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Correspondence

Jan-June '95

I

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cc: Melanne
Nicole

LAW OFFICES

FUREY, DOOLAN & ABELL, LLP
SUITE 1100
8401 CONNECTICUT AVENUE
CHEVY CHASE, MARYLAND 20815-5803
(301) 652-6880
FAX: (301) 652-8972

E. WILLIAM FUREY
DEVIN JOHN DOOLAN
W. SHEPHERDSON ABELL
ELSIE L. REID
PHILIP L. O'DONOGHUE
MARIANNE RENJILIAN LOMAN
JEFF EVAN LOWINGER
GREGORY V. POWELL
JULIA L. O'BRIEN

STEVEN J. LEWICKY
ERIC D. MITCHELL
ELLEN MISKOVSKY KENTZ
WILLIAM W. RIGGINS, III

EGBERT R. FERGUSON, JR.
OF COUNSEL

NRN

file - HRC signed 9 photos w/ thanks to him

June 27, 1995

The Honorable Hilary Rodham Clinton
The White House
Washington, D.C.

Dear Mrs. Clinton:

I wanted to thank you again for all your support in getting Mother Teresa's new home off to such a good start.

Some projects seem to cruise along with their own momentum, encountering no obstacles. That could not be said of this project. There are a number of points at which it could have gone off the tracks, and a number of people without whose strong assistance it would not have become a reality. Certainly this is true of you, and your staff. (Melanne and Nicole especially were good at keeping everyone's attention focused on the things that had to be done to bring the project to fruition. And Marna Tucker and Debbie Pollock also contributed greatly to bringing us to this point.)

Work is progressing on the house to meet the requirements for issuing a Certificate of Occupancy to allow it to be used as a home for infants, and it is possible that further help will be needed from the D.C. Government, in which we hope we can call on the assistance of your office. But I would be remiss if I did not thank you profusely for all that you have done to get us where we are. We all share the hope that the fruit of our work will be many infants adopted into loving families.

Sincerely,

Shep Abell

W. Shepherdson Abell

/pk

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FUREY, DOOLAN & ABELL, LLP
SUITE 1100
8401 CONNECTICUT AVENUE
CHEVY CHASE, MARYLAND 20815-5803

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The Honorable Hilary Rodham Clinton
The White House
Washington, DC

cc: Melanne
Nicole

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Sincerely,

Ship Abell

W. Shepherdson Abell

/pk

THE WHITE HOUSE

WASHINGTON

April 26, 1995

Ms. Bella Abzug
Women's Environment and
Development Organization
845 Third Avenue
15th Floor
New York, NY 10022

Dear Bella:

Enclosed is a photo from Mrs. Clinton's all-too-brief visit to the Women's Caucus at the Summit on Social Development. Could you please see that the individual in the photo gets the enclosed copy?

I hope all is well. Thanks for your help and best wishes.

Sincerely yours,

Mel

Melanne Verveer
Deputy Chief of Staff
to the First Lady

I'm sorry I
missed you
when you were
at the White
House today.

THE WHITE HOUSE

WASHINGTON

February 28, 1995

Ms. Margaret Adams
Managing Director
Adams/Marci Enterprises, International
2300 M Street, NW
Ninth Floor
Wshington, DC 20037

Dear Margaret:

I want to wish you all the best in your new venture. While I was sorry to hear that Good Housekeeping closed their Washington Bureau, I am delighted that your talents are being channeled in a new and challenging endeavor. Congratulations!

Sincerely yours,

All the best!

Melanne Verveer
Deputy Chief of Staff
to the First Lady

THE WHITE HOUSE

WASHINGTON

June 16, 1995

Ms. Margaret Adams
Managing Adams
2300 M. Street, NW
Ninth Floor
Washington, DC 20037

Dear Margaret,

Thank you for your note. Best wishes to you in your new enterprises.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

February 1995

Please forgive this informality. Good manners, such as personal salutation, seem superfluous in the need to inform hastily professional and personal friends and associates of the precipitous closing of The Washington Bureau of Good Housekeeping magazine on January 20 and the current whereabouts of my former GH associate, Debbe Gladstone, and me. We now can be contacted at:

Adams/Marci Enterprises, International
2300 M Street, NW
Ninth Floor
Washington, DC 20037

ATTN: M.A. Adams
Managing Director

FAX: 202-293-2509
TEL: 202-293-0293

P.S. Write Margaret Adams a note wishing her well in her new enterprises.

Mrs. Gladstone and I thank you for past professional courtesies and personal friendship and look forward to hearing from you.

Additional information about Adams/Marci Enterprises, International will be forthcoming.

Margaret Adams

THE WHITE HOUSE

WASHINGTON

April 26, 1995

The Hon. Madeleine Albright
U.S. Mission to the UN
799 United Nations Plaza
New York, MY 10017

Dear Madeleine:

Enclosed are some photos from Mrs. Clinton's trip to Copenhagen. We would very much appreciate the help of your office in distributing them to the appropriate people at the United Nations.

Thanks so much and best wishes.

Sincerely yours,

Mel

Melanne Verveer
Deputy Chief of Staff
to the First Lady

THE WHITE HOUSE

WASHINGTON

March 23, 1995

Mr. Chuck Alston
Communications Director
Progressive Policy Institute
518 C Street, NE
Washington, DC 20002

Dear Chuck:

Thank you so much for sending the PPI policy briefing on a new approach to welfare reform. I appreciate your keeping us informed on this important topic and so many others as well.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

Progressive
POLICY INSTITUTE

thanks

March 3, 1995

Ms. Melanne Verveer
Deputy Chief of Staff
Office of First Lady
Old Executive Office Building
Room 100
Washington, DC 20501

Dear Melanne:

Enclosed you'll find a copy of *Work First: A Proposal to Replace Welfare With an Employment System*. This PPI policy briefing presents a radical alternative to cash entitlements and education and training programs. Our proposal calls for converting the welfare system into an employment system, using a flexible, state-based system that relies on performance grants and vouchers. We hope you find it useful.

If you any further questions, or need additional copies, please call Jay Sumner at (202) 547-0001.

Sincerely,

Chuck Alston

Chuck Alston
Communications Director

518 C Street, NE, Washington, D.C. 20002 202/547-0001 Fax 202/544-5014

Progressive Policy Institute

POLICY BRIEFING

March 2, 1995

WORK FIRST:
A Proposal to Replace Welfare With an Employment System

By Will Marshall, Ed Kilgore, and Lyn A. Hogan

With each passing day, it becomes clearer that welfare reform cannot be achieved by the old Democratic prescriptions or the new Republican nostrums. Thus far, neither side has produced a plan that meets the goal overwhelmingly supported by the American public: helping welfare recipients achieve self-sufficiency through work. This conceptual paper is intended to fill that crucial gap.

President Clinton's 1994 welfare reform proposal set the right goal but did not chart a clear path to reach it. By imposing a two-year limit on unconditional cash assistance, the plan ended welfare's status as a permanent entitlement and created a powerful incentive for its recipients to work. But the White House blueprint did not include a practical means for moving welfare recipients into jobs: Instead, it maintained and even expanded the existing welfare bureaucracy, pumping more money into education and training programs that have largely failed to connect welfare recipients to the world of work and responsibility. While the Clinton plan offered states significant new latitude to pursue previously tested reforms without going through the cumbersome waiver process, it did not go far enough in empowering the states, the private sector, and welfare recipients themselves to find imaginative new solutions to welfare dependence.

Though GOP leaders dismiss the President's proposal as insufficiently bold, they cannot even achieve agreement on the objective of welfare reform. Republican efforts to craft legislation will either succumb to internal divisions—or achieve unity at the expense of genuine reform. In either event, Congress needs a clearly focused alternative that builds on public support for work-based welfare reform and supplies the resources and incentives to make it happen.

A Republican Retreat From Work-Based Reform

Some Republicans support work-based welfare reform in principle; others accept the more controversial premise that discouraging illegitimate births by cutting off benefits to unwed teen mothers will break the cycle of welfare dependence. Still other GOP leaders, especially among governors, oppose any national reform of the welfare system, contending that states should take the lead with a minimum of federal guidance. Meanwhile, all three Republican perspectives on welfare reform are cramped by short-range federal budgetary concerns, including the need to generate savings to pay for promised tax cuts and defense spending increases.

The welfare block grant proposal announced in early January by House and Senate GOP leaders appeared to endorse the Republican governors' strategy for reform, explicitly abandoning any national goal for welfare reform other than reduced federal spending and total latitude for states. Moreover, the proposal repudiated national work-based reform by freezing federal funding for welfare-related services such as food and nutrition, child care, and employment and training—all key building blocks for any strategy to "make work pay" for welfare recipients.

But the various House committees charged with implementing the overall block grant plan are steadily subverting the promised state flexibility by inserting a mixed bag of negative prescriptions, including the Contract With America's ban on aid to legal immigrants and unwed teen mothers, and weak and ill-defined work requirements. Still missing in the GOP proposal is any clear and positive national blueprint for reform.

Thus, even in the supposedly focused and disciplined House, Republicans cannot produce a logically compelling or internally consistent welfare reform package. The amorphous legislative product will likely be "block grants" without flexibility, and an assault on benefits for immigrants and illegitimate children that may not survive the Senate—with only a rhetorical nod toward work without any of the resources or mechanisms needed to make work available.

The one element of the Republican package that will undoubtedly emerge unscathed is the block grant funding principle: converting welfare-related programs from entitlements to discretionary programs with funding levels arbitrarily frozen. In the absence of any national commitment to fundamental change in the welfare system, this step represents little more than a shift of power from federal bureaucrats to state bureaucrats, done on the cheap. The dismal result is likely to be phony welfare reform, achieved through phony devolution.

Refocusing Welfare Reform on Work

Welfare reform is too critical a task to be sacrificed to Republican disunity on goals, or Republican expediency on cost. But the President's 1994 proposal, welcome as it was as a step toward work-based reform, is an inadequate alternative that supplies too few bridges between welfare recipients and private labor markets, and too many detours into income maintenance or ineffective education and training programs.

The Progressive Policy Institute (PPI) Work First plan aims to convert welfare into an employment system through three main steps:

(1) Abolish both Job Opportunities and Basic Skills (JOBS)—the primary federal education and training program for welfare recipients, created by the 1988 Family Support Act—and Aid to Families with Dependent Children (AFDC), and substitute a Work First employment system that would establish as national policy that: (a) unsubsidized private sector work is the goal for public assistance recipients; (b) immediate work experience, not participation in education and training programs, is the best preparation for permanent employment for the vast majority of welfare recipients; and (c) all recipients of public assistance should perform some work, with community service as a fallback. In effect, the time limit for income maintenance would be zero.

(2) Pool AFDC and JOBS funding, calculated by the current formula but with a single match rate, to create a performance-based grant that offers financial rewards to states that succeed in placing and keeping welfare recipients in full-time, unsubsidized private sector jobs.

(3) Give states financial incentives to convert a portion of their employment system dollars into job placement vouchers that welfare recipients—as well as fathers of children on welfare who might contribute to family support through work—may use to purchase welfare-to-work services. Such services would comprise job placement and support, rather than education and training. By putting purchasing power directly in the hands of welfare recipients, vouchers would help stimulate a competitive market for job placement and draw private as well as public investment.

The PPI proposal promotes real devolution of decision-making on welfare reform, not phony devolution by block grants. Our more radical alternative transforms income maintenance and education and training programs into a single flexible, performance-based grant that allows states to design individual benefit packages targeted to what each recipient needs to quickly enter the workforce. It also strongly encourages the use of job placement vouchers to bypass federal and state bureaucracies and place resources directly in the hands of welfare recipients. This approach supplies unprecedented flexibility to respond to local economic conditions and program characteristics; moreover, it also gives the federal government a potent lever for reinventing social policy in ways consistent with the broad public consensus for programs based on work and reciprocal responsibility.

By abolishing the existing AFDC and JOBS programs, this proposal also simplifies the task of work-based welfare reform. Able-bodied recipients would no longer be entitled to cash assistance or specific education and training services *for any length of time.* By requiring recipients to pursue private sector job opportunities—and where necessary, community service work—as soon as possible, the new system renders such action-forcing devices as time limits less significant, and perhaps even redundant. The presumption would be that the proper time limit for income maintenance or education and training prior to job placement is not two years or five years but *zero*. In addition, the proposal would allow states to begin addressing the "missing link" in welfare reform—absent fathers—by offering job placement services to noncustodial parents as part of an overall effort to create non-welfare streams of family income.

The "Work First" Architecture

The first step in work-based welfare reform is to ***put work first***, changing the current system's incentives to make permanent employment in private sector jobs the paramount and immediate goal for every able-bodied recipient of public assistance, with serious community service work as a fallback option when necessary.

Many existing reform plans would expand education and training by increasing funding for JOBS. Yet careful, intensive studies conducted by the Manpower Demonstration Research Corp. and other reputable research groups have concluded that education and training programs produce only marginal results, at best modestly increasing earnings and decreasing welfare costs. A recent General Accounting Office report on JOBS also concluded that it is not well focused on employment instead concentrating more on participation requirements than on getting recipients jobs. The research also shows that programs that stress work and maintain strong ties with the private sector produce better results. For example, Riverside, California's work-focused Greater Avenues For Independence (GAIN) program accounts for 19 percent of all job placements while serving only 4 percent of the state's caseload.

Private organizations are reinforcing the case for emphasizing job placement over education and training. Examples include nonprofit organizations such as Project Match in Chicago, as well as America Works, a for-profit company that has placed more than 5,000 welfare recipients in private jobs at various sites around the country. The Work First system envisions a healthy competition in welfare-to-work services among public as well as private entities. Other options might include temporarily subsidizing private and public sector jobs with cash and food stamp benefits paid out as a wage as Oregon has done in its JOBS Plus program, and converting job training funds to loans for microbusinesses.

The Work First Employment System is based on the premise that the vast majority of those receiving welfare are capable of working if given the opportunity. Too many welfare recipients are shunted through ineffective education and training programs, or, worse, given nothing but a check and the option to sit at home. The system must change. The Work First system requires that everyone who can work, will work.

The Work First philosophy assumes that labor markets can absorb welfare recipients if the right supports and links to employers are in place. According to Gary Burtless, a prominent labor market economist with the Brookings Institution:

> With roughly 7 million jobless workers, even at full employment, is it plausible to expect employers could offer an additional 2-3 million jobs for AFDC recipients forced to leave the welfare rolls? Surprisingly, most labor economists probably believe the answer to this question is "Yes."

Employers can accommodate a new supply of low-skill, low-cost labor. But we need an employment system that builds a bridge between this potential demand and the welfare recipients that can supply it.

The following elements make up a Work First Employment System:

- The new employment system would replace the AFDC and JOBS programs, converting funding for those programs—with additional federal money allocated by Congress—into a single flexible, performance-based grant that allows states to design individual benefit packages targeted to what each recipient needs to quickly enter the workforce.

- The new system would give states flexibility to design systems that put maximum pressure on welfare recipients to seek employment, but it would bar them from preemptively disqualifying any category of recipients currently eligible for aid, including teen mothers and immigrants. However, states would have the latitude to make receipt of assistance conditioned on compliance with its rules (e.g. sanctions for nonwork, time limits, etc.).

- The pool of money to be used for the employment system would be allocated to states using a new, single match rate set at 60 percent or the Medicaid match rate, whichever is higher. The federal match rate for implementing job placement voucher programs would be set at a higher level to encourage states to pursue vouchers over other strategies, thus increasing the match rate *for dollars put into vouchers*. States would receive a cash bonus equivalent to six months of federal funding (i.e., savings) for each welfare recipient placed in an *unsubsidized* full-time, private sector job for six months. They could reinvest this pool of savings in job placement vouchers or other incentives such as cash bonuses to recipients who find and stay in private jobs and to caseworkers who excel in job placement.

- Applicants for aid would apply at a government office and be evaluated by a caseworker or case team to determine individual needs. A screening process would divert those deemed immediately employable from the Work First system. No unconditional aid would be granted. At any point, a recipient who turns down a private sector or community service job would be denied access to further employment services. Severely disabled applicants deemed unemployable would be moved to the Supplemental Security Income program.

(1) Those with short-term, one-time emergencies *and* immediate employment prospects would receive Temporary Emergency Aid (also called "grant diversion"). Applicants would receive a one-time cash grant to cope with an emergency such as car trouble or overdue rent. If these recipients are determined to be in need of further assistance, they will enter the Work First Employment System at a reduced or zero benefit rate for a number of months determined by the state as adequate to repay the emergency grant. Modeled after Utah's grant diversion program, this approach aims to prevent people from unnecessarily entering the new employment system.

(2) Those not diverted would enter the employment system. States could require those entering the Work First system to engage in intensive job search before taking advantage of placement and support services. Recipients would sign an "employability contract" charting their individual paths to self-sufficiency through private sector work. A relatively small percentage of recipients will not be job-ready: people who can't read, those with serious drug or alcohol problems or a temporary disability, and mothers with children aged 16 weeks or younger. All but the last category may be referred to programs that offer counseling, training, or other services. But everyone, even if they are not ready for private job placement, should perform some community service work.

(3) The Work First employment system would offer job placement services, but not cash assistance, to the fathers of AFDC children (on the condition that, once employed, the fathers meet their child support obligations). In addition, mothers could agree to give their place in the system to fathers, in a step that may encourage families to stay together or reunite.

- A state could choose to refer recipients to either private intermediaries offering job placement and support services or to state employment offices offering similar services.

- Private nonprofit and for-profit intermediaries and state offices would offer subsidized private sector work experience, job placement, and support services as needed, always with the goal of moving a recipient into full-time private sector work. Placement and support organizations would receive payment in full *for performance only*; for example, once a recipient has been *placed and retained* in a full-time, unsubsidized job for six months, one-third might be paid to the intermediary upon three months of job retention, with the remaining two-thirds paid upon six months of job retention. State employment agencies could provide job placement and support services in competition with private intermediaries. Job placement organizations, whether private or public, would have a strong job development component as well as follow-up support services to help people stay in their jobs.

Job Placement Vouchers

By giving job placement vouchers directly to recipients, states could tap into and build a growing market for public and private agencies providing placement and support services.

Job placement vouchers can reduce costs, improve service delivery, shrink bureaucracy, and most importantly, empower low-income and unemployed Americans by giving them the resources to choose their own providers where and when they need a particular service. The job placement voucher proposal is aimed at significantly cutting long-term public costs by moving those on public assistance into productive private sector jobs. A strong federal commitment to a feasible job placement strategy is much more cost-effective than any short-term block-and-cut approach that abandons federal responsibility for welfare reform without supplying incentives to work.

States would individually set their voucher rates and develop a list of service providers eligible to redeem the vouchers—including placement agencies and private employers. The list would be made available to welfare recipients who enter the employment system and have completed intensive job search. Recipients would use the lists to make their service choices. A voucher would offer recipients quick access to placement and support agencies such as: America Works in New York; the Good Will Job Connection in Sarasota, Florida; high performance, state-run job placement programs such as the GAIN initiative in Riverside, California; temporary private sector work experience supplied by employers and subsidized with income assistance and a cashed-out food stamp benefit; microenterprise training programs; and other employment-based services.

In a full-fledged application of the voucher approach, state welfare bureaucracies could be transformed into agents for job placement in two ways: by performance incentives accompanying federal funds, and by direct competition with private providers for voucher benefits.

Additional Elements of a Work First Strategy for Welfare Reform

Aside from changing the incentives of the system from income maintenance and education and training to job placement, several other steps are necessary to an overall Work First strategy. First, we must ***make work pay*** more than welfare, and recognize that any work-based reform of welfare is inconsistent with "on the cheap" approaches that make public assistance more attractive than private sector jobs.

The current system offers most recipients a package of welfare benefits worth thousands of dollars more than a full-time minimum wage job. Asset limits and welfare reductions for earned income penalize work and savings. To ensure that work, not welfare, is the rational choice for men and women alike, even entry level jobs must always pay more than the package of available welfare benefits. Raising the minimum wage, however, is the wrong answer, since most minimum wage earners do not live in poor families. The Clinton Administration in 1993 adopted the right approach: a $21 billion expansion of the earned income tax credit, a direct subsidy to low-wage workers. Other changes necessary to make work pay include toughening child support enforcement, expanding child care support for the working poor, and providing health care subsidies to low-wage workers.

Second, we must develop an ***empowerment strategy*** to encourage the poor to build personal capacities and assets, replacing the paternalistic welfare bureaucracy as the primary source of income in impoverished communities. To encourage asset-based policies, we must promote saving and remove barriers to asset building, such as welfare's limits on how much people can earn or save, and housing rules that raise rents as incomes rise. Individual Development Accounts (IDAs) for low-income families are a particularly promising device. Like Individual Retirement Accounts for the middle class, IDAs would be tax-favored, annual contributions used only for college, home ownership, retirement, and small business start-up. Individual contributions could be matched by government, churches, community groups, businesses, and unions.

With adequate asset levels in place, we can pursue policies such as microenterprise that promote self-employment by making loans for small business. Based on successful lending projects in developing countries, U.S. microenterprise ventures tap the latent entrepreneurial talents of poor people, especially women, who face limited options in formal labor markets.

Third, we must improve ***child support enforcement,*** both to supply non-welfare streams of income to children on public assistance and to reinforce the responsibilities and benefits of parenthood, especially among fathers of children on welfare.

America's poor children deserve the support of both parents. Yet government estimates show that families actually collect less than one-third of the court-ordered payments to which they are entitled. Toughening child support enforcement and allowing mothers to keep a larger share of child support payments should dramatically increase collections. This will reduce public welfare costs and give mothers another source of income, so that even part-time work may be enough to lift them out of poverty. PPI's Work First strategy would require mothers to establish paternity at birth as a condition for receiving public assistance, improve collection and enforcement of child support orders, and offer access to the employment system (but not cash benefits) for those non-working fathers who are delinquent in their child support payments.

Fourth, we must adopt a ***comprehensive strategy to prevent teen pregnancy***—combining unambiguous condemnation of irresponsible child-bearing with community-based solutions that strengthen and support families and reinforce community values.

PPI urges leaders in public and civic life, as well as in the media, to launch a national campaign to spread the message that it is morally wrong for teenagers to have children they cannot support financially or emotionally. We would reinforce that message with policy changes that end unconditional public assistance for unmarried teen mothers, hold fathers accountable to their children, and ensure more swift and certain punishment for sexual predators. At the same time, we should replace welfare's perverse rewards with a new set of positive incentives for young men and women to avoid premature parenting and finish high school.

Most importantly, PPI envisions a shift in the primary responsibility for reducing teen pregnancy from government to community institutions. For example, we propose creating a network of community-based *second chance homes* that would allow teen welfare mothers and their children to live in safe and supportive environments and provide the structure and discipline they need to finish school and raise their children. This would provide an alternative to teen mothers' setting up separate households or remaining in their parents' homes if those homes are unsafe or unstable. But it would stop short of punishing teen mothers by denying them public supports altogether, as House Republicans have proposed.

Conclusion

Genuine welfare reform can occur in this Congress, but only if the debate is refocused on work-based reform and practical ways to link welfare recipients with real-life work options. The Work First Employment System is designed to turn the incentives of the current system inside out. It would make private sector work the primary objective for both recipients and states, giving states accountable performance standards but great flexibility in achieving them. If implemented in the context of an overall Work First strategy, the new system could help deconstruct welfare and build a new empowerment strategy for poor communities and their citizens.

Will Marshall is President, Ed Kilgore is Senior Fellow, and Lyn A. Hogan is the Social Policy Analyst, of the Progressive Policy Institute.

Changes in Federal Law Needed for a Work First Employment System

- Existing AFDC and JOBS programs would be abolished and replaced by a single performance-based grant offering financial rewards to states that succeed in placing and keeping recipients in private sector jobs.

- All who would be eligible for the AFDC system under current rules would remain eligible, including teen mothers and legal immigrants; states could offer noncustodial fathers job placement and support services but *not* cash benefits.

- States would receive funds previously available through AFDC and JOBS under a new match rate of 60 percent or the state Medicaid match rate, whichever is higher, as long as a Work First system is designed.

- Those deemed eligible for help would enter and remain in the employment system until they are placed in a private sector job; states would be given an option to adopt a "grant diversion" program of a one-time emergency payment to those with immediate employment opportunities needing only temporary assistance to see them through their emergency. States could require a job search before offering placement opportunities to recipients who are not "diverted" from the system.

- Any funds used by states to endow job placement vouchers would be matched at a higher rate, plus states would receive six months worth of foregone federal payments (i.e., savings) for each full-time unsubsidized job placement, as long as each recipient is placed and retained in the job for six months.

- States could at any point require community service work from recipients enrolled in the Work First Employment System.

THE WHITE HOUSE

WASHINGTON

June 22, 1995

Dr. Lauren Arnold
Clinical Director
Obstetrical and Neonatal Nursing
Hospital of The Univ. of Penn.
Six Dulles
3400 Spruce Street
Philadelphia, PA 19104-4283

Dear Dr. Arnold:

The First Lady and I were deeply moved by our visit to the Left Bank Center for Maternal and Child Health Care. The partnership between the United States and the Ukrainian hospitals is a compelling example of how, when people work together, they can truly make a difference. Your role in advising the newly created Ukrainian Nurses Association is admirable. It was a pleasure meeting you. Best wishes.

Sincerely,

Mel

Melanne Verveer
Deputy Chief of Staff
to the First Lady

UNIVERSITY OF PENNSYLVANIA MEDICAL CENTER
University of Pennsylvania School of Medicine
Hospital of the University of Pennsylvania

Lauren Arnold, Ph.D., R.N.
Clinical Director
Obstetrical and Neonatal Nursing
Hospital of the University of Pennsylvania
Assistant Professor
University of Pennsylvania School of Nursing

May 25, 1995

Ms. Melanne Verveer
Deputy Chief of Staff
Office of the First Lady
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20001

Dear Ms. Verveer:

On behalf of the Ukrainian and American members of AIHA's University of Pennsylvania - Kiev Partnership program, I wish to extend to you our deepest appreciation for your commitment in providing us with the opportunity to meet Mrs. Clinton and to demonstrate to her the successes we have achieved in improving the health of young families in Kiev, Ukraine.

The model of international partnership adopted by the University of Pennsylvania - Kiev team is one in which human and intellectual value is appreciated on both sides. Our Partnership is built on mutual respect and concern for women. With this as our framework, enormous successes have been realized, including reductions in low birth weight; reductions in perinatal mortality; shortened lengths of hospital stay; and implementation of a family-centered birth experience including patient education, father's attendance at births, father's visitation in the postpartum period, and lactation consultation. The project also achieved expansions of family planning services; introduction of infection control practices; development of a prenatal evaluation service; and improvements in neonatal resuscitation. These accomplishments have been achieved through the dedication and hard work of many partner participants, both in Ukraine and in the United States. Over 80 partner exchanges have occurred since 1992.

This model of international partnership would be successful in other initiatives that may benefit women and their places in the community. I would suggest to you that, as Mrs. Clinton considers her focus on women, perhaps a project of international partnership, women to women, would be most effective. Within such a partnership, successful women professionals from the United States might work with women in oppressed societies to guide them in achieving success or in changing their environments.

The Ukrainian Nursing Association, which held its first organizing meeting during Mrs. Clinton's visit, is an example of what might be achieved through a women to women exchange. As part of that effort, United States nursing professionals are working with Ukrainian nurses to establish an association that will work towards standardizing education, improving practice, and upgrading society's view of nursing.

It was a great honor and sincere pleasure working with you, Wendy, and Paula as we prepared for Mrs. Clinton's visit. If I may be of assistance either to you or Mrs. Clinton in the future, I would be most honored to be called upon to serve.

Again, on behalf of all members of the Penn-Kiev partnership, thank you.

Sincerely,

Lauren Arnold

Lauren Arnold, Ph.D., R.N.

LA:mm

Bristol-Myers Squibb Company

P.O. Box 4000 Princeton, NJ 08543-4000
609 252-3442 Fax: 609 252-3059

Michael E. Autera
Executive Vice President

April 27, 1995

First Lady Hillary Rodham-Clinton
The White House
Old Executive Office Building, Room 100
Washington, DC 20500

Dear Mrs. Clinton:

Bristol-Myers Squibb is delighted to be working with you and your staff in an effort to help the Russian Government deal with the long-term treatment of Russian children suffering from Phenylketonuria (PKU).

Bristol-Myers Squibb has approved a donation to be made on your behalf of one 20-foot container (16,200 cans) of Phenylfree formula. This will care for approximately 125 children for one year.

Attached is a brief background paper and suggested recommendations on the issue. Bristol-Myers Squibb looks forward to working with you and Mrs. Yeltsin in developing either a long-term supply proposal or an in-country filling project that could reduce the in-market price and increase the overall affordability of our PKU products in Russia. Representatives of our Washington Office will be in contact with your office to coordinate the delivery of this donation.

Sincerely,

Michael E. Autera

MEA/cw
Attachment

BUSINESS CONFIDENTIAL

BACKGROUND

In meetings with Bristol-Myers Squibb (BMS) personnel in Munich and Russia, officials of the Russian Ministry of Health and the Russian PKU Foundation claim the following registered patient population:

Babies below 1 year	59
Children between 1 and 3 years	324
Children above 3 years	1,021
Total number of patients	1,404

Although the Russian officials are very proud of their screening program, when compared with other countries, it appears that their numbers are far too low. For example, in the United Kingdom (UK), where they have been screening for PKU for 30 years, the total patient population is 3,000.

Consumption figures based on UK experience would have the following results:

Babies below 1 year	95% compliance - 25 kg per year
Children between 1 and 3 years	70% compliance - 18 kg per year
Children above 3 years	40% compliance - 12 kg per year
Children all others	25% compliance - 6 kg per year

The total PKU products that would be needed are as follows:

1,500 kg Lofenalac - 3,333 cans
12,000 kg Phenylfree = 26,666 cans

Whereas, in effect, BMS shipped in 1994:

19,974 cans Lofenalac
129,600 cans Phenylfree

Clearly, this shows profound differences between the Western and Russian experience. After much investigation, BMS was able to ascertain that the Russian calculate consumption at almost 100% compliance based on:

Babies below 1 year	36 kg per year
Children over 1 year	58.40 kg per year

Using this assumption, the following quantities would be needed:

Lofenalac 2,124 kilos or 4,720 cans
Phenylfree 78,606 kilos or 174,680 cans

BUSINESS CONFIDENTIAL

These figures are in line with Russian purchases in 1994 but the following discrepancies are clear:

1. The Lofenalac figure seems low and we must assume that the number of babies born has either fallen very dramatically or the patient count is incorrect.

2. The Phenylfree figure of cans sold in 1994 may be correct considering that a much higher protein content formula is being purchased from Poland.

It is difficult to draw conclusions from this data. We may need a lot more work. This work may not be finalized in time for Mrs. Clinton's meeting with Mrs. Yeltsin.

RECOMMENDATIONS

At this stage, you may want to make the following proposals:

1. A donation will be made by Bristol-Myers Squibb, on behalf of the First Lady, of one 20 ft. container of Plenylfree formula, which is approximately 16,200 cans. This will care for 125 children for a whole year. Current Russian supplies will run out in the 4th quarter of 1995. BMS will coordinate with the White House and the Rostropovich Foundation to deliver the container during the 4th quarter of 1995.

2. The U.S. Government may want to finance a Russian experts visit to Washington (Mrs. Biakov, Head of the Russian Centers for Neonatal Screening, and Mrs. Khatunova, main specialist of PKU problems in the Ministry of Health). BMS would also be interested in participating financially.

3. The U.S. Government may want to recommend and support, as a result of the above visit, improvements in the Russian screening procedures and the training of Russian specialists.

4. Only after this exercise is complete, would BMS then be in a position to consider a proposal for local filling of PKU products aimed at reducing the in-market price and increasing the overall affordability of products over the long term. We must have an accurate Russian patient count to determine consumption needs.

PRESTON GATES & ELLIS
ATTORNEYS

February 21, 1995

Hillary Rodham Clinton
Office of the First Lady
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Re: Judicial Candidate -- Peter Greenfield

Dear Hillary:

I'm writing about Peter Greenfield, a candidate for appointment to the Ninth Circuit Court of Appeals. I think you will be interested in this person. Peter is director of litigation for Evergreen Legal Services in King County, Washington, and has served as a distinguished legal services lawyer for 25 years.

A 1970 graduate of the University of Chicago Law School, Peter has devoted his career to legal services for the poor. He has also been a leader in anti-discrimination efforts both in the legal profession and in the larger community. He served as president of the King County Bar Association, the only president in more than 100 years who was not in a private, for-profit practice. Peter has taken a number of significant cases to state and federal appellate courts, has been a bar examiner on constitutional law and ethics, and he engineered the creation of the King County Bar's Gender Bias in the Legal Profession Committee.

Enclosed are some written materials to give you an idea of the depth of Peter's concerns, his writing and analytic skills, and the respect other people feel for Peter. Enclosed are: (1) "Examples of Appellate Work," describing some of the major appeals work Peter has undertaken; (2) "Male Guards Searching Female Prisoners," an article written by Peter in May 1992 for the Bar Bulletin; (3) "Profile: Peter Greenfield," an article written about Peter by my friend and partner, Liz Thomas; and (4) "Introduction" written by Peter for the Washington Practice treatise on professional ethics.

Peter is not a typical Court of Appeals candidate. However, because of your long-time commitment to legal services and access to justice, I wanted you to know that he is highly regarded in our community and well qualified for a judicial position.

I encourage the Administration to give Peter's candidacy serious consideration. Thanks very much for any help you can give.

Cordially yours,

Carol

Carol S. Arnold

CSA:jal
Enclosures
#HOME\55L24D.DOC

Peter Greenfield
1126 Grand Avenue
Seattle, Washington 98122

Examples of Appellate Work

Dillenburg v. Kramer, 459 F.2d 1360 (9th Cir. 1972). I appeared in this case after an adverse trial court decision, and briefed and argued it in the Court of Appeals. The plaintiff, who had previously been convicted of a crime and was on parole, challenged provisions of Washington law that disqualified him from voting. The challenge was based on the Equal Protection Clause of the Fourteenth Amendment. The District Court had dismissed the complaint, holding that it did not present a substantial federal question. The Court of Appeals reversed. It held that the question whether the disenfranchisement was necessary to promote a compelling state interest was substantial, and directed the District Court to convene a three-judge court to resolve it. (The Supreme Court subsequently upheld felon-disqualification against an equal-protection challenge based on other language in the Fourteenth Amendment.)

Spence v. Washington, 418 U.S. 405, 41 L. Ed. 2d 842, 94 S. Ct. 2727 (1974). I appeared in this case (as ACLU cooperating counsel) after an adverse decision in the Washington Supreme Court, and briefed and argued it in the United States Supreme Court. It was an appeal by a young man who had placed a peace symbol on a privately-owned American flag to show his opposition to the 1970 invasion of Cambodia. He was convicted under a state flag-use statute. The Supreme Court reversed, holding his expression protected under the First Amendment.

Stephens v. Tielsch, 502 F.2d 1360 (9th Cir. 1974). I represented the plaintiff in this case from filing through final decision on remand. The plaintiff's car had been impounded based on a parking citation that was later dismissed; still, he could never recover his car, because he couldn't afford to pay towing and storage fees. His case was a due-process challenge to the City of Seattle's practice of holding impounded vehicles unless contested towing and storage charges were paid, instead of releasing the vehicles pending a hearing. The District Court dismissed, invoking the doctrine of abstention. The Court of Appeals reversed and remanded, after which the District Court entered a declaratory judgment in favor of plaintiff. (The judgment resulted in a new impoundment ordinance with improved procedures that avoided the needless permanent loss of impounded cars for many owners.)

Lindsay v. Seattle, 86 Wn.2d 698, cert. denied sub nom. Brabant v. Seattle, 429 U.S. 886 (1976). I argued this appeal for an intervenor supporting the position of the City of Seattle. The Washington Supreme Court upheld the

City's position and rejected a challenge to its voluntary plan designed to redress past employment discrimination. The plan involved the selective certification of qualified minority candidates for certain positions.

Zimmer v. Seattle, 19 Wn. App. 864 (1978). I represented the plaintiff in this case from filing through final decision on remand. Plaintiff was a minor child's mother, who wanted to prevent enforcement of a vague statute authorizing arrest of children. A motion for class certification was denied; then, a partial summary judgment motion, enjoining enforcement of the statute on vagueness grounds was granted. On appeal, the Court of Appeals reversed the denial of class certification. On remand, the injunction was extended to protect the class.

Van Dyke v. Thompson, 95 Wn.2d 726 (1981). I represented the plaintiff in this case from filing through appeal. She was a secretary who supported her disabled husband and their children on her modest wages. The Department of Social and Health Services initiated a wage garnishment to collect child support owed by her husband for children of a prior marriage. An injunction was obtained barring the garnishment. The Supreme Court affirmed, applying traditional community property principles to the husband's antenuptial obligation.

Grant v. Washington Pub. Empl. Relations Comm'n, 456 U.S. 955, 72 L. Ed. 2d 479, 102 S. Ct. 2028 (1982) and, on remand, Grant v. Spellman, 99 Wn.2d 815 (1983). I appeared in this case (as ACLU cooperating counsel) for the appellant after an initial adverse decision by the Washington Supreme Court. The appellant, a police officer, had sought a statutory religious exemption from a union-dues payment requirement. Although he was found to have a sincere religious objection, his request for exemption was denied on the ground that he was not a member of a church that embraced the objection. The United States Supreme Court summarily vacated the initial decision. On remand, the Washington Supreme Court concluded that the First Amendment would not allow an exemption to be granted to one sincere religious objector and denied to another merely on the ground that the latter was not a church member. It reconstrued the statute and held appellant eligible for the exemption.

Purser v. Rahm, 104 Wn.2d 159 (1985), cert. dismissed, 478 U.S. 1002 (1986). I briefed and argued the appeal in this case. The plaintiffs were an elderly couple who had been married more than 60 years; the husband was in a nursing home and the wife was at home. The husband's care was paid for, in part, by Medicaid. Under applicable federal Medicaid law, spouses at home were permitted to keep all of their income; most of the institutionalized spouses' income was required to be used to pay for the nursing home care. Before the Purser case, the state applied a name-on-the-check rule to determine what income belonged to which spouse: a spouse at home was permitted to keep all income received in his or her name, rather than 50% of the community income. The result for the Pursers was to leave Irene Purser with slightly more than $300 a month when her husband needed nursing home care; by contrast, her husband would have been left with over $1,500 a month had he been at home and had she required nursing home care. The Pursers obtained a class injunction requiring the Department of Social and Health Services to apply community property principles in assessing the income of married individuals for purposes of determining certain Medicaid benefits, and the judgment granting the injunction was affirmed by the Washington Supreme Court. After the Purser decision, a married person with a spouse in a nursing home on Medicaid was assured at least half of the community income to live on.

The United States Department of Health and Human Services disagreed with the Purser decision, and declined to approve an implementing change in Washington's State Medicaid Plan. The dispute was ultimately resolved in the State's favor in State of Washington v. Bowen, 815 F.2d 549 (9th Cir. 1987). Irene Purser was an intervenor in that appeal, and I took primary responsibility for the joint brief filed on behalf of the State and intervenors.

Sorenson v. Secretary of the Treasury. I briefed and argued this case in the District Court (557 F. Supp. 279 [1982]), the Court of Appeals (752 F.2d 1433 [1985]) and in the Supreme Court (475 U.S. 851, 89 L. Ed. 2d 855, 106 S. Ct. 1600 [1986]). The case was filed after the Secretary of the Treasury asserted the authority to collect child support owed to a state by taking (or "intercepting") tax refunds owed to an innocent new spouse of a child-support debtor, and also earned income credits payable to poor families with children. The case involved construction of portions of the Internal Revenue Code, due process issues, community property issues, several complex federal jurisdictional issues, and other questions. In the course of the litigation, the Secretary conceded that an innocent spouse was entitled to 50% of a community refund, and an injunction requiring the Secretary to notify affected class members of this entitlement was issued by the District Court (after a declaratory ruling proved an inadequate remedy) and affirmed by the Court of Appeals. The Supreme Court addressed a single issue — whether the statutory tax-intercept authorization applied to earned income credits. It upheld the Secretary's position.

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Carole A. Grayson
Editor

Caitlin Davis Carlson
Assistant Editor

Suzanne Barnett
Bar Talk

Julie McGowan
Director of Advertising

Connolly Productions
Production Coordinator

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President's Page

Male Guards Searching Female Prisoners

□ A Measure of Society's Standards

By Peter Greenfield

In *The House of the Dead,* Dostoevski tells us to look in our prisons if we wish to judge the "degree of civilization in [our] society." A year ago, writing in the *ABA Journal,* then-ABA president John Curtin urged bar associations to take that look—to "monitor local prison and jail conditions" and to take steps to "ensure the rights of inmates to minimally decent conditions.

Bar associations in Washington, including ours, have not been quick to respond to Curtin's urging. But this March, on the recommendation of the Association's Gender Bias Committee, the SKCBA Board did look at one troubling state policy affecting women in prison. The policy would allow random clothed-body searches, described in detail below, of female prisoners by male (as well as female) guards.

Adopted in 1989 by the superintendent of the Washington Corrections Center for Women at Purdy, the policy was challenged as soon as it was implemented. And United States District Judge Robert Bryan enjoined the random cross-gender searches on 8th Amendment and other grounds after an expedited, seven-day trial. But this January Judge Bryan's decision was reversed by a divided Ninth Circuit panel in *Jordon v. Gardner,* 953 F.2d 1137.

"The so-called 'pat' search"

The searches contemplated by the challenged policy are described by Circuit Judge Diarmuid O'Scannlain, in his dissent, as follows (citations to the guard training manual have been omitted):

> During the so-called "pat" search, a guard is to "[u]se a flat hand and pushing motion across the [inmate's] crotch area." The guard must "[p]ush inward and upward when searching the crotch and upper thighs of the inmate." All seams in the leg and the crotch area are to be "squeez[ed] and knead[ed]." Using the back of the hand, the guard also is to search the breast area in a sweeping motion, so that the breasts will be "flattened." Superintendent Vail estimated that the searches take forty-five seconds to one minute.

Chief Judge Clifford Wallace, writing for the two-judge majority, concluded that such searches, even when conducted at random by male guards, do not "offend the standards of decency in modern society" or otherwise violate the 8th Amendment.

To Wallace, the central 8th Amendment question was whether a random cross-gender search is "so totally without penological justification that it results in the gratuitous infliction of suffering"; to O'Scannlain, it was whether such [illegible]ches are "unne[illegible]y" and reflect "deliberate indifference" to psychological pain they would inflict on many prisoners.

A petition for rehearing, with a suggestion for a hearing *en banc,* is pending and, with the applicable law unsettled, it is difficult to predict the outcome of the litigation.

A policy question

But independent of that outcome, there is a policy question the SKCBA Board thought ripe for its consideration: Even if they are constitutionally permissible, should we sanction random clothed-body searches of female prisoners by male guards?

To a court, whether such searches "offend the standards of decency in modern society" may be a constitutional legal question. But to us it is a policy question about *our* standards and what they should be.

How should we treat women in prison, assuming (as not everyone will be inclined to do) that random body searches are to be performed? In approaching this question, we should remember what Dostoevski's comment implied society is prone to forget—the humanity (if not the very existence) of its prisoners; and we should imagine ourselves in the places of those whom we would subject to body searches and ask how we might reasonably wish to be treated.

A disturbing prospect

Members of the SKCBA Board, who engaged in this inquiry, found the prospect of searches as contemplated by the state's policy very disturbing. It was especially disturbing in light of Judge Bryan's findings that many of the women who would be searched under the policy have been victims of sexual or physical abuse by men—there was expert testmony that a majority had been abuse victims—and that cross-gender body searches posed "a high probability of great harm, including severe psychological injury and emotional pain and suffering" to some of them.

Before supporting the challenged search policy under these circumstances, we should require a very powerful justification. For its limited 8th Amendment purposes, the Ninth Circuit majority deemed the state's asserted interests in security and in the provision of equal employment opportunities for guards sufficient justification. (In the majority's view, the [illegible] would satisfy the 8th Amendment's requirements if they were not "so totally without penological justification that [they amount to] the gratuitous infliction of suffering.") For purposes of our policy analysis, neither interest provides sufficient justification.

Women's prisons elsewhere maintain security without random cross-gender body searches (and without any random body searches of the kind conducted here), and Judge Bryan found the challenged searches were not necessary for internal security. Searches can be, and are being, conducted by female guards.

Guard equal-employment opportunity interests raise a harder question for many of us. The origin of the cross-gender search policy was not, in fact, a security problem but rather, as the dissent explained, a grievance by female guards, based on the fact "that their food breaks, taken while they were still officially on duty, were occasionally interrupted" to conduct searches. (The Seattle *Times* dismissed this justification for the new policy rather harshly in a June 19, 1990 editorial: "Having male guards frisk female inmates is a dumb way to solve a work-scheduling problem.")

It seems reasonable to assume that conducting body searches of prisoners is onerous for most guards of either sex, and also that barring cross-gender searches may sometimes make sex a limiting factor in some employment opportunities. So more is at stake than the interruption of food breaks.

Nevertheless, the SKCBA Board concluded on balance that the challenged policy is a bad one. While the interests of guards of either sex in equal employment opportunity should be accommodated in other ways to the extent feasible, those interests do not justify the otherwise unnecessary infliction of humiliation and psychological harm that would result from the policy's implementation.

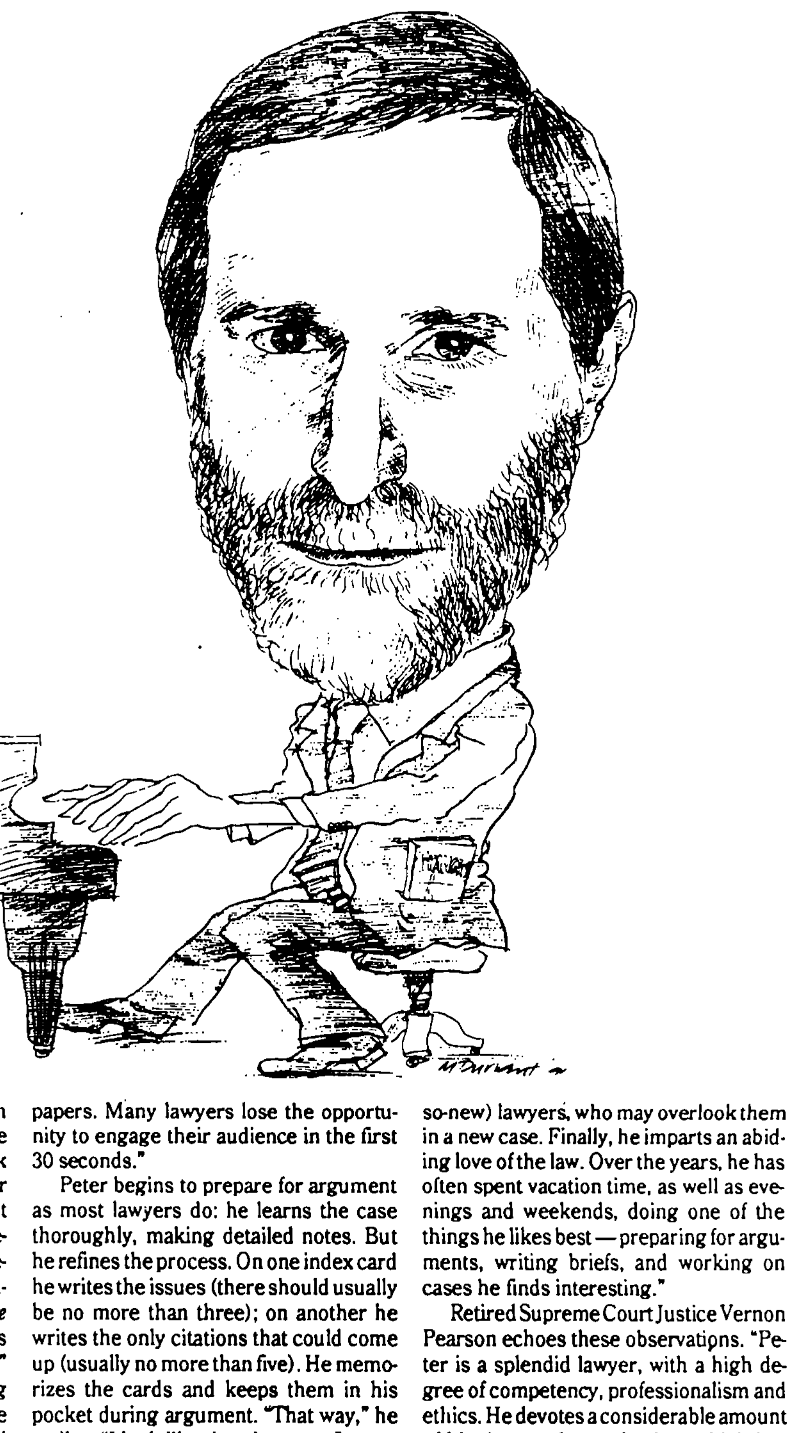
If the degree of civilization of our society is to be judged by looking in our prisons, we don't want those making the judgment to find male guards conducting random body searches of female prisoners when they look.

The Board has called on Governor Gardner to intervene and reverse the search policy. ■

Editor's note! Governor Booth Gardner's address is Office of the Governor, Olympia, WA 98504-0413.

SKCBA President Peter G[illegible]field is Director of Litigation of the King County Office of Evergreen Legal Services.

Profile: Peter Greenfield



By Elizabeth Thomas

It was January 1980. I had flown all the way from Boston to the uncharted territory of Seattle, on my own nickel, for a job interview at Evergreen Legal Services. The receptionist told me that the director was out, but offered up Peter Greenfield, the Director of Litigation, as a surrogate interviewer. I took the bait and met the man who would become President of SKCBA in 1991.

Peter sat me down in his client chair, a circa 1945 government-issue wooden one, asked a few polite questions, determined he was working as a law clerk for a district judge, and handed me a complaint. "I just filed this class action," he said. "Take a look at it, and tell me what you might do differently."

I paused. For a long time. I had been to a lot of job interviews, but this was the first time a senior partner-type had asked me to critique his work (usually it's the other way around). Painfully aware that I had been out of law school for all of seven months, I tried to focus on Peter's complaint. It made sense, much more sense than most pleadings I had seen. I looked hard, but could not see a single flaw. Lord knows how I answered. But that first contact reflected several of Peter's salient traits: he is willing to ask hard questions; he strives for perfection; and he generally comes close to achieving it.

My intimidation was justified by more than the usual job applicant jitters. Washington Supreme Court Justice Robert Utter notes that, "My general impression of Peter is one of quiet effectiveness. He is regarded by everyone I know at the Supreme Court and the Court of Appeals." Judge Robert Winsor, who retired recently from Division 1 of the Court of Appeals and previously served for many years in King County Superior Court, has been familiar with Peter's work for years. Judge Winsor was serving a grueling two-week stint on the summary judgment calendar in the 70's when he encountered his first Peter Greenfield brief. Judge Winsor recalls, "Peter's brief caught my eye because it stood out from the scores of others like a beacon of clarity. It was *the model* of what a brief should be. Peter's briefs are always dependable for a judge."

Peter has strong ideas about writing briefs. As Director of Litigation for the King County Office of Evergreen Legal Services, he often comments on other attorney's briefs. "I am most interested in beginnings," he says. "A brief should take a complex argument, present the complete argument without hiding anything, in the simplest way possible at the beginning of the brief. The court should get the full basic argument in the first two to three pages."

It was not only Peter's brief that caught Judge Winsor's attention. "When he argued the case, I was also very impressed, and my impression has never changed." Peter has strong ideas about oral argument, too. He argues without notes. "Most lawyers who have prepared fully don't make much use of their notes," Peter observes. "They are only distracting, and serve little purpose as a visual aid. It gets a court's attention to have a person speak directly to them without hiding in a pile of papers. Many lawyers lose the opportunity to engage their audience in the first 30 seconds."

Peter begins to prepare for argument as most lawyers do: he learns the case thoroughly, making detailed notes. But he refines the process. On one index card he writes the issues (there should usually be no more than three); on another he writes the only citations that could come up (usually no more than five). He memorizes the cards and keeps them in his pocket during argument. "That way," he smiles, "I look like there's no net."

> "Peter's brief caught my eye because it stood out from the scores of others like a beacon of clarity. It was *the model* of what a brief should be. Peter's briefs are always dependable for a judge. ... Peter rarely speaks early, but when he does speak, everything stops. When Peter is going to pronounce, I want to listen."
>
> – Judge Winsor

Peter has used this strategy in cases before the Washington and United States Supreme Court and Courts of Appeals, including *Sorenson v. Secretary of the Treasury*, 475 U.S. 851, which challenged the application of an IRS tax-refund intercept program to step-parents who were entitled to earned-income credits for poor dependent children.

Those who have worked directly with Peter view him as a lawyer's lawyer. Barbara Isenhour, another senior attorney at Evergreen, identified three major contributions Peter makes to the office. "First, he shows how important it is to be tenacious, to set your goals, to pursue them relentlessly, even doggedly, and to do an absolutely thorough job on whatever you do until you get the results you want. In addition, Peter always looks at the ethical issues. He raises them with new (and not-so-new) lawyers, who may overlook them in a new case. Finally, he imparts an abiding love of the law. Over the years, he has often spent vacation time, as well as evenings and weekends, doing one of the things he likes best — preparing for arguments, writing briefs, and working on cases he finds interesting."

Retired Supreme Court Justice Vernon Pearson echoes these observations. "Peter is a splendid lawyer, with a high degree of competency, professionalism and ethics. He devotes a considerable amount of his time to the profession, which is a great thing for a busy lawyer. He is also a splendid legal writer and researcher." Judge Winsor observes that "Peter rarely speaks early, but when he does speak, everything stops. When Peter is going to pronounce, I want to listen."

Peter's love and care for language is notorious. As outgoing SKCBA President Matt Sayre says, "Peter truly is a word musician. Even on those occasions when he is dead wrong (it happens), you have to be on the alert. Those paragraphs he composes so articulately appear frighteningly flawless as he speaks." Ron Roseman, Director of Evergreen's King County Office, says, "Peter's conciseness gives 'notice pleading' a new meaning." No linguistic issue is too small to escape Peter's attention. In the November 1988 *Bar Bulletin* ("Judges and Lawyers: Terms of Address"), Peter considered how lawyers and judges should address one another in bar-bench meetings.

What can we expect from this lawyer's lawyer as President of SKCBA? A lot. Peter will be the first SKCBA President not drawn from the ranks of the private bar. SKCBA's Executive Director, Alice Paine, is in a particularly good position to

(Continued on page 22)

Profile: Peter Greenfield

(Continued from page 5)

read the crystal ball. "Peter's planning for the next program year already shows his commitment to public service and thoughtful, well-organized approach," she says. "A model of collegiality and civility himself, I would not be surprised to see Peter direct some attention to lawyers' dissatisfaction with those aspects of the practice. We might also see more luncheon programs for bar members, with unusual speakers on unconventional topics, based on Peter's own intellectually challenging interests." Matt Sayre calls Peter the "conscience" of the Board. "Rights and liberties have been his main focus — everything from flag burning to curfews to WSBA disclosure policies and *ad infinitum*."

Peter believes his role as President is t[illegible]nd to the organizational dimen[illegible]KCBA so that the committees a[illegible]viduals can function and can make the decisions that need to be made. Then the President should help articulate those decisions, and execute them or communicate them to the outside world as appropriate." Alice Paine enjoys this cooperative spirit. "Working with Peter is wonderfully easy. We all appreciate his absolute reliability when it comes to deadlines, and also his dry sense of humor that helps keep the crunch times in perspective."

Next year, Peter hopes to continue or conclude various ongoing projects. These include reinforcement of judicial screening policies; expansion of SKCBA's CLE program to make SKCBA less dependent on dues and to improve CLE offerings; and long-standing focus on meeting the needs of poor persons.

Finally, he wants to pursue issues involving professional conduct and human relations. Peter is a member of the William O. Douglas Inn of Court, a group of attorneys that includes Judge Winsor and Judge Betty Fletcher of the Ninth Circuit. "We discuss ways to promote a gentler legal community, to make attorneys aware that in relating to opposing attorneys and parties, the same principles of courtesy should apply as in extra-professional dealings with people," Peter explains. SKCBA has already issued guidelines of professional courtesy. "Though many have seen deterioration in this area," Peter notes, "there are also many who are trying to do better." The guidelines raise issues, such as sensitivity to others' convenience, that Peter hopes will make this a better community in which to practice law.

Where did this lawyer's lawyer come from? Teaneck, New Jersey, by way of Portland and Chicago. Peter obtained his B.A. in Philosophy from Reed College in 1967. Although he was offered a Woodrow Wilson fellowship to attend graduate school in philosophy, he decided upon law school instead. "I wanted to be involved in the social and political issues of the time. My choice of law school was a choice of participation in my own community over isolation in academia."

Peter earned his J.D. in 1970 from the University of Chicago Law School, where he received a National Honor Scholarship all three years and the Edwin F. Mandel Award for his work in the school's legal aid clinic. While at Chicago, he worked with the American Friends Service Committee on anti-war activities, draft counseling, draft counselor training, and assistance to attorneys working on draft cases.

In a planning session for a demonstration at the 1968 Democratic National Convention, Peter met his future wife, Judith Starbuck. They married in May of 1970 and moved to Seattle the next month. Judith originally thought they would stay in Seattle only a few years; but three or four months after moving to our seductive city, Judith realized she would never want to move again. After completing art school and a brief stint as a painter, Judith became a jeweler. She now shows her work in silver and gold at galleries throughout the Northwest, and in Los Angeles and New York.

Peter's interest in Seattle was piqued by Superior Court Judge Michael J. Fox, who was then an attorney with Evergreen's forerunner, Seattle Legal Services. Judge Fox had gone to Chicago for a conference in the winter of 1969-70. Peter spoke with him then and became interested in the office. Several months later, Greg Dallaire joined Seattle Legal Services as its Director and offered Peter a staff attorney position. (Greg is now with Garvey, Shubert & Barer.) Peter accepted, and just three years later became the Director of Litigation.

Peter and Judith have now lived in Madrona for over 20 years. Peter loves music as a listener and as a guitarist and pianist. He is fluent in Spanish and French, reads actively in both languages, and meets weekly with a Spanish conversation group. Reflecting Peter's and Judith's eclectic tastes, their video collection ranges from *Portrait of the Artist as a Young Man* to *Crocodile Dundee*.

Peter has long been active with the American Civil Liberties Union. He currently sits on both the national and state boards. Among his many civil liberties cases is *Grant v. Spellman*, 99 Wn.2d 815, 456 U.S. 955 (establishing that a religious exemption may apply to any sincere religious objector, regardless of church membership.) Just three or four years out of law school, Peter briefed and argued *Spence v. Washington*, 418 U.S. 405, the first Supreme Court decision establishing that communication using the flag, here by affixing a peace symbol to it, is protected under the first amendment.

Peter's contributions to the legal community are legion. He received the fifth annual Charles A. Goldmark distinguished Service Award from the Legal Foundation of Washington for exceptional efforts in assuring equal access to justice regardless of ability to pay. Ron Cox, a SKCBA Trustee and former Secretary, notes that as first Vice President, Peter took the lead on several projects, including the recent bylaw amendment and the SKCBA committee that is currently studying SKCBA management and personnel issues. Peter served on the Delay Reduction Task Force and the King County Superior Court Committee on Implementation of Case-Flow Management Rules.

Judge Winsor sums it up. "Peter is an inspiration to us all. He has the ability to do anything he wants and to make all the money he wants. But he chooses to do exciting, productive work for the dispossessed and downtrodden."

Several months after my sweaty-palmed interview with Peter, somewhat to my surprise, Evergreen offered me a staff attorney position. I accepted immediately. It was the right decision. Peter was my direct supervisor. I can think of no better way for a new lawyer to learn how to represent a client to the best of his or her ability than to listen and watch Peter. Through Peter, I also learned the personal and professional value of participation in the broader legal community through SKCBA, the ACLU, and other worthy law-related organizations. Most important, I gained a treasured colleague and friend.

Elizabeth Thomas is a partner with Preston, Thorgrimson, Shidler, Gates & Ellis in litigation, and focuses on utilities. She is a past Secretary for YLD and is currently a member in the VLS Committee.

INTRODUCTION

SOME PRELIMINARY COMMENTS ON PROFESSIONAL CONDUCT

By Vernon R. Pearson * and Peter Greenfield **

Table of Sections

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§ 1. Introduction to the Rules of Professional Conduct

These comments on the professional conduct of lawyers (what used to be discussed under the rubric "professional responsibility," and before that "professional ethics" [1]) focus on two different but related sorts of questions: questions that have been resolved by binding rules governing the conduct of lawyers, and questions that must be resolved by individual lawyers making ethical judgments. In sections 2 through 6, five professional conduct questions are discussed, illustrating what is governed by binding rule and what is left to the discretion of individual lawyers. Section 7 surveys some of the resources available to lawyers seeking help with professional conduct questions. To introduce the subject, and to provide a background for the discussions that follow, this section offers some general observations about modern efforts to regulate the conduct of lawyers, and about the trends those efforts reflect.

It is hardly surprising in the complex society in which we live (in what the United States Supreme Court has called "the modern world" [2]) that both the commercial and the professional discretion of lawyers are circumscribed by law. Lawyers are subject to state and

* Chief Justice, Washington Supreme Court.

** Director of Litigation, Evergreen Legal Services, King County Office.

§ 1

1. The American Bar Association published its Canons of Professional Ethics in 1908. These were superseded by the Model Code of Professional Responsibility in 1970, and by the Model Rules of Professional Conduct in 1983.

2. Goldfarb v. Virginia State Bar, 421 U.S. 773, 788, 95 S.Ct. 2004, 2014, 44 L.Ed.2d 572, 585 (1975).

federal statutes regulating commerce.[3] They are subject to statutory and common law rules of contract,[4] tort,[5] and criminal law.[6] And they are subject to rules of conduct adopted by courts.

Court-made rules governing lawyer conduct in Washington are found in several places. Some are incorporated in the rules of practice in particular courts.[7] Some are contained in Rules for Lawyer Discipline (RLD)[8] and the Admission to Practice Rules (APR).[9] Most are contained in the Rules of Professional Conduct (RPC).

Like the Code of Professional Responsibility (CPR), which they replaced, the Rules of Professional Conduct, adopted by the Washington Supreme Court in 1985, are based on a model promoted by the American Bar Association (ABA). The model was intended by its drafters to extend an evolutionary trend in the regulation of lawyers' conduct away from statements of non-binding ethical principles and toward binding rules backed by sanctions.[10]

Professor Geoffrey C. Hazard, Jr., reporter for the commission that drafted the Model Rules, wrote in the course of the drafting project:

3. They are subject, for example, to the Sherman Act's prohibitions of anti-competitive activity, 15 U.S.C.A. § 1; *see* Goldfarb v. Virginia State Bar, 421 U.S. 773, 95 S.Ct. 2004, 44 L.Ed.2d 572 (1975). In Washington, they are subject to the Consumer Protection Act's prohibitions of unfair and deceptive practices, RCWA 19.86.020; *see* Short v. Demopolis, 103 Wn.2d 52, 691 P.2d 163 (1984). "[T]he belief that lawyers are somehow 'above' trade has become an anachronism. . . ." Bates v. State Bar of Ariz., 433 U.S. 350, 371–72, 97 S.Ct. 2691, 2703, 53 L.Ed.2d 810, 828 (1977), *rehearing denied* 434 U.S. 881, 98 S.Ct. 242, 54 L.Ed.2d 164 (1977).

4. The relationship of lawyer to client is not merely an ordinary contractual relationship. It is "one of the strongest fiduciary relationships known to the law." In re Beakley, 6 Wn.2d 410, 423, 107 P.2d 1097, 1103 (1940). This has special implications, for example, for agreements setting fees, as discussed in section 6.

5. "The failure to exercise the requisite skill, care, and diligence necessary to the proper rendition of legal services may give rise to an action for breach of contract. Similarly, it may constitute a tort." Peters v. Simmons, 87 Wn.2d 400, 404, 552 P.2d 1053, 1055 (1976).

6. For an example of a situation in which a criminal statute limits professional discretion in an area regulated by the Rules of Professional Conduct—disclosure of client confidences—see section 2 n. 11 and corresponding text.

7. One example is Civil Rule (CR) 11's requirement that lawyers file only such pleadings as are "to the best of [their] knowledge, information, and belief, formed after reasonable inquiry . . . well grounded in fact and . . . warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law. . . ." Analogous requirements relating to discovery are contained in CR 26(g).

8. A list of fifteen grounds for discipline is set forth in Rules for Lawyer Discipline (RLD) 1.1. A violation of the Rules of Professional Conduct is one of them. Others include the "commission of any act involving moral turpitude," and violation of the "oath or duties as a lawyer."

9. The "oath of attorney" is contained in Admission to Practice Rules (APR) 5. Other provisions of the APR governing lawyer conduct include the provisions for supervising legal interns in APR 9.

10. *See, e.g.*, Schwartz, *The Death and Regeneration of Ethics*, 1980 Am.B.Found. Research J. 953.

"[W]e need a code. But we should not call it a code of ethics . . . Whatever it is called, the code will be legislation defining role and rules of role in the practice of law; it will not be ethics." [11] (Subsequent history has not quite measured up to Professor Hazard's categorical prediction.[12])

In predicting that the new code "will not be ethics," Professor Hazard was using the term "ethics" to characterize a code containing statements about what lawyers *should* do, such as those typically found in the ABA's earliest effort,[13] and to distinguish such codes from one containing statements about what lawyers *must* do (or be subject to sanction), *i.e.*, statements of law, or what he called "legislation defining role and rules of role."

This was not to deny, of course, that the new code would continue to address ethical questions; a question does not cease to be an ethical question—a question about what one should do—because there is a law that "answers" it.

Nor was Professor Hazard's point in calling for law rather than ethics that all professional conduct questions should be resolved by law or that some set of laws could eliminate the need for lawyers to make ethical judgments. It was, rather, simply that the new rules should define the lawyer's role, and by doing so establish what, at a minimum, is required of lawyers and what will subject them to sanctions. This is an entirely conventional strategy for regulation.

A distinction between ethics and law had been emphasized in the Code of Professional Responsibility. It was reflected in a division between "Ethical Considerations" and "Disciplinary Rules." The Ethical Considerations were presented as "aspirational in character . . . represent[ing] the objectives toward which every member of the profession should strive." [14] Only violation of the Disciplinary Rules subjected lawyers to sanctions.

At first glance, the Rules of Professional Conduct resemble the Code of Professional Responsibility without the Ethical Considerations. (The ABA incorporated much of the material previously contained in Ethical Considerations in official Comments on the Model Rules of

11. Hazard, *The Legal and Ethical Position of the Code of Professional Ethics*, 5 Social Responsibility: Journalism, Law, Medicine 5–6 (L.W. Hodges ed. 1979).

12. Both the Model Rules and the Rules of Professional Conduct adopted in Washington contain statements of ethical principles as well as binding rules. For example, lawyers "should" render public interest legal services (RPC 6.1), and "should" report professional misconduct (RPC 8.3).

13. For example, the Canons of Professional Ethics, adopted by the ABA at its 31st annual meeting, in Seattle, urged that "[a] lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel" (Canon 9), "should not purchase any interest in the subject matter of the litigation" (Canon 10), and "should refrain from any action whereby for his personal benefit or gain he abuses or takes advantage of the confidence reposed in him by his client" (Canon 11).

14. Code of Professional Responsibility (CPR), 80 Wn.2d 1119, 1120 (1972).

Professional Conduct, but those Comments have not been adopted in Washington.[15]) The result is a leaner product, couched mainly, though not exclusively, in mandatory terms. It defines "the minimum level of conduct below which no lawyer can fall without being subject to disciplinary action." [16] Like most legislation, the Rules generally do not offer guidance for those who aspire to a higher level of conduct. But they do contemplate sanctions against those who perform at a lower level.[17]

The Supreme Court's adoption of a new set of rules, without material corresponding to the Code of Professional Responsibility's Ethical Considerations, has not significantly altered either the scope of mandatory regulation or the scope of professional discretion. In fact, the Rules of Professional Conduct regulate, by and large, what was regulated before. Many questions about professional conduct that were not resolved by the Code are not resolved by the Rules. They must still be resolved by individual lawyers by reference to other legal standards,[18] or as ethical rather than legal questions.

In some cases, the Rules explicitly give lawyers discretion, defining what they may do, as distinguished from what they must do. For example, the Rules permit, but do not require, reporting of clients' plans to commit future crimes,[19] and permit, but do not require, withdrawal from representation under specified circumstances.[20]

In other cases, the Rules implicitly give lawyers discretion by expressing their mandates in general terms. For example, "reasonable-

15. For an argument supporting adoption of the ABA Comments, see Aronson, *An Overview of the Law of Professional Responsibility: The Rules of Professional Conduct Annotated and Analyzed,* 61 Wash.L.Rev. 823, 827–28 (1986). The Comments can be found in any ABA publication of the Model Rules, and in various looseleaf services and textbooks on professional conduct.

16. RPC, Preliminary Statement. The same words were previously used to characterize the Disciplinary Rules in the Code of Professional Responsibility in its Preliminary Statement.

17. Lawyer discipline is among the primary responsibilities of the Washington State Bar Association, and substantial resources are devoted to discharging it. *See* Farrell, *The Washington Lawyer Discipline System: A Statistical View: 1981–84,* 38 Wash.St.B.News No. 10, at 19 (Oct. 1984).

18. Case law on lawyer malpractice provides specific guidance in some areas addressed generally in the Rules, through the competent representation requirement of RPC 1.1. *E.g.,* Martin v. Northwest Wash. Legal Servs., 43 Wn.App. 405, 717 P.2d 779 (1986) (addressing a lawyer's obligation in 1974 to seek division of a military pension in a dissolution action).

19. RPC 1.6(b). A lawyer may, however, be required by other laws to report such plans. Section 2 discusses when lawyers may, and when they must, report clients' plans to commit crimes. In considering what lawyers should do when they learn that their clients plan to commit crimes, reasons for keeping confidences and competing reasons for warning prospective crime victims have repeatedly been identified and weighed. Reasonable minds have differed about how the question should be answered, and also about whether it should be answered by binding rule or left to the discretion of individual lawyers.

20. RPC 1.15(b).

ness"[21] is the standard for, among other things, diligence,[22] communication with a client,[23] fees,[24] and efforts to ensure subordinates' compliance with the Rules.[25]

And in a few vestigial cases, the Rules explicitly urge but do not compel. For example, lawyers "should" render public interest legal services,[26] and "should" report professional misconduct.[27]

Significantly, the Rules give increased emphasis, both by what they say and by what they omit, to the limits of an advocate's partisan role.[28] They frankly acknowledge a lawyer's competing obligations to clients, opponents,[29] third parties, and tribunals.[30] While advocacy in the face of conflicts of interest is strictly regulated, the rhetoric of "zeal" and "undivided loyalty," which characterized the Code of Professional Responsibility, has quietly disappeared from the discussion of the lawyer-client relationship. This emphasis responds to one of the major sources of public cynicism about lawyers.

Public cynicism about lawyers (and lawyers' cynicism about themselves) has frequently reflected a view of lawyers as interested not in justice but only in winning for their clients (and themselves). It is a view of lawyers who engage in, and whose role is to engage in,

> Too many slippery ifs and buts and howevers,
> Too much hereinbefore provided whereas,
> Too many doors to go in and out of.[31]

21. "'Reasonable' or 'reasonably,' when used in relation to conduct by a lawyer, denotes the conduct of a reasonably prudent and competent lawyer." RPC, Terminology.

22. RPC 1.3.

23. RPC 1.4.

24. RPC 1.5.

25. RPC 5.1, 5.3.

26. RPC 6.1.

27. RPC 8.3.

28. Robert J. Kutak, chair (until his death) of the ABA commission that drafted the Model Rules, made the following observations in response to criticisms of a 1980 discussion draft: "[M]any readers have expressed concern about those Rules that recognize limits to the attorney-client relationship and suggest that, in a limited range of circumstances, a lawyer may owe obligations to others that supersede his obligations to a client. None of those Rules are radical. None are new. They are, with rare exception, simply restatements of the law as it has already been stated by a majority of the courts that have considered those kinds of questions." *Evaluating the Proposed Model Rules of Professional Conduct,* 1980 American B.Found.Research J., 1016, 1022.

29. They do not, however, go so far as to require affirmative steps to avoid a result that is simply unfair to an opponent. For a discussion of the desirability of such a requirement, see Bellow and Kettleson, *From Ethics to Politics: Confronting Scarcity and Fairness in Public Interest Practice,* 58 B.U.L.Rev. 337, 372-78 (1978).

30. In Washington, the Rules of Professional Conduct have actually reduced the lawyer's obligation to prevent deception of a tribunal relative to the requirements of the Code of Professional Responsibility. *See* § 3.

31. Sandburg, *The Lawyer Knows Too Much,* quoted in K. Llewellyn, The Bramble Bush 142 (1951). "In much of literature the idea of an ethical lawyer is regarded as a contradiction in terms." G. Hazard, Ethics in the Practice of Law 1 (1978).

Such cynicism implicitly rejects the view that lawyers should be advocates singlemindedly devoted to their clients' objectives, right or wrong.[32] That view is also emphatically rejected by the Rules of Professional Conduct.

The Rules of Professional Conduct represent a serious attempt to refine mandatory minimum requirements for lawyers with complex competing obligations. They presuppose an adversary system that is not an end in itself, but rather a means to justice, and that is tempered accordingly. Since the territory charted by the Rules is limited, and since only the major arteries are shown, lawyers are left with the responsibility to find their own ways over much rugged terrain.

§ 2. When May Lawyers Report Clients' Plans to Commit Crimes? When Must They?

It is generally accepted without controversy, at least within the legal profession, that a client's confidential communication to a lawyer admitting past criminal conduct may not be revealed without the client's consent.[1] The attorney-client evidentiary privilege [2] and the confidentiality requirement of RPC 1.6 promote full disclosure by clients to lawyers. Full disclosure, in turn, promotes appropriate legal advice and representation.

By contrast, what lawyers should do—and what they should be required to do—with knowledge of a client's plan to commit a crime in the future has been the subject of intense controversy, both within the profession [3] and outside it.[4] Debate has sometimes illuminated (but sometimes obscured) the tension among lawyers' responsibilities: as advocates, to keep their clients' secrets; as officers of the court, to promote the ultimate objective of the system of justice; [5] and as decent human beings, to warn innocent parties of avoidable threatened harm.

A party to a divorce action tells his lawyer that he is on his way to his wife's apartment with a gun. A lawyer learns that a business client has made material misrepresentations in a series of financing transactions in which the lawyer represented the business, and the lawyer suspects that pending transactions are similarly tainted. When may lawyers inform authorities or affected parties of clients' plans to commit crimes? When must they? A short answer to both of these questions is: more often than many people think.

32. *E.g., Lawyers for Hire for Anything?* N.Y. Times, Feb. 11, 1983, at A26 (editorial).

§ 2

1. RPC 1.6.

2. The attorney-client privilege is codified in Washington at RCWA 5.60.060(2).

3. *E.g.*, Redlich, *Disclosure Provisions of the Model Rules of Professional Conduct,* 1980 Am.B.Found.Research J. 981.

4. *E.g.*, Taylor, *Ethics and the Law: A Case History,* N.Y. Times, Jan. 9, 1983 (Magazine), at 31.

5. The obligation lawyers owe as court officers is owed to the community at large, of which judges are elected representatives.

The Rules of Professional Conduct generally prohibit lawyers from revealing confidences or secrets of clients.[6] But they contain a broad exception relating to prospective criminal conduct. Under Rule 1.6(b), a lawyer *may* reveal confidences or secrets "to the extent the lawyer believes reasonably necessary . . . to prevent the client from committing a crime. . . ."[7] The exception is consistent with the previous Washington rule[8] and with a long-standing exception to the attorney-client privilege for communications made in contemplation of crimes or frauds.[9]

The disclosure authority in the Washington rule is much broader than the disclosure authority advocated by the ABA. The ABA model would permit disclosure of a confidence or secret "to prevent the client from committing a criminal act that the lawyer believes *is likely to result in imminent death or substantial bodily harm*. . . ."[10] The Washington rule permits lawyers to reveal confidences or secrets to the extent they believe necessary to prevent a client from committing *any* crime. (There are some circumstances relating to client perjury in which lawyers are *required* by the Rules to report contemplated crimes. Issues relating to client perjury are discussed in the next section.)

By permitting, but not requiring, lawyers to report clients' plans to commit future crimes (to the extent necessary to prevent them), the Washington rule puts lawyers on a roughly equal footing with other citizens. They are not generally excused from reporting when others with the same information would be required to do so, and they are not required to report when others with the same information would be free to remain silent.

The Rules leave lawyers subject to both criminal and civil reporting requirements. Lawyers, like others in Washington who witness preparations for the commission of a violent offense,[11] including presumably discussions of the contemplated crime, are required under RCWA 9.69.100 to notify law enforcement authorities. Failure to give the required notice is a gross misdemeanor.[12]

6. "'Confidence' refers to information protected by the attorney-client privilege under applicable law, and 'secret' refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client." RPC, Terminology.

7. "Reasonably" in the Rules "denotes the conduct of a reasonably prudent and competent lawyer." RPC, Terminology.

8. CPR, DR 4-101(C).

9. *See* State v. Richards, 97 Wash. 587, 591, 167 P. 47, 48–49 (1917); State v. Metcalf, 14 Wn.App. 232, 239–40, 540 P.2d 459, 465 (1975).

10. Emphasis added.

11. As defined in RCWA 9.94A.030.

12. The section contains a proviso that it not "be so construed to affect existing privileged relationships as provided by law. . . ." But the character of the relationship between lawyer and client does not prevent a lawyer from disclosing information, including client confidences, to the extent the lawyer reasonably deems necessary to prevent the client from committing a crime. The proviso does excuse lawyers

In addition to the requirements of the criminal law, our Court of Appeals in dictum in Hawkins v. King County [13] has expressed a readiness to recognize a common law duty to warn an unsuspecting prospective victim of serious personal injury, and to apply that duty to lawyers.[14] The *Hawkins* court cited with approval the California Supreme Court's decision in Tarasoff v. Regents of the University of California,[15] which imposed tort liability on a psychiatrist for failing to warn someone whom his patient had told him, in confidence, he intended to kill.

Beyond these areas in which the criminal law or the common law may require disclosure, there remain the many cases in which the choice to disclose or not to disclose is left to the discretion of the individual. Lawyers faced with such choices must balance the need for disclosure in the particular case against the harm the disclosure may do to their ability to function as lawyers.[16]

Before taking the extraordinary measure of revealing a confidence or secret to prevent a contemplated crime, a lawyer must, if practicable,[17] attempt to dissuade a client from executing a criminal plan.[18] If dissuasion is feasible, then disclosure of the plan is not "reasonably necessary" to prevent its execution and is, therefore, not permissible under Rule 1.6(b).

When an attempt at dissuasion is impracticable or ineffectual, lawyers, like other citizens, should reflect with care before allowing serious harm to come to an innocent person for want of a warning they could have given.

§ 3. How Should a Lawyer Respond to Client Perjury?

As explained in the preceding section, a lawyer *may* reveal confidences or secrets "to the extent the lawyer believes reasonably neces-

from reporting past violent crimes as required of others by RCWA 9.69.100.

13. 24 Wn.App. 338, 602 P.2d 361 (1979).

14. The issue did not require decision in *Hawkins* because the victim there was aware of the danger.

15. 17 Cal.3d 425, 131 Cal.Rptr. 14, 551 P.2d 334 (1976).

16. *Cf.* Seventh Elect Church v. Rogers, 102 Wn.2d 527, 688 P.2d 506 (1984).

17. Common sense must be used. The Rules do not oblige lawyers to engage in futile and dangerous confrontations with clients.

18. An attempt to dissuade a client from executing a criminal plan is a delicate undertaking. When successful, it may be among the most useful services a lawyer can render. There is more than one way, unfortunately, in which it may be unsuccessful. It may or may not be obvious after such an attempt whether or not the client intends to follow the lawyer's advice. If the client executes a criminal plan after such advice, the nature of the advice might subsequently come under scrutiny. (For example, a client might falsely accuse the lawyer of having condoned the plan.) Ideally, a lawyer's advice would be witnessed by a third person within the scope of the attorney-client privilege, and documented by a letter or file memorandum, preferably signed by the client. While the ideal may rarely be attainable, some thought should be given to documentation.

sary . . . to prevent the client from committing a crime. . . ."[1] Perjury is a crime.[2] Therefore, to the extent believed reasonably necessary to prevent a client from committing perjury, a lawyer may reveal a client's confidences or secrets.

When a client reveals an intention to testify falsely, a lawyer must explain both the impropriety and the consequences of doing so, including what the lawyer will do if the client does not renounce the intention. The message should be delivered with conviction; lawyers may have to work at convincing some clients that they will not condone perjury.

When an attempt to dissuade a client from testifying falsely is necessary, the attempt should be documented, both as a safeguard against misunderstanding by the client and as protection for the lawyer. If possible, the lawyer's advice should be confirmed in writing and the client's signature on a copy should be obtained. When circumstances permit, it may be desirable to discuss the issue with the client in the presence of a witness who is within the scope of the attorney-client privilege.

If a client seems determined to persist in a plan to commit perjury in spite of a lawyer's attempt at dissuasion, the lawyer may pursue either or both of two options: disclosure or withdrawal. A lawyer is prohibited by RPC 3.3(a) from "[o]ffer[ing] evidence the lawyer knows to be false."[3]

If a lawyer succeeds in withdrawing before perjurious testimony is offered, then disclosure of the criminal plan, before its execution, remains discretionary. The lawyer is no longer faced with the prospect of offering evidence known to be false. Knowledge of the client's criminal plan is treated like knowledge of any other client plan to commit a crime in the future.

If, on the other hand, withdrawal is either not permitted or not attempted, then the lawyer is faced with the unacceptable prospect of offering evidence known to be false. The lawyer must either avoid the presentation of this evidence (using the authority of Rule 3.3[e] to refuse to offer evidence reasonably believed to be false) or disclose the client's plan. This requirement follows from Rule 3.3(a)(2), which provides that a lawyer may not knowingly

> [f]ail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client unless such disclosure is prohibited by rule 1.6.

§ 3

1. RPC 1.6(b).

2. RCWA 9A.72.020 *et seq.*

3. By contrast, what to do with evidence not *known* but *reasonably believed* to be false is left to the lawyer's discretion. Rule 3.3(e) provides that: "[a] lawyer *may* refuse to offer evidence that the lawyer reasonably believes is false." (Emphasis added.)

The disclosure of a contemplated perjury, if necessary to prevent it, is not "prohibited by rule 1.6"; it falls within the crime-prevention exception of subsection 1.6(b)(1).[4]

A lawyer who, knowing a client's intention to give a perjurious answer, proceeded to ask the corresponding question would violate both Rule 1.2(d) by assisting the client in "conduct that the lawyer knows is criminal . . ." and Rule 3.3(a)(2) by failing to disclose the information necessary to avoid such assistance.

While disclosure of information necessary to prevent a client's contemplated perjury is always permissible and sometimes required, a very different rule applies once a client has actually committed perjury (presumably taking the lawyer by surprise). A lawyer is prohibited from disclosing, without a client's consent, that the client has testified falsely. This is a reversal of the former Washington rule.[5]

When a client gives testimony a lawyer knows to be false, Rule 3.3(d), like the former Washington rule,[6] requires the lawyer to "promptly make reasonable efforts to convince the client to consent to disclosure." If the client refuses, however, the lawyer must remain silent. A lawyer in such a position "may seek to withdraw from the representation in accordance with rule 1.15,"[7] but must do so without revealing the client's crime.

The new Washington rule is diametrically opposed to the ABA Model Rule. The Model Rule would require disclosure to the tribunal of a client's uncorrected perjury; the Washington rule prohibits disclosure.[8]

The Rules of Professional Conduct treat perjury that a client has already committed much like any other crime. They do impose a special obligation on lawyers to attempt to convince their clients to correct false testimony; but beyond that, the general rule requiring the keeping of confidences and secrets applies.

4. For a discussion of the application of this rule in the criminal defense context, see Strait, *So Your Client Wants To Lie*, 41 Wash.St.B. News No. 4, at 15 (Apr. 1987).

5. The Code of Professional Responsibility, in DR 7-102(B), provided as follows:

> [a] lawyer who receives information clearly establishing that . . . [h]is client has, in the course of the representation, perpetrated a fraud upon a person or tribunal, shall promptly call upon the client to rectify the same, and if his client refuses or is unable to do so, he *shall reveal the fraud to the affected tribunal* and may reveal the fraud to the affected person.

(Emphasis added.) For a strong criticism of the abandonment of this disclosure requirement, see Aronson, *An Overview of the Law of Professional Responsibility: The Rules of Professional Conduct Annotated and Analyzed*, 61 Wash.L.Rev. 823, 832 (1986).

6. DR 7-102(B)(1).

7. RPC 3.3(d).

8. By contrast, as discussed in the preceding section, Washington gives lawyers much greater discretion to disclose confidences about *contemplated* crimes than would the ABA model.

§ 4. What Decisions May Lawyers Make for Their Clients?

The relationship of lawyer to client is a relationship of agent to principal.[1] The lawyer serves the client in this relationship and, consequently, a lawyer's authority to make decisions for a client must generally be based on a client's delegation of decision-making authority.

In practice, lawyers frequently make procedural and tactical decisions with little or no participation by their clients and without any express delegation of decision-making authority. Sometimes the authority to make these decisions is (rightly or wrongly) assumed; often the issue is not considered.

The Rules of Professional Conduct attempt to address the distribution of authority between lawyer and client more directly than have previous rules. Rule 1.2(a) begins as follows:

> A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to sections (c), (d), and (e), and shall consult with the client as to the means by which they are to be pursued.

The requirement that lawyers abide by clients' decisions concerning objectives of representation is limited to lawful objectives by sections (d) and (e); section (c) permits a lawyer to "limit the objectives of the representation if the client consents after consultation."[2] The Rule does not require client consent to be obtained in writing, but a written agreement should reduce the likelihood of misunderstanding, and preparing one is the better practice.

The requirement that lawyers consult with clients about the means by which their objectives are to be pursued should be considered in light of the Rules' definition of the term "consult." "Consult," as defined in the Rules, "denotes communication of information reasonably sufficient to permit the client to appreciate the significance of the matter in question."[3] Rule 1.2(a) does not expressly permit a lawyer to decline to abide by a client's decision concerning means; but by affirmatively requiring only "consultation" in connection with means, while requiring lawyers to "abide" by clients' decisions concerning objectives, the Rule implies a greater latitude for lawyers in choosing means.

§ 4

1. *See, e.g.*, Brinkley v. Farmers Elevator Mut. Ins. Co., 485 F.2d 1283 (10th Cir. 1973).

2. Client consent may not relieve lawyers of their obligations under the Rules, including the obligation to provide competent representation. As the ABA Comment to Model Rule 1.2 explains, "[a]n agreement concerning the scope of representation must accord with the Rules of Professional Conduct and other law. Thus, the client may not be asked to agree to representation so limited in scope as to violate Rule 1.1, or to surrender the right to terminate the lawyer's services or the right to settle litigation that the lawyer might wish to continue."

3. RPC, Terminology.

The different treatment of "objectives of representation" and "means by which they are to be pursued" in Rule 1.2(a) makes it important to be able to distinguish objectives from means. Neither term is defined in the Rules, however, and it is frequently possible to view a particular decision as one "concerning" either objectives or means, depending on one's point of view.[4]

For example, the decision to demand a jury in the defense of a damages action might be viewed as a decision concerning the means of obtaining a defense verdict, or as a decision concerning the objective of being vindicated by a jury of one's peers.[5] The decision to argue a novel legal theory might be viewed as a decision concerning the means of obtaining a money judgment or one concerning the objective of establishing a new legal principle.

It is important to notice that procedural decisions may be "decisions concerning objectives." Consider, for example, a decision about whether to seek a continuance of a trial. The continuance may mean a long delay (or at least a short delay) in obtaining the remedy a client wants. Surely this is a decision concerning objectives of the representation—assuming it is the client's objective to get relief sooner rather than later—and a continuance should only be sought with the client's informed consent.

The difficulty of distinguishing decisions concerning objectives and means suggests a need for critical inquiry before a lawyer declines to abide by *any* decision made by a client.

Of course, many clients are happy to identify their objectives and defer to their lawyers' judgment about how to achieve them. When a marriage is happy, it doesn't much matter which spouse owns the house. Similarly, when relations between lawyer and client are smooth, the ambiguous treatment of decision-making authority over means in Rule 1.2(a) is of little consequence.

But what happens if a client wants a lawyer to use means the lawyer deems inappropriate? If the proposed means would result in the lawyer's violation of the Rules, the lawyer is required to refuse the client's request. So, for example, a lawyer must refuse to use means that are criminal or fraudulent,[6] or involve misleading a tribunal[7] or making a frivolous claim.[8]

4. The Comment to ABA Model Rule 1.2 acknowledges that "[a] clear distinction between objectives and means sometimes cannot be drawn. . . ."

5. Courts have held that lawyers in civil cases may waive or insist on jury trials. *See, e.g.*, Zurich Gen. Accident & Liability Ins. Co. v. Kinsler, 12 Cal.2d 98, 81 P.2d 913 (1938); ABA Anno. Model Rules of Professional Conduct 25 (Legal Background 1984). (The Legal Background discussions were not part of the materials adopted by the ABA.) The question has not been addressed in Washington.

6. RPC 1.2(d).

7. RPC 3.3.

8. RPC 3.1.

The Rules expressly permit a lawyer to "refuse to offer evidence that the lawyer reasonably believes is false."[9] But what about evidence the lawyer merely believes will not be persuasive to the trier of fact? May the lawyer refuse to abide by the client's wish that it be presented? The Rules offer no guidance here.

Nor do the Rules clarify when, if ever, a lawyer may employ means to which a client objects. Rule 1.2(a) does make clear that a lawyer may not accept or reject a settlement offer against a client's wish[10] or override certain decisions of a client in a criminal case. But may a lawyer incur discovery costs for a client against the client's wishes or schedule a motion hearing on a date to which a client has a superstitious objection? Once again, the Rules do not say.

The first of these questions is addressed in the ABA Official Comment to Model Rule 1.2(a). Since Washington's Rule 1.2 is the same as the ABA Model Rule, the Comment is instructive, even though the Comments have not been adopted in Washington. "In questions of means," according to the Comment, "the lawyer should assume responsibility for technical and legal tactical issues, but should defer to the client regarding such questions as the expense to be incurred and concern for third persons who might be adversely affected."

The Comment is plainly not an interpretation of the Rule. Rather it takes issues not resolved by the Rule and, in a style reminiscent of the Code of Professional Responsibility's Ethical Considerations, suggests how they *should* be resolved.

On the issue of incurring costs, a stronger conclusion is warranted. The lawyer's agency relationship to the client is contractual. The contract may be limited by the Rules of Professional Conduct, but the Rules do not affirmatively authorize lawyers to incur costs to which their clients object. So if a client has not expressly or impliedly authorized an expenditure, a lawyer may not incur it on the client's behalf. Similarly, a lawyer may not incur an expense to which the client expressly objects, and a client would not be liable for an expense incurred by the lawyer against the client's instruction.[11]

How, as a practical matter, should lawyers resolve conflicts with their clients over means when the resolution is not dictated by the Rules or other law? There are good reasons for applying the following principles: (1) a serious effort should be made to resolve the dispute through patient discussion and advice; (2) if the dispute persists, a lawyer should defer to a client's request to use *permissible* means absent a strong principled objection; (3) if the dispute persists and the lawyer has a strong principled objection to the client's request, the

9. RPC 3.3(e).

10. A decision about whether to settle a case is a decision concerning the objectives of representation.

11. A different question, but still one of contract law, would arise if the client had previously authorized the expense and subsequently had a change of mind.

lawyer should seek leave to withdraw; (4) if the dispute persists, the lawyer has a strong principled objection to the client's request, and withdrawal is not permitted, then the lawyer may be justified in overriding the client's request.

The importance of patient discussion and advice is reflected in the requirement of Rule 1.2(a) that lawyers consult with clients about means and in the requirement of Rule 1.4(b) that lawyers "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." [12] This imposes a high standard on lawyers.[13] It presupposes that most decisions that must be made in the context of legal representation can be explained to an interested client of reasonable intelligence.[14] It means that a lawyer may not dismiss a client's disagreement on an issue by calling the issue "too complicated for the client to understand." (A client may be persuaded in an appropriate case, however, that an issue is highly complicated and that delegation of its resolution to a lawyer is prudent.)

Patient consultation should make the occasions rare when lawyers and clients cannot agree on decisions concerning means. When a client cannot be persuaded that a lawyer's view on means is correct, and the means favored by the client are permissible, the lawyer should defer to the client's view absent a strong principled objection. It is, after all, the client's case.

If the lawyer, for a strong principled reason, cannot defer to a client's view, then ordinarily withdrawal should be attempted. The relationship between lawyer and client can hardly be satisfactory if such an impasse has been reached. A lawyer should discuss with the client whether continued representation makes sense under the circumstances.[15]

12. One might initially question whether the requirement of Rule 1.4(b) applies to decisions about means. Even on the assumption that such decisions may be made by lawyers, however, Rule 1.4(b) must apply. If there is a disagreement between a lawyer and client after consulting about means, the client is left with an ultimate "decision[ ] regarding the representation," namely, whether to discharge the lawyer.

13. It is comparable to the standard imposed on doctors in recent years. A doctor's "duty to disclose treatment alternatives and the risks of each alternative" used to be measured by "the prevailing standard of care of other physicians in the community." Holt v. Nelson, 11 Wn.App. 230, 237, 523 P.2d 211, 217 (1974). It is now recognized that a "patient has a right to know the material facts concerning the condition of his or her body, and any risks presented by that condition, so that an informed choice may be made regarding the course which the patient's medical care will take." Gates v. Jensen, 92 Wn.2d 246, 250, 595 P.2d 919, 922 (1979); *see also* Miller v. Kennedy, 11 Wn.App. 272, 282, 522 P.2d 852, 860 (1974), *aff'd* 85 Wn.2d 151, 530 P.2d 334 (1975).

14. Lawyers with clients who are incapable of understanding to the extent that the lawyer reasonably believes the client unable to "adequately act in the client's own interest, . . . may seek the appointment of a guardian or take other protective action with respect to a client." RPC 1.13(b).

15. An unsatisfied client may, of course, always discharge a lawyer. With-

In the rarest of cases, an impasse will be reached, withdrawal will not be permitted, and a lawyer may decline to use permissible means favored by the client. Whether a lawyer is justified in such a decision will depend on the strength of the reasons supporting it.

§ 5. What May Lawyers Deny and Require Their Opponents to Prove?

At its best, our adversary system promotes justice in civil disputes by bringing forward the best evidence and the strongest arguments legitimately available to each party. Justice is not promoted by presenting false evidence or specious argument; nor is it generally furthered by requiring one party to prove what its adversary cannot fairly dispute.[1]

Rule 3.1 prohibits a lawyer from defending a litigant in a civil proceeding, or from controverting an issue in such a proceeding, "unless there is a basis for doing so that is not frivolous. . . ." A contention is not frivolous if it represents "a good faith argument for an extension, modification, or reversal of existing law." While a "lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may . . . so defend the proceeding as to require that every element of the case be established," no such license is given to the lawyer for an ordinary civil defendant.

The provisions of RPC 3.1 are complemented by those of Rule 11 of the Superior Court Civil Rules. CR 11 requires lawyers to certify (by their signatures) that each "pleading, motion, or legal memorandum" they submit is "to the best of [their] knowledge, information, and belief, *formed after reasonable inquiry* [,] . . . well grounded in fact and . . . warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation."[2]

From these rules, a definition of the lawyer's role in civil litigation emerges that is somewhat different from that suggested by the famous exchange between Boswell and Johnson:

> Boswell: "But what do you think of supporting a cause which you know to be bad?"
>
> Johnson: "Sir, you do not know it to be good or bad til the Judge determines it."[3]

drawal is mandatory, subject to leave of court where required, when a lawyer is discharged by a client. RPC 1.15.

§ 5

1. In the criminal context, privacy and other liberty interests justify requiring the state to prove its case independent of any confession or other admission by a defendant. *See, e.g.*, Griswold, *The Right To Be Let Alone*, 55 Nw.U.L.Rev. 216 (1960).

2. Emphasis added.

3. J. Boswell, The Life of Johnson 47–48 (Hill ed. 1887).

Part of a lawyer's role as defined by CR 11 is to make reasonable inquiry about whether a client's claim is well grounded in fact and is arguable in law.

What constitutes a reasonable inquiry will vary with the stage of litigation. When initially answering a complaint, before there has been opportunity for discovery, it may be permissible to deny an allegation for lack of information. In referring to the same allegation in a brief six months later, more may be required to count as a reasonable inquiry, and it may no longer be proper to contend that the allegation is false or, in the language of RPC 3.1, to "controvert" it.[4]

The reasonable-inquiry standard was added to Rule 11 of the Federal Rules of Civil Procedure in 1983 and incorporated in the corresponding Washington rule in 1985.[5] At the same times, the language beginning "well grounded in fact and . . . warranted by existing law" was added to expand on the former standard, which required "good ground to support" a submission. Of perhaps greater practical significance was the addition of a provision authorizing imposition of sanctions against a party or lawyer who violates the rule.[6]

The differences in language between RPC 3.1 and CR 11 might on first reading lead one to conclude that lawyers might be penalized under CR 11 for conduct not warranting discipline under RPC 3.1. In particular, there is no express reference in RPC 3.1 to any obligation to make reasonable inquiry. The significance of the differences is considerably reduced, however, by the provision of RPC 3.4 ("Fairness to Opposing Party and Counsel") that "[a] lawyer shall not . . . [k]nowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists."

There are lawyers who appear incapable of admitting allegations inconvenient to their clients' interests. Some take comfort in the use of the general denial (denying all allegations in a complaint). While use of a general denial is permitted by CR 8, its use is permitted only when

4. The standard is "reasonableness under the circumstances. This standard is more stringent than the original [pre-1983 amendment] good-faith formula and thus it is expected that a greater range of circumstances will trigger its violation." Fed.R. Civ.P. 11 advisory committee note (quoted in Zaldivar v. City of Los Angeles, 780 F.2d 823, 829 (9th Cir.1986)).

5. The Washington rule differs from the federal rule in that it applies to "[e]very pleading, motion, and legal memorandum . . ." while the federal rule applies to "[e]very pleading, motion, and other paper. . . ." Since CR 27(g) applies a similar certification requirement to discovery requests, few significant papers are likely to be exempt from a lawyer-certification requirement.

6. "If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion or legal memorandum, including a reasonable attorney fee." CR 11.

the pleader "intends in good faith to controvert all the averments of the preceding pleading," and permission is "subject to the obligations set forth in Rule 11." It is a rare general denial that will pass these tests.

While lawyers must refuse to assert baseless defenses, their role is not to sit as judges of their clients' cases. They must give their clients the benefit of reasonable doubts in deciding whether an allegation may be denied. Hard practical judgments will be called for in making these decisions. In the process, lawyers will have to educate clients about what they are entitled to expect from their lawyers and from the adversary system.

§ 6. When Are Lawyers' Fees Too High?

"A fiduciary relationship exists as a matter of law between an attorney and client, and the attorney owes the highest duty of fidelity and good faith to the client." [1] In any business transaction between a lawyer and a client, the fiduciary's bona fides is put to the test. The applicable common law obligations of the lawyer as fiduciary are restated and, in certain respects, extended by the Rules of Professional Conduct.

Rule 1.8, one of the rules relating to conflicts of interest, imposes restrictions on business transactions between lawyers and clients. Even with a client's consent, a lawyer may not enter into an ordinary business transaction with a client unless

> (1) The transaction and terms on which the lawyer acquires the interest are fair to the client and are fully disclosed and transmitted *in writing* to the client in a manner which can be reasonably understood by the client; [and]
>
> (2) The client is given a reasonable opportunity to seek the advice of independent counsel in the transaction. . . .[2]

There is one business transaction, in which the interests of lawyers and clients almost invariably conflict, that is treated separately in the Rules: the fee agreement between lawyer and client.[3] The Code of Professional Responsibility, in DR 2-106(A), prohibited fees that were "clearly excessive." RPC 1.5 ("Fees") restates the standard in positive terms, providing that "[a] lawyer's fee shall be reasonable." It goes on to list the same eight factors "to be considered in determining the reasonableness of a fee" as were listed in DR 2-106(A).[4] Written fee

§ 6

1. In re Estate of Larson, 103 Wn.2d 517, 520, 694 P.2d 1051, 1054 (1985).

2. Emphasis added.

3. To state the obvious, lawyers have a financial interest in receiving higher fees, while clients have a financial interest in paying lower fees.

4. The following eight factors are listed in RPC 1.5(a):

> (1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
>
> (2) The likelihood, if apparent to the client, that the acceptance of the particu-

agreements are encouraged "when the lawyer has not regularly represented the client"; they are required when a contingent fee is contemplated.[5]

To the cynic, the listing of "numerous factors relevant to determining reasonableness" merely "encourages . . . sophistry."[6] Unquestionably, the Rules give lawyers substantial discretion in setting fees. But the discretion is not absolute; a fee can be too high in relation to the factors set forth in the Rule, and can be objectionable in other ways.

The issue of the reasonableness of fees charged by lawyers to clients has been before the Washington Supreme Court in two recent cases. In Perez v. Pappas,[7] the court held that an attorney had breached his fiduciary obligation to his client by renegotiating a fee without full disclosure of all relevant facts.[8] In In re Estate of Larson,[9] the court reversed an award of attorney fees for the probating of an estate, holding that the lawyer for the estate had failed to meet the burden of defending against objections that the time billed was excessive.

The court observed in *Larson* that "clients should not be expected to pay for the education of a lawyer [who] . . . spends excessive amounts of time on tasks which, with reasonable experience, become matters of routine"; that "a client should [not] be expected to pay for work that is duplicative"; and that a lawyer "is not entitled to fees at professional legal rates for tasks that should be performed by staff, such as depositing checks in a bank."[10]

lar employment will preclude other employment by the lawyer;

(3) The fee customarily charged in the locality for similar legal services;

(4) The amount involved and the results obtained;

(5) The time limitations imposed by the client or by the circumstances;

(6) The nature and length of the professional relationship with the client;

(7) The experience, reputation, and ability of the lawyer or lawyers performing the services; and

(8) Whether the fee is fixed or contingent.

5. Misunderstandings about fees are a serious source of friction between lawyers and clients. The responsibility for communicating the "basis or rate of the fee" to the client is the lawyer's. RPC 1.5(b). Where it is practicable to reduce the explanation to writing and lawyers fail to do so, they will be hard pressed to avoid responsibility for later disagreements over fees.

6. Abel, *Why Does the ABA Promulgate Ethical Rules?*, 59 Tex.L.Rev. 639, 643 (1981).

7. 98 Wn.2d 835, 659 P.2d 475 (1983).

8. The court held that the client's claim against the lawyer in Perez v. Pappas was barred by an accord and satisfaction between the parties. That holding disposed of the case before it. The court noted, however, that accord and satisfaction would not be a defense in a disciplinary proceeding against a lawyer. 98 Wn.2d 835, 659 P.2d 475 (1983).

9. 103 Wn.2d 517, 694 P.2d 1051 (1985).

10. In re Estate of Larson, 103 Wn.2d 517, 531, 694 P.2d 1051, 1059 (1985). The court in Larson cited In re Peterson's Estate, 12 Wn.2d 686, 123 P.2d 733 (1942), as its source of "criteria to be considered in evaluating attorney fee requests in probate proceedings," 103 Wn.2d 517, 522, 694 P.2d 1051, 1054, rather than the (then applicable) Code of Professional Responsibility with what it called the "similar factors" listed in DR 2-106. But the distinction is

Demonstrably, courts can determine that fees charged to clients are too high. But, admittedly, they do so only rarely. Lawyer discipline for unreasonable fees is also rare.[11] Disputes about fees are more likely to be resolved in proceedings before the Washington State Bar Association's Fee Arbitration Board. Panels of the Board held hearings on approximately 75 fee disputes a year between 1983 and 1986.[12] A brochure explaining the fee arbitration procedure is available from the office of the Washington State Bar Association.

As a practical matter, the generality of the Rule requiring that fees be "reasonable," and the rarity of proceedings to enforce the Rule, give lawyers broad discretion in setting fees. When clients are large and well-informed organizations, and contracts for legal services are negotiated at arm's length, there should be adequate external checks against excessive fees. There may not be significant external checks when clients are individuals who use legal services infrequently, who are uneducated or unsophisticated, or even incompetent. Whether fees charged to these clients will be reasonable currently depends primarily on the commitment of individual lawyers to treat their clients fairly.

§ 7. Resources for Lawyers With Professional Conduct Questions

It may not be necessary to know the procedural rules of a court in which one never practices. But the Rules of Professional Conduct define the role, and govern the professional activity, of all lawyers. Every lawyer is expected to be familiar with them. A necessary first step is to read the Rules themselves. Every lawyer should do so, and every lawyer with supervisory responsibility for other lawyers should ensure that the others have also done so.[1]

For legislation, the Rules are very readable. They contain a preamble and eight titles, with fifty-one rules in all. Their text

of limited significance. In one case, the issue of reasonableness of a fee arises as a legal issue in the context of a lawyer's common law fiduciary obligations to a client; in the other, it arises as a question of lawyer conduct under (currently) the Rules of Professional Conduct. The same court is responsible for declaring the common law and for adopting and interpreting the Rules of Professional Conduct.

11. While the Washington State Bar Association received over two hundred complaints of excessive fees in 1986 alone, only two lawyers were disciplined for seeking excessive fees between 1984 and 1986. Farrell, *Discipline Statistics: Consistency and a Few Surprises*, 41 Wash.St.B.News No. 6, at 20 (June 1987).

12. These figures are based on statistics obtained from the Washington State Bar Association. Regrettably, the Bar statistics show a roughly equal number of cases each year in which requests for arbitration are refused. The ABA Comment to Model Rule 1.5 encourages lawyers to use "an arbitration or mediation procedure established by the bar" for resolution of fee disputes.

§ 7

1. RPC 5.1(b) provides that a "lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct."

occupies thirty-six pages in the Washington Reports,[2] and they are published each year by the State Law Reports Office in its *Official Rules of Court,* and by West Publishing Company in its *Washington Court Rules.*

The Rules are reviewed and analyzed in the 1986 volume of the Washington Law Review.[3] In addition, a number of publications contain the ABA Model Rules, including the official Comments, the Model Code of Professional Responsibility, and various collateral materials.[4]

Judicial opinions discussing lawyers' professional conduct are digested in the West system under the heading "Attorney and Client." Key number 32 under that heading applies to "Regulation of professional conduct." Citations to the Rules of Professional Conduct and to the Code of Professional Responsibility are indexed by rule in *Shepard's Professional and Judicial Conduct Citations.*

Both the ABA and the Washington State Bar Association (WSBA) accept inquiries from lawyers seeking interpretations of their respective rules. The ABA Standing Committee on Ethics and Professional Responsibility issues both informal and formal opinions. Its jurisdictional statement provides that it shall "by the concurrence of a majority of its [eight] members, express its opinion on proper professional or judicial conduct, either on its own initiative or when requested to do so by a member of the bar . . . except that an opinion may not be issued on a question that is pending before a court. . . ."[5] Lawyers with questions for the ABA Standing Committee should send them to the Committee in care of the ABA, 750 North Lake Shore Drive, Chicago, IL 60611.

In Washington, informal opinions are issued by the Rules of Professional Conduct Committee directly, while formal opinions, which are published in the *Washington State Bar News,* are proposed by the Committee and issued by the Board of Governors.[6] The Committee will address questions about contemplated conduct, or about past conduct if an issue is likely to arise again. Its rules preclude deciding questions of "law," *i.e.,* questions controlled by statute, constitution, or common law,

2. 104 Wn.2d 1104–39 (1985).

3. Aronson, *An Overview of the Law of Professional Responsibility: The Rules of Professional Conduct Annotated and Analyzed,* 61 Wash.L.Rev. 823 (1986).

4. The ABA/BNA Lawyers' Manual on Professional Conduct provides monthly supplements containing or digesting recent opinions of courts and bar committees and other useful information. G. Hazard and W. Hodes, The Law of Lawyering: A Handbook on the Model Rules of Professional Conduct (1985) is supplemented annually. The ABA's Annotated Model Rules of Professional Conduct (1984) contains a rule by rule comparison with the Model Code of Professional Responsibility, and a discussion of the legal background of each new rule. C. Wolfram, Modern Legal Ethics (1986) is a useful presentation in textbook form.

5. ABA Standing Committee on Ethics and Professional Responsibility, Formal and Informal Ethics Opinions 3–4 (1985).

6. The Ethics Opinions of the WSBA have been compiled and republished in the WSBA's April 1987 publication *Washington State Bar Association Resources.*

not by the Rules of Professional Conduct. They also preclude commenting on the propriety of conduct that is already the subject of litigation. WSBA opinions, whether formal or informal, are advisory only; ultimate authority to interpret the Rules rests with the Supreme Court.

Lawyers with questions for the Rules of Professional Conduct Committee should send them to the Committee in care of the WSBA, 500 Westin Building, Seattle, WA 98121-2599. While a response from the Committee is likely to take from one to several months, more immediate guidance may sometimes be had from the WSBA staff by calling the office of the WSBA General Counsel at (206) 448-0307.

Members of law school faculties who teach professional conduct are an additional resource for expert individual consultation and for help in identifying others with special expertise.

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THE WHITE HOUSE

WASHINGTON

March 21, 1995

Ms. Molly Bailey
611 S. Fairfax Street
Alexandria, VA 22314

Dear Ms. Bailey:

Mrs. Clinton asked me to thank you for writing and for providing information on the Tibetan nurses who recently studied at George Mason University. Mrs. Clinton is looking forward to her trip to South Asia and particularly to visit with those working in health care and child welfare. We appreciate the references you provided.

Thanks again for writing and best wishes.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

Thank you

Mrs. Hillary Clinton
The White House
Washington, D. C. 20500

March 7, 1995

Dear Mrs. Clinton,

As a nursing student at George Mason University's College of Nursing and Health Science, I read with interest the news report of your upcoming tour through South Asia at the end of March. I particularly noted that you will be visiting health care facilities and looking at the role of women in, among other countries, India and Nepal.

During the academic year 1993-94, four exceptional Tibetan nurses attended the George Mason University College of Nursing and Health Science on scholarships provided by the Fulbright Foundation. Educated in India and certified as nurses and midwives, these women studied various disciplines with us, including the education of health care workers; health care and management of refugee populations; and maternal and child health care needs. Each one reluctantly left their families (three of them have small children) to study here for one year because of their belief in the value of education and the desire for better health care for their people.

They have now returned to their homes, and I must say, the George Mason community misses them sorely. Their example of selflessness and dedication was a wonderful role model for students and faculty alike.

Tsering Lhamo operates a refugee clinic for Tibetans entering Nepal, in Kathmandu, Nepal. Tsering Paldon is employed at the Tibetan School Dispensary in Dharamsala, India. It occurred to me that either of these two professionals might be excellent sources of information for you or your staff on the subjects of both health care facilities and the role of women in these countries. Both speak excellent English.

Either of these ladies can be reached through the attached address, should you wish to contact them. I hope that your trip will be safe and informative.

Sincerely,

Molly Bailey

Molly Bailey
611 S. Fairfax Street
Alexandria, Virginia 22314

Department of Education
Central Tibetan Administration
Gangchen Kyishong
Dharamsala
District Kangia
State HP, 176215
India

THE WHITE HOUSE

WASHINGTON

March 21, 1995

Ms. Ann Beaudry
Millennium Communications Group
1150 18th Street, NW
8th Floor
Washington, DC 20036

Dear Ms. Beaudry:

Thank you for writing and for sending the results of IWPR's new study. The debate on Welfare reform needs to be informed by studies like yours if the effort is to contribute to genuine self-sufficiency for AFDC recipients.

Thanks again for writing and best wishes.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

MILLENNIUM
COMMUNICATIONS GROUP INC.

Thanks

March 14, 1995

Ms. Melanne Verveer
Office of the First Lady
Old Executive Office Building, Room 100
Washington, D.C. 20500

Enclosed please find a new study being released by the Institute for Women's Policy Research, ***Welfare That Works: The Working Lives of AFDC Recipients***, which finds that in direct contrast to the political rhetoric, merely providing work for welfare recipients is not enough to move women and their children now on AFDC from poverty to self-sufficiency.

The current welfare debate, which focuses almost exclusively on moving women from welfare to work is fueled by a myth that welfare encourages dependence and discourages work. In fact, as the recent study shows, 43% of women on AFDC already work substantial hours. Another 30% are either looking for work or working limited hours while receiving AFDC benefits.

IWPR research shows that labor force participation alone is not sufficient to move women and their children out of poverty. Even though the incomes of mothers who "package" work and welfare are than those who do not obtain employment, few jobs that are currently available offer without supplemental support the opportunity for economic self sufficiency. Analysis of the survey data reveals that:

- Jobs are unstable; the average job lasts only 46 weeks.
- These mothers' jobs provide health insurance coverage only 1/3 of the months they work.
- Their jobs pay an average of $4.29 per hour (1990 dollars).

According to IWPR President Heidi Hartmann, "Low wages, job instability, and lack of health benefits present significant obstacles for poor women who are trying to support a family. It will require substantial new investment to reform the low-wage labor market so that it provides more stable, unionized, higher-wage jobs, if employment strategies to end welfare support are to be successful. Without the commitment, women must continue to 'package' work and welfare in order to survive."

We hope this study is helpful to you in engaging your constituency and encouraging this national dialogue around welfare reform.

Please contact me if you would like further information, 202-778-1466.

Sincerely,

Ann Beaudry

Ann Beaudry

1150 18th Street, NW, 8th Floor, Washington, DC 20036
(202) 872-8800 Fax (202) 872-8845

Embargoed Until
March 20, 1995

Summary of Research Results

IWPR Study Finds: Moving Women and Their Children Off Welfare Will Not Result in Increased Employment or in Their Escaping Poverty

"Contract With America" debate based on faulty assumptions.

"A major goal of all current welfare reform proposals is to move single mothers, and their children, off the AFDC rolls by mandating their participation in the work force. IWPR research demonstrates that if this effort is to be successful — if it is to avoid the further impoverishment of poor mothers and their children and the further frustration of taxpayers over another failed program — policymakers must pay attention to what works. Without attention to these results, efforts to reform welfare will not result in increased labor force participation and higher incomes."

—Welfare That Works
IWPR, 1995

INSTITUTE FOR WOMEN'S POLICY RESEARCH
1400 20TH ST. NW • SUITE 104 • WASHINGTON, DC 20036 • (202)785-5100

THE WHITE HOUSE

WASHINGTON

June 26, 1995

MEMORANDUM FOR: Harold Ickes

FROM: Jeremy Ben-Ami JBA

SUBJECT: Immunization Program

Attached are talking points from HHS on the Vaccines for Children (VFC) program. The following is an overview of the issue.

Background on VFC: VFC provides an entitlement to free vaccine for the following categories of children:

- Children on Medicaid: These children were always entitled to free vaccine. The major difference under VFC is that costs that were formerly shared between the Federal government and the states are now paid entirely by us. This has not succeeded in immunizing more children, but has given the states a major fiscal stake in preserving the program. We have letters of endorsement from Governors Engler, Dean, and Carnahan. Much of VFC's cost is simply the transfer of these costs from Medicaid to VFC.

- Uninsured children: These children are entitled to free vaccine if (1) their doctors sign up to be a VFC provider; or (2) they go to a public health clinic. Prior to VFC they could receive free vaccine at public clinics under a pre-existing (non-entitlement) program.

- Children whose insurance does not cover immunization: These children are entitled to free vaccine if they get their shots at a federally qualified health center.

Reasons for Opposition to VFC:

Vaccine Manufacturers' Profits: The government has the right to purchase vaccine for the VFC program at below-market prices, which is why the drug companies oppose the program so vigorously. Prior to VFC, CDC had negotiated a lower price with vaccine manufacturers for the 50% of the market that CDC purchased at that time. When the VFC legislation passed, it automatically extended this lower price to all vaccine purchase under VFC, even though the government's share of the market was projected to grow to 70-80%. In some cases, the discrepancy between the CDC price and the market price is very significant. The manufacturers allege that the resulting revenue drop will significantly limit their research into new vaccines.

VFC also gave states the right to purchase vaccine for all children in the state at the low CDC price. Few have taken advantage of this option, but it has particularly enraged the drug companies.

How to Target Under-immunized Children: VFC's main advantage is that uninsured children can receive shots at their private doctors' offices, rather than having to make an extra trip to a public health clinic. It is common for private physicians to send uninsured children to clinics for their shots because they are free in that setting. However, often these children do not make it to the clinic, resulting in missed opportunities for immunization.

Critics like Senator Bumpers say that the children most likely to be behind on their shots are seen regularly by public clinics and private doctors, and that they miss their shots not because of cost but because their parents are not aware of the immunization schedule (which is quite complex), or because the parents are not well-organized or responsible enough to see to it that the vaccinations take place. These critics point to the fact that almost all children get their shots by age 6, when they must have them in order to start school. They would prefer to focus on enhancing public clinic outreach to these families rather than creating a new child entitlement.

Our response is that we agree that cost is not the only barrier, which is why VFC is just one of five parts of the Childhood Immunization Initiative. Other components include grants to states and localities to expand public clinic services, a community-based outreach effort to educate parents and providers, and better detection of vaccination levels and outbreaks of infection.

Options: Staff from the Domestic Policy Council and the First Lady's office have developed some options for modifying the program's structure and eligibility; they have been discussed with HHS and OMB. We are planning to convene a meeting with the chief of staff very soon to decide on our legislative strategy, including how strenuously to defend the program's current structure.

The likelihood that Medicaid will be block granted means that the program won't survive in its current form. If Medicaid is block granted, the best outcome would be to structure the vaccine program as "entitled" grants to states for immunization. Key questions are whether to let states decide which children they will serve, or to cut back explicitly on which children are eligible for the program. We could respond as we have in the Medicaid block grant debate, by fighting Congress's proposals but laying out our priorities and offering to work with them on changes to the program.

In the meantime, we have more information on the program if you need it.

cc: Erskine Bowles
Alice Rivlin
Mike McCurry
Doug Sosnik
Marcia Hale
Melanne Verveer
Carol Rasco

Talking points - Vaccines for Children

The Vaccines for Children program is an important part of the broader Childhood Immunization Initiative. The CII includes five key strategies to improve preschool vaccination rates. These include improving the quality and quantity of vaccination delivery services; reducing vaccine costs; increasing awareness, community participation and partnerships; improving the monitoring of disease and vaccination coverage; and improving vaccines and vaccine use.

Improving preschool immunization rates is one of the Clinton Administration's highest priorities. Since taking office, the Clinton Administration has doubled funding, and guaranteed funds for new vaccines. Legislation to launch a new Childhood Immunization Initiative was introduced soon after President Clinton's inauguration. A specific goal was set for 1996: increasing vaccination levels for two-year-old children to 90 percent for the most critical doses. And a new program to provide free vaccines to millions of poor and uninsured children was instituted.

While child immunization rates have improved since the 1989-1991 measles epidemic, VFC is a key part of the national strategy to reach the one million American children who are not fully vaccinated by age two. A 1993 survey found that 33 percent of pre-school children (average age 27 months) had not received a full series of the three most critical vaccines (MMR, DTP and polio). About 45 percent had not received the HIB vaccine, which protects children against bacterial meningitis; and 84 percent had not been vaccinated against Hepatitis B, which causes liver disease.

As an integral part of the CII, the Vaccines for Children program focuses on making free vaccines more widely available, reducing costs and missed opportunities for immunization. In the past ten years, immunization costs have increased ten-fold: the private cost of a full series of immunizations increased from about $27 in 1983 to $270 in 1994. A Spring 1992 survey by the American Academy of Pediatrics showed that 43 percent of pediatricians had increased their referrals to public clinics for vaccinations in the preceding ten years, primarily because of costs.

Under the VFC program, vaccines will be provided free to children who are enrolled in Medicaid or uninsured, and to native Americans and Alaskan natives. That means that physicians will no longer have to refer uninsured children to public clinics, a common practice that means missed opportunities for immunizations and fragmented care. And parents can choose which provider makes the most sense for their child, because the difference in price between the two settings ($270 and $129) won't be a factor.

This will make a tremendous difference for nine million uninsured American children. While Medicaid recipients can receive free vaccines under current law, working families have not had the same guarantee. Under VFC, more than one million infants and toddlers without insurance will now be guaranteed free vaccines, and their parents will pay only a modest administration fee. And because ten percent of all American children don't have health insurance, VFC will also help millions more older children who need follow-up vaccines at age four and fifteen.

Under VFC, every eligible child will receive vaccinations, even if parents cannot afford to pay the administration fee. Private doctors will continue to serve their regular patients, even if the parent or guardian cannot afford to pay the administration fee. Other needy children will not be charged a fee in public clinics.

In addition, VFC will provide free vaccines to children with limited insurance in rural health clinics and Federally Qualified Health Centers. In these settings, additional children whose insurance plans don't cover vaccinations will continue to be eligible for free vaccines.

Funds for new vaccines will automatically be provided. Under VFC, new childhood vaccines recommended by a federal advisory committee will automatically be purchased by the federal government and provided free to eligible children -- and budget constraints will never again limit or delay federal purchase of new vaccines.

States will be able to save money by ordering vaccines at the lower, government price. Because VFC will lower states' Medicaid costs for vaccines, these savings can be used to keep clinics open longer, or take other measures to increase immunization rates. And more states will be guaranteed the lower CDC price for the vaccines they do purchase.

Child immunization protects children and saves money. For example, every dollar spent on the MMR (measles/mumps/rubella) vaccine saves $21 in potential health care costs. For the DTP (diphtheria/tetanus/pertussis) vaccine, the cost-benefit ratio is 30 to 1. And for polio, it's 6 to 1.

Questions and Answers on the VFC Program
6/26/95

Q: The GAO has challenged CDC's assertion that the cost of vaccines is a barrier to childhood immunization. Is cost a barrier or not?

A: Cost is a barrier because it contributes to delays in achieving full immunization of preschool children with today's vaccines. The cost of the complete vaccine series has increased ten-fold in the past 12 years. Since parents must pay about $270 in vaccine costs and an additional amount in administration fees for the series, those without adequate insurance may not seek immunizations from their private doctors, but from public health clinics where vaccine is free or available at nominal cost. Having to make extra visits to public clinics can result in delays and missed opportunities for immunization.

Numerous surveys of practitioners and health departments have also documented increased referrals of patients from their primary care providers to public clinics, with cost as the most important reason cited. A 1992 American Academy of Pediatrics study revealed that 55 percent of pediatricians refer some or all of their patients to a public provider for immunizations. A 1992 North Carolina survey showed that 93 percent of physicians referred patients to health departments for immunizations, and states such as New York have showed similar trends.

Q: The GAO has recommended that the VFC program should be targeted to certain population groups and areas referred to as "pockets of need." Doesn't this make sense?

A: We believe, and Congress has agreed, that the proper goal of Federal immunization efforts is to raise immunization levels throughout the nation, and to put in place a sustainable system that will ensure that immunization rates remain high. The GAO conclusion assumes that "general immunization rates" are not now a problem and will not be a problem in the future.

While child immunization rates have improved since the 1989-1991 measles epidemic, VFC is a key part of a national strategy to reach the one million American children under two who are unvaccinated against one or more deadly diseases. A 1993 survey found that 28 percent of pre-school children (average age 27 months) had not received a full series of the three most critical vaccines (MMR, DTP and polio). About 40 percent had not received the HIB vaccine, which protects children against bacterial meningitis; and 84 percent had not been vaccinated against Hepatitis B, which causes liver disease.

Q: Does the Administration oppose folding the Vaccines for Children (VFC) program into a block grant?

A: The Clinton Administration has a very simple goal -- to improve preschool immunization rates. Since taking office, the President has lead an aggressive campaign to reach that goal, and we have made great progress. But we believe that our current investment in children's immunizations must be maintained. Childhood immunizations are one of the most cost-effective public health investments we can make -- they save lives and they save money. To take just one example, for every dollar spent on the measles/mumps/rubella vaccine, we save $21 in health care costs.

We are more than willing to work with Congress to make changes to improve the VFC program. But we are not willing to watch as Congress slashes funding for childhood immunizations in just one more shortsighted attempt to cut the budget.

Q: Is the Administration's position that VFC must remain an entitlement?

A: Our position is clear. We believe that the federal budget should be balanced, but in a way that makes sense. The President has laid out a proposal that retains coverage under Medicaid while reducing spending and giving states more flexibility. Medicaid is a critical health care program; it can certainly be improved,but not by cutting it dramatically to balance the budget. The same applies to VFC. If we can improve the way we are going about our childhood immunization efforts, we're certainly willing to work on it. But we must maintain poor and uninsured children's access to life saving and cost-effective vaccines.

THE WHITE HOUSE

WASHINGTON

May 5, 1995

Ms. Constance Goldman Beresin
President
WOMENS WAY
1233 Locust Street
Suite 300
Philadelphia, PA 19107

Dear Ms. Beresin:

Mrs. Clinton asked me to thank you for writing and for attending the briefing at the White House in March. We appreciate your sending the information on WOMENS WAY.

Thanks again for writing and best wishes in the important work you do.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

WOMENS WAY®

A Powerful Voice for Women

March 20, 1995

Hillary Rodham Clinton
The White House
Office of The First Lady
Washington, DC 20500

Dear Mrs. Clinton,

Thank you very much for the invitation to attend the briefing on Beijing held on Monday, March 13th at The White House. As the President of WOMENS WAY, a coalition of organizations run by women for women providing services, programs and advocacy activities, I was honored to be asked and pleased to have attended. It was a privilege to meet and talk with you and Marjorie Mezvinsky.

Enclosed is information about the WOMENS WAY coalition which was founded in 1976 and is the first of the women's federations and part of the exciting movement of women's funds across this country. These funds have grown to number 65 or more. They address the cutting edge critical issues you and the delegation will be addressing this fall.

My personal good wishes for a successful conference. And, thank you again for including WOMENS WAY in the briefing and reception.

Sincerely,

Connie Beresin

Constance Goldman Beresin
President

Enclosures

1233 Locust Street, Suite 300, Philadelphia, Pennsylvania 19107 ♦ 215-985-3322 ♦ FAX: 215-985-3369

THE WHITE HOUSE

WASHINGTON

May 16, 1995

Ms. Rhonna Burrelle
Executive Assistant
County of San Diego
Department of the Area
Agency on Aging
9335 Hazard Way
Suite 100
San Diego, CA 92123-1222

Dear Ms. Burrelle:

Mrs. Clinton has asked me to thank you for your kind invitation to join you on Mother's Day to deliver the first MOM-o-gram. Mrs. Clinton was not able to join you because she was in Russia with the President at that time.

Know that Mrs. Clinton applauds your efforts to attract grass roots support through the action-oriented Mom-o-gram program.

Good luck in the important work you do.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

R

County of San Diego

DANIEL L. LAVER
DIRECTOR
(619) 495-5885
FAX 495-5080

DEPARTMENT OF THE AREA AGENCY ON AGING

9335 HAZARD WAY, SUITE 100, SAN DIEGO, CALIFORNIA 92123-1222

TO Melanne

May 4, 1995

Barbara Woolley
Office of Public Liaison
The White House
1600 Pennsylvania Avenue
Washington D.C. 20500

Dear Barbara,

On Mother's Day, a prime opportunity to attract grass roots support for Mrs. Clinton's mammogram program will be lost. We hope this letter will convince you to strongly recommend that Mrs. Clinton *not* be in Washngton on Mother's Day. We believe her presence in San Diego on this one day can do more to put her mammogram program on the map than all the efforts to date combined.

- Handing the first MOM-o-gram coupon to a homebound senior will show Mrs. Clinton connecting, one-on-one, with a person who typifies the kind of senior who "falls through the cracks" in programs such as this. In fact, San Diego has specifically targeted isolated, hard-to-reach seniors as our primary concern, because no other effort is reaching them.
- San Diego's program is action-oriented. We actually arrange the mammogram appointment and take the senior to and from the testing facility. A MOM-o-gram, as San Diego defines it, is more than just a cute turn of a phrase. It represents an entire package--a mammogram test complete with escort service and transportation. If Mrs. Clinton's objective is to increase utilization rates, this is the type of message with which she should be associated.
- In my recent visit to Washington, I had the opportunity to talk to one or two other community representatives. They were very excited about our concept. Imagine what a national airing of San Diego's Mother's Day event would do to spur interest in thousands of other communities all around the country!
- If nothing else, think of the video bites for national PSAs that could come out of making Mother's Day both a holiday and a "healthy day" for those most at risk to die of breast cancer. This coupon comes along with a festive holiday meal, a colorful child-drawn place mat, a fresh-cut flower and a cheery visit--providing an upbeat context for what is usually perceived as a "downer" message. Mrs. Clinton's presence in this environment will communicate more love, care and concern than a thousand speeches.

We don't know what else we can say to effectively communicate the value of what we are offering. We've given the White House all the background materials requested. We've outlined our plans in three different communications. We've already lined up hundreds of volunteers, secured media commitments, and raised enough money and resources to guarantee that 2,500 of San Diego county's hardest-to-reach elderly will be given mammograms--completely pre-paid, with transportation, escort service, and follow-up care included. We are all set to accommodate Mrs. Clinton's visit.

We implore you to urge Mrs. Clinton to join us in San Diego this Mother's Day to deliver the first MOM-o-gram. We have a chance to get the message out in a unique way, with maximum impact. Let's grab it before it's gone!

Regards,

Rhonna

Rhonna Burrelle
Executive Assistant

P.S. I've enclosed some sample material for your information.

Enclosures

cc: Melanne Verveer, Deputy Chief of Staff, Office of the First Lady, The White House
Jackie Nedell, Communications Director, DHHS

THE WHITE HOUSE

WASHINGTON

June 2, 1995

Mr. Arnold Bennett
6508 Bannockburn Drive
Bethesda, MD 20815

Dear Arnold:

The First Lady asked me to thank you for your letter and for sending "The Magic Season of Robertson Davies" and "Prophecy". She and the President will certainly enjoy your kind gift.

Hope you're fine - We miss seeing you.

Sincerely,

Melan

Melanne Verveer
Deputy Chief of Staff
to the First Lady

6508 Bannockburn Drive
Bethesda, Maryland
15 March 1995

First Lady Hillary Rodham Clinton
The White House

Dear Mrs. Clinton,

The dean of Canadian documentary filmmakers, Harry Rasky of Toronto (who is a treasured friend of mine) heard the President on tv mention your interest in Robertson Davies. As you'll see in the accompanying letter, Harry thought you'd enjoy his film on Davies.

I've read some Davies and I have seen this film. It is a delight. Harry has captured the spirit (or should I say *spirits*?) of Davies in a documentary that is charming and insightful.

Harry has also sent along a copy of his most recent work, *Prophecy*, which is a beautiful and very personal statement about public morality and the need for (how else can I put this?) people of good will to save the world. Like the prophets of old, who directed their pleas to the leaders of their times, Harry deeply hopes that you and the President and Vice President will see *Prophecy*.

I told Harry that I'd pass these tapes along to you. If you have the time, I'm sure you'll enjoy them as much as I have.

With warm regards,

Arnold Bennett

THE WHITE HOUSE

WASHINGTON

February 28, 1995

Dr. Peter Bourne
2119 Leroy Place, N.W.
Washington, DC 20008

Dear Peter:

It was so nice to hear from you. Thank you for sending me the information packet on survival skills to enable welfare women to get off welfare. I found it to be extremely interesting and am sending it on to Bill Galston on the Domestic Policy staff.

With best wishes,

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

Hope the book project is advancing nicely.

PETER G. BOURNE, M. D.

February 6th 1996

Melanne,

I have a friend who has been involved in thsi highly successful program to teach living skills to welfare women enabling a large percentage of them to get off welfare. I would be most grateful if you would pass it on to the appropriate person in the White House.

Many thanks

Peter

2119 Leroy Place NW
Wsahington, D.C. 20008

Melanne Verveer

Do a note to him from me & then we'll send to Galston
He was in the Carter W.H.

THE WHITE HOUSE

WASHINGTON

February 28, 1995

Mr. Charles C. Bergman
Executive Vice President
The Pollock-Krasner Foundation, Inc.
725 Park Avenue
New York, NY 10021

Dear Charlie:

Thank you so much for holding a symposium to stimulate private and public support for the arts. It is such an important topic to discuss as part of the celebration of the Foundation's Tenth Anniversary. I deeply regret that I will be unable to attend.

Please accept my personal wishes for a successful symposium. If a transcript is produced I would very much like to have a copy.

Thank you again for thinking of me. With best wishes,

Sincerely,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

THE POLLOCK-KRASNER FOUNDATION, INC.
725 PARK AVENUE
NEW YORK, NEW YORK 10021

Gerald Dickler
Chairman of the Board

Eugene Victor Thaw
President

Charles C. Bergman
Executive Vice President

Area Code (212) 517-5400
Telefax (212) 288-2836

February 2, 1995

Ms. Melanne Verveer
Deputy Chief of Staff in
The Office of The First Lady
The White House
Washington, DC 20500

Dear Melanne,

On behalf of the officers of The Pollock-Krasner Foundation, I want to extend this very special invitation to you to help us celebrate our Tenth Anniversary. We want to be sure that you reserve on your calendar, if at all possible, Friday, April 28, 1995.

On that date, The Pollock-Krasner Foundation will hold a Tenth Anniversary Symposium in the Uris Center Auditorium of The Metropolitan Museum of Art at 10:30 a.m. Please use the Museum's Fifth Avenue at 81st Street or Parking Garage Entrance.

The subject of the symposium will be the national priority to stimulate private and public support for the arts. The panel will consist of Jane Alexander, Chairman of the National Endowment for the Arts; John Brademas, Chairman, New York State Council on the Arts; Sanford Hirsch, Executive Director, Adolph and Esther Gottlieb Foundation, Inc.; and Eugene Victor Thaw, President, The Pollock-Krasner Foundation, Inc.

As moderator of this panel, I am confident that this will be a stimulating and informative occasion, particularly in light of recent developments in Washington.

Following the symposium, there will be a small private luncheon in honor of the speakers by private invitation only (non-transferable) in the Kensington Room at the Westbury Hotel, Madison Avenue at 69th Street. The luncheon will begin at 12:30 and end promptly at 2 o'clock.

We would like very much to have you attend both the symposium and the luncheon.

We hope you can reserve this date and would appreciate receiving your response so that we have an indication of how many of our invitees can attend. A self-addressed return envelope in enclosed for your convenience.

Sincerely,

Charlie

Charles C. Bergman

Do a letter. Thanking for holding symposium. So sorry not to – Offer my deep regrets but personal wishes for its success. Hope there will be a transcript.

THE POLLOCK-KRASNER FOUNDATION, INC.
725 PARK AVENUE
NEW YORK, NEW YORK 10021

Area Code (212) 517-5400
Telefax (212) 288-2836

CONFIRMATION

March 9, 1995

Ms. Katy Button
Room 100
Old Executive Office Building
The White House
Washington, DC 20500
BY FAX: 202-456-6244

Dear Katy,

As per your request, I am pleased to transmit some additional information that may be helpful in preparing a message from President Clinton on the occasion of our Tenth Anniversary Symposium where Jane Alexander will be one of our panelists.

The Pollock-Krasner Foundation, established in 1985, is the largest private foundation ever created exclusively to aid worthy and needy artists internationally. Since its inception, the Foundation has been privileged to award 1,194 grants totalling $13,023,934 to painters, sculptors, and artists who work on paper throughout the world.

Our funds have been used for every conceivable personal and professional need ranging from the normal necessities of artists' supplies, studio rent, and sculpture expenses to medical and psychological care. Our grants have helped to restore the dignity and self-worth of artists who have been devastated by economic adversity, lack of recognition and inability to sell and exhibit their work. They have also helped to save lives in crisis.

We have been told by countless letters that just as important as the critically needed funds we have given our grantees has been the validation of their careers by the prestige and recognition of these grants.

At a time when federal support for the arts is so threatened, not to mention public funding on a state and local level, the unique role of The Pollock-Krasner Foundation as it enters its second decade of service is more important and essential than ever before. We are a role model that other foundations might well emulate in the effort to nurture and sustain visual artists of talent. After all, it is these artists who are responsible for the visual arts enriching the cultural fabric of our lives.

The symposium program is attached. The audience will be made up of distinguished leaders in the arts and philanthropy, prominent patrons, dealers, journalists and grantees. Please note that the topic of the symposium is **Public and Private Support for the Individual Artist: A National Priority.**

Katy, I hope this letter will be helpful. Please let me know if I can supply you with any further suggestions.

Sincerely,

Charlie

Charles C. Bergman

CCB/kjs
encls.

THE POLLOCK-KRASNER FOUNDATION, INC.

TENTH ANNIVERSARY SYMPOSIUM
FRIDAY, APRIL 28, 1995
10:30 A.M.
THE URIS CENTER AUDITORIUM
THE METROPOLITAN MUSEUM OF ART
FIFTH AVENUE AT 81ST STREET
NEW YORK CITY

PUBLIC AND PRIVATE SUPPORT FOR THE INDIVIDUAL ARTIST

A NATIONAL PRIORITY

INTRODUCTORY REMARKS

WILLIAM S. LIEBERMAN
JACQUES AND NATASHA GELMAN CHAIRMAN
20TH CENTURY ART
THE METROPOLITAN MUSEUM OF ART

MODERATOR

CHARLES C. BERGMAN, EXECUTIVE VICE PRESIDENT
THE POLLOCK-KRASNER FOUNDATION, INC.

PANEL

JANE ALEXANDER, CHAIRMAN
NATIONAL ENDOWMENT FOR THE ARTS

JOHN BRADEMAS, CHAIRMAN
PRESIDENT'S COMMITTEE ON THE ARTS AND THE HUMANITIES

KITTY CARLISLE HART, CHAIRMAN
NEW YORK STATE COUNCIL ON THE ARTS

SANFORD HIRSCH, EXECUTIVE DIRECTOR
ADOLPH AND ESTHER GOTTLIEB FOUNDATION, INC.

EUGENE VICTOR THAW, PRESIDENT
THE POLLOCK-KRASNER FOUNDATION, INC.

The Pollock-Krasner Foundation, Inc. was established in 1985 for the sole purpose of providing financial assistance to individual working artists of established ability through the generosity of the late Lee Krasner, one of the leading abstract expressionist painters and the widow of Jackson Pollock. The Pollock- Krasner Foundation's dual criteria for grants are recognizable artistic merit and financial need, whether professional, personal or both. The Foundation's mission is to aid, internationally, those individuals who have worked as professional artists over a significant period of time.

THE WHITE HOUSE

WASHINGTON

June 1, 1995

Mr. Jack Bresch
The Catholic Health Association
Washington Office
1775 K Street, NW
Suite 204
Washington, DC 20006

Dear Jack:

Thank you for sending the invitation for the First Lady to speak at the St. Boniface General Hospital in 1996. I have forwarded it to the Scheduling Office.

Hope all is well. We need health care reform more than ever!

Sincerely,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

cc: Patti Solis
Director of Scheduling
to the First Lady

THE
CATHOLIC HEALTH
ASSOCIATION
OF THE UNITED STATES

May 24, 1995

CHA

TO: Melanne Verveer
Office of the First Lady

FROM: Jack Bresch
Catholic Health Association

SUBJ: INVITATION TO THE FIRST LADY

R' / regrets / forwarded / to / Scheduling

I am attaching a copy of an invitation which St. Boniface General Hospital in Winnipeg, Manitoba, Canada, recently sent to the First Lady. This Catholic hospital has requested CHA to urge the First Lady's office to give serious consideration to the invitation. I am more than pleased to do so!

It may be that a Catholic health care forum in Canada may prove to be a useful platform for a particular message from Mrs. Clinton. If so, St. Boniface would be very honored to have her be its Keynote Speaker in 1996.

WASHINGTON OFFICE
1776 K Street, NW
Suite 204
Washington DC 20006
Phone 202-296-3993
Fax 202-296-3997

Thank you for your consideration of this request.

attachment

THE WHITE HOUSE

WASHINGTON

June 22, 1995

Ms. Sarah Brown
Institute of Medicine
National Academy of Sciences
2101 Constitution Ave., NW
Washington, DC 20418

Dear Ms. Brown:

Thank you very much for your note and for sharing the National Report on Unintended Pregnancy with me. It is a great contribution. I have given the First Lady her copy.

Give me a call, at your convenience, so we can talk about the Carnegie Project. All the best!

Sincerely,

Melanne

Melanne Verveer
Deputy Chief of Staff
to the First Lady

06/05/95 12:00 ☎202 334 2939 IOM-HPDP,Foundry 002

INSTITUTE OF MEDICINE

NATIONAL ACADEMY OF SCIENCES
2101 CONSTITUTION AVE. N.W. WASHINGTON, D.C. 20418

Division of Health Promotion
and Disease Prevention

Phone: (202) 334-1736
Fax: (202) 334-2939

June 5, 1995

Memorandum:

To: Melanne Verveer

From: Sarah Brown SB

Re: Unintended Pregnancy

You may recall that when we last talked in the winter (over lunch at the Hay Adams Hotel), I mentioned to you that I and my colleagues at the Institute of Medicine were completing a major national report on unintended pregnancy. At that time, we discussed the Administration's deepening interest in adolescent pregnancy, Dr. Henry Foster's candidacy for the post of Surgeon General, and the limited knowledge available regarding "what works" in teen pregnancy prevention.

I am sending this note over today to let you know that the report is now complete and copies are on the way to you by messenger. You will see that the report contains, among other things, a detailed discussion of the effectiveness of various approaches to reducing unintended pregnancy, and also comments on the growing problem of unintended pregnancy among women of all ages, not just teenagers. I think that Bel Sawhill may already have given you and Maggie Williams prepublication copies, but I am not certain. In any event, we are eager that you have the final product as well.

Dr. Foster has been involved all along in this effort, and numerous people from DHHS have also been briefed and supplied with copies, including Secretary Shalala, Assistant Secretary for Health Dr. Phil Lee, and Peter Edelman.

Perhaps you would be kind enough to share the report with The First Lady when it arrives, as I believe this is an area of deep interest to her. Needless to say, I'd be pleased to provide your office with more copies or information about our findings if you wish.

This note comes, as always, with kindest regards.

Clinton Presidential Records
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This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

Divider Title: C

THE WHITE HOUSE

WASHINGTON

April 31, 1995

Ms. Eve R. Cagan
Office of the Commissioner
Department of Health
City of New York
125 Worth Street
New York, NY 10013

Dear Ms. Cagan:

Thank you for writing and for sending the materials on the New York City Department of Health's International Public Health Project. I appreciate your thoughtfulness and hope the project is a success.

Thanks again and best wishes.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

THE CITY OF NEW YORK
DEPARTMENT OF HEALTH
OFFICE OF THE COMMISSIONER

Thank you

.WORTH STREET
-W YORK, NY 10013

Margaret A. Hamburg, M.D.
Commissioner
Tel (212) 788-5261
Fax (212) 964-0472

April 6, 1995

Melanne Verveer
Deputy Assistant to the President
and Deputy Chief of Staff to the First Lady
THE WHITE HOUSE
Washington, D.C. 20500

Dear Ms. Verveer:

Dr. Patricia Rosenfield requested that I send you materials on the New York City Department of Health's International Public Health Project.

The following documents are enclosed for your information:

- Summary of the project's 1994 activities;
- Minutes highlighting workshop recommendations; and
- Lists of workshop participants.

If you have any questions or require additional information please give me a call at (212) 788-5257. Thank you.

Sincerely,

Eve R. Cagan

Eve R. Cagan
Special Assistant to the Commissioner

cc: P. Rosenfield, Ph.D.

THE WHITE HOUSE

WASHINGTON

June 1, 1995

Ms. Joan Baggett Calambokidis
President
International Masonry Institute
823 15th Street, NW
Washington, DC 20005

Dear Joan:

Congratulations on your appointment. I wish you luck with the International Masonry Institute. Best wishes.

Sincerely yours,

Melanne

Melanne Verveer
Deputy Chief of Staff
to the First Lady

We miss you, but I'm sure your family is happy to see more of you.

INTERNATIONAL MASONRY INSTITUTE

Send Congrats

The Board of Trustees

is pleased to announce

Joan Baggett Calambokidis

Former White House Political Director

as President of the

International Masonry Institute

823 15th Street, N.W.

Washington, DC 20005

Telephone: 202-383-3903

Fax: 202-783-0433

THE WHITE HOUSE

WASHINGTON

April 13, 1995

Ms. Colette Chabbott
BCT Associates
548 Vista Avenue
Palo Alto, CA 94306

Dear Ms. Chabbott:

Thank you for sending the studies on girls' education in South Asia. The information was read and proved to be very helpful as we prepared for our visit to Bangladesh. I greatly appreciate your thoughtfulness.

Best wishes and thanks again for the useful information on this most important topic.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

BCT Associates
548 Vista Avenue
Palo Alto, California 94306
Tel/FAX 415-424-1605

P Thanks

TO: Milanne Verveer
Fax #: 202-456-6244

FROM: Colette Chabbott

DATE: 23 March 1995

SUBJECT: **TALKING POINTS FOR FIRST LADY'S TRIP TO BANGLADESH**

REF: Telephone conversations w/ Mark Nichols and Katy Button, 3/23/95

PLEASE ACKNOWLEDGE RECEIPT OF THIS FAX

Per your discussion with Mark Nichols, the following studies should arrive at your office this morning (Friday), via Federal Express:

<u>Promoting Girls' Education in South Asia: An Exploratory Study for the Rockefeller Foundation</u> by Colette Chabbott, Adarsh Khanna, Momtaz Jahan, and Mehrunissa Ahmad Ali. May 1994. (Two copies)

<u>Islam and Girls' Education in South Asia</u> by Colette Chabbott. Funded by the Rockefeller Foundation. May 1994. (Two copies)

Joyce Moock at the Rockefeller Foundation has kindly released these reports on the condition that they remain confidential.

In addition, I recently returned from two weeks in Bangladesh, where I worked with the Bangladesh Rural Advancement Committee (BRAC) on a medium-term strategy for its girls' education program. At that time I also had long conversations with donor organizations funding girls' education activities in Bangladesh, and with the officer in charge of the government's largest educational development project, the General Education Project. In the course of this visit, the attached issues relating to girls' education came up repeatedly. I offer them as potential talking points for the First Lady's meeting with the Bangladeshi Prime Minister.

God speed.

THE CHILDREN'S AID SOCIETY FOUNDED 1853

Philip Coltoff
Executive Director

Katie 8/15

June 1, 1995

Ms. Melanne Verveer
Deputy Assistant to the President and
Deputy Chief of Staff to the First Lady
The White House
Washington, D.C. 20500

Dear Ms. Verveer:

Thank you very much for sending us copies of the photographs during the visit of the First Lady to The Children's Aid Society on April 13, 1995. We have distributed them to our Board Officers, staff, foster parents and children who were in the photos and they were most excited and appreciative of receiving a copy.

I am writing to request if you would be so kind to send us additional copies of some of the shots. We found that we did not have enough copies to go around for everyone and was told by several photo shops that reproductions from the photos themselves would not yield the same results.

I am enclosing copies of the photos for which we would very much appreciate receiving the number of copies indicated.

Thank you very much for your consideration of this request.

Sincerely,

Philip Coltoff
Philip Coltoff
Executive Director

PC:ea
Enclosure

105 EAST 22nd STREET • NEW YORK, NEW YORK 10010 • (212) 949-4917

4 additional copies, 1 each to:

1) Angela Diaz, M.D. - White House Fellow
2) Michael A. Carrera - Director, CAS Pregnancy Prevention Prog.
3) Philip Coltoff
4) Board Room, The Children's Aid Society, 150 E 45th St., NYC
5) Administrative Offices, CAS, 105 E 22nd St., NYC

one copy for Edgar Koerner, CAS President.

one copy
for Mrs. Haron,
CAS foster parent

THE WHITE HOUSE

WASHINGTON

May 23, 1995

Ms. Tamara S. Cornelison
2180 Woodland Road
Abington, PA 19001

Dear Tamara:

Thank you very much for the article from the April issue of Our Life Magazine. I feel that it reflected our telephone conversation and I am grateful for your efforts. Thanks again.

I hope I'll get a chance to meet you someday.

Sincerely,

Melanne

Melanne Verveer
Deputy Chief of Staff
to the First Lady

2180 Woodland Road
Abington, PA 19001
May 14, 1995

Melanne S. Verveer
Deputy Assistant to President Clinton
The White House
Washington, D.C.

Dear Ms. Verveer:

As promised, I am enclosing the April issue of *Our Life Magazine* and hope that you are pleased with the article and that it reflects, at least to some degree, those things which were discussed during our telephone interview. The background material you sent me before our telephone conversation was invaluable. The ladies are very happy with the results and we all extend our sincere thanks that you graciously agreed to take time from your busy schedule to give our readers a chance to become acquainted with you and your fascinating work.

I understand that you accompanied President and Mrs. Clinton on their recent visit to Ukraine and hope that the trip was enjoyable for you personally as well as professionally.

Very truly yours,

Tamara S. Cornelison

Tamara Stadnychenko Cornelison

THE WHITE HOUSE

July 12, 1995

Ms. Cristiana Chamorro B.
Managua, Nicaragua

Dear Ms. Chamorro:

N's approach

Thank you for your kind letter. I appreciate your sharing your views on measles eradication, reducing ~~the reduction of~~ maternal mortality and women's and girls' education in Nicaragua.

investment in the ed of women and girls.

I regret we did not have the opportunity to meet when you were in Washington, D.C., but perhaps I will see you in Paraguay in October at the Fifth Conference of Wives of Heads of State and Governments. I consider this conference an important opportunity to further discuss these issues and others affecting the health and education of women and children of our Hemisphere.

Thank you again for writing.

With best wishes, I am

Sincerely yours,

Hillary Rodham Clinton

THE WHITE HOUSE

July 10, 1995

Ms. Cristiana Chamorro B.
Managua, Nicaragua

Dear Ms. Chamorro:

Thank you for your kind letter. ~~writing and for responding to my let~~ter. I appreciate your sharing your views on measles eradication, the reduction of maternal mortality and women's and girls' education. in Nicaragua.

Fifth Conference of Wives of Heads of State and Governments

I ~~hope to see you in October in Para~~guay ~~for the First Ladies' Meeting~~ where we will have an opportunity to further discuss these issues and others of affecting ~~importance to the~~ the health and education ~~Hemisphere, particularly proposals to improve the lives~~ of the women and children of our Hemisphere here. not comma

Thank you again for writing. ¶ With best wishes, I am

Sincerely yours,

Hillary Rodham Clinton

I regret we did not have the opportunity to meet when you were in Washington, D.C., but perhaps I will see you in Paraguay in October at the ______. I consider this ~~a~~ conference an important opp.

Cristiana Chamorro B.

We need to respond Thanks

fax recieved and translated on June 1

Mangua, Nicaragua
May 29, 1995

Mrs. Hillary CLinton
Office of the First Lady
The White House

Dear Mrs. CLinton,

I was very happy to hear from you on March 24 after our meeting at the Summit of the AMericas.

I read everything in the news about you. We positively observed your participation in the summit and we are on the lookout in the newspaper to see if you will participating in the summit of Beijing. In all of these initiatives count on our support, women in Latin AMerica who impel the full participation of women as the only guarantee of the development of democracy.

Concerning the issues of the March 24th fax that you sent us, these are the one's that Nicaragua has:

1.The Eraddication of Measles

-This disease infected about 3,000 children and killed 600 in 1990. In 1994, due to the national campaign of vaccination , these numbers have improved to only 8 or 10 cases of infection and no fatalities.

- According to the analysis of the experts at the Program of Immunization of the Minister of Health (MINSA) and the OPS/ OMS - we cannot even discuss at this time of an eradication of measles in Nicaragua, otherwise of an elimination, in the process toward eradication that hopes to be reached as much in Nicaragua as in Central America.in 1997.

- I am sending you the graphs with the coverage of vaccination included in the first trimester of 1995; the third datum (SARI) refers to measles. Also, the graph that indicates the behavior of the measles epidemic, the number of cases from 1990 to the first trimester of 1995, as well as the number of deaths due to measles.

2. Reduction of Maternal Mortality:

The estimates of the Minister of Health about the maternal mor mortality reflects high measures. These numbers reveal about 159,000 born alive in1990. These numbers were estimates for the health plan of 1990-1996, these were the principle causes: hemoraging, toxic, abortion, and infection. The groups most affected are those younger than eighteen and older than thirty-five.

3. Education for Young Girls and Women :

About this issue, the government is in the process of preparing a project and the Director of Health Education plans on begining the program by this year. For my part, I'm working on my candidacy to gain a seat in the Nicaraguan COngress in the next election of 1996. Along with my husband Antonio Lacayo, we are involved in a new political movement that will continue the process of developing peace and democracy that my mother Violeta Barrios de Chamorro initiated in 1990. In this National Project, we have a great interest that women gain enough positions. There is great enthusiasm from the civil society, that does not apply to the traditional politicians like us.

I'll continue informing you. I expect to be in Washington on June 22 for three days on my working schedule along with my husband Antonio. If you are interested in further discussing the issues of Nicaragua and the region of Central America, please let me know through this same medium (fax). I would like to see you and continue to exchange information about the political process of our countries, and our participation in them.

Send my greetings to Tip Gore.

Cristiana Chamorro B.

FOIA Number: 2013-0534-S

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OA/ID: 10253

THE WHITE HOUSE

WASHINGTON

June 22, 1995

Mr. Jonathan W. Cuneo
NASCAT
317 Massachusetts Ave., NE
Suite 300
Washington, DC 20002

Dear Jon:

Thank you for sending additional informative editorials, columns and press clippings on the securities litigation reform legislation, as well as the CRS Report. I have forwarded them to the Policy Development Office.

Are you making progress?

Sincerely,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

cc: Ms. Ellen Seidman
Special Asst. to the President
for Economic Policy

THE WHITE HOUSE

WASHINGTON

June 27, 1995

Ms. Midge Costanza
826 Vine Street
Oceanside, CA 92054

Dear Midge:

Thank you very much for your letter and for inviting Mrs. Clinton to attend the Insights: Visions of the Global Community symposium. Regretfully, the First Lady will be unable to participate.

Good luck with your event and thank you for thinking of the First Lady. Best wishes.

Sincerely,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

I'm sorry that the First Lady will not be able to be in San Diego in early August. The schedule is impossible.

R

Tell her we're sorry HRC can't do

FAX MESSAGE

From:

Midge Costanza
826 Vine Street
Oceanside, CA 92054

TO:

Melanne Verveer
Deputy Chief of Staff to the First Lady

202-456-6244

This page and SIX

Midge Costanza
826 Vine Street
Oceanside, CA 92054

June 19, 1995

Dear Melanne Verveer:

I'm encouraging you to consider the attendance of the First Lady in San Diego, Friday, August 4th, at a symposium called INSIGHTS: Visions of the Global Community.

Murray Galinson President of the San Diego National Bank, a very strong supporter of the administration, joins me asking that the First Lady attend this event. For the following reasons we believe that her attendance will be crucial to setting the tone for the San Diego area for the campaign endeavor which will begin soon.

There are political advantages for her to attend this non-political event:

1. It will give her a presence in the city that will host the 1996 Republican National Convention;
2. San Diego is Pete Wilson's home town;
3. She will be addressing 5,000 - 6,000 business professionals. Under any other circumstances, she would never an opportunity to address this kind of audience;
4. INSIGHTS is presented by the San Diego Chamber of Commerce and they really want her.

Enclosed you will find a copy of a letter that was sent to Steve Ricchetti, Assistant to Gordon Lee, which outlines the list of speakers that are confirmed. She will be leading the list of this group of world-class leaders: General Colin Powell, Dr. Henry Kissinger, Governor Mario Cuomo, Governor Ann Richards, Dr. Carl Sagan, Elizabeth Dole, Peter Ueberroth, Alvin Toffler, Jose Angel Gurria, Mexico's Secretary of Foreign Affairs and Tom Johnson, President CEO of CNN.

This is an opportunity for Hillary to talk about the future and what's in store for all of us in a non-partisan way.

Also included is a copy of the brochure being used to promote the event.

If you could contact me at home 619-757-7161, home fax 619-757-7340, pager 619-982-7709, cellular 619-982-2166 and let me know as soon as possible if there is any interest, we can work out the details latter.

Lily Tomlin, Jane Wagner, Ann Richards and I will be gathered privately for dinner, in San Diego on Thursday, the night before the event. If Hillary joined us for dinner, this would be a great opportunity for her to line Lily Tomlin up as one of the campaign fund raisers.

Midge

THE WHITE HOUSE

WASHINGTON

April 25, 1995

Ms. Jane Cox
Assistant Professor of Theater
210 Pearson
c/o Music Department
Iowa State University
Ames, Iowa 50011

Dear Ms. Cox:

I wanted to let you know how much I enjoyed your performance in The Yellow Rose of Suffrage at the Kennedy Center. Your play about Carrie Chapman Catt's role in achieving women's suffrage is a fitting tribute to the commemoration of the the 75th anniversary of the passage of the 19th amendment.

If it is possible, I would appreciate receiving a copy of the play. Please let me know what costs are involved.

Thank you again for the memorable play and performance.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

To: Melanne Verveer/ Nicole Rabner
The White House
FAX: 202-456-6244

From: Sally Pederson
5007 Woodland
Des Moines, Ia
FAX: 270-4065

page 1 of 3

Dear Melanne

I am so pleased you, Bobbi, and friend will be my guests at the performance of "The Yellow Rose of Sufferage" on March 1.

I am faxing a copy of the invitation and a brief article about the play. Carrie Chapman Catt is an fellow alumna of Iowa State University, and is only now being recognized by that institution for her contributions to the national and international fight for women's rights.

I have seen excerpts from the play and think you will enjoy it.

I will call Wednesday afternoon, but should I fail to reach you, I will plan to meet you and Bobbi at the Terrace Theater at 7:00 p.m.

Best regards,

Sally

In 1995 our country will celebrate the 75th anniversary of the passage of the 19th Amendment for woman's suffrage. Iowa State University's distinguished alumnae, Carrie Chapman Catt, played a major role in its passage.

The play, "The Yellow Rose of Suffrage," was commissioned by Iowa State's College of Liberal Arts and Sciences to commemorate the achievements of this remarkable woman. Jane Cox, professor of theater, wrote and will perform this one-woman play.

This will be a benefit performance for the Carrie Chapman Catt Center for Women and Politics at Iowa State University. One of the Center's major contributions is to provide opportunities for scholarship and leadership training in the political arena. The center is a living memorial to a woman whose life's work was promoting education, securing the right to vote for women and working for world peace.

JOIN US AT THE JOHN F. KENNEDY CENTER
FOR THE PERFORMING ARTS IN WASHINGTON, D.C.

IOWA STATE UNIVERSITY
PRESENTS

"The Yellow Rose of Suffrage,"

a Benefit Performance in Celebration
of the 75th Anniversary of Woman's Suffrage

WEDNESDAY, MARCH 1, 1995
7:30 PM
TERRACE THEATER
CHAMPAGNE DESSERT RECEPTION TO FOLLOW

HOSTED BY SENATOR CHARLES AND BARBARA GRASSLEY
AND SENATOR TOM AND RUTH HARKIN
$75 PER PERSON

ISU Prof to Portray Catt on Kennedy Center Stage

JANE COX, ISU ASSISTANT professor of theater, knows what it feels like to watch the house lights go down and the stage lights come up as she walks to center stage. She's done it countless times before as an actress.

What Cox doesn't know is how it feels to take the play she authored, *The Yellow Rose of Suffrage*, and stand alone on the stage at the famed John F. Kennedy Center for the Performing Arts in Washington, D.C.

She is about to find out.

In commemoration of the 75th anniversary of the passage of the 19th amendment, celebrations are happening nationwide. Not the least of these will be tied to Iowa State University's efforts to generate a keener awareness of alumna Carrie Chapman Catt's remarkable contribution to the movement for women's suffrage.

For over a year now, Iowa State has been vigorously promoting Catt's accomplishments and raising money for the renovation of Botany Hall. On October 6, 1995, it will be rededicated and named Carrie Chapman Catt Hall. The building will then house the Carrie Chapman Catt Center for Women and Politics, the administrative offices of the College of Liberal Arts and Sciences, the Department of Philosophy, Women's Studies, African American Studies, Native American Studies and other cross-disciplinary programs.

Cox's benefit performance in Washington will be one of several events planned for early March 1995. A reception preceding the play will be hosted by Senators Charles Grassley and Tom Harkin. The annual women's conference sponsored by the Carrie Chapman Catt Center for Women and Politics will be held in Washington, and public officials and the public will be invited to participate.

To conclude the Washington festivities, Cox will perform excerpts from her play at the Smithsonian Museum of American History on March 10.

Alumni in the Washington area will receive invitations to the benefit performance at the Kennedy Center and to the conference. If you live elsewhere and would like more information or want to be included on the mailing list, call Kay Kirkman, Director of Development, 515-294-6431.

Jane Cox, assistant professor of theater, portrays the life and achievements of Carrie Chapman Catt in the play she wrote, The Yellow Rose of Suffrage. *She will be performing the play at the Kennedy Center in Washington, D.C., March 1.*

Pls write to
515
Ames
515 294-4111
Jane Cox
tell her
how much
enjoyed
piece
& see if it's
possible to
get a
copy
the play

210 Pearson
c/o Music Dept
ISU
Ames, Iowa
50011

Talk to me
if this isn't
clear.

THE WHITE HOUSE

WASHINGTON

April 20, 1995

James R. Currieo
Executive Director
Veterans of Foreign Wars of the United States
200 Maryland Avenue, NE
Washington, DC 20002

Dear Mr. Currieo:

Thank you for your support and encouragement regarding the President's efforts on behalf of Gulf War veterans who are ill.

I appreciate your taking the time to write to express your views on the need to represent rank-and-file Gulf War veterans on the President's Advisory Committee on Gulf War Veterans' Illnesses. I have shared your letter with the White House officials and staff who are compiling names for the Advisory Committee. Let me assure you that every effort will be made to ensure that veterans feel appropriately represented on the Advisory Committee.

In addition to those veterans who will be on the Advisory Committee, many more Gulf War veterans will have the opportunity to provide information about their experiences and concerns to all Advisory Committee members. White House staff are already compiling a long list of Gulf War veterans who have contacted the White House to share their stories and offer their assistance. These lists will be provided to the Advisory Committee as soon as the Committee begins its work.

I enjoyed meeting with you, Commander-in-Chief "Gunner" Kent, and your staff in February, and want to thank you for all that you are doing on behalf of veterans. The President and I look forward to working with you on these important issues.

Sincerely yours,

Hillary Rodham Clinton

Hillary Rodham Clinton

VETERANS OF FOREIGN WARS OF THE UNITED STATES

THE EXECUTIVE DIRECTOR
WASHINGTON OFFICE

March 31, 1995

Mrs. Hillary Clinton
The White House
Washington, D.C. 20500

Dear Mrs. Clinton:

I am writing to once again thank and commend you for your direct involvement on behalf of those Persian Gulf veterans who are sick or disabled as a consequence of their service in the Persian Gulf. Your meeting with VFW Commander-in-Chief Allen F. "Gunner" Kent in February of this year clearly bespoke a sincere commitment to work toward a resolution of the issues confronting these brave young Americans. I can assure you that the VFW's commitment is no less in this matter. This organization will exert its every influence to ensure that Persian Gulf veterans are fully and compassionately provided for.

In this regard, as the White House sets about establishing the President's Advisory Committee on Gulf War Veterans Illnesses, we are concerned that rank-and-file Persian Gulf veterans be represented on that body along with senior military personnel and members of the scientific and medical community. The VFW views it as absolutely critical that veterans representing the average Persian Gulf military enlistee -- the men and women who actually fought the war -- be included as members of the Committee. Not only have they earned such representation through their heroic actions in the Gulf, but it is only these former enlisted personnel who have the shared experience and empathy to fully see to the interests of their comrades in arms.

Additionally, it is our estimation that many Persian Gulf veterans will find it suspect if no such former enlisted personnel are included on the Committee. We point to the fact that of the over 2,500 respondents to the VFW's Persian Gulf Registry, 46% reported not being on either the VA or DoD's registries. While it is likely there are a number of reasons for this, it is evident that there is a certain distrust of the "system" among some Persian Gulf veterans. In our estimation a failure to include representatives of the non-career combat soldier on the Advisory Committee will undermine its creditability among members of the very group it would seek to help.

So I would conclude by again thanking you on behalf of the entire VFW membership for your direct involvement in this issue, and urge that former enlisted non-active duty Persian Gulf veterans be included as members of the President's Advisory Committee on Gulf War Veterans Illnesses.

Sincerely,

James R. Currieo
JAMES R. CURRIEO
Executive Director

VETERANS OF FOREIGN WARS
OF THE UNITED STATES

VFW MEMORIAL BUILDING
200 MARYLAND AVENUE N.E.
WASHINGTON, D.C. 20002

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MRS HILLARY CLINTON

THE WHITE HOUSE

WASHINGTON DC 20500

THE WHITE HOUSE

WASHINGTON

March 15, 1995

The Hon. Walter L. Cutler
President
Meridian International Center
1630 Crescent Place, NW
Washington, DC 20009

Dear Mr. Cutler:

Thank you for writing and for sending information on the Meridian International Center. I so enjoyed meeting you and hearing about the Center.

Thanks again for writing and best wishes.

Sincerely yours,

Thanks for your thoughtfulness.

Melanne Verveer
Deputy Chief of Staff
to the First Lady

R

Meridian International Center

Office of the President

March 2, 1995

Ms. Melanne S. Verveer
Deputy Chief of Staff to the First Lady
Old Executive Office Building, Room 100
Washington, D.C. 20500

Dear Ms. Verveer:

I enjoyed meeting you the other night at Leo O'Donovan's dinner and exchanging views on the Middle East and other matters of mutual interest.

I am enclosing some material on Meridian which you might find interesting. I would welcome your coming by to see our historic facilities whenever you can get away. In the meantime, all best wishes for the days ahead.

Sincerely,

Walt Cutler

Walter L. Cutler
(U.S. Ambassador - Retired)
President

WLC:tao

Meridian International Center is a not-for-profit educational and cultural institution that promotes international understanding through the exchange of people, ideas and the arts. Located in Washington, D.C., Meridian has a national reach and an international impact. For visitors from other countries, Meridian serves as a doorway to the United States through its programming and training services. For Americans interested in global issues, Meridian provides a window on the world through lectures, briefings, and educational outreach programs. Meridian offers cultural programs, presenting international exhibitions in Washington and communities throughout the country. Affiliated with Meridian is The Hospitality and Information Service (THIS), whose volunteers assist Washington's diplomatic community. A tax-exempt corporation, Meridian is supported by government grants and contracts, foundation grants, and corporate and individual donations. The Center occupies a three-acre site including the Meridian and White-Meyer Houses, both of which are listed on the National Register of Historic Places.

THE WHITE HOUSE

WASHINGTON

April 21, 1995

Mr. Jay B. Cutler
Special Counsel and Director
Division of Government Relations
American Psychiatric Association
1400 K Street, NW
Washington, DC 20005

Dear Mr. Cutler:

Mrs. Clinton asked me to thank you for your kind invitation to address APA's 1995 Federal Legislative Institute. She regrets that she was not able to participate and hopes that the program went well.

Thank you again for writing and best wishes.

Sincerely yours,

Melanne Verveer
Deputy Chief of Staff
to the First Lady

Nicole

R -

Regret HRC couldn't make it.

AMERICAN PSYCHIATRIC ASSOCIATION
150 years of caring
1844-1994

1400 K Street, N.W.
Washington, D.C. 20005
Telephone: 202.682.6000
Fax: 202.682.6114

February 21, 1995

The First Lady Hillary Rodham Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mrs. Clinton:

The American Psychiatric Association, a medical specialty society, representing over 38,000 psychiatric physicians nationwide, would be honored if you would present the keynote address (Monday, March 20 at 12:15 p.m.) at our 1995 Federal Legislative Institute. The Institute is a 3-day educational and political awareness program, at the Hyatt Regency Hotel on Capitol Hill in Washington, D.C., sponsored by the APA. We believe it provides an invaluable opportunity for our physician leadership and our physician legislative representatives -- approximately 200 psychiatrists from across the nation -- to become more familiar with the critical federal legislative initiatives facing our country.

All of America knows of your commitment to health care reform and to the needs of children and our other patients. Our Institute attendees would not only be most grateful for your participation but also would benefit greatly from your unique perspective of the issues affecting the future practice of medicine and the health care of all Americans.

I look forward to hearing from your office regarding your participation and may be contacted directly at 202-682-6060.

Sincerely,

Jay Cutler

Jay B. Cutler
Special Counsel and Director
Division of Government Relations

AMERICAN PSYCHIATRIC ASSOCIATION 1844

Nicole,

These are both from
Julie, please call her
After you look at them