez, the four months' of
2 checks in the first 90 days is the procedure which the
3 Corporation has been using for at least the last nine or
4 ten years.

5 MR. MENDEZ: I understand that.

6 MR. DURANT: Any other discussion on the motion?

7 MR. SMEGAL: Terry, are you talking about the
8 interest that you would be able to gain by having 4.2 percent
9 fiscal year '86 money starting immediately?

10 MR. ROCHE: See, what happens with a lot of
11 program is when you get the two months in a lot of that
12 goes to upfront costs, annualized costs that occur the
13 first month. Some programs have a bunch of carry-over --
14 not carry-over, but they've got to fund some deficits
15 from Title 20 and the like. But some of this then also
16 goes into the bank to be used conceptually in December.

17 MR. SMEGAL: Or you want to buy a new typewriter
18 and you buy it at the beginning of the year.

19 MR. ROCHE: Yes.

20 MR. SMEGAL: Okay. I understand.

21 MR. ROCHE: And you put it in to be used in
22 December. During that period you might pick up a few
23 thousand dollars worth of interest.

24 MR. SMEGAL: Well, I'm -- Terry, we'll come back --
25 If you're getting the two checks, the only difference I see

1 is you're getting a fiscal year '85 check rather than a
2 fiscal year '86 check which is 4.2 percent more. The
3 difference we're talking about, am I incorrect, the
4 difference we're talking about is a 4.2 percent for each
5 of those checks?

6 MR. ROCHE: For three months, three or four
7 months, roughly.

8 MR. SMEGAL: Okay. So what you would like to
9 have is the interest on that increase?

10 MR. ROCHE: Right. It's a very small amount of
11 money.

12 MR. SMEGAL: Because the rest of it's still
13 there, the other -- Yes.

14 MR. ROCHE: It's a very small amount of money.
15 And certainly the 1985 carry-forward will be able to cover
16 that.

17 MR. DURANT: Would you be able to figure out
18 what the money is and let me know within a fairly short
19 time?

20 MR. ROCHE: Well, I'm going to have to start
21 taking a list. Yes.

22 MR. SMEGAL: Let me ask a question of whoever
23 wants to answer it, including, including Mike. Is the
24 reality that by not disbursing that extra 4.2 percent that
25 the Corporation will actually have some interest income?

1 MR. COSTER: No, sir. We don't draw that money.

2 MS. BERNSTEIN: No.

3 MS. MILLER: No.

4 MR. DURANT: We draw it off?

5 MR. EAGLIN: Because it's a drawdown from the
6 Treasury. It's a drawdown from the Treasury.

7 MR. VALOIS: Well, the money has to come from
8 someplace. If we pay them and we don't get it, that means
9 it comes out of someplace else.

10 MR. DURANT: All right. Any other --

11 MR. VALOIS: Mr. Roche hasn't told us where he
12 wants it to come from yet.

13 MR. DURANT: All right. On Pepe's motion, all
14 those in favor signify --

15 MR. SMEGAL: Wait, wait. I've got another
16 comment out there.

17 MR. DURANT: Oh, I'm sorry.

18 MR. MELKUS: May I comment still on that motion,
19 Mr. Chairman?

20 MR. DURANT: Yes.

21 MR. MELKUS: Thank you.

22 My name is Sam Melkus. I am from Legal
23 Services Incorporated in Carlisle, Pennsylvania.

24 I would just like to point out on that motion
25 that I know I and many other program directors since the

43

1 issue was first raised yesterday have contacted my
2 program. We have not received the telephone call. We have
3 not received the mail.

4 My concern is that the many programs that have
5 received neither of those communications are being
6 penalized by the apparent shortcomings in the grant
7 applications of some unnumbered programs.

8 So that I express two concerns. First of all,
9 that there seems no reason not to go ahead with the
10 increase for those programs that have not been notified
11 that there is any concern about their grant applications.
12 And secondly, I would hope that the board will be
13 following through on exactly what those shortcomings were
14 in the grant applications that are being described as
15 insufficient.

16 MR. DURANT: The Corporation will do that, not
17 the board.

18 MR. MELKUS: Well, I would expect that the
19 board would review that because it has caused this board
20 to take action to freeze allocations. And I think it should
21 be of concern to this board as to what sort of
22 deficiencies would cause that action to be taken.

23 MR. DURANT: Thank you, Mr. Melkus.

24 Mr. Smegal?

25 MR. SMEGAL: Yes. I made a motion yesterday that

1 lost. And I can just count, so I'm not going to make the
2 motion again. But I do want to make a couple of comments.

3 One, following up what Sam just said, it seemed
4 to me we're penalizing programs that have complied with
5 all of our more stringent requirements with respect to
6 their grant applications. Having said that, though, I
7 am prepared not to make the amendment.

8 But I would like to point out that one thing,
9 I would not expect the staff to take the whole three months
10 if they don't need it. Also, I would like to see a list
11 of those grantees that are ostensibly not in compliance
12 at this point and who are being asked to provide more
13 information.

14 And I assume that's something you can give us off
15 some computer or something. I'd like to know who they
16 are.

17 MR. COSTER: That's fine. We can get those
18 to you.

19 MR. SMEGAL: And if possible, maybe even a little
20 more information what it is and how they are not
21 complying.

22 MR. MENDEZ: I would like to have that provided
23 to everybody on the board.

24 MR. COSTER: Yes, sir.

25 MR. DURANT: All right. Any other comment within

1 the board?

2 (No response.)

3 MR. DURANT: All those in favor of Mr. Mendez'
4 motion signify by saying "aye".

5 (A chorus of ayes.)

6 MR. DURANT: Opposed?

7 (No response.)

8 MR. MENDEZ: Mr. Chairman, one last matter.

9 The Audit and Appropriations Committee passed
10 a set of guidelines yesterday. And I don't intend to
11 bring it to the board for the board's approval. But these
12 guidelines are for the use of the committee itself. And
13 I just wanted to advise those members of the board that
14 weren't present previously that we will attempt to abide
15 by that and attempt to use that to guide our work in the
16 ensuing year.

17 MR. DURANT: Okay. Anything else in your report?

18 MR. MENDEZ: I have nothing further.

19 MR. DURANT: Okay. Thank you, Mr. Mendez.

20 The next item on our agenda is a report from
21 the President.

22 MR. WENTZEL: Thank you, Mr. Chairman.

23 I have asked to be brief. And obviously,
24 virtually everything that has relevance that is occurring
25 in the Corporation is occurring right here and now.

1 I did want to make one last disclosure of
2 personnel assignment, which is Mary Celeste Higgins as
3 regional officer in the Midwest Region. She is the last
4 appointment that we have to the regional offices. She's
5 been working with the Corp --

6 MS. MILLER: Can't hear you.

7 MR. EAGLIN: Could you please put the microphone
8 closer to you and maybe start over?

9 MR. WENTZEL: I want to announce the appointment
10 of Mary Celeste Higgins as regional officer for the Midwest
11 Regional Office. She is the last appointment that we have
12 to make now to the regional offices.

13 She has been working with the Corporation for
14 some time and has credentials from Harvard and
15 Cambridge and the private sector.

16 We are happy to have her with us.

17 That's all I have for now, Mr. Chairman.

18 MR. DURANT: Okay. At this point we are going
19 to reconvene at 12:45. We are going to take a brief
20 lunch break and then take general public comment from
21 people who have requested to appear before us and then
22 conclude our meeting.

23 So we will reconvene and begin right at 12:45.

24 (Whereupon, at 11:55 a.m., the meeting was
25 recessed, to reconvene this same day at 12:45 p.m.)

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

(12:50 p.m.)

1
2
3 MR. DURANT: The Board of Directors of the Legal
4 Services we are now reconvening our meeting. We have a
5 quorum present.

6 At this time let me say that we have been asked
7 by the Honorable Larry Combest, the Congressman from the
8 19th District of Texas, to address the board regarding, and
9 to bring with him other individuals to address the
10 board with various experiences that they have had involving
11 Legal Services.

12 We are glad to provide this opportunity because
13 part of our function is to, in travelling around the
14 country is to listen to those who have knowledge regarding
15 Legal Services.

16 Let me say at the outset that we are not a
17 fact finding board. We are simply here to listen to the
18 comments to be made. And that I have also been asked by
19 Mr. David Hall if he could have an opportunity to address
20 the board. And I will grant that request at the
21 conclusion of the statements that are made today.

22 I want you to know as Chairman and on behalf of
23 the board I know that Congressman Combest couldn't be
24 here because of his duties in Washington, but I am very
25 pleased that he would take sufficient interest in the

1 business of the Corporation not only to have been here
2 through you now, Max, but also that there were others
3 who were interested enough to come, because it is only
4 through that kind of interest that makes possible our
5 responsibilities.

6 So, Mr. Thornberry, if you would introduce the
7 people that you have with you and then proceed.

8 MR. THORNBERRY: Thank you, Mr. Chairman.

9 And on behalf of Congressman Combest he asked
10 me to send his apologies to each member of the board. The
11 end of congressional schedules are impossible to predict.
12 And today it should be the last day of this session in
13 Congress where they will be voting on, among other things,
14 a continuing resolution and a budget reconciliation bill
15 which he is a conferee on. And it was just impossible for
16 him to get away as it turns out. But he did ask me to
17 apologize for his not being here.

18 And I do, before going to other members of the
19 panel I would like to present to you his comments and then
20 we will go with the other members of the panel that he
21 has asked to be before you here today.

22 Mr. Chairman and distinguished Members of the
23 Board, I would like to thank you for the opportunity to
24 testify this afternoon and for allowing a variety of
25 witnesses to present testimony. I appreciate the

1 cooperation and concern of the LSC administration and the
2 board in my efforts to address the problems experienced
3 by my constituents in West Texas.

4 During the LSC oversight hearing recently held
5 by the House Judiciary Committee I was very pleased to
6 hear your president, Mr. Wentzel, emphasize the
7 Corporation's commitment to accountability and
8 enforcement of a professional, non-political, detailed and
9 regular monitoring program.

10 Particularly in this time of budget austerity
11 it is vital for all of us to ensure that each federally
12 funded program utilizes its resources with maximum
13 efficiency. It is also essential that each program adhere
14 to the congressional purposes and mandates governing its
15 operations.

16 One of my reasons for testifying today is
17 because I understand that the board intends to revise its
18 regulations governing lobbying and other activities by
19 its grantees. I urge you to carefully consider each line
20 of those regulations.

21 When the federally funded Legal Services
22 Corporation was created by Congress the Corporation was
23 intended to provide representation for individual persons
24 with specific legal problems. Unfortunately, it seems
25 as though some of the LSC grantees may have gone astray

1 from congressional intent and instead may be engaging in
2 activities which resemble social activism rather than
3 legal assistance.

4 I want to be quite clear in stating that I
5 believe justice should not be a function of income. Each
6 American citizen is guaranteed certain rights under our
7 United States Constitution, and it is my view that justice
8 should not be denied simply because an individual cannot
9 afford a lawyer.

10 That view motivated Congress to establish LSC
11 in 1974, and it is that goal of providing access to the
12 system that should be reflected in each LSC regulation.

13 I believe it is critically important, Mr.
14 Chairman, to ensure that the board is fully aware of
15 activities which I believe indicate the need for more
16 stringent regulation by the LSC.

17 I have assembled a panel so that you might hear
18 firsthand the kind of activities that I am told are
19 occurring throughout Texas and the impact of those
20 alleged abuses on a local, state and national level.

21 Since taking office in January I have received
22 a steady flow of complaints from my constituents regarding
23 an LSC grantee, Texas Rural Legal Aid. The letters and
24 phone calls initially concerned the Hereford office of
25 TRLA, which is in the northernmost part of my

1 congressional district.

2 As I began working on the problems in Hereford,
3 however, I began to receive complaints from individuals
4 and companies throughout the state of Texas.

5 I would like to highlight some of the
6 practices revealed in the TRLA accounts that I have
7 received, but I think you should first know something
8 about the current conditions in Hereford, Deaf Smith
9 County, Texas.

10 Prior to the introduction of the TRLA local
11 office in the late 1970s, Hereford was a growing
12 agricultural community with many businesses considering
13 Hereford to be a prime location for new enterprises. Now
14 the community is divided along racial lines, businesses
15 are threatened with long and expensive lawsuits, and a
16 once bright future has grown dim.

17 In addition to the problems generally in
18 agriculture, which affect most of my district, social
19 and economic upheaval characterized life in Hereford. And
20 Hereford law enforcement authorities believe that serious
21 violence is imminent if the problems with TRLA persist.

22 It is a cruel irony upon people of all races and
23 economic backgrounds that a program originally designed to
24 bring about a better quality of life has instead resulted
25 in even more economic hardship as well as racial and

1 ethnic divisions.

2 In an effort to avoid the threat of TRLA class
3 action suits, several farmers in the Hereford area report
4 having switched from labor-intensive crops to crops that
5 can be harvested mechanically. The result not only
6 damages the agricultural balance of Hereford, but also
7 inhibits employment opportunities in one of the largest
8 vegetable producing areas in the country.

9 We will be hearing today about the impact that
10 class action suits have had on a major national corporation
11 that depends on Texas agricultural production.

12 It seems to some that deep-pocket, high-visibility
13 cases are sought out by TRLA attorneys, while individuals
14 seeking to resolve a personal legal conflict are
15 frequently denied assistance. The Hereford TRLA office
16 was established to serve the legal needs of migrant
17 workers. But my constituents claim that TRLA has instead
18 represented individuals who do not meet eligibility
19 requirements. I have even received reports of illegal
20 aliens being represented by TRLA attorneys.

21 Alleged unionizing activities have prompted
22 individuals and companies throughout the country to contact
23 me with reports of lawsuits and business difficulties. I
24 have been told that in most rallies or strikes of farm
25 workers' unions a TRLA attorney or paralegal is present.

1 Agricultural producers and businessmen tell me that they
2 are confronted with exorbitant union demands and quickly
3 named as the defendant in a TRLA lawsuit with little or
4 no attempt of out-of-court settlement.

5 Some farmers claim to have been subjected to
6 lawsuits initiated by plaintiffs who have never even
7 worked on their farms.

8 In addition to these concerns, another TRLA
9 activity requires immediate attention. This practice is
10 a transfer of federal funds to Texas Rural Legal
11 Foundation, the alternative corporation of TRLA. A GAO
12 report released earlier this year revealed that TRLA
13 channelled over \$736,000 in unspent grant funds to the
14 TRLF.

15 According to GAO, had LSC considered that
16 Texas program combine fund balances as one in 1982, '83 and
17 '84, the programs would have been required to take steps
18 to reduce fund balances.

19 I consider such misuse of funds a very serious
20 matter, particularly when our country is struggling with
21 a \$200 billion budget deficit.

22 I could take much more time to relate to you
23 the allegations that have come to my attention regarding
24 your grantee, many of which are noted in a preliminary
25 report released by your corporation last December.

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1 However, I would rather let the panel present their
2 firsthand accounts since they will undoubtedly be better
3 able to express than I the seriousness of the TRLA problem
4 and the need for a tough, hard look at all LSC regulations
5 covering grantees.

6 In addition to bringing to your attention
7 activities which must be controlled, I believe that you
8 will be better able to formulate prospective regulations
9 if you have a clear picture of how the original purposes
10 and the present organization of this program are being
11 exploited.

12 The restrictions on grantees in your regulations
13 should be clearer in setting out prohibited conduct of
14 employees and prohibited uses of federal dollars in my
15 view. An organization or individual utilizing federal
16 tax dollars must be limited to carrying out only the
17 intended purposes of the program, in this case, access to
18 the judicial system. Anything beyond that purpose, while
19 perfectly legitimate for private individuals, should not
20 be permitted in a federally funded program.

21 While such involvement is currently prohibited in
22 the law and in LSC regulations, the problems experienced
23 in Texas indicate to me that even more must be done to
24 ensure compliance. It is incumbent upon all of us to
25 realize, however, that bringing this situation under control

1 will require more than just propounding regulations -- it
2 takes enforcement.

3 As we are all aware, the best regulations are
4 worthless unless they are strictly enforced. During
5 this review process I want to urge the board in the
6 strongest possible terms to make swift, effective
7 enforcement of grantee regulations a top priority.

8 The findings of the recent GAO report, coupled
9 with all of the allegations against TRLA make it clear
10 to me that present monitoring capability of the LSC is
11 inadequate to maintain proper authority and oversight over
12 the funds appropriated to your grantees. The situation
13 with TRLA in my district and throughout Texas requires
14 immediate resolution.

15 I requested an investigation of TRLA activities
16 last February. My constituents have waited patiently for
17 the LSC to render its findings. I understand that the
18 review is quite complex, quite extensive, and legall
19 complex, and I applaud the thoroughness of the LSC. But
20 I also urge you to expedite the release of a monitoring
21 report from the Corporation. The law abiding citizens of
22 West Texas cannot wait indefinitely for this problem to
23 be confronted and for appropriate action to be taken.

24 While I intend to work actively in the Congress
25 to make needed revisions to the LSC Act --

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MR. THORNBERRY: (Cont.)--the day to day responsibility for oversight and management of LSC grantees rest on your shoulders. the LSC regulations must enable the corporation to realize the high standards of accountability set forth by Mr. Weinzal during the oversight hearings.

In fiscal year 1986, LSC will receive \$360 million to serve the legal needs of low income individuals across the United States. Keeping in mind the fiscal constraints on all federal programs, every effort must be made to ensure that each dollar is spent in the most cost effective manner possible.

The activities I have discussed do not meet the purposes for which LSC was established and for which its dollars are appropriated. Further, they are in many ways counterproductive in that some deserving clients may not be served while more political efforts are being made.

Finally, taxpayers are confronted with the reality that their own tax dollars are spent in a way that actually disrupts the quality of life in their community.

I urge you to make the exploration of creative, new methods for providing legal assistance a top priority in the next year, with cooperation and ideas from Congress, the board, the bar association and West Texas communities. I have little doubt that innovative, efficient and successful means of providing legal assistance could be

1 be developed.

2 Mr. Chairman, I believe that it is important
3 for the board to be fully aware of the severe situation with
4 TRLA that is leading to the disintegration of entire
5 communities and its threatening statewide industry. I also
6 want to reemphasize my dedication to resolving this problem.
7 I will not allow the people of my district to live in fear
8 of an organization funded with their own tax dollars.
9 Not only is such a situation inexcusable, it is contrary to
10 everything that the United States Congress intended when it
11 founded the LSC.

12 I encourage you to listen carefully to what the
13 panel before you today has to say, as these are the people
14 who have firsthand experience with the kind of legal
15 service delivered by one of your grantees. I urge you to
16 work with Congress and do everything in your power to
17 eliminate practices that bring about bitterness and resentment
18 rather than justice and a community spirit. Only then can
19 those who are deserving receive legal assistance in a lawful,
20 efficient and productive manner.

21 MR. DURANT: Thank you, Mr. Thornberry, on behalf
22 of reading that on behalf of the Congressman.

23 MR. THORNBERRY: Mr. Chairman, at this time I
24 would like to introduce the Honorable Wes Fisher, the
25 mayor of Herford for his statement.

1 MR. DURANT: Mr. Mayor, how are you?

2 MR. FISHER: Fine, thank you.

3 MR. DURANT: Nice to see you.

4 MR. FISHER: Thank you, good to be here.

5 My name is Wesley Fisher and I am mayor of the
6 city of Hereford, Texas. I am also part owner and manager
7 of a potato growing and shipping operation located in
8 Hereford, so I will be wearing two hats today.

9 First, I would like to thank you as members of
10 the Legal Services Corporation board for giving some of us
11 the opportunity to visit with you today concerning TRLA.
12 I also want to thank Congressman Combest for arranging this
13 meeting.

14 This meeting is long overdue. I realize that a
15 lot of the testimony that you will hear today will be
16 redundant as most of the facts are contained in the
17 investigative reports filed by your own people. In the
18 interest of time, I will try to hit just the high spots as
19 I could probably talk for hours given the opportunity.

20 Hereford, Texas is a community of 16,000 people
21 located 50 miles southwest of Amarillo in the Texas Panhandle.
22 Our residents are split almost 50/50 along racial lines,
23 Anglos and Mexican American. Our basic economy is
24 agriculture, and the area has been called the salad bowl
25 of the panhandle because of its vegetable production.

1 In the late '70s, the Texas Rural Legal Aid
2 office was established in our community, claiming to
3 represent the migrant farmworkers in the area. Since its
4 inception, this office has been staffed by young, well
5 educated, liberal attorneys, and to quote your own
6 investigator, "With an eye toward social impact, litigation
7 and class representation almost to the exclusion of the
8 individual seeking representation, conflict resolution or
9 problem solving."

10 In 1980, our problems started when Mr. Jesus
11 Moya, claiming to represent the Texas Farmworkers Union,
12 commenced to picket many vegetable field and packing sheds.
13 As I understand your policy statement, attorneys from the
14 TRLA are prohibited from knowingly participating in any
15 public demonstration, picketing, boycott or strike.

16 Yet, during these demonstrations and strikes, I
17 personally observed, along with others, TRLA attorneys taking
18 part in the organization of these demonstrations. This has
19 all been testified to in court.

20 Mr. Moya could be found day or night at the local
21 TRLA office, and his relationship with the staff was and is
22 to this day cozy, at least. I will talk more about Mr.
23 Jesus Moya later.

24 Needless to say, there were several lawsuits filed
25 that year against growers and shippers which are all class

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1 action suits, and were all filed in federal courts.
 2 During these strikes and demonstrations, there was a lot of
 3 intimidation and threatened violence taking place. The
 4 language used on the picket lines was beyond belief. In
 5 order to cool this situation and a lot of these very perishable
 6 crops to be harvested, 15 grower-shippers and two vegetable
 7 associations petitioned the state district court for a
 8 temporary restraining order to limit the picketing in
 9 compliance with Texas State law.

10 This 10-day TRO was granted. These growers were
 11 trying to correct an illegal situation by legal means.
 12 The TRLA and Texas Farmworkers Union, et al, then sued these
 13 15 shippers, the sheriff, the district attorney's office,
 14 the Texas Department of Public Safety, and named the district
 15 judge for conspiring to violate the farmworkers' civil
 16 rights.

17 This case is now under appeal and a lot of money
 18 has been wasted unnecessarily.

19 Contrary to LSC's policy statement, two representa-
 20 tives of TRLA, Ron Simpson and Rebecca Lightsey, were
 21 registered as lobbyists in Austin, and there is evidence that
 22 the TRLA has abdicated changes in the Texas migrant health
 23 law as well as the state pesticide regulation.

24 Recently, the TRLA testified at the hearings
 25 concerning the adoption of the Federal Field Sanitation

1 Regulations. Most suits the TRLA files against growers are
2 concerning wages. It would be naive to suggest that no
3 inequities exist, and we certainly do not condone any
4 inequities. However, the Department of Labor has the
5 authority to correct any wage problems that do exist.

6 It seems that so much money is spent unproductively
7 when the TRLA files expensive class action law suits for
8 problems that could be corrected by the DOL. As our
9 citizen say, it's just our tax money at work.

10 Since 1980, there have been at least 2,000 acres
11 of onions that have gone out of production in our area because
12 growers do not want to borrow trouble with the TRLA. Onions
13 are a highly intensified labor crop. Our company was one
14 that gave up onion production. These lost acres represent
15 about \$4 million lost to the community annually in planting,
16 growing and harvest and packing. This also eliminates an
17 estimated 400 jobs.

18 One of the largest onion producers in our area
19 has been sued several times by the TRLA. At least once he
20 sat down with the TRLA representatives before planting
21 started, and they agreed on his method of wage payment.
22 He was later sued anyway.

23 TRLA has purported to have made the statement that
24 they are out to get this particular shipper because he is
25 the largest. This same producer vows not to plant any

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1 onics this year unless he can completely mechanize his
 2 field operations. This shipper was the only lettuce
 3 producer in our area. After his lettuce fields were struck
 4 last year, he has now given up growing any lettuce. This
 5 will be the first time in over 30 years that lettuce will
 6 not be produced in our area.

7 There are many more horror stories such as the
 8 TRLA attorney telling a shipper that if he would join the
 9 union, they would drop the suit against him. I think you
 10 call this extortion. Most of these allegations are contained
 11 in your investigative reports, however.

12 In essence, the vegetable industry in the Hereford
 13 area has been ruined by the TRLA, and many of the farmworkers
 14 they are supposed to represent have lost their jobs. They
 15 are hurting the very people that they are supposed to help.

16 Jesus' lawyer came to Hereford on behalf of the
 17 Texas Farmworkers Union. He later dropped that union and
 18 formed his own, the International Union of Agricultural
 19 and Industrial Workers. To my knowledge, he has few, if any,
 20 members in his union. He has been and still is represented
 21 by TRLA in both personal and union matters.

22 As I have pointed out previously, his relationship
 23 to TRLA is very close. Many people in town question the
 24 personal relationship between Mr. Moya and one of the TRLA
 25 staff. There is no question in most people's minds that

1 Moya is a tool of the TRLA and is used to initiate problems
2 which would enable the TRLA to file expensive class action
3 suits.

4 In a distribution of settlement proceeds in one
5 of the cases handled by TRLA, a booth for signing up
6 membership in the union was set up and manned by TRLA
7 personnel. And employee of TRLA was seen handing out
8 membership materials and registering workers. Mr. Moya on
9 several occasions has been arrested for law breaking during
10 the course of his so-called union activities. Bail was set
11 for Mr. Moya and posted by an employee of TRLA.

12 When people think of TRLA, they tend to think of
13 Moya and unionism. TRLA has sued our county in at least
14 two different occasions, along with the Department of Public
15 Safety and the Immigration and Naturalization Service.
16 One case involved the handling of legal aliens; the other
17 for discrimination in hiring. It is generally known that
18 the TRLA set up the county on a discrimination case as one
19 of the TRLA employees turned out to be the Plaintiff.

20 They have sued our school district and are now
21 suing the city of Hereford in a redistricting case. In the
22 case, I was advised as mayor that the TRLA was violating their
23 mandate by initiating the case against the city. All records,
24 including the city commission minutes of any meetings hailed
25 over Mr. Marshall of the local TRLA office was in attendance

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1 has been turned over to your Washington office. The most
 2 recent incident involving Moya and TRLA occurred on December
 3 2nd of this year. On that day, some 40 odd students at
 4 Stanton Junior High School left their classes and staged a
 5 demonstration in front of the school with Jesus Moya
 6 leading the group with Mr. Randall Marshall of the Hereford
 7 TRLA office in attendance. These students were all of
 8 Mexican descent and it must be pointed out that about 70
 9 percent of this particular school is Mexican American.
 10 These student claimed that they are regularly discriminated
 11 against, among other things. Most of the students were
 12 known troublemakers.

13 We have an indication that at least one meeting
 14 with these students, or at least with the parents of these
 15 students was held at the TRLA office in Hereford more than
 16 three weeks prior to this incident. One teacher will testify
 17 that she heard Mr. Moya organizing the students inside the
 18 school building -- Mr. Marshall organizing the students
 19 inside the school building.

20 This disturbance lasted through December 3, 1985.
 21 Then subsided after the school board held an open meeting
 22 the night of the 3rd. There were many students not involved
 23 with the demcnstration, berated the students involved along
 24 with Moya and the TRLA.

25 I have been informed that several students who

1 spoke out against Moya and his followers have since been
2 threatened, and in some cases, assaulted. I have commended
3 our city police for using restraint because Moya was doing
4 everything possible to be arrested.

5 Incidentally, the demonstrators were waving what
6 we recognized to be the Farmworkers Union flag. These
7 students could not have been migrants because it was wintertime.
8 Many people that the motive of TRLA in this incident was
9 revenge, as Mr. Marshall's wife was defeated last April in
10 her bid for a seat on the school board.

11 There have been several prospective new industries
12 that have looked at Hereford for location of their businesses.
13 One large industry wanted to build in Hereford and employ
14 some 500 people until they found out about the activities
15 of the TRLA. We haven't heard from them since. We suspect
16 several others have felt the same.

17 Ladies and gentlemen, the people of Hereford are
18 frustrated and feel that they are virtually being held
19 hostage by the TRLA. The TRLA actions have pitted Mexican
20 against Anglo, and have caused much more racial discrimination.
21 This discrimination is creeping into our schools. Teachers
22 have reported that students have threatened them with TRLA
23 action if they didn't get their way. The TRLA has become
24 synonymous with Mexicans, which is unfair, since the vast
25 majority of the Mexican American people are opposed to

1 their actions.

2 The final straw was the latest incident at the
3 junior high school. I know of at least one family that
4 has stated that they plan to leave town because they don't
5 want their children brought up in this environment. I suspect
6 there are others and I can't blame them.

7 I think that one of your investigators summed up
8 the feelings of our community best when he said, "The
9 majority of the community views TRLA as a devisive force,
10 polarizing the community along racial lines, terrorizing the
11 business community with the threats of long and expensive
12 law suits while not themselves having to come to grips with
13 the economic realities of such actions and generally
14 strangling the community and any opportunity for growth in
15 the community."

16 Your Department of Compliance and Review have
17 conducted two investigations. One in November of '84
18 and another in March of this year. Your monitoring people
19 continued the investigations in the summer of this year
20 and an investigator was in Hereford on December 4th and
21 5th to look into the school incident.

22 And I want to thank Legal Services for sending
23 this man in at that time, too.

24 The only report that we have seen was a report by
25 Mr. Wiley dated December 28, 1984, whereby he told it like

1 it is. We hope that the follow-up report will be made public
2 soon as there has been more than enough time to come to
3 a conclusion.

4 Ladies and gentlemen, a very explosive situation
5 is developing in Hereford. People are becoming impatient
6 and feel that nobody cares about our problems and suspect
7 that the investigations will be white-washed. They feel that
8 Legal Service obviously has no control over TRLA, and it is
9 becoming apparent that TRLA is an autonomous federal agency
10 and the situation will only worsen.

11 Some feel that their only option if something doesn't
12 change soon is to resort to violence, which would be
13 deplorable and counterproductive. We feel that TRLA
14 is arrogantly flying its contempt for LSC as well as
15 Congress, and it's completely out of control as evidenced
16 by the GAO findings in September in reference to the
17 retention of excess grant funds.

18 The community feels that the efforts and finances
19 of the TRLA should be directed toward righting any wrongs
20 rather than to establish TRLA's goal, which is financial
21 overcompensation for TRLA and its clients.

22 The community best expressed its feelings in a
23 petition signed by approximately 3,000 citizens in 1984,
24 which is attached. I won't read it. I think you have a
25 copy of it.

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1 As I as an elected city official in Hereford, I
2 cannot and will not stand idly by and watch our community
3 be destroyed. I implore Legal Services Corporation, along
4 with Congress, if necessary, to immediately enact more
5 stringent regulatory restraint over its grantee, TRLA, in
6 order to alleviate our explosive and urgent situation.

7 If this can't be done, then we should follow
8 President Reagan's lead in demanding the complete defunding
9 of LSC.

10 Thank you.

11 MR. DURANT: Thank you, Mr. Mayor.

12 MR. THORNBERG: Mr. Chairman, next we have
13 Mr. Mike Carr, who is the executive vice president of the
14 Hereford Chamber of Commerce.

15 MR. DURANT: Mr. Mayor, we didn't get a copy
16 of your statement as we did with Congressman Combest's.
17 I assume there will be copies available.

18 MR. THORNBERG: We can get you copies, Mr.
19 Chairman, sure.

20 MR. DURANT: Mr. Carr.

21 MR. CARR: As a matter of introduction, I am
22 Michael Carr, 14-year resident of Hereford, Texas. I would
23 like to express my appreciation to your board of directors
24 and the Congressman Combest for allowing me to visit with
25 you today.

1 I am currently employed as executive vice
 2 president of the Deaf Smith County Chamber of Commerce
 3 and Hereford Industrial Foundation. I am now beginning my
 4 eighth year in this position. It is important to preface
 5 this testimony with some background concerning our organiza-
 6 tion, our objectives and other organizations we are
 7 affiliated with.

8 The Chamber of Commerce and the Industrial Founda-
 9 tion are both nonprofit organizations comprised of over 650
 10 local citizens and business people, with the objective of
 11 promoting and enhancing the growth and services available
 12 for our citizens in Hereford and Deaf Smith County.

13 The membership of the Chamber of Commerce and the
 14 Industrial Foundation is totally on a volunteer basis, with
 15 the ideal that by working together, our community can and
 16 will prosper. The Chamber of Commerce and the Hereford
 17 Industrial Foundation has a primary purpose, have for many
 18 years been working deligently at encouraging and helping
 19 local industry to expand so additional and better jobs would
 20 be available for our citizens.

21 In addition, we are responsible for the compilation
 22 and distribution of all demographic data that is to be used
 23 in efforts to attract new industry to our county.

24 It is our contention that as we are able to
 25 attract new industry, and it is equally important to

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1 provide adequate training so interested local residents
2 will be able to move up to better or higher paying jobs
3 if they so desire. The work force available in an area
4 is probably one of the most important factors in locating
5 an industry to an area. So, therefore, we are keenly aware
6 of the importance of a town such as Hereford as being one
7 in its efforts to progress.

8 Since other speakers are addressing areas of their
9 involvement today, I would like to focus my testimony, if
10 I may, on two specific areas that I feel are very important.
11 They are areas that I have pertinent knowledge and have been
12 directly involved in. These two areas I would like to address
13 include the effect of Texas Rural Legal Aid has had on
14 existing businesses in Hereford and the input and concerns
15 that we have encountered from industrial prospects in the
16 Chamber of Commerce and the Industrial Foundation as far as
17 industries that are looking at Hereford and Deaf Smith
18 County as potential sites.

19 Since the early 1950s, Hereford and Deaf Smith
20 County has seen a strong and steady growth pattern in
21 Hereford. This growth has brought many new families to
22 our town to start new businesses, or to establish new jobs
23 and lives for their families. These opportunities were
24 not restricted to the Anglo community by any means.

25 Since the 1950s, the population has grown from

1 4,000 to over 16,000 people. This is evidenced by the fact
2 that over 50 percent of our residents are Mexican American.
3 Of this, 75 to 80 percent of the Mexican American businesses
4 are members of the Chamber of Commerce and Industrial
5 Foundation for which we represent.

6 In my position with the Chamber of Commerce and
7 the Hereford Industrial Foundation, I visit regularly with
8 local firms concerning their plans for possible growth or
9 investments for expansion.

10 Many of these people realize the need to grow,
11 but have shown reluctance over the past few years to place
12 too much capital in their firm due to uncertainties that are
13 present concerning firms and residents that have been
14 directly affected by the action of TRLA.

15 I feel that some of the apprehensions might
16 possibly be psychological, but a great deal of these fears
17 are real, and they feel threatened and intimidated.

18 One common statement I have heard many, many times
19 over the past several years is it's really tough to decide
20 what to do with my business when you are unsure about the
21 town's future. These uncertainties created by actions of
22 TRLA have slowed our growth and, in turn, it has set all our
23 residents back.

24 Firms in Hereford have invested millions of dollars
25 to build plants and create jobs. Without these firms, the

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1 jobs would be lost and the lives that we are speaking of would
2 be dramatically changed. This is currently reflected in our
3 local unemployment rate which is now in excess of 10 percent.

4 Since our economy is almost totally agriculturally
5 based, many of the firms affected are of this nature. The
6 firms I refer to have invested greatly in our town. Many
7 of these firms were established here for nearly 40 years.
8 This 40-year contribution to its employees and our town
9 would be very difficult to replace.

10 However, it seems that efforts of the local TRLA
11 office are working very hard at destroying this type of
12 company. One firm in particular has contributed greatly to
13 our economy. Now, after years of trying to work equitably,
14 they have cut back their operation locally, and this has cost
15 our county jobs and income. They are in Hereford because
16 they want to be in Hereford, not because they have to be there.
17 If we lose a company such as this, everybody will lose.
18 It will also set a trend for others.

19 The Deaf Smith County Chamber of Commerce and
20 Hereford Industrial Foundation also work full-time with
21 industrial prospects that we would like to have located in
22 Hereford. The funds and the time spent on these endeavors
23 are 100 percent contributed by local citizens interested in
24 a better town.

25 These industrial prospects do a tremendous amount

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1 of research on a town before they make any decisions. Their
2 decisions are based on a full and complete understanding of
3 our town. They can usually buy any building or piece of land
4 but they continually tell us they can't buy quality of life.
5 This is what we must provide. They want a labor force that
6 wants to work.

7 I have personally worked with prospects and they
8 always show concern for the past actions of TRLA and the effect
9 that they might have on their firm. They also have seen
10 through the actions of TRLA the suits brought against all
11 of our local entities.

12 One promising industrial prospect, which had
13 narrowed their selection to four sites, including Hereford,
14 asked about the suits against our local entities and about
15 the strikes and pickets at local firms. This was a concern
16 because they want to locate where they will be able to conduct
17 their business.

18 Needless to say, this firm located elsewhere.

19 At the present time our office is in contact with
20 approximately 15 families that are now planning to move
21 to Hereford. The families are receiving our local paper
22 prior to coming. It is very discouraging to have pictures
23 of local students picketing, along with TRLA lawyer, Randy
24 Marshall, and such people as Jesus Moya appearing in the
25 paper. This instance of December 2, 1985, was totally

jb19

1 uncalled for. It is only one example of the uncalled
2 actions of the local TRLA office.

3 I realize that much of my testimony concerns
4 the well being of our town. It deals with true concerns
5 of its citizens. The concerns I have spoken of today are
6 real and we must address them. Our town has much to be
7 proud of and to look forward to, but our residents have
8 become fearful and they are disenchanted by the actions of
9 the local TRLA office.

10 It is my understanding that the Legal Services
11 Corporation board is a policy-making nature rather than
12 an investigative body. Therefore, I would emphasize to the
13 Legal Services Corporation board today that the Texas
14 Rural Legal Aid office in Hereford, Texas has and is now
15 involved in activities that are not in the best interest of
16 Legal Services Corporation, the city of Hereford and
17 Deaf Smith County.

18 The original intentions of such an office as
19 TRLA did not meet with disfavor locally. However, the path
20 it is taking is in conflict with your guidelines and the
21 good of the area.

22 Also, it is my understanding that the designated
23 area that this TRLA office represents is fairly large,
24 but the impact and actions are basically focused on one
25 town, Hereford. This along is an inequity.

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1 Rather than the practice of representing those
2 in need, it is rather obvious that the local TRLA office
3 in Hereford is more involved in what might be termed as
4 social engineering.

5 Many statements and allegations concerning TRLA
6 have and will be heard today. They all show concern and
7 the desire to come to some solution to a problem that is
8 threatening our community. Investigations have been made
9 by your Legal Services board. They all show mismanagement
10 in the TRLA office. It is so important that we alleviate
11 this problem.

12 I honestly feel that the most immediate workable
13 solution to correct these areas of noncompliance would be
14 to possibly locate the office in another area other than
15 Hereford, and also correct these areas of noncompliance.
16 This would allow both parties the opportunity to prove
17 themselves.

18 On behalf of the Deaf Smith County Chamber of
19 Commerce, the Hereford Industrial Foundation and its
20 650 plus membership and the entire business sector of
21 Hereford, I sincerely ask for your attention to this situation
22 that exists and hope that your actions and report will
23 address the concerns that exist.

24 Thank you very much for your time.

25 MR. DURANT: Mr. Carr, thank you very much. I

1 also appreciate the fact that Mr. Mayor and, Mr. Carr,
2 that you have kept your -- you know we are on a tight
3 time frame, and I appreciate the fact, the fullness of
4 your statements, but keeping them within the time frame.
5 I appreciate that.

6 Mr. Thornberry.

7 MR. THORNBERRY: Next, Mr. Chairman, we have
8 Mr. Ernest Langley, who is a partner in the law firm of
9 Witherspoon, Aiken & Langley of Hereford, Texas.

10 MR. DURANT: Mr. Langley.

11 MR. LANGLEY: Mr. Chairman, I have prepared several
12 copies of my proposed testimony, one of which I will be
13 reading from, and I have six others. These are supplemented
14 by photocopies of various documents, photographs, newspaper
15 clippings going back to about 1979. I would be happy to
16 leave these exhibits for you.

17 MR. DURANT: Tim, pass those out.

18 MR. LANGLEY: And I will have one for each of
19 you as soon as I conclude today.

20 MR. DURANT: The only thing I would ask, Mr. Langley,
21 is that since it goes back to 1979, we don't have to cover
22 all those -- just summarize so we can keep each within the --
23 you are a good lawyer, so if you would just keep it within
24 the oral argument permitted.

25 MR. LANGLEY: That is what I intend. When you

1 compare the length of my testimony with that of the mayor
2 and the Chamber of Commerce, you will be amazed to learn
3 that I was indeed a lawyer.

4 (Laughter.)

5 MR. LANGLEY: You will find that mine will be more
6 brief than either of the two.

7 My name is Ernest Langley. I am a practicing
8 lawyer in Hereford, Texas, as a senior partner in Witherspoon,
9 Aiken & Langley. My firm consists of seven lawyers and we
10 have a broad-based practice, almost exclusively civil in
11 nature. We do a good deal of litigation and, of course, the
12 office practice that country lawyers do a good deal of.

13 I have been licensed to practice law in Texas
14 for 35 years, and have been in Hereford for approximately
15 33 and one half years of that time.

16 My purpose today is to tell you about some of the
17 experiences of myself and my law firm with Texas Rural Legal
18 Aid, Incorporated, TRLA.

19 TRLA opened its offices in Hereford in about
20 1979. They had either three or four lawyers then when they
21 opened up, and they had a fairly good size office with a
22 substantial law library, furniture, fixtures, typewriters,
23 and all the parenphenalia of a major law firm. Their
24 facilities were certainly adequate for a complete law firm.
25 But their offices were placed in a little building, rather

jfb23

1 nondescript, out on a highway near the edge of town.
2 They had a pretty good sized sign on the building which
3 I believe I can correctly quote as reading, "Servicio de
4 ladis de Campesino" (ph) which translates to Legal Services
5 for Farmworkers. I believe my knowledge of spanish tells
6 me that campesino actually means peasants.

7 It did not take long for us to figure out what
8 these people were doing in Hereford. They promptly began
9 an active campaign to change the social order of this
10 community. As far as they were concerned, the Mexican American
11 were downtrodden, mistreated and the subject of universal
12 prejudicial treatment by the Anglo community. If it was
13 Mexican American, it was right. If it was Anglo, it was
14 wrong.

15 I have newspaper clippings and other items of
16 publicity going back as far as 1979, and in an unbroken
17 string since that time, showing the direct and active
18 involvement of TRLA people in every controversy between
19 Mexican American people on the one hand, and Anglo people
20 on the other hand.

21 Further, many of these controversies were
22 created by TRLA, in my opinion. The pattern was plain.
23 TRLA would decide that a certain issue needed to be
24 litigated, or that a certain wrong needed to be righted.
25 And then they would find one or more persons who would allow

1 themselves to be used as Plaintiffs in the suits prepared
2 and filed by TRLA.

3 And, Mr. Chairman, I recognize, of course, that
4 that is not too uncommon a practice among pro bono groups.
5 We do believe that they have gone overboard in this instance.

6 Many times the practice just above described
7 would be quite obvious, but the TRLA attorneys would attempt
8 to make it appear otherwise. They would speak to their
9 clients on the client's lawsuit or claim in much the same
10 way that any lawyer would speak to his clients that might
11 have been injured in an accident, for example.

12 In the case of these nominal plaintiffs, however,
13 one would not have to be very smart to recognize that the
14 plaintiff was a pawn being manipulated by the TRLA lawyer.
15 If you ask me how I can prove this, I must admit that it
16 might be difficult. I am reminded, however, of statements
17 that have become classic when legal matters are discussed.
18 Retired Supreme Court Justice Potter -- died a few days
19 ago, and almost every story about his death and funeral
20 called to mind is famous commentary from one of his opinions,
21 and while he might not be able to to define phonography, he
22 knew it when he saw it.

23 This is the way I am about TRLA and its social
24 change lawsuits. I have no doubt that the vast majority of
25 their plaintiffs are not people who felt themselves

jb25

1 agrieved and sought the services of an attorney to obtain
2 relief from their burden. The lawyer saw a perceived
3 matter that they wanted changed, determined what kind of
4 change they wanted to accomplish and then sought out someone
5 to stand in as a party-in-interest.

6 One recent example of this type of activity was
7 the determination by TRLA, and perhaps others, that they were
8 going to change the pattern of electing officers and
9 officials in the cities and school districts in the Texas
10 Panhandle. They were bold enough to announce to the
11 media that what they intended to do, and then they set about
12 finding their plaintiffs and getting the suits filed.

13 The result has been perhaps a dozen cases now
14 pending in our federal courts in this area, all designed to
15 replace long-established methods of electing city officials
16 and school board members to different plans to suit the
17 philosophical advancement of TRLA. I know it when I see it.

18 They are not supposed to work with unions, but they
19 are quite arrogant in their disregard of this prohibition
20 and in their common espousal of the aims of one Jesus Moya,
21 a labor leader and organizer.

22 I could literally spend hours telling the causal
23 relationship which have been flagrantly displayed between
24 Moya and the TRLA people.

25 A recent example of the common practice of TRLA

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1 and Moya working together was the leading of the boycott
2 of a few students of the junior high school here in
3 Hereford. One of the photographs made by the newspaper here
4 shows Moya and three members of the TRLA staff standing
5 or walking with 15 or 20 little kids parading up and down
6 in front of the school with Moya's red and black union flag.

7 If this is practicing law, and if it is helping
8 farmworkers with their legal lives, then I must confess my
9 lack of understanding of how it can be so characterized.

10 Attached to my testimony are copies of newspaper
11 clippings, photographs and other items which may help to
12 support or explain my testimony.

13 Further, I would be willing to amplify this
14 testimony at length, but I sincerely believe that it would
15 take several hours to give you the benefit of all of my
16 experience with TRLA over the past years.

17 Thank you for this opportunity to express these
18 views to you.

19 MR. DURANT: Mr. Langley, I thank you also for
20 your brevity. I appreciate that.

21 MR. THORNBERRY: Next, Mr. Chairman, we have
22 Mr. R. C. Slack, who is a former Texas State Representative
23 from Pecos, Texas.

24 MR. SLACK: Mr. Chairman, my remarks will be even
25 more brief than my predecessor.

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1 MR. DURANT: This could be a race to the finish.

2 MR. SLACK: I sincerely hope so.

3 Congress Combest's office asked me to dwell on
4 one subject and also to, as I live some of the time and have
5 interests in Presidio, which is another community quite
6 similar to -- having problems quite similar to the ones
7 you just heard about, they asked me to meet with several of
8 the farmers from there and more or less coordinate their
9 efforts in their behalf.

10 I regret to say that the closer we got to this
11 meeting, the fewer farmers I had, and until lunchtime they
12 all faded away. I regret to report that they felt
13 intimidated since they are already parties to a law suit,
14 they felt for them to appear and testify in this situation
15 they would only get more law suits, and considering the
16 figures and numbers they have given me, I don't -- I can
17 certainly sympathize with them.

18 I would just like to give the committee some of
19 the figures down there, and I regret that I have no prepared
20 text. This is more or less off-the-cuff. As I say, this
21 is not what I intended to say, but I was given the mission
22 of saying it, and I feel in all good faith I should grant
23 their request.

24 In the Presidio-Redford farming area, in 1978,
25 there were 29 farmers, active farmers. Today, 16 of these

1 are out of business. The size of the farms, 10 of them less
2 than 50 acres; 12 less than 150 acres; six less than 500
3 acres and one more than 500 acres. Twenty-one of these are
4 Mexican Americans.

5 So, to say that this is a racial thing in this
6 community isn't so. It's a question of the -- I guess
7 the Mexican Mexicans suing the Mexican Americans is the way
8 this seems to be working out. But, anyway, these people
9 who are obviously small in most cases, small individual
10 farmers, have spent \$230,000 in legal fees, plus \$122,000
11 that's been deposited in federal court in Pecos.

12 From the number of them that are not in business,
13 you can see this a burden that they obviously can't bear it.

14 I have the names of them, but since they -- those
15 of them are left are now parties to suit, I will not read
16 them, but I do have them in the event that it would be of
17 importance to submit them. But I think under the rules we
18 have established, I had better not, but I can assure you
19 that most of them are Mexican American citizens, and fine
20 people, may I add.

21 They have given me a lot of evidence here that I
22 could inject into the question, but I don't think there is
23 any question of what these people are primarily interested
24 in establishing a union, and they attack large corporations
25 with the idea that that would be the place to go. But obviously

jb29

1 they can't limit it to that, so they are getting everybody
2 who happens to be farmers, at least in this community.

3 I would like to say since I am also asked to
4 comment on policy, there are areas where you people could
5 do so much good if you just would. There is some 12
6 million Americans, I understand, now have prepaid legal
7 expenses in the Detroit area, all the automobile workers have
8 that. I think Montgomery Ward has all of their people who
9 have -- the people who have cards with them, credit cards
10 with them can for like \$6.00 a month get prepaid legal
11 services. And this includes, you know, wills and deeds and
12 all manner of things, and also law suits if they get involved
13 in that. But it's not primarily a law suit thing.

14 As you know, in Britain, they have two-type
15 lawyers, the barrister and the counselor, and most people
16 need counselors far more than they do the barrister.

17 I think what you people here are doing would be
18 a violation of state law. I think it's called "barritry"
19 In other words, going around and stirring up law suits is
20 a misdemeanor type thing, punishable by up to a year in
21 jail. And I want to say that this federally funded
22 committee which in truth, in fact, is indeed an arm of the
23 federal government for all intents and purposes are bound
24 by that, at least you should maybe be cognizant of the fact
25 that you -- about the only thing I can think of, this conduct

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1 would appear to be about the only thing I can think of
 2 comparable to it would be an army shelling its own infantry
 3 is maybe a little bit harsh, but I can't help but feel if
 4 you can get rid of this firmly held view apparently of the
 5 social need for whatever it is you are doing and to broaden
 6 your base where you could do a tremendous good in rendering
 7 help not just to rural aid. There is a lot of poor people
 8 in the cities too. I never could understand why it had
 9 Rural Legal Aid; why not just legal aid to poor people.
 10 You could go a great service, but the way you are doing it
 11 is not the way to go about it. You create animosities in
 12 things that our government shouldn't be subjected to.

13 I have no further comment, Mr. Chairman.

14 MR. DURANT: Thank you very much.

15 MR. THORNBERRY: Mr. Chairman, next we have
 16 Mr. Jack McGowan, who is District Attorney for the Pecos
 17 area.

18 MR. MCGOWAN: First of all, many of the farmers
 19 Mr. Slack talked about are starting to shy away happen to
 20 be my clients, and for the same reason, I also going to shy
 21 away. The only testimony that I can offer to this board
 22 is my concern and my interest by the attendance here today.
 23 Because of litigation on both the trial court level and
 24 the never-ending appellate levels in dealing with Texas
 25 Rural Legal Aid, the only thing I can offer this board

jb31

1 is I am interested in this matter and I am here and I am
2 anxious to see what you all can do about it.

3 Thank you.

4 MR. THORNBERRY: Mr. Chairman, next we have
5 Mr. John Black, who is the counsel for Pioneer Hybrid
6 International, which has offices in Hereford and throughout
7 west Texas.

8 MR. BLACK: Thank you. My name is John Black,
9 and I want to correct one impression. I am a private
10 attorney and I practice in Brownsville, Texas. For those
11 of you who are not familiar with the geography of the state
12 it's about as far from Hereford as you can get and stay in
13 the same state. We are at the southern tip of the state.

14 Since 1979, I have represented Pioneer in
15 connection with several law suits that have been filed by
16 TRLA on behalf of migrant farmworkers. And the reason they
17 are in Brownsvills is that most of the migrants who travel
18 to the panhandle live along the border between Texas and
19 Mexico, between Del Rio, Texas, and Brownsville.

20 I am not going to discuss individual law suits.
21 I don't think that's appropriate for an attorney to do
22 while they are pending, and I am sure you are not interested
23 in the details of this.

24 But I would just say this. Virtually all of these
25 cases are filed class action law suits, and virtually all

1 of them are -- Farm Labor Contracts Registration Act with
2 a laundry list type of violations that I am sure the people
3 sitting at the table here are familiar with.

4 All of these cases are characterized by several
5 things. The first is extremely extensive and intensive
6 discovery. Pioneer is a large corporation that is nationwide
7 and has the resources to cope with these discovery efforts.
8 However, I would say this, that since I have been involved
9 in these cases, the time and expense devoted by Pioneer
10 to answering discovery requests has been immense. And I would
11 also say this, that Pioneer has cooperated with Texas
12 Rural Legal Aid in virtually all of their discovery efforts
13 to the extent that Texas Rural Legal Aid has been able to
14 go to Pioneer's Plainview office at virtually at will and
15 get records whenever they have wanted to.

16 Since these cases have started, Pioneer has
17 tried on several occasions to negotiate these differences
18 with Texas Rural Legal Aid, both to put a stop to the
19 litigation that's going on and to prevent further litigation.
20 These negotiations involved meetings between Texas Rural
21 Legal Aid representatives, members of Pioneer's board of
22 directors and Pioneer executives in an effort to, as I say,
23 resolve these disputes and set up a modus operandi to avoid
24 future conflicts. Pioneer has suggested things like
25 alternate dispute mechanisms, has proposed settlements

jb33

1 that involved money and other things, and have not been
2 successful in doing this.

3 The impression that I have gathered through the
4 years in dealing with these cases is that despite lip service
5 being paid to the concept of acting in the best interest of
6 the clients, that the true agenda in these cases is what I
7 refer to as judicial legislation. And that is to prosecute
8 cases which might result in opinions that are favorable to
9 Texas Rural Legal Aid's position that certain aspects of
10 FLICRA ought to be different from what Congress intended to
11 be.

12 I have benefitted from these cases, obviously.
13 No lawyer ever gets real upset when his clients are sued.
14 But taking a broader view than my own self-interest, I have
15 come to the conclusion that the role of providing legal
16 services to the poor, which I share, and as far as I can
17 tell everyone else in this room shares those too, would be
18 far better served by voting the sources that TRLA could use
19 in prosecuting the cases against Pioneer to individual
20 aspects of legal service, rather than the more glamorous
21 class action type of law suits that we have been invaded with.

22 The power to file a law suit is a great one. It
23 can cause a lot of pain and suffering to defendants. I think
24 should be used with discretion and a little more judiciously
25 than I believe we have seen TRLA use.

1 That's all I have to explain to you.

2 MR. DURANT: Thank you, Mr. Black.

3 MR. THORNBERRY: Mr. Chairman, one aspect that I
4 know that the board is interested in that has not been
5 discussed at great length, although Mr. Slack alluded to it,
6 is finding other ways for resolving these problems in
7 Texas, and I would invite members of the panel who might
8 have a view on this to comment on perhaps, and Mr. Black
9 alluded to it, alternative methods of resolving these
10 disputes, whether it be by arbitration boards of some sort
11 or a coordinated effort with the local bar community, perhaps
12 the state bar, under the jurisdiction of your board. And
13 for any panel members who might care to comment on that, I
14 think it might be helpful for the board to hear their
15 views.

16 MR. MENDEZ: Mr. Chairman, before that takes
17 place, I have got several questions that I would like to
18 ask that might lead into that type thing.

19 MR. DURANT: If that's all right, that's the
20 way we will go.

21 MR. THORNBERRY: Oh, please.

22 MR. MENDEZ: This is for the attorneys and, Mr.
23 Slack, I'm sorry, I didn't catch it. Are you also an
24 attorney?

25 MR. SLACK: If I paid my bar dues, I am.

jb35

1 MR. MENDEZ: Okay.

2 MR. SLACK: I don't practice. You know, I guess
3 I never did really.

4 (Laughter.)

5 MR. SLACK: If you want to ask me a question, just
6 make sure it's not too difficult.

7 (Laughter.)

8 MR. MENDEZ: I'll try to make it fairly simple.

9 MR. SLACK: All right.

10 MR. MENDEZ: Are most of the cases filed by TRLA
11 fee-generating cases? Could we start down here?

12 MR. BLACK: Yes, I think --

13 MR. MENDEZ: At least, in your experience.

14 MR. BLACK: -- if, God forbid, they were successful,
15 yes.

16 MR. MENDEZ: Mr. Slack, in your experience, or do
17 you wish to defer that?

18 MR. SLACK: I will defer that.

19 MR. LANGLEY: I would say that many, if not all
20 the cases that they file have at least a potential for
21 generating fees, particularly under the Civil Rights
22 Attorney Fees Act and so forth, where the federal courts are
23 authorized to award successful -- for attorneys fees.

24 Although many of the cases, for example, the one recent
25 case concluded against Deaf Smith County and Hereford, I

1 know there was a very substantial fee. As I recall, it
2 was in the neighborhood of \$100,000 awarded to TRLA.

3 MR. DURANT: Mr. Black, are you aware, when you
4 say that some of the cases would be fee-generating, in what
5 sense?

6 MR. BLACK: When I say that, of course, they all
7 seek monetary damages. And as a litigation lawyer, I think
8 any case that has potential for monetary damages has a
9 potential for a fee-generating case. And, also, of course,
10 the FLICRA, Farm Labor Contract and Registration Act is
11 fee-producing.

12 MR. MENDEZ: In tha regard, I have picked up in
13 various places along the line, is it difficult to do
14 negotiations? I just want to be clear about that.

15 MR. BLACK: Yes.

16 MR. MENDEZ: They don't negotiate, is that --

17 MR. MCGOWAN: In one specific instance in negotiations
18 when we attempted to at least open the doors to negotiations
19 where if you will sign the forms over to the farmworkers,
20 we will hire you to run them for us. That is not opening
21 a line of communication.

22 Settlement is kind of unrealistic with the
23 Texas Rural Legal Aid. They want their day in court and they
24 are entitled to it and they get it.

25 MR. SLACK: May I just read you just this short

jb37

1 thing from -- well, it's from Deborah Smith, attorney at
2 law, Texas Rural Legal Aid. And the final paragraph says,
3 "I look forward to hearing from you on these matters," so
4 on, "Without litigation, without the expenditure regardless
5 of the amount of resources, and additional cost and attorneys
6 fees, please be aware that my clients would be willing to
7 consider any reasonable counteroffer you may regard,
8 including the acceptance of a lesser amount of monetary
9 damages if accompanied by successful negotiation of a union
10 contract."

11 MR. VALOIS: Who is Ms. Smith?

12 MR. SLACK: I beg your pardon?

13 MR. VALOIS: Who is the lady who wrote that? Who
14 does she represent?

15 MR. SLACK: She is attorney at law. She works for
16 the Texas Rural Legal Aid, Incorporated, in Hereford, Texas.

17 MR. MENDEZ: Mr. Langley, since you are primarily
18 out of Texas, can you -- and the district attorney, both
19 of you, -- can you tell me approximately how many attorneys
20 are in Hereford?

21 MR. LANGLEY: You mean in Hereford?

22 MR. MENDEZ: Yes, approximately.

23 MR. LANGLEY: From four to six, perhaps as many
24 as seven lawyers, and they do, however --

25 MR. MENDEZ: No, I'm talking about attorneys

1 generally.

2 MR. LANGLEY: Attorneys generally in Hereford?
3 I think about 16, not counting TRLA.

4 MR. MENDEZ: Do you have pro bono in Hereford,
5 Texas?

6 MR. MCGOWAN: I am from Pecos, Texas, which is
7 in West Texas, south of Hereford a great deal. In the
8 rural area in which I practice, there is so few attorneys
9 that every attorney does pro bono work just as a matter of
10 getting on in the community. It's just part of being a lawyer
11 in a small rural community.

12 MR. MENDEZ: Well, in the hopes of helping you
13 to ease some of the problems, one of the statutory mandates
14 is that they have to ask for two attorneys that are willing
15 to handle these types of cases. And I would suggest that
16 you go back to your local bars, and tell them that you will
17 put the list out and send it over to TRLA with the names of
18 attorneys that are willing to handle these types of cases,
19 private attorneys.

20 Now, if you get private attorneys to handle these,
21 then a lot of this issue with TRLA may tend to go away.

22 MR. LANGLEY: May I comment on that, please?

23 MR. MENDEZ: Sure.

24 MR. LANGLEY: I would challenge anyone to find
25 a law firm the size of mine that has done more pro bono

jb39

1 work than mine. I can show it to you on the books, people
2 that me make a nominal charge, never expected to collect and
3 never did. We have more Mexican American clients than TRLA
4 has. We work for them, we work for them free, we do their
5 work.

6 I am not interested in filing class action law
7 suits against somebody. Now, if that kind of --

8 MR. MENDEZ: Well, what I am telling you --

9 MR. LANGLEY: -- TRLA does not do the work that
10 the poor people need to have done on their --

11 MR. MENDEZ: Well, I talking about those type of
12 law suits. The regulation says that they have to ask about
13 it, and if you are willing to handle those types of law
14 suits or if you have a variety of those 15 lawyers there,
15 I think a lot of these suits may disappear.

16 MR. LANGLEY: Well.

17 MR. MENDEZ: I would invite your attention to
18 42 U.S. Code 1007, and our CFR Regulation 16.09, and if you
19 examine those and talk to your local bar associations and
20 work that, and do your pro bono, a lot of these issues,
21 and specifically list with TRLA the attorneys that are willing
22 and able to handle those cases, there may be a lot of these
23 law suits and these class actions that will be resolved.

24 MR. DURANT: Mr. Thornberry, one thing that I
25 would like you to pursue if you would briefly is the

1 suggestion that the Congressman had made regarding alternative
2 dispute resolution. I mean how far along is he in something
3 like that, or what -- is there any technical assistants, not
4 only that we might be able to provide, but I know there are
5 a number of different institutions that are exploring
6 actively the development of alternative dispute resolution.

7 MR. THORNBERRY: Yes, Mr. Chairman, and as a matter
8 of fact, one such suggestion I think came out of the
9 preliminary report of a situation of an arbitration panel
10 of some sort.

11 I think our interest and that of many members in
12 Congress is simply to work with you, the board, in
13 fashioning some sort of procedure whereby these specific
14 statewide organizations are not given the full allotment of
15 funds to provide legal services for low income folks in their
16 state.

17 I think there are alternatives, and an arbitration
18 panel is simply one of them. In addition, I think
19 certainly increased incentives by whatever method for lawyers
20 and communities to do pro bono work is certainly one of the
21 keys to bringing this under control. Because then, again,
22 we come back to a more sense of what is good for the
23 community. Not that these law suits aren't filed and
24 prosecuted as a lawyer if he lives up to his oath of office
25 will do on behalf of his clients, but they are also members

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1 of the community, and work in a variety of source of legal
2 situations, and I think it would be a better balanced way
3 to pursue the legitimate grievances which undoubtedly
4 exist.

5 MR. DURANT: Let me just say one thing about the
6 legitimate grievances. All of you in your own way are
7 individuals of large standing in your communities. You
8 know, it's one way, it seems to me, of dealing with some of
9 the particular problems is that through your own efforts
10 if there are problems in the fields in which particular
11 growers or whatever are not perhaps -- and without getting
12 into litigation matters, where you know the particular
13 things are going on should not be gone on, to exercise your
14 influence with the particular farmers and with the other
15 citizens, because you are becoming at it from a little
16 different perspective and, therefore, would be able perhaps
17 to bring about a change that would be far more -- well, let's
18 just say less acrimonious perhaps in terms of the resolution
19 of particular things. And that that -- I know in many
20 cases in which we used to do in Detroit, that that kind of
21 effort sometimes brought about, you know, very, very good
22 results.

23 But I leave it to you to determine in your own
24 individual ways how best that reaching out, if you will,
25 can be done.

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1 MR. THORBERRY: On that subject, Mr. Chairman,
2 and Mayor Fisher and others may be able to comment better
3 than I, but I think in just the constituent context that we
4 have received, there are -- because of the high emotion,
5 there are some people who believe that TRLA should move out
6 of the Hereford area, or that it should be abolished, or
7 defunded totally.

8 But I think a large number of people in Hereford
9 believe -- are not necessarily pushing towards that, but would
10 like to see them return to the specific purposes for which
11 legal services was created. And I think they are looking
12 for reasonable sorts of steps to bring them back under
13 control and to stop the kinds of things which are in many cases
14 clearly against the regulations that are on the books.
15 And I think that would be the desire of many people, and
16 certainly in our congressional district, and that's the
17 thought they have expressed to us.

18 MR. FISHER: I think you hit it pretty well.
19 Yes, really, TRLA moved into Hereford, what, about '78,
20 something like that? We never had any real problems until
21 the union started organizing in 1980. Then all of a sudden
22 everybody was sued. With one came the other. People
23 unintentionally or not knowing they were doing anything wrong
24 and all of a sudden got it. And as Max said, I think that
25 nobody, at least the people we talk to that are thinking

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1 people, do not want to throw out TRLA. They want to get
2 them to work within their mandate, as evidenced by some of
3 the things we have all pointed out here. And I think if we
4 can get that done, why it will go a long ways.

5 We have, what do they call, a Texas Legal Services,
6 Ernest, in --

7 MR. LANGLEY: West Texas Legal Services.

8 MR. FISHER: West Texas.

9 MR. LANGLEY: Does an excellent job.

10 MR. DURANT: They are also in town, in Hereford?

11 MR. LANGLEY: They are excellent one of your --

12 MR. DURANT: Where are they located?

13 MR. FISHER: They are in Amarillo, are they not?

14 MR. LANGLEY: Armarillo. They use your money
15 wisely. They represent people who need individual help.
16 If someone has a problem with child abuse, wife abuse,
17 domestic relations of some kind, unemployment, jobs, whatever.
18 They represent people who have problems, and my experience
19 with them ever since you have been in existence has been
20 excellent. And there is just a difference of whether you
21 feel like you need to represent someone who needs a divorce
22 or wife abuse, and someone who feels that perhaps you are
23 not electing your city commission correctly. That's where
24 the emphasis goes, you see, one or the other.

25 MR. VALOIS: Let me ask a couple questions.

1 Do you have a state labor relations board in Texas.

2 MR. THORNBERRY: No.

3 MR. VALOIS: No. Has the -- Mr. Mayo's union, if
4 I understand what you say, filed with the Department of
5 Labor the labor management reports, 1, 2 and so forth; do
6 you know?

7 MR. BLACK: I don't know anything about that
8 aspect.

9 MR. FISHER: I don't know. I just don't know.

10 MR. VALOIS: Well, labor unions are required if
11 they are in fact labor unions, or purport to be, file
12 several reports with the Secretary of Labor outlining their
13 receipts and expenditures and so forth, their officers.

14 MR. FISHER: As I pointed out, we do have a
15 Department of Labor, federal Department of Labor that
16 operates in Texas, and a lot of these suits could be stopped
17 if the DOL would handle them. If somebody is doing something
18 wrong, either fine, correct or whatever.

19 MR. VALOIS: You all ask Secretary Brock to do
20 something about that?

21 MR. FISHER: Well, no, we haven't.

22 MR. DURANT: At the local office.

23 MR. FISHER: But we got -- we have got a local
24 office at Lubbock that works our area up there, and we do
25 see their representatives from time to time.

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1 But if there is something wrong, as I said, we
2 don't condone any inequities. But if there is something
3 wrong, the Department of Labor has the full authority to
4 come in and fine you, correct it or whatever.

5 MR. VALOIS: Have you asked the Department of
6 Labor why they are not interested in this problem, or why
7 they are not pursuing it?

8 MR. FISHER: We have asked but never gotten an
9 answer.

10 MR. DURANT: Formally, formally asked?

11 MR. FISHER: Not formally, no. We asked the
12 local representatives.

13 MR. DURANT: Mr. Mendez.

14 MR. MENDEZ: To the three gentlemen from Hereford,
15 can you tell me who these individuals, the named individuals
16 are? You used "migrants", Mr. Mayor, before.

17 MR. FISHER: Yes, sir.

18 MR. MENDEZ: And what are you talking about when
19 you say "migrants"? Is this their home base? Do they live
20 in Hereford?

21 MR. FISHER: When I say "migrants", that's
22 people that leave their homes to come to work in Hereford,
23 most of the time out of the Rio Grande Valley.

24 MR. MENDEZ: How long are they generally there?

25 MR. FISHER: Generally a couple of months.

1 MR. DURANT: Any other questions from any members
2 of the board?

3 (No response.)

4 MR. DURANT: Anything else?

5 MR. THORBERRY: No, Mr. Chairman. I think that
6 the board maybe has gotten a flavor of what is occurring
7 in one community, with an eye towards what you are about to
8 undertake, and that is to revise your regulations. I hope
9 that maybe having that sense of where some things maybe are
10 not operating as they should, you can better formulate
11 those regulations.

12 But in a broader scope, as this board looks to
13 fulfill its congressional mandate of seeing that legal
14 services are provided to all -- to those of lower income,
15 I hope you keep in mind also whether that function is being
16 furthered by this sort of activity. And I think that
17 ultimately some of the very people that should be helped by
18 programs such as Legal Services Corporation are, in fact,
19 being hurt by their jobs being taken away or by community
20 disruptions and that sort of thing simply because those
21 purposes are not being fulfilled.

22 And we, on behalf of the Tower Panel, appreciate
23 the board's attention to this.

24 MR. MENDEZ: I have one more question.

25 MR. DURANT: One more question. Mr. Mandez.

1 MR. MENDEZ: Mr. Langley, I have -- has TRLA
2 in Hereford ever asked you if you would handle any of these
3 migrant cases?

4 MR. LANGLEY: No, sir, they have not.

5 MR. MENDEZ: Have they ever asked any of your
6 partners?

7 MR. LANGLEY: No, sir.

8 MR. MENDEZ: Thank you.

9 MR. DURANT: I want to please thank the Congressman
10 for taking the interest in the things that we are doing
11 and ask us to be here. I want to thank each and every one
12 of you for coming. It is helpful to us in hearing comments
13 from people who are involved in way or another with Legal
14 Services, and I just want you to know it is appreciated
15 that you came today.

16 Thank you, and if we don't have copies of your
17 statement, Mayor, or Michael, would you see that we get them?
18 Didn't you have a written statement, and yours, also, then.
19 Thank you very much.

20 MR. FISHER: Thank you very much.

21 MR. DURANT: At this time I have asked Mr. David
22 Hall, or he has asked me to have an opportunity to make a
23 statement and make comments.

24 Mr. Hall, if you would come forward. Is it
25 Mr. Fisher?

1 MR. RICHARD: Richards.

2 MR. DURANT: Richards. I'm sorry, Mr. Richards.

3 MR. RICHARDS: No problem.

4 MR. DURANT: We will get it right one of these days.

5 MR. VALOIS: May we please have identifications
6 of the panel members, so we can address them.

7 MR. RICHARDS: My name is David Richards. I am
8 a private attorney practicing in Austin, Texas, and appearing
9 here in that capacity on behalf of Texas Rural Legal Aid.

10 I have a few preliminary remarks. I will
11 introduce the people who are with me. David Hall, who is
12 the director; to his left, Beatrice Cortez representing
13 Archbishop Patricio Flores of the San Antonio diocese;
14 To my immediate right is Al Luna, State Representative from
15 Houston, Harris County, Texas and the chairman of the
16 Mexican American Caucus in the Texas legislature. And to
17 his right, the Honorable Paul Moreno, member of Texas
18 legislature from El Paso and who is with us.

19 MR. DURANT: May I have the last name again?

20 MR. RICHARDS: Moreno, M-O-R-E-N-O, Paul Moreno.

21 Just since lawyers get to sort of locked into
22 their role, I had a few preliminary remarks as a lawyer,
23 not intended to offend, but intended to at least state
24 a position or two which we feel, and they are that to the
25 extent that you have heard what has been characterized

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1 as testimony, and to the extent that that testimony reflects
 2 adversely, either on Texas Rural Legal Aid or on persons
 3 employed by Texas Rural Legal Aid, it is our view that
 4 the due process mandates are that we are entitled to
 5 confrontation and cross examination. Obviously, entitled
 6 to notice, which we did not have, and an opportunity to
 7 respond, and we feel we have been deprived of that.
 8 And with having made that threshold remark --

9 MR. MENDEZ: Mr. Richards, as you know as a lawyer,
 10 testimony is usually described whatwhat as words spoken
 11 under oath. I don't recall us giving any oath.

12 MR. RICHARDS: You did not, that's quite true,
 13 but representative of the congressman, his words were they
 14 were here to present testimony, and at least two of the
 15 persons who came before you called themselves as witnesses
 16 presenting testimony.

17 When it's treated as not, I don't know, but that's
 18 their view of it. It may not be yours, and as a sense of
 19 precaution, I think we ought to make that clear.

20 MR. MENDEZ: I have thought for a long time we
 21 either ought to call it testimony or --

22 (Simultaneous conversation.)

23 MR. DURANT: And also, Mr. Richards, as I mentioned
 24 to you both privately and said to the group before, we are
 25 not a fact finding body. This is not a hearing in the formal

1 in the formal sense. In fact, when you asked for an oppor-
2 tunity to participate, we obviously wanted to afford you that
3 opportunity because as evidenced throughout all the last
4 year, we want to hear from everybody, and we are here to
5 listen. And as I say, we are not a formal body, and we welcome
6 your comment.

7 MR. RICHARDS: Fine, we appreciate that very much
8 and we appreciate your courtesy and realize that everyone
9 is on time schedules, and I have got one too, and we will
10 try to move along here briefly.

11 MR. MENDEZ: I would also like to state to you
12 that if you want to supplement anything that you are saying
13 by somethig in writing, please feel free.

14 MR. RICHARDS: Fine, I was going to ask that
15 privilege, and I think we will take advantage of that, and
16 I appreciate that courtesy, too.

17 Mr. Moreno, since you are the host city, do you
18 have comments that you would like to make while here?

19 MR. MORENO: Let me just make a comment. I am from
20 El Paso. I have been with the legislature for the ninth
21 term. And as you can tell, I am Mexican, I am a Chicano.
22 If you are here at the heartbed of discrimination of the
23 United States of America. West Texas has a history, and
24 don't kid yourselves, don't kid yourselves, panel, West
25 Texas has been very, very discriminatory towards Mexicans

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1 and to the few Blacks that we have. Not too many years
2 ago here in Texas where Mr. Black is from, they had signs
3 up, and you know that, Mr. Benavidez, "No Mexicans or
4 dogs allowed".

5 TRLA comes in here and is doing a job for people
6 that need help, and I know what your function is, to try and
7 do away with that organization, because that organization
8 is finally given us the right that we deserve.

9 You go down the street in the courtroom up here
10 you go down there and see the role of the people that were
11 killed defending this country. And you will find that
12 90 percent of those people in there are Spanish surname.
13 Our socio-economic level is so low here in this part of the
14 country it is ridiculous. It is ridiculous, it is a
15 shame, it is immoral and it is sinful.

16 Now, President Reagan is coming around trying
17 to deban TRLA, and this group that is helping the poor people.
18 We go back to California, back when he was governor, when
19 his first assistant was a person by the name of Meese, and
20 now he is the attorney general.

21 And if you people, if you people permit, permit
22 TRLA to go down the tube, you are going to be doing a
23 great injustice to humanity in this area.

24 I have experienced discrimination. It is terrible,
25 it is terrible, ladies and gentlemen. And when you find

1 an organization like TRLA that has done the job to restore
2 those rights that we have fought for, my God, what is wrong
3 with that? We fought for those rights. The Mexican American
4 in this part of the state, this part of the country has
5 had the most Congressional Medal of Honor winner of any
6 ethnic group. We have had the most people defend this
7 country. We have had the most people serve in the military.
8 We have had the most people injured in the military. We
9 have paid our dues, and yet we are in the bottom of the
10 socio-economic level. That is not right.

11 When Congress created legal aid and these
12 services, they did the job that they were intended to help
13 the migrant workers. The migrant worker, the farmworker,
14 the poor people of this part of the country are treated
15 bad, ladies and gentlemen. You don't know what treated bad
16 is because most of you are from the East, or the West, from
17 big cities. You don't know this area.

18 This area is very poor. I represent probably the
19 poorest district in the State of Texas, if not the poorest
20 district in the whole country. Texas Rural Legal Aid does
21 a fine job of protecting the rights that we have. And let
22 me tell you one thing, I am a lawyer, I practice law.
23 I have defended many, many cases. I have been hit over the
24 head many times by policemen for demonstrations, et cetera.
25 But I have done it because I have been forced to do it, and

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1 if TRLA goes down the drain, you are going to find more
2 social unrest, because what's going to happen, we are going
3 to seek justice through the streets. Let me assure you this
4 will happen.

5 And whether or not you smirk, lady, or not, it is
6 going to happen. And I am going to lead it. If that's
7 what you want, we will do it, by God. We will go right
8 back to the streets.

9 Yes, yes, I am very emotional, but I am mad. And
10 it is just a disgrace that our government would even think
11 of disbanding such an organization. I hope that you as
12 humans, that you as humans realize what you may do. If you
13 are just mess around with the rights that organizations like
14 TRLA have provided to poor people in this part of the
15 country.

16 Thank you very much.

17 (Applause.)

18 MR. RICHARDS: Ms. Cortez.

19 MS. CORTEZ: Thank you.

20 Mr. Chairman, and members of the board, I am
21 Beatrice Cortez. I am a staff member of the Archdiocese of
22 San Antonio. I don't know if you are familiar with the
23 area of San Antonio, but I did not come here to give a lot
24 of data, but mainly to express the concern that the
25 archbishop has for the people in his diocese.

1 The diocese of San Antonio borders along the
2 Mexican border, Eagle Pass and Del Rio, it's an area where
3 I work. The population there is synonymous to Mexican
4 American, to poverty, and the lack of jobs -- I was smiling
5 a little while ago because one of the presentations that was
6 made, they were talking about as if TRLA was responsible for
7 inflation and responsible for lack of jobs and responsible
8 for the devaluation of the peso.

9 I am 47 years old, and I was a migrant worker.
10 My families were migrants. And I remember traveling all the
11 way from San Antonio, all the way to the Dakotas and reaching
12 there and not having any jobs. And after our parents had
13 put all that kind of money out and having no home and no
14 shelter of any kind, and living in a car. And I thought,
15 my God, I am 47 years old and the conditions still exist.

16 And so it is with that kind of -- that kind of
17 thinking, that kind of warning to make you aware of what's
18 happening that the archbishop asked me to come and make
19 this presentation.

20 The archbishop is part of the -- the diocese of
21 San Antonio is part of what is called the Texas Catholic
22 Conference, which is the bishops of Texas, an organization
23 of the bishops of Texas, who have gone together because
24 they are beginning to look at what is happening in Texas,
25 not so long as what's happened before, but what's happened

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1 now, but how the church can begin to look at really being
2 of help to families because of all these conditions that I
3 talked about. And, so, they are looking at being
4 responsible to keeping families together. For the Mexican
5 American and for the Catholic Church, the family is the
6 most important thing. And so they are working to alleviate
7 conditions that can help to make the family stronger.

8 So, these are the comments from Archbishop Flores.

9 Mr. Chairman and members of the board. In the
10 U.S. Bishop's letter on the economy, we, as church, have been
11 asked to speak about what the U.S. economy is doing to
12 people and for people. The poor have a special claim on our
13 concern because they are particularly vulnerable and needy.

14 Further, the church has been asked to provide
15 guidance for members of our own church and to add our voice
16 to the public debate about U.S. economic policies. It is
17 for that reason my responsibility to the poor that I
18 communicate these comments.

19 It has come to my attention that the Legal Services
20 Corporation board is considering to cut funding to the
21 Texas Rural Legal Aid, an agency with an excellent track
22 record of providing legal aid services to farmworkers and
23 their families.

24 If we use the question what will this action do
25 to poor families and for poor families, as the Bishop's

1 letter asks, what would the answer be.

2 I ask that you seriously consider the drastic
3 impact your action will have on poor families, especially
4 families who have done so much for the U.S. economy at such
5 low wage and under such severe conditions.

6 The farmworker in the United States has a history
7 of being exploited that is an embarrassment to all of us.
8 Their struggle has been a heroic one and I believe, Mr.
9 Chairman, that agencies such as yours were established to
10 alleviate the burdens imposed on these families and not the
11 opposite.

12 Therefore, I ask that you be attentive to their
13 plight. I further ask that you consider what it would mean
14 for these families to lose access to legal aid services,
15 services so necessary to help them obtain fair and just
16 wages to provide a decent living for their families.

17 The loss of wages increases the hardship of
18 families to feed, shelter, cloth and educate their children.
19 This vicious cycle of poverty and neglect cannot be
20 tolerated. And I, therefore, challenge you, as servants and
21 representatives of the people, to put yourselves in their
22 place, that you reconsider any intention to cut funding to
23 poor farmworkers, and that you rededicate yourselves to
24 be the defenders of the poor, as you have been commissioned
25 to do.

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1 And this is signed by Archbishop Patricio
2 Flores of the Archdiocese of San Antonio.

3 Thank you.

4 MR. DURANT: You'll see that we get copies of that?

5 MR. RICHARDS: Yes.

6 Representative Luna.

7 MR. LUNA: Thank you. My name is Al Luna. I am
8 a member of the Texas House of Representatives, and I
9 chair the Mexican American Legislative Caucus. It's in that
10 capacity that I appear here today.

11 As the group of legislators who represent the
12 overwhelming majority of Mexican American in state government,
13 we are vitally concerned about all issues that affect
14 Mexican American in Texas. Employment, civil rights,
15 education, housing, health care, political representation,
16 many others.

17 I looked very briefly at the Declaration of
18 Purpose in the enabling legislation of the Legal Services
19 Corporation Act. I am going to preface my remarks by
20 reading from it briefly; in particular, the purpose, purpose
21 No. 3, or purpose No. 2 and No. 3.

22 Number 2 states, "The Congress finds and declares
23 that there is a need to provide high quality legal assistance
24 to those who would be otherwise unable to afford adequate
25 legal counsel and to continue the present vital legal services

1 program."

2 Purpose number 3, "Congress finds and declares
3 that providing legal assistance to those who face an
4 economic barrier to adequate legal counsel will serve
5 bests the ends of justice and assist in proving opportunities
6 for low income persons consistent with the purposes of this
7 act."

8 Let me talk a little bit about the people unable
9 to afford political -- legal representation in Texas, and
10 I know that perhaps most of you may be from outside the
11 state and I want to just give you a little bit of information
12 about the state of poor people and of Mexican Americans in
13 Texas.

14 The 1980 census found that there were 15 percent
15 of the people in Texas lived at the -- at or below the
16 poverty level. And of those 15 percent, that the largest
17 single group were Hispanics, and they constituted some
18 40 percent of that group.

19 Much of the -- many of the poor people that the
20 census identified are located in the service areas of the
21 Legal Services Corporation and of Texas Rural Legal Aid.
22 And I will just briefly mention some statistics to you of
23 some border counties and their unemployment rate as an
24 example.

25 Hidalgo County in South Texas is between the 32

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1 and 40 percent unemployment rate, and that's only what's
2 reported. Cameron County, the gentleman who was here earlier
3 from Cameron County, 35 to 40 percent unemployment rate.
4 Starr County, 50 percent unemployment rate. These counties
5 traditionally have the highest unemployment rates, not just
6 in the State of Texas, but in the country.

7 In this region of South Texas, \$7900 is the
8 per capita income. That's \$3,000 less than any other
9 region in the State of Texas.

10 We estimate from the best figures that we can
11 find that there are between 400,000 and 500,000 farmworkers,
12 migrant and seasonal farmworkers in Texas. We know that
13 only 6 percent of Mexican Americans over 25, over the age
14 of 25 in Texas have a college education, as compared to the
15 20 percent figure for the Anglo population, a disparity of
16 14 percent between populations.

17 Average educational attainment level of a Mexican
18 American in Texas is the 8th grade, as compared to between
19 11 and 12 years for the Anglo population.

20 At the same time we see these trends, we see
21 enormous growth in the Mexican American community in Texas
22 opulation. From 1970 to 1980, a 61 percent increase in the
23 Mexican American population, compared to 20 percent for the
24 Anglo population.

25 The statewide medium income Mexican American

1 population of \$13,200, compared to the overall median
2 income of the State of Texas of \$22,000. Thirty percent of
3 the poverty population in Texas doesn't have any health
4 insurance. Fifty percent of those 30 percent are Mexican
5 Americans.

6 I could go on and on, but I think you -- I think
7 I am getting across to you that while Mexican Americans
8 in Texas have made significant political and economic gains,
9 there continues to be a tremendous -- a tremendous need, a
10 tremendous population that is in need of the services and
11 the efforts that Texas Rural Legal Aid is providing.

12 And as a legislative caucus, we have made a priority,
13 those long-standing inequities which have existed against
14 agricultural workers for far too many years in this state.
15 A majority of the Texas legislature, the speaker, lieutenant
16 governor, and governor approved in 1984, after many, many
17 years of vein efforts, extending basic workers' compensation
18 coverage to agricultural workers in 1984, a very basic
19 coverage that all other workers in this country are entitled
20 to had been denied to farmworkers until 1984 in Texas.

21 In 1985, the same body and our state leaders
22 approved unemployment compensation for agricultural workers.
23 Again, a very basic right that all workers in American
24 society are entitled to. Only farmworkers have been denied
25 that coverage in Texas.

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I shudder to think what would happen to the enforcement of these laws without lawyers like Texas Rural Legal Aid lawyers acting to find violations and to represent people where they are represented. And I am sure you will get into this later, but as I look through the types of suits that have been brought in Hereford, I see suits brought where people were paid \$1.00 an hour, \$.17 an hour, on and on, and I am sure you are going to get into those later, and I hope you do because I think they need a very, very thorough examination, and I think it's the role that Texas Rural Legal Aid took in those cases was most fitting and most appropriate.

I think that Congress spoke, I think that the Texas legislature has spoken about the kind of coverage and protection that we want for agricultural workers, and if those laws are going to be violated shamelessly by people around the state, then somebody has the obligation to represent the aggrieved in those cases.

Many people ask me you are an urban representative, what do you care about farmworkers, what does it matter to you, you don't represent any. Well, I think that these kinds of basic reforms became a priority of Mexican American legislators, both urban and rural, because the traditional treatment of farmworkers in this state, agricultural workers was symbolic of the old Texas. What I like to think of as

1 the old Texas of racism and discrimination. Unfortunately,
2 sometimes I get reminders that the old Texas may still be
3 with us in some regards.

4 I think before we can truly move forward as a people
5 and as a state, we need to rid ourselves of the vestiges
6 of the old Texas. And it's my impression that the job that
7 TRLA has done in meeting the purposes, the purposes as I read
8 them from the enabling legislation, of the Legal Services
9 Corporation has been highly successful.

10 Perhaps they have been too successful, in the opinion
11 of some people, and maybe that's their only fault, that they
12 have been too successful in doing what Congress intended for
13 them to do.

14 I'm really not sure about the purpose of this hearing.
15 I'm still trying to figure it out, and I am especially
16 suspicious of some of the things that I have read in the press
17 and some of the reports that I have seen generated.

18 I think that it's becoming clearer and clearer that
19 the efforts of TRLA to provide legal representation to
20 poor people are being seriously undermined. And I think that
21 serious efforts are being made to reduce funding and/or
22 eliminate their function. And as I stated before, based on
23 the statistical data that I provided you, it's my position
24 that the need for legal services for poor Mexican American
25 continues to exist at a high level. And it's also my

1 position that the role and scope of TRLA in bringing
2 employment, housing, civil rights and political representation
3 cases is entirely appropriate and entirely fitting with the
4 mission of Legal Services Corporation as defined by the United
5 States Congress.

6 I think that the entire Mexican American community
7 of Texas would be done a serious disservice if the efforts
8 of TRLS to continue to provide legal services to Mexican
9 Americans are undermined or undercut.

10 I thank you for your attention and your considera-
11 tion.

12 (Applause)

13 MR. RICHARDS: We don't want to intrude on your
14 time and we will take the suggestion made to respond in
15 writing to matters that have been raised. David Hall is here.
16 I think he is both anxious and willing at your pleasure
17 to -- I think to make some comments and all of us are
18 available to respond to questions.

19 Let me save him from one particular confrontation.
20 I do want to point out to you that the testimony you heard
21 from Mr. Fisher should be taken with a bit of grain of
22 salt and allow the fact that his company was a named
23 defendant in a law suit that they lost in the federal
24 court and many of the facts which he asserted were projected
25 by the court and are fact findings which can be found in

1 a reported federal opinion which is so lengthy, so typical
2 of court opinions that I had to burden you entirely with it,
3 but we will be furnished to you. It's reported at
4 615 Fed. Sup. 916, Northern District of Texas, August 1985.

5 MR. DURANT: What was the cite again?

6 MR. RICHARDS: 615 F. Sup. 916, a decision by
7 Judge Robinson which recounts in substantial detail the
8 events as the court found them dealing with the very labor
9 dispute and litigation which Mr. Fisher alluded to, and I
10 think both you and I would be -- it would ill behoove us to
11 relitigate those facts. They have been tried, they have been
12 found and the case appeal is proceeding to the Fifth
13 Circuit.

14 But in any event, keep in mind that you are
15 hearing to some degree from an unhappy litigant and that
16 may -- should be taken into account.

17 Whether David will or not, I will at some point
18 be happy to respond as a long time practitioner to some of
19 the questions you have raised about the availability. I have
20 my own impressions about the availability of private bar
21 to handle some of the highly specialized and difficult cases
22 being taken on by TRLA, but Mr. Hall does have some remarks.

23 MR. HALL: Thank you, Mr. Chairman. I appreciate
24 the opportunity to appear before the full board of the
25 corporation. This program has in many respects become

1 somewhat notorious in the last year or so I think in
2 Legal Services circles. We have been at times feeling like
3 we have been the victims of a lot of scrutiny and a lot of
4 controversy. And I apologize that we end up taking the time
5 of the full board on those kinds of matters.

6 But I think if you listen to them, as I did, that
7 you notice that most of those issues that were presented by
8 the panel members that preceeded us involve cases and
9 controversies that have been handled by our office, are
10 matters that are in litigation, either currently or recently
11 past in litigation, and it's our feeling that the proper
12 forum for resolving those issues is the place where those
13 cases are filed.

14 It's our feeling that Article 3 of the Constitution
15 contemplates the judges of the federal bench to resolve
16 most of the matters that were raised, specifically by Mr.
17 Fisher, and we think that's the proper place to go with them.

18 I will add that back in December Mr. Fisher did
19 report to you the investigation of the Hereford office
20 specifically of TRLA, in November of last year with an
21 interim report, which at the time purported to be a final
22 report. We provided a response to the Office of Compliance
23 and Review in March of this year, a very detailed response
24 I think. I don't know whether it's been made available to
25 each of you. We will make copies available to you and send

1 them to you. And I think they will deal categorically and
2 individually with the issues raised by Mr. Fisher.

3 That report was followed by another visit that
4 lasted four days with four people from the Office of
5 Compliance and Review. My testimony, that of other people
6 were taken under oath in front of a court reporter, and we
7 responded with a number of documents and another written
8 response. At that time it appeared to me that we had reduced
9 all of the items that had been listed in the first
10 preliminary report to about four. Excuse me, to about seven.
11 Further response was submitted by me to the corporation in
12 April of this year, and we have yet to have that matter
13 resolved.

14 I can understand and appreciate the frustrations
15 of some of the folks that were up here that would like to
16 see those matters resolved. I share those frustrations.
17 I think it is important that the corporation in a fair,
18 objective, impartial manner investigate complaints and that
19 they be resolved under some rules of law so that we all know
20 about what book we are playing.

21 I am concerned, I am disturbed to have to come before
22 this forum with absolutely no notice of what we are supposed
23 to respond to. And I hope that this board will see that
24 the staff develops some procedures and that they are
25 implemented for the protection not only of us, but of

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1 of Congressman Combest's constituents and those that have
2 come in here and complained. I think it's for the benefit
3 of all of us.

4 I would like to remark about some of the litigation
5 that the panel members complained of in general terms. I
6 don't think we need to get specifics. But the Hereford
7 office of TRLA, which seems to be the focus of a lot of this
8 tension, in the last seven years, by my count had handled
9 a little over 100 cases that had been in litigation that I
10 would consider to be significant to some degree or another,
11 eliminating routine divorce work and that kind of thing.

12 Of those 100 plus cases, 101, 102 cases, which are
13 all contained in this report that we will make available to
14 you, our office prevailed on behalf of our clients either
15 by settlement, a favorable settlement, or by judgement in
16 all but two of those 100 plus cases.

17 And it's our feeling that the reason that we have
18 a controversy in Hereford is because of that winning record,
19 that exemplary winning record. One thing they have not
20 accused us of doing is bringing frivolous litigation to the
21 courts.

22 We attempt, as a matter of policy, to negotiate
23 settlements in all these cases before we bring them. In
24 one or two cases that Mayor Fisher just mentioned to you,
25 recent cases, we attempted to settle those cases by

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1 appearances before the city counsel, before school boards,
2 to no avail. It takes two parties to negotiate a settlement.
3 And we are prepared at all times to do that, whether it's
4 before litigation begins or during the course of litigation.

5 Our litigation is focused in the Hereford office
6 on issues arising out of the farmworkers status as an
7 employee, by and large. We have handled some cases that may
8 or may not be deemed controversial, depending upon the eye
9 of the beholder. But it's our feeling that if a client
10 comes to us with a legitimate legal problem and that there
11 is a solution that is available under law and we agree to
12 represent that client, that we are going to do so zealously
13 and without interference, whether it's from a funding
14 source or from constituents of a Congressman, or from
15 whatever source. We feel like that is our duty as lawyers.
16 It is also, I think, the obligation of the corporation
17 to respect under the act.

18 The cases are, by and large, more than 80 percent
19 of them, the very routine, mundane, nitty-gritty issues
20 that farmworkers confront on a daily basis -- getting paid
21 \$.11 an hour in Percedio, getting paid less than \$1.00
22 an hour in Mule Shoe, not having sanitation facilities,
23 not having drinking water, having to drink water out of
24 an irrigation ditch that's got amonia in it. Those are the
25 kinds of issues that we are bringing to the courts.

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1 And, yes, Mr. Mendez, some of those issues involve statutes
2 that have potential statutory fee awards in them. We, to
3 my knowledge, are in compliance with 609 in everyone of those
4 cases.

5 Specifically in Hereford, our office on at least
6 three occasions that I know of have sent out questionnaires,
7 not just to the members of the Deaf Smith County Bar, but
8 to lawyers as far away as Amarillo, Lubbock, Dennet, the
9 whole surrounding area.

10 Out of Deaf Smith County, we have not yet gotten
11 a response from somebody who is willing to take on any of
12 those cases. And I don't think that's unusual, and I am
13 not falting those lawyers. I think that's a fact of life
14 in rural areas.

15 When you have an area, a county with a small
16 number of lawyers, I think you will find -- such as
17 Mr. Witherspoon firm -- they are going to represent some of
18 the institutions in town, be it the school board, another
19 law firm or lawyer is going to represent the county, another
20 one is going to represent the only incorporated city in the
21 area, and somebody else is going to represent the bank. And
22 that pretty well exhausts the supply of lawyers.

23 All to frequently they run into conflicts, either
24 real or economic conflicts. Farmworkers that go in and
25 complain about one of these large packing sheds, about not

1 getting minimum wage is going to have a difficult time
2 find somebody from the private bar who is willing to come
3 in and handle those cases.

4 Now, we try. Everyone of those cases we go through
5 the referral efforts, but we don't get success on those.

6 MR. MENDEZ: I just have a question.

7 MR. HALL: Sure.

8 MR. MENDEZ: How do you explain that Mr. Langley
9 never received any -- has never received an inquiry from your
10 office?

11 MR. HALL: I think if Mr. Langley went back and
12 checked his correspondence, he would find questionnaires
13 from our office asking about those matters.

14 MR. MENDEZ: The way I read it though, it says
15 specifically on each case that you are supposed to ask two
16 lawyers.

17 MR. HALL: That's correct. And what we do is
18 we ask the lawyers if they are willing to receive those
19 kinds of referrals from us. We don't bother the lawyers who
20 say they don't want to be bothered. We go to the lawyers
21 who have responded favorably that they will accept
22 referrals from our office.

23 MR. MENDEZ: Mr. Langley?

24 VOICE: He had to leave.

25 MR. MENDEZ: He had to leave, okay.

1 MR. VALOIS: I would like to ask Mr. Hall a
2 question about the extent of his efforts, if any, getting
3 the United States Department of Labor to do something
4 about the violations of the Farm Labor Act.

5 MR. HALL: Our office works as closely as we
6 can with the Department of Labor wage and hour people
7 on a lot of these kinds of cases. Wage and hour rarely files
8 a case in court. They have done nothing, to my knowledge,
9 with respect to farmworker issues.

10 MR. VALOIS: You mean in your area?

11 MR. RICHARDS: I can answer that because I have
12 practiced labor law for 25 years. The administrator of Labor
13 files perhaps two law suits a year in Texas. Their budget never
14 permits it and the opportunity to get solicitor of labor
15 action in litigation is, in my opinion, very remote, and that's
16 been my experience over 25 - 30 years in this.

17 MR. VALOIS: I have a different experience in the
18 East.

19 MR. HALL: Probably not as much territory to
20 cover in the East. I think there is one wage and hour
21 investigator up in the Panhandle to cover an awfully large
22 area, and that may account for some of it.

23 We have gotten pretty good cooperation from them
24 on specific cases, and sometimes they are able to go in and
25 mediate a settlement or do something of that nature, but

1 they --

2 MR. VALOIS: Do you make any requests, Mr. Hall,
3 after you have investigated these cases and somebody
4 has complained that there is some violation of his rights?
5 Do you make a request to the Department of Labor to
6 investigate it and prosecute it, if appropriate?

7 MR. HALL: If appropriate, if it looks like it is
8 a case where we might be able to get them to do it.

9 MR. VALOIS: You don't ask them to investigate
10 and prosecute these cases on a routine basis.

11 MR. HALL: No. If it's the kind of a case where
12 the staff feels like the wage and hour people would be
13 interested in it. You know, we would like to use every
14 resource that's available. We are turning away people. Our
15 program carries a lot of class actions on the docket, and
16 I know that's of concern to some of you on the board and some
17 of the staff people, I'm sure.

18 I know the case that John Black and I have been
19 litigating for the last few years is a class action that he
20 discussed a little while ago. That involves over 3,000
21 farmworkers. I don't think John and I would like to retire
22 as old men worn out if we had to litigate 3,000 separate
23 claims.

24 Farmworker cases, in my experience, and I have been
25 doing this for about 16 - 17 years now, lend themselves

1 to class treatment, because large numbers of employees
2 are hired at the same time, under the same conditions and
3 under the same wages. And it's much better to treat those
4 cases as classes than not to, because you end up with some
5 very difficult case management problems if you are trying
6 to litigate 450 claims, as the case that Mr. Slack
7 referred to, and Jack McGowan is local counsel at Presidio.

8 MR. VALOIS: I have to leave to catch a plane, and
9 I am not asking you to comment on this subject, but I am saying
10 that if you are going to comment, I wish you would before
11 I leave because of some interest to me, and that's the
12 extent to which you are in cahoots with Mr. Moya's union.

13 MR. HALL: I hope that we are in cahoots with
14 everyone of our clients to the same extent. Our feeling is
15 that we treat Mr. Moya as we treat any other client. Mr.
16 Moya happens to be a fairly vocal, outspoken person. I think
17 he would resent greatly any characterization that he is
18 is a tool of TRLA.

19 Mr. Moya is perfectly capable of taking care of
20 his own affairs. He is, like many other people, unable to
21 afford private counsel. His union has been qualified
22 on several cases in which we have represented them as an
23 eligible organization. And we deal with him just like we
24 would deal with anybody else. He receives the same kind of
25 service and the same kind of treatment that anybody else

1 would.

2 Do you have any other questions?

3 MR. MENDEZ: I would sort of like to follow up on
4 your procedure on these referrals to private attorneys.

5 MR. HALL: Sure.

6 MR. MENDEZ: I would hope that you would follow
7 the regs a little bit more closely. It does specifically
8 say on each case.

9 MR. HALL: Well, we do it on each case. What I
10 am --

11 MR. MENDEZ: Do you do it on the cases -- for
12 instance, do you ask the people at Hereford, the attorneys
13 in Hereford to handle the cases in Hereford?

14 MR. HALL: What we do, we send around a
15 questionnaire. We do this program-wide, not just at
16 Hereford.

17 MR. MENDEZ: Please answer the question I asked.
18 On the specific case, on the case that's brought in Hereford,
19 do you ask an attorney in Hereford to handle that case?

20 MR. HALL: If an attorney in Hereford has
21 responded to the questionnaire that he has a willingness to
22 handle such a case. We do not like to make clients run
23 around in futile efforts and waste the time of the client,
24 the time of our staff and the time of an attorney who has
25 expressed a willingness not -- expressed an unwillingness

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1 to take these case.

2 Now, what we have attempted to do is create a
3 panel of people who had expressed willingness to take the
4 cases, whether they are fee-generating cases or people
5 who are over the income guidelines or whatever. And we send
6 those referrals to those people who have expressed a
7 willingness, and we do it in accordance with 1609 on each
8 case, to referrals to those people who have expressed
9 willingness.

10 MR. RICHARDS: It seems to me a bar that small
11 with 15 - 16 lawyers in Deaf Smith County, I mean it seems
12 to me you could ascertain who might be willing and --

13 MR. MENDEZ: It also seems to me that we have
14 a real big communications problems.

15 MR. RICHARDS: No question.

16 MR. MENDEZ: And that a lot of that problem
17 probably could be resolved by that one extra step.

18 MR. HALL: Well, I hope that the bar takes up
19 your suggestion.

20 MR. MENDEZ: Well, I don't think your method of
21 doing it is what is called for under the Act. I think the
22 Act specifically says to call those people and the
23 regulation tells us that it's -- it appears to me that at
24 least the intent, if not the specific expression of the
25 reg is that it should go to those local areas where the

1 action is being brought.

2 MR. HALL: Okay. Our office in Hereford serves
3 a local area that encompasses about 60,000 square miles.
4 We look for lawyers wherever we can find them up there.
5 We have found lawyers willing to take these cases in
6 Lubbock, in Amarillo, and other towns up in the Panhandle.

7 There is a group of lawyers, a handful, admitted,
8 not a whole lot, less than 10 lawyers up there who are
9 willing to take the cases, and those are the ones we
10 refer them to. We have even gotten a lawyer as far away as
11 Dallas to handle some of these cases.

12 MR. MENDEZ: I'm not asking you to get the lawyers
13 to do it. I am just asking you to ask them.

14 MR. DURANT: Moreno?

15 MR. MORENO: Moreno.

16 MR. DURANT: Has there been any efforts made in
17 the Texas legislature to try and get additional funding
18 for legal services programs in Texas?

19 MR. MORENO: The Texas legislature is the most
20 retarded legislature --

21 (Laughter.)

22 (Applause.)

23 MR. MORENO: It's very easy -- you know, it's
24 very easy for you folks not to understand what we are
25 telling you. Texas just got out of the dark ages.

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1 For your information, Mr. Mendez, it was just
2 last session that we had one hell of a time trying to get
3 a bill through the House giving authority to the state bar
4 of Texas to permit us, permit us, the lawyers, to
5 contribute some of our money to a fund to provide services
6 for the poor folks of the state.

7 We are a retarded legislature. We are a very
8 conservative state. The poor people in this state have no
9 friends here, all right? And to you people it seems as --
10 you might think we are lying. You might think we are
11 exaggerating. We --

12 MR. MENDEZ:-- on what Mr. Durant was saying.
13 Have you introduced any legislation?

14 MR. LUNA: We had a bill last session that failed
15 that would have --

16 MR. MORENO: -- about China.

17 MR. LUNA: -- that would have dedicated, dedicated
18 a portion of attorneys' trust funds to provide legal
19 services for indigent people that didn't -- it didn't pass
20 the House of Representatives. It wasn't even considered in
21 the Senate.

22 MR. MENDEZ: Well, wasn't that in lieu of --
23 wasn't Ialta, your interest on lawyers' trust accounts
24 in lieu of that particular activity?

25 MR. MORENO: Provide pro bono, yes. Couldn't

1 do it.

2 MR. MENDEZ: You have it now, don't you, the
3 Ialta?

4 MR. LUNA: Interest on lawyers' trust accounts,
5 yes, they do.

6 MR. HALL: Yes, the Supreme Court of Texas
7 by -- by rule, the Supreme Court adopted a voluntary
8 program. The legislature measure was a mandatory program.
9 It failed in the legislature.

10 MR. DURANT: Any other questions?

11 MR. MORENO: One more comment. You people,
12 you know that Texas has more laws to protect cattle than it
13 does to protect the farmworker.

14 MR. DURANT: Let me make two comments if I could.
15 One is in terms -- because, David, you mentioned it again --
16 in terms of hearing and notice and whatever. I mean this
17 is not a hearing. It's an opportunity to be -- to come and
18 comment. As part of all our sessions, we have a public
19 comment session.

20 I just want you to know that I also am
21 appreciative that all of you could be here and the comments
22 that you made. It's important to our process that we
23 hear these things, and I just want you to know that they
24 don't always fall on deaf ears.

25 I do think -- Mr. Hall, let me ask you this.

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1 Are there ways that, and have you explored ways of trying
2 to handle alternative dispute resolution mechanisms put
3 into place, have you been active in that?

4 MR. HALL: You got to get both parties to the
5 table to talk about those kinds of things.

6 MR. DURANT: You would certainly be willing to come
7 to the table.

8 MR. HALL: We certainly are willing to come to the
9 table and talk about those kinds of measures. At the same
10 time, we have got to maintain some independent professional
11 judgement about where it's appropriate to go to an alterna-
12 tive dispute resolution mechanism, or where it's necessary
13 to resort to court. And we can't surrender that independent
14 professional judgement.

15 I know one of the recommendations in the first
16 investigatory report was that there be a panel of Deaf
17 Smith County lawyers who would arbitrate all of our cases
18 before they could be filed in federal court. I took great
19 umbrage at that. I think that is just a blatant violation
20 of the lawyers ethical responsibilities to do duty to his
21 client in a faithful, zealous manner.

22 But if it's a voluntary kind of thing, and if they
23 are ways that we can assist, whether it's Mayor Fisher in
24 his capacity as mayor, or in his capacity as the owner
25 of Barrett-Fisher Packing Company, if there are ways that

1 we can sit down with them and try to resolve some of these
2 complaints, we would be glad to do so. I don't think you
3 will find that our door has ever been closed to those kind
4 of overtures, formal or informal.

5 MR. DURANT: Also please make sure I get a copy
6 of your statement.

7 MS. CORTEZ: Yes.

8 MR. DURANT: Thank you.

9 MR. MENDEZ: We enjoyed hearing from you and if
10 any of you would like to send us any materials, we would
11 appreciate it.

12 MR. DURANT: Thank you all very much.

13 MR. HALL: Thank you.

14 MR. MENDEZ: Mr. Chairman.

15 MR. DURANT: You have a motion.

16 MR. MENDEZ: I have a motion.

17 MR. DURANT: Good.

18 MR. MENDEZ: I move we adjourn.

19 MS. MILLER: I second it.

20 MR. DURANT: Any discussion?

21 MR. EAGLEN: Mr. Chairman, someone made a
22 reference to the changing of the January meeting and
23 what's the -- doesn't it have to be on the last Friday of
24 the month?

25 MR. DURANT: I think that's when it is going to

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1 scheduled.

2 (Simultaneous conversation.)

3 MR. DURANT: We have a motion to adjourn.. All those
4 in favor say aye.

5 (Chorus of ayes.)

6 MR. DURANT: Opposed?

7 (No response.)

8 MR. DURANT: The ayes have it.

9 (Whereupon, at 2:56 p.m., the meeting was
10 concluded.)

end jfb

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REPORTER'S CERTIFICATE

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4 CASE TITLE: Board of Directors Meeting

5 HEARING DATE: December 19, 1985

6 LOCATION: El Paso, Texas
7

8 I hereby certify that the proceedings and evidence
9 herein are contained fully and accurately on the tapes and
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11 Legal Services Corporation
12 and that this is a true and correct transcript of the case.
13

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