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GENERAL SERVICES ADMINISTRATION
PROVISION OF LEGAL SERVICES COMMITTEE

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REGINALD HEBER SMITH COMMUNITY LAWYER
.....
FELLOWSHIP PROGRAM

DONALD E. SANTARELLI, CHAIRMAN

DANIEL RATHBURN, MEMBER

ROBERT E. MCCARTHY, MEMBER

GSA Auditorium
18th & F Streets, Northwest
Washington, D.C.

12:15 o'clock, P.M.
Wednesday, October 26, 1983

CAROL J. THOMAS
STENOTYPE REPORTING SERVICES, INC.
3162 MUSKET COURT
FAIRFAX, VIRGINIA 22030
273-9221 ... 273-9222

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Speakers:

Page:

Joshua Brooks, Jr., Esq.

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Wiley A. Branton, Esq.

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John W. Davis, Esq.

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P R O C E E D I N G S

1
2 CHAIRMAN SANTARELLI: Let us have your report and
3 see if Mr. Brooks will tell us a bit about it; open a little
4 introductory.

5 MR. BROOKS: I think the reason for the inclusion
6 of this item on our Agenda is to introduce you to the Reggie
7 Program and the people who run it with whom we contract. This
8 is intended to be informational for you at this point.

9 We are not requesting any action by the Committee.
10 I think briefly to describe what it is about, as you know, the
11 Reginald Heber Smith Fellowship Program is a grantee of the
12 corporation. It is currently funded pursuant to a contract
13 which was entered into in 1979.

14 The reason we are here is that this current year the
15 contract happens to be in its terminal year. Reggie is
16 currently funded at the level of \$4.1 million.

17 One of the reasons that we will be
18 be coming to you for a decision at a later date with regard to
19 this matter is that a portion of the monies which we have
20 currently granted during this contract year to the Reggie
21 Program are, of course, earmarked for the following year of the
22 program to the extent that no decision has been made by the

1 corporation in that regard.

2 It is clear that it is incumbent upon the staff to
3 come to you for a decision in that regard.

4 I might point out I started out my career in
5 Legal Services as a Reggie for two years. I think in terms of
6 contractual context of the Reggie Program with the corporation
7 that pretty much describes it in terms of how the program
8 itself actually functions.

9 The staff decided at that point it would probably
10 be much more appropriate to have the individuals with whom we
11 contract to run this program for us to address you at this time
12 and, in a sense, to more thoroughly familiarize you with the
13 Reggie Program, its goals, its operations, how it functions.

14 At this time I will introduce to you most recently
15 the former Dean of Howard Law School, Dean Wiley Branton, and
16 to his left is John Davis, who is currently the Executive
17 Director of the Reggie Smith Fellowship Program.

18 CHAIRMAN SANTARELLI: Welcome, Mr. Branton. You and
19 I go back a long way on these matters. I am pleased to see that
20 the program is alive and well.

21 As a forerunner, and I used to have something to do
22 with this at the Georgetown Law School with Bill Greenhall on

1 the other side of the aisle, criminal defense activity, I was
2 proud to be a signer-off on the funding of that intern program
3 which is probably now 21 or 22 years old and has supplied some
4 of the best young men to both the defense side of the criminal
5 cases and some of them even went into prosecution.

6 In fact, it was a great objective of Bill's and
7 mine to have some kind of rotational part-time prosecutor,
8 part-time defender so that we could see both sides of that
9 responsibility.

10 So, I know how these programs are supposed to run
11 and can run, and we are pleased to have you here.

12 This is our Chairman sitting in ex officio, but you
13 will find that he always has nothing to add.

14 Are you going to talk to us, Mr. Branton, first?

15 MR. BRANTON: With Mr. Davis' permission, until
16 September 2nd, I was Dean at Howard Law School. I am not
17 back into private practice, but I deliberately took a two-year
18 leave of absence as a law professor from the law school.

19 Under the contract with Legal Services Corporation,
20 it is the Dean of the Law School who has the ultimate
21 responsibility for implementation as far as the Reggie Program
22 is concerned, and because of my familiarity over the past five

1 years, I thought I was the most appropriate person to come
2 here and talk about it.

3 I will maintain a continuing relationship with the
4 program on a purely voluntary basis because of my interest in
5 it. The program ws

6 The program was established, as you perhaps know,
7 back in 1967 at the University of Pennsylvania and it was
8 funded by the Office of Economic Opportunity. Two years
9 later, the contract was given to Howard University and Howard
10 University has run the program every since.

11 In 1975 funding was picked up by the Legal Services
12 Corporation, and of course, since that time all the fudning
13 has come through this office. There has been a reduction in
14 funds so that the program is not quite as large as it once was.

15 At one time we even had some third-year Reggies.
16 Right now we are pretty well limited to two year programs,
17 The initial appointment being for one year where we take people
18 in their senior years of law school.

19 They are hired for the astronomically low salary of
20 \$15,000 per year, and I might say of the \$4.1 million in the
21 budges, 90 percent of that goes back into the field for Reggie
22 salaries and fringe benefits.

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1 We have approximately 120 Reggies in the first
2 year program right now and about a little over 90 in the
3 second year. We no longer have the third year program.

4 For a long time we really caught it financially
5 and budgetwise because it was a one-year contract with sort of
6 a continuing resolution on the contract based on the continuing
7 resolution in the Congress and I am sure that you are as
8 familiar with the kinds of problems that that creates as much
9 as I am, but about three years ago, approximately, we were
10 able to get some multi-year fundings for the first time. I
11 believe it was a three-year contract.

12 That contract is scheduled to terminate around about
13 the first of August of next year, but we are at a time right
14 now there is a November 15 deadline for applications for the
15 Reggie Program for next year.

16 As soon as we get those applications in and we go
17 out, we have a screening process which we can talk about if
18 you are interested further, but in any event, we do a great
19 deal of interviewing in the field, making use of former
20 Reggies, Legal Service Directors in the fields, representatives
21 from client groups, and to screen it down to a smaller group
22 before we make the final cut and made the actual selection.

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1 The target date is about February 28th of next
2 year for the class that would be coming in the following fall
3 and the idea is to try and attract as many of the bright, but
4 dedicated students, those dedicated to the Legal Services
5 Program, and to community relationships, which we find extremely
6 helpful before they get taken in by various law firms and law
7 clerk judicial clerkships and what not.

8 CHAIRMAN SANTARELLI: We have the same problem with
9 private sector side.

10 MR. BRANTON: The trouble is our salary is so low
11 that we just can't compete. We are talking about \$15,000 a
12 year, but in any event, we try to arrive at a final decision by
13 the 28th of February, and we are saying in effect these men
14 and women who are given the assignment that as you wind down
15 your final semester and go and take the bar, then you come back
16 on and report and we send them out to the various field assign-
17 ments across the nation.

18 Well, the expiration of this contract next August,
19 while still at least a while off, is something that we certainly
20 need some guidance on at this time because we need to be able
21 to hold out to people as they are applying now and as we
22 recruit and interview during the winter months that, "Yes, there

1 will be a program out there for you to go to."

2 So, it is extremely necessary that some action be
3 taken at an early date regarding the continuation of the
4 program.

5 We would be happy, and I am sure Mr. Davis could
6 answer in more detail any specific questions that you might
7 have. We did -- Mr. Davis' office -- put together a little
8 packet that I understand you perhaps only received this
9 morning. It tells something of the history of the program,
10 it describes the manner in which we recruit, how we go about
11 interviewing the people who are involved in that process,
12 the criteria that we apply in deciding who is going to become
13 a Reggie and answers most of the question that you would have.

14 It is your office, Legal Services Office, that tells
15 us how many Reggies we can have in any given year, and it is
16 the Reggie office that tells us what projects across the
17 country will get X number of Reggies.

18 We have the responsibility for actually selecting
19 the Reggies and training them and placing them. We say who
20 goes where, but you tell us the various wheres that they can
21 be sent to.

22 CHAIRMAN SANTARELLI: If we had the advantage of

1 having this before, we might have more intelligent questions.

2 MR. MCCARTHY: These Reggies are graduated lawyers?
3 Have they taken their Bar Exam when you get them?

4 MR. BRANTON: They have taken their Bar by the time
5 they report, but they are selected in their senior years.

6 MR. MCCARTHY: Your training program, is it at your
7 law school here?

8 MR. DAVIS: There is a two-part training program.
9 One is a general orientation to the community lawyer to get a
10 Reggie's grasp of the typical kind of problems they are
11 facing in Legal Services Offices, the typical kinds of
12 problems that Reggies have, per se, in working in those
13 offices, they spend a couple of days hearing from clients
14 representing geographical areas of the country, and ethnic
15 and cultural groups who tell them something about the uniqueness
16 of those particular client populations, as well as how clients
17 themselves perceive Legal Services lawyers and how clients
18 want to be perceived by Legal Services lawyers, and also want
19 to be served by those lawyers.

20 But as a general orientation how poverty law works,
21 it has an emphasis on the blank side, on the economic develop-
22 ment side, and on the client side. So Reggies do get to hear

1 from clients within the orientation and learn how to relate
2 better to clients and, at the same time, to understand that
3 there is a lot that they can learn from their clients.

4 Now that is the orientation that occurs at the
5 onset of the fellowship and they are all brought to a central
6 location. Traditionally, it is not held at the law school, per
7 se. We take them out to a place; the 4-H Center on Connecticut
8 Avenue. It is more remote, more secluded, and we can all be
9 in one spot at one time, and subsequent to the orientation the
10 Reggies are gathered on a regional basis; one on the west side
11 of the Mississippi and one on the east side of the Mississippi
12 for subsequent litigation training wherein they are given a
13 five or six-day workshop on litigation techniques.

14 They are taught the basic skills, knowledge and
15 techniques relevant to litigating a civil case and emphasis
16 is placed on oral argument, on discovery, on use of evidence,
17 preparation of witnesses, and putting in the trial.

18 So, they would have those fundamental skills, and
19 their training will begin, as a matter of fact, for this year's
20 class here in Washington. Here in Washington it will be going
21 on November 6 through 12 and then the western portion of the
22 Reggie program will be conducted in Denver December 4 through 10,

1 and we will have the class split in half and approximately
2 half of the class will be in each location and there will be
3 eight to 10 attorneys who will act as trainers or faculty
4 members within the workshop itself.

5 MR. MCCARTHY: Where are those going, the faculty?
6 Are they local people?

7 MR. BRANTON: A cross section; some law professors,
8 some practitioners, some directors of Legal Services programs,
9 the people who have expertise in the various fields.

10 MR. DAVIS: The majority are private practitioners
11 who either have a background in Legal Services or a background
12 in law teaching and have been involved in similar trial advocacy
13 before, either on a local basis or working on the local scene
14 in trial advocacy.

15 The model that we use for the most part is very
16 similar to that we used last year. This year we will be using
17 a model which is a legal model provided by Legal Services for
18 these people.

19 CHAIRMAN SANTARELLI: Following our Supreme Court
20 procedures, Mr. Rathburn.

21 MR. RATHBURN: I don't have anything.

22 MR. MCCARTHY: What do you estimate the number of

1 Reggies will be in your upcoming class? How many?

2 MR. DAVIS: For next year?

3 MR. MCCARTHY: Yes.

4 MR. DAVIS: That is determined by the budget.

5 MR. MCCARTHY: Still it is the same budget?

6 CHAIRMAN SANTARELLI: Yes.

7 MR. DAVIS: If it is the same budget as last year,
8 it will probably be between 110 and 115 first-year Reggies.

9 MR. MCCARTHY: The position of Howard, then, is
10 more of a managerial and administrative more than a teaching
11 device?

12 MR. BRANTON: That is correct, yes.

13 CHAIRMAN SANTARELLI: Tell us something about the
14 minority component. How does it break up?

15 MR. DAVIS: It is probably between 50 and 60
16 percent minority, for the most part, in a class, and that
17 breaks down, according to the blacks, native American, Asian,
18 Hispanic.

19 CHAIRMAN SANTARELLI: What are those figures? I am
20 curious how the demographics have changed.

21 MR. DAVIS: Probably 40 to 50 percent are black,
22 25 percent Hispanic, and the other remaining 20 or 25 percent

1 would be divided up between Asians and native Americans.

2 CHAIRMAN SANTARELLI: In terms of your recruiting,
3 do you have to heavily recruit or is there a big interest in
4 the program?

5 DAVIS: There is a heavy interest in the program
6 itself. We do recruit and we heavily recruit because of the
7 fact that, first of all, though there is an interest on both
8 the part of the student and the placement officers at the
9 majority of the law schools, because the Reggie Program has
10 to have this decision by the Legal Services Board each year,
11 it is usually only our recruiters who can give firsthand
12 information as to the status of the program and the future
13 of the program, and under ordinary circumstances, we also
14 have some insight as to what projects might be awarded Reggies
15 during that coming year.

16 Also, since probably 90 percent of our recruiters
17 are second-year Reggies or former Reggies, they can give more
18 indepth information as to what the program is like, what the
19 Reggie is like, and what have you.

20 The other factor is that people who frequently
21 come to our recruiting sessions from the various law schools
22 come because they are also interested in Legal Services. So,

1 they have a lot of questions revolving around how do I
2 get into Legal Services, per se.

3 CHAIRMAN SANTARELLI: Do you bill back Legal
4 Services for that recruiting that you do for them?

5 MR. DAVIS: No, but interestingly enough, we receive
6 word from a number of projects around the country who want to
7 tap into our recruitment systems, particularly, this year in
8 recruiting people, far more are recruiting people for our
9 native Americans and what have you, and we contact people who
10 are on our list to ask them if they are interested in some
11 position and we refer them to specific projects.

12 MR. BRANTON: Where we run into a problem on re-
13 cruiting, it has to do with minority groups, blacks, Hispanics,
14 native Americans because of the sparsity of people from those
15 ethnic groups among the legal profession, and sometimes it gets
16 to be extremely difficult to compete because you do have some
17 segments of the society now that would be looking for a minority
18 lawyer, and yet we find the the minority lawyers, by and large,
19 tend to stay with these programs longer than do the non-
20 minority, and the idea behind the program is also to try and
21 get people to want to work in that area and, hopefully, once
22 they complete the Reggie assignment, the idea is that either the

1 Legal Services project or some agency in that geographic area
2 will want these people as regular staff members and then in the
3 rural sections and in parts of the country that are underserved
4 by lawyers we would hope, of course, that some of the former
5 Reggies would decide to remain there and enter the private
6 practice because it becomes accustomed to the area of the
7 people and they have a relationship that would make them want
8 to stay there and continue to provide some leadership at the
9 local level.

10 CHAIRMAN SANTARELLI: I know those problems first-
11 hand. We had the same things in the LEAP program when it
12 first started. You could not get minority interest because
13 there were no minorities in the range of law enforcement and
14 getting them to stay after they completed the LEAP program, I
15 have been down that road with you and I know the problem.

16 MR. BRANTON: We still train an awful lot of people
17 who are grabbed up after the completion of the Reggie and
18 people who are able to pay them more and people who would like
19 to take advantage of the experience that people gain in the
20 Reggie program, and you have to anticipate that.

21 So, getting back to the recruitment, these are the
22 kinds of things you have to horn in on by getting into

1 recruitment and trying to select people who will be so
2 motivated that they will want to stay when they complete the
3 Reggie program in that kind of quantity more often.

4 CHAIRMAN SANTARELLI: I don't have any more
5 questions because I am rather familiar with these kinds of
6 programs and experiences.

7 MR. MCCARTHY: We have got a nice example here.

8 CHAIRMAN SANTARELLI: We sure do.

9 MR. MCCARTHY: I have not had an opportunity to
10 read your material here. Say I am now a first-year Reggie and
11 I am out in Denver and I have got my orientation, and then
12 what happens to me?

13 MR. BRANTON: Then at the end of that first year,
14 you are eligible for reappointment.

15 MR. MCCARTHY: Do you get a reassignment? That is
16 what I am interested in.

17 MR. DAVIS: Each Reggie is selected for a specific
18 project. As the Dean mentioned, in giving the background of
19 the program, simultaneous to our selection, our recruiting
20 of Reggies, there is during that same period of time going on a
21 selection procedure wherein the projects within Legal Services,
22 the various Legal Services Projects on a local level, will

1 submit proposals to their Regional Office and in those specific
2 proposals they will request that they be allotted the Reggie
3 for the coming year and they will detail within the proposal
4 a little background of the program itself, what is their
5 community involvement in terms of putting together the
6 proposal, what is the kinds of programs in terms of identifying
7 the kinds of things the Reggie will work on, what is the
8 critical need that the Reggie will serve within that program,
9 what has been that program's experience with Reggies before
10 and, generally, a little bit about the client population.

11 Those proposals are ranked and evaluated and a
12 three-person committee, one person from the Regional Office,
13 one person from the Reggie program staff, and one person
14 from the client program will sit on that committee and they
15 will evaluate those proposals and rank order them.

16 In a given region there may be 35 to 40 proposals
17 submitted by those various projects within that region. That
18 region may get 10 Reggie slots, and so by rank ordering the
19 proposals one through 35, then however many slots that that
20 region was allotted, then the rating of the first 10 will
21 fill the first 10 slots or the first 15 if there are 15 slots.

22 Those are the programs to which the Reggies are

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1 awarded. The Reggies themselves are matched up to those
2 particular programs.

3 There may be a program that is in Kansas. Legal
4 Services has a need for a Reggie to work in their Great Bend
5 office who is bilingual to work with migrant workers. So then
6 we will look at a particular pool of Reggies. At the same
7 time, Legal Services may have an opening in their Rockville
8 office for someone to work primarily with consumer affairs and
9 spousal abuse, and we look for a particular pool of Reggies
10 on that basis.

11 Now the Reggies spend the primary portion of their
12 time, 75 percent of their time, working for regular staff
13 attorneys. They carry a case load usually as minimal as
14 possible in their first year.

15 MR. MCCARTHY: This would be a general case load
16 as opposed to a specific project?

17 MR. BRANTON: Under the supervision of the director
18 of the program where that Reggie is assigned.

19 MR. DAVIS: Right; under the Legal Services
20 program.

21 MR. BRANTON: They become a lawyer on that staff.

22 MR. DAVIS: Twenty-five percent is allocated to

1 being a liaison between that office and particular client
2 groups or clients in the group to work on specific issues.

3 MR. MCCARTHY: Are they legal issues?

4 MR. DAVIS: Yes; as identified when it works the
5 way it is supposed to work, there are priorities that are
6 identified by the client and their rank based on some sort of
7 joint resolution between the client and the board of that
8 particular project.

9 MR. MCCARTHY: The salary of the Reggie is funded
10 from the \$4.1 million. Is it not imposed on Legal Services?

11 MR. DAVIS: No. The Legal Services are allowed to
12 supplement the Reggie's salary and I think a couple of programs
13 in New York City and maybe a few other, but very few.

14 We pay this \$15,000 for the first-year Reggie, plus
15 12 percent as far as their fringe benefits.

16 MR. MCCARTHY: When you assign these Reggies, I
17 assume they might be assigned to an area that is not their
18 home. Now do you pick up the assistance in travel expense and
19 those extra cost that are incurred if you send one who lives
20 in Washington to South Dakota?

21 MR. BRANTON: No. No subsistence, but I think we
22 do pay for them to get to the location.

1 MR. DAVIS: We pay for them to go to orientation
2 and we pay for them to come to training, but they must pay
3 their own way to the location.

4 MR. MCCARTHY: Do you try to locate them geographically
5 to lower that burden on them?

6 MR. DAVIS: As much as possible. Probably 75
7 percent are assigned to close to where they went to school or
8 where they call home.

9 We have probably, I guess, about 18 Reggies who are
10 involved in serving native American populations, most of whom
11 are not from those particular areas. We have Reggies who are
12 working with migrant populations. For instance, we have a
13 number of Hispanic Reggies in the State of Michigan, none of
14 the Reggies we have there are from the State of Michigan, but
15 they are working with the migrant population and they are
16 needed.

17 Very frequently we find Reggies who want very badly
18 to work for Legal Services and we talked about sending them to
19 specific locations. They don't perceive there being a need for
20 their services, and once they find out about how critical the
21 need is, then frequently they stay in those areas and practice
22 for years.

1 MR. MCCARTHY: What is the percentage of your
2 Reggies that complete the program that do stay in the program
3 or in the area?

4 MR. DAVIS: In the Legal Services?

5 MR. MCCARTHY: In Legal Services or that area of
6 law that the Dean mentioned.

7 MR. DAVIS: Until a couple of years ago, about 90
8 percent that completed their two-year fellowship stayed with
9 the project that they were originally assigned to or went to
10 another Legal Services project.

11 However, there was a funding cut back a couple of
12 years ago. A number of programs are unionized and
13 occasionally we run into a situation where a Reggie's term
14 expires, but because that program has people on layoff who
15 have first right of recall, they can not pick up that Reggie,
16 but some, I will say now probably 70 or 75 percent of the
17 Reggies, stay with the program itself and certainly about 85
18 percent of the Reggies stay in the jurisdiction.

19 We very seldom have Reggies who are assigned to
20 a jurisdiction and at the end of their fellowship they move to
21 someplace else. If they do, it is usually in Mexico; that kind
22 of thing.

1 MR. BRANTON: They generally tend to stay even in
2 the same geographic area even if they leave the poverty area.

3 CHAIRMAN SANTARELLI: Thank you, Mr. Chairman, for
4 your questions. I want to pay particular comment to Dean
5 Branton who you may not know has a very long tradition in this
6 town of public service, civic service, civil rights leadership,
7 leadership of the Bar, and I was pleased to share a few
8 issues with him in my previous incarnation.

9 We were not always on the same side of the radar,
10 but he was always a gentleman and he always contributed to the
11 cause.

12 I am pleased to see that he did a good job at
13 Howard and I am sorry to see his going so soon, and thanks
14 for looking after the Reggies, too, as well as the rest of
15 us in Washington.

16 Thanks for coming and sharing your views with us.
17 We appreciate them and we will consider this program carefully
18 before any decision is made.

19 MR. BRANTON: Thank you.

20 MR. MCCARTHY: I would like to make a motion that
21 this meeting be adjourned.

22 MR. RATHBURN: I second the motion.

1 CHAIRMAN SANTARELLI: This meeting is hereby
2 adjourned.

3 (Thereupon, at approximately 12:50 o'clock,
4 P.m., the above proceedings were concluded.)

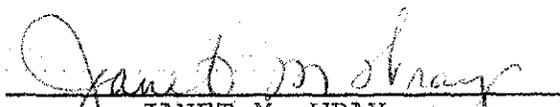
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CERTIFICATE OF NOTARY PUBLIC

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I, Janet M. Wray, a Notary Public in and for the District of Columbia, before whom the foregoing proceedings were had, do hereby certify that the proceedings which appear in the foregoing transcript were taken by me in Shorthand at the time and place mentioned, thereafter reduced to typewriting under my supervision, and that said transcription is a true record of the proceedings had.



JANET M. WRAY
Notary Public in and for
The District of Columbia

My commission expires:

April 15, 1985

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