

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE BOARD OF DIRECTORS

OPEN SESSION

Saturday, January 26, 2013

11:56 a.m.

Hyatt French Quarter New Orleans
800 Iberville Street
New Orleans, Louisiana 70113

BOARD MEMBERS PRESENT:

John G. Levi, Chairman
Martha L. Minow, Vice Chair
Sharon L. Browne (by telephone)
Robert J. Grey Jr.
Charles N.W. Keckler
Harry J.F. Korrell, III
Victor B. Maddox
Laurie Mikva
Father Pius Pietrzyk, O.P.
Julie A. Reiskin
Gloria Valencia-Weber
James J. Sandman, ex officio

STAFF AND PUBLIC PRESENT:

Rebecca Fertig, Special Assistant to the President
Victor M. Fortuno, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary

Mark Freedman, Senior Assistant General Counsel,
Office of Legal Affairs

Lynn Jennings, Vice President for Grants Management

David L. Richardson, Comptroller and Treasurer,
Office of Financial and Administrative Services

Bernie Brady, LSC Travel Coordinator

Jeffrey E. Schanz, Inspector General

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

Thomas Coogan, Assistant Inspector General for
Investigations, Office of the Inspector General

Glenn Rawdon, Program Counsel, Office of Program
Performance

Carol Bergman, Director, Office of Government
Relations and Public Affairs

Carl Rauscher, Director of Media Relations, Office of
Government Relations and Public Affairs

Allan J. Tanenbaum, Non-Director Member, Finance
Committee (General Counsel, Equicorp Partners)

Chuck Greenfield, National Legal Aid and Defender
Association (NLADA)

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

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1 PROCEEDINGS

2 (11:56 a.m.)

3 CHAIRMAN LEVI: I'm going to call the meeting
4 to order. This is the duly noticed Board of Directors
5 meeting, quarterly Board of Directors -- actually,
6 annual meeting -- of the Legal Services Corporation
7 Board. Isn't that correct? And we'll stand now for
8 the Pledge of Allegiance.

9 (Pledge of Allegiance.)

10 CHAIRMAN LEVI: Thank you very much.

11 There is one change in the agenda. We are
12 dropping item No. 18. And other than that, the agenda
13 is as you see it.

14 Could I have a motion to approve the agenda?

15 MOTION

16 DEAN MINOW: So moved.

17 FATHER PIUS: Seconded.

18 CHAIRMAN LEVI: All in favor?

19 (A chorus of ayes.)

20 CHAIRMAN LEVI: Can we have an approval of the
21 minutes of the Board's open session from November 29th?

22 //

1 M O T I O N

2 DEAN MINOW: So moved.

3 MR. MADDOX: Second.

4 CHAIRMAN LEVI: All in favor?

5 (A chorus of ayes.)

6 CHAIRMAN LEVI: Consider and act on
7 nominations for Chairman of the Board of Directors.

8 M O T I O N

9 MR. GREY: Mr. Chairman, if you would give me
10 the permission to do so, I would nominate a fellow
11 named John Levi to be Chairman of the LSC Board, with
12 great respect and admiration.

13 MS. REISKIN: Second.

14 CHAIRMAN LEVI: Any --

15 DEAN MINOW: I'd like to say all in favor?
16 Oh, did everyone vote in favor of the nomination -- to
17 close the nomination? Yes?

18 MS. REISKIN: Yes.

19 DEAN MINOW: Okay. Now may we have a vote on
20 the nomination? All in favor?

21 (A chorus of ayes.)

22 CHAIRMAN LEVI: Thank you very much.

1 MS. MIKVA: There were some adjectives also.

2 CHAIRMAN LEVI: Consider and act on
3 nominations for the Vice Chairman.

4 MR. MADDOX: Mr. Chairman?

5 MS. REISKIN: Go ahead.

6 MR. MADDOX: No, ladies first.

7 M O T I O N

8 MS. REISKIN: I would like to nominate Dean
9 Minow to continue her incredible role as Vice Chairman.
10 You guys are a terrific team, and I think if it ain't
11 broke, don't fix it.

12 CHAIRMAN LEVI: Thanks so much.

13 MR. MADDOX: I would just like to second the
14 nomination for Dean Minow to continue in her role. I
15 think the incredible energy and industriousness that
16 you've brought to the office, with the probably
17 toughest schedule on the Board, and the incisive
18 analysis that you demonstrate, and your -- it's not the
19 Iron Lady, Maggie Thatcher, but it's sort of the Velvet
20 Hammer.

21 (Laughter.)

22 MR. MADDOX: And I think that that's a

1 tremendous asset for the Board. So I'm proud to second
2 the nomination.

3 DEAN MINOW: Thank you.

4 CHAIRMAN LEVI: Any other nominations?

5 (No response.)

6 CHAIRMAN LEVI: Nominations closed? All in
7 favor?

8 (A chorus of ayes.)

9 CHAIRMAN LEVI: Opposed?

10 (No response.)

11 CHAIRMAN LEVI: Congratulations.

12 DEAN MINOW: I almost voted opposed.

13 CHAIRMAN LEVI: Now, as you know, because this
14 is the annual meeting, I've been given a statement to
15 read so that we can get it right this time.

16 As has been the longstanding practice of the
17 LSC Board, this is when, after the Chairman and Vice
18 Chairman of the Board are elected, the Board takes up
19 the issue of whether to delegate to the Chairman
20 authority to appoint the membership of Board Committees
21 for the year.

22 If, consistent with past practice, the Board

1 makes such a delegation, it can be accomplished with
2 the adoption of the proposed resolution which appears
3 at page 270 of your board book.

4 To be clear, as drafted, the proposed
5 resolution would delegate to the Chairman authority to
6 appoint the membership, including designation of a
7 Chairman of each Committee.

8 The delegation would also include authority to
9 appoint both directors and non-directors to serve on
10 the various Committees, and the discretion to designate
11 whether any non-director appointed to a Committee is to
12 serve as a voting or nonvoting member of the Committee;
13 but that no non-director shall count towards a quorum
14 of any such Committee. That's what the resolution
15 says.

16 Can I hear the question?

17 M O T I O N

18 DEAN MINOW: I move it.

19 CHAIRMAN LEVI: Second?

20 PROFESSOR VALENCIA-WEBER: Second.

21 MR. FORTUNO: Did you have a question?

22 MR. KORRELL: Is this reference to

1 non-directors not counting towards a quorum, is that
2 simply a statement of what our bylaws require, or is
3 that a new --

4 CHAIRMAN LEVI: I believe that's --

5 FATHER PIUS: That's the one I kept bringing
6 up. I think it's an expression of -- I don't know if
7 the bylaws quote it or not.

8 CHAIRMAN LEVI: I think we moved that. I
9 think that was part of our --

10 FATHER PIUS: Yes. Changes to the bylaws. I
11 think it expresses our intention that, by this, we
12 certainly don't intend that any non-directors act to a
13 quorum. And I think the bylaws, as we've changed them,
14 make it clear that they don't as well.

15 MR. KORRELL: Okay. Thank you.

16 CHAIRMAN LEVI: But I believe this is
17 consistent with the vote we had last year as well.

18 FATHER PIUS: Yes.

19 MR. KORRELL: Thank you.

20 MS. REISKIN: Second.

21 CHAIRMAN LEVI: All in favor?

22 (A chorus of ayes.)

1 CHAIRMAN LEVI: Opposed?

2 (No response.)

3 CHAIRMAN LEVI: Okay. It carries.

4 So based on that, I will reappoint all of the
5 Chairs and the Committees, with the exception that with
6 the Promotions and Provisions Committee, Father Pius
7 and Gloria Valencia-Weber will be the Co-Chairs. And
8 we want to thank Laurie for her work as Chair.

9 She will remain on the Committee. But she is
10 enthusiastically embracing the project regarding
11 private attorney involvement on the Ops & Regs
12 Committee, and so in assuming that role, wanted to
13 yield this other. And we'll try it out. I
14 congratulate the two of you, and look forward to a busy
15 year.

16 And it has been quite a year. I want to
17 remind us of where we've been. Last January, we
18 started in San Diego, where Deanell Tacha gave that
19 talk that I have quoted from many times, and where the
20 San Diego programs gave a very compelling, in my view,
21 presentation on an innovative intake system that they
22 had developed.

1 In April, you all know we had not only the
2 White House forum, but we had those remarkable
3 presentations at LSC from the working groups of the Pro
4 Bono Task Force. And all through that time, we were
5 working on the strategic plan and the implementation of
6 the fiscal oversight.

7 So in July, we met in Ann Arbor. We continued
8 our work on the strategic plan, and we heard there, I
9 thought, extraordinary presentations by the Michigan
10 programs and the sort of comprehensive approach that
11 exists in Michigan to address the issues confronting
12 low income citizens of that state.

13 Then in October, at Durham, we actually
14 adopted our strategic plan. And I will tell you -- and
15 we launched the Pro Bono Task Force. And that itself
16 was the result of a lot of work over the summer to get
17 that document done and ready for prime time.

18 We also had a justices panel there, and I
19 think we can all remember the Fourth Circuit judge
20 telling us how many pro se cases were coming before the
21 Fourth Circuit Court of Appeals that were not criminal.

22 Then we took that Pro Bono Task Force report

1 and went right up to D.C. We were in the Capitol. It
2 was quite something. We went to Boston and
3 participated in the forum on the legal profession. And
4 we did an event also in Chicago.

5 So here we are in New Orleans, where we've
6 heard again from very compelling presentations I
7 thought the justices yesterday gave and the lunch talk
8 were quite extraordinary.

9 This year, then, we adopted a strategic plan.
10 We saw much work on the fiscal oversight plan. We
11 wrote and adopted a Pro Bono Task Force. And this was
12 all while Jim was out bringing Carol Bergman here, Lynn
13 Jennings, Peter Campbell, and I think Carl Rauscher.
14 Carl, is this -- yes.

15 And our Committees -- the Audit Committee
16 developed a new charter. It took them a heck of a long
17 time, and they had a lot of fun doing it. The Finance
18 Committee revamped its own operations, continued to
19 upgrade how we consider our budgets, and we saw it
20 again today, and the work we do, and the thoroughness
21 of the detail of presentation, and how the budget
22 itself made its way through that Committee and

1 ultimately to the Board.

2 The Promotions Committee embarked on a series
3 of topics, thoughtful topics that are compelling and
4 need to be addressed and looked at. You saw one
5 yesterday in the succession panel, which I think again
6 raised all kinds of issues and questions that we will
7 be taking a look at in the coming year.

8 Governance and Performance, your whole
9 evaluation process following the GAO recommendations,
10 seeing how the Committees are evaluating themselves,
11 the whole review process, the confidence that we can
12 have in the orderly review process that is now
13 occurring -- a significant accomplishment of that
14 Committee.

15 The Institutional Advancement Committee has
16 certainly -- as of this morning, I think we're really
17 going to get going here on the 40th.

18 Now, did I forget a Committee? Because if I
19 did, I want to -- I don't think I did.

20 DEAN MINOW: Ops & Regs?

21 CHAIRMAN LEVI: Ops & Regs. Well, the Ops &
22 Regs Committee, you guys have been really busy and you

1 will be really busy. And I think you're doing really
2 remarkable, thoughtful work. And yes, we had an
3 interesting conversation yesterday afternoon.

4 But I think that these are difficult subjects
5 being thoughtfully addressed by your Committee,
6 Charles. And you have a full plate in front of you
7 even if we don't put another thing there.

8 Then we've been able this year to thoughtfully
9 extend the reach of our Committees and our Board.
10 We're only eleven people, and I frankly don't know how
11 the prior boards did it with eleven people. But I know
12 that you guys are probably worried I'm going to ask you
13 to do much more, but, you know, we have a 40th
14 anniversary coming up.

15 But non-director committee members have been
16 very helpful to the Committees, and thoughtful, and I
17 can't thank them enough. They have contributed. They
18 have attended. They have offered insight and wisdom
19 and guidance. And we're so grateful to all of them.

20 So it's been an interesting year, an exciting
21 one, I think, for many of us. You can feel us on the
22 cusp, I think, of making some real progress on behalf

1 of the Corporation.

2 We have an opportunity in this year to fulfill
3 many of the plans that we have now in the last two
4 years begun. We can move oversight further along. And
5 we can plan a 40th year that does credit to the field
6 and to the Corporation.

7 This week, it's hard for me to believe that
8 this would have been the first combined meeting of our
9 Board with the ABA Standing Committee on Pro Bono. I
10 guess we have met with the SCLAID Committee in the
11 past.

12 But this is certainly something that we ought
13 to do in the future. And in the coming year, in 2014,
14 looking at the calendar and talking with Jim, I think
15 that a year from now we'll be in Austin, Texas. And I
16 hope the Standing Committee will find its calendar can
17 square up with us.

18 We also think we should be in Iowa and in
19 Upstate New York -- maybe a combined thing, Albany/New
20 York City. But the Board has never been to Upstate New
21 York.

22 So I want to also thank our partners -- that

1 is, those that care a lot about what we're up to.
2 Sometimes we have moments where we don't always agree.
3 But certainly, the NLADA, the ABA committees, they
4 have been there with us. They are working, I think,
5 thoughtfully on our behalf, and we're very grateful to
6 them.

7 I also want to thank the Inspector General for
8 his thoroughly professional relationship with our
9 Board, and for making him and his team available
10 whenever we've needed them, and for also making a
11 compelling presentation to us when we were in
12 Washington, at our request. And I said this morning
13 that he and his team ought to think about other such
14 presentations that they want to make from time to time
15 for our Board.

16 Then finally, I want to thank Jim and the
17 senior staff here for what has, I think, for all of us
18 been a remarkable year for them, and congratulate them,
19 and say you've set a very high bar for yourselves. So
20 we look forward to an even higher bar for yourselves
21 next year.

22 So with that, I'll say thank you again for

1 your confidence in me, and all of you for putting up
2 with me, and let's have another great year.

3 Jim? Now this thing has to -- oh, members'
4 reports. I'm sorry. Do any of the members wish to
5 complain?

6 (Laughter.)

7 DEAN MINOW: I just want to say, which I think
8 is a view shared by everybody, that all of the great
9 things that you described reflect the extraordinary
10 vision, energy, passion, reminders, that you bring,
11 John. And it is simply superb.

12 If we had all put in a secret envelope three
13 years ago, four years ago, where would we be now, I
14 think that you have exceeded what any of us would have
15 predicted.

16 CHAIRMAN LEVI: Well, thank you very much. I
17 certainly have to say this is a team effort, and we're
18 doing it together. One of the nicest things is the
19 bond that has been created within and the sense of
20 confidence that we have in one another.

21 Most of us didn't know one another, although a
22 couple have been your -- at least one has been your

1 student. But, really, the working relationship that
2 we've established in this Board is exemplary. You're
3 all a part of that, so thank you.

4 Any other members? Julie?

5 MS. REISKIN: Yes. I was asked to report on
6 the NLADA meeting. I went and gave an update on LSC to
7 the client community. That's one time where there are
8 a number of client board members there. And it was, I
9 think, well received.

10 Father Pius wrote a letter, since he wasn't
11 able to come as the other client board member, that was
12 handed out. And Laurie was nice enough to come and do
13 it with me, which was good.

14 I think the best thing that came out of it was
15 later, not during the presentation but later, some of
16 the client board members spoke to Jim, and Jim then
17 asked me if I thought the clients would be open to some
18 regular -- or some ongoing communication between him
19 and client board members. I told him that I thought
20 they would absolutely love that, and that is what
21 happened. And so he's starting to figure that out.

22 I also realized yesterday, kind of from the

1 discussion yesterday, that I need to find some way of
2 more ongoing communication, or a way to communicate
3 more ongoing, with clients as things develop, not just
4 once a year.

5 So again, I have to kind of figure that out,
6 talk to Jim and figure out how to do that because like
7 I don't have a way to -- other people have been
8 discussing that rule for a year, but the clients just
9 learned about it a month ago.

10 I don't have a way to get back to them on some
11 of the comments, so I'll talk about that when it's time
12 to vote on that. But I don't feel like I can vote
13 against what the clients clearly told me. But I also
14 feel like they're not -- I don't know.

15 So that's just something that came up for me,
16 is I need to figure out a better way to do that. And I
17 think the clients will be very excited about being
18 included in something with the 40th anniversary.

19 So it was a good -- the evaluations of the
20 session were good, and I think it's always helpful for
21 me to see and to be able to talk to the other clients.

22 CHAIRMAN LEVI: I guess I also should say that

1 I was invited to speak at both the ABA House of
2 Delegates, the Board of Governors, and also the NLADA's
3 annual meeting, I think it was, in Chicago, and that
4 the reception that I received in both places was
5 extraordinary.

6 That's in no small part due to your work and
7 to the reputation that we together are
8 establishing -- I hope you can feel it -- for the kind
9 of board that we are and want to be. So I am
10 particularly grateful to all of you.

11 Any other? Gloria?

12 PROFESSOR VALENCIA-WEBER: Thanks. I'd like
13 to follow up on how we relate to our client
14 representatives, and suggest that at future meetings,
15 when we have board members who are the client reps of
16 our grantees, that we make a very special effort to
17 acknowledge them in the audience.

18 We had a number of them at the events at the
19 courthouse. I made a point of hunting some of them
20 down. There were particularly two somewhat elderly
21 African American women who have been on the board of
22 Northeastern Louisiana, and one was just so proud to

1 say she was coming on her 20th year as a board member.

2 I think we ought to -- because we have these
3 meetings. And if you look at who's in this room, it's
4 largely lawyers, professionals, staff people. And I
5 think we need to open up and make that very express
6 acknowledgment that the whole enterprise nationally
7 involves those non-lawyer client representatives. I
8 had just a charming time talking to them.

9 FATHER PIUS: Just a thought, but it raises an
10 interesting question, in our pro bono award ceremony,
11 whether we ought to include, if there are distinguished
12 volunteers to the board or client representatives to
13 the board who have had long service, that including the
14 pro bono people, we might think of recognizing them as
15 well. It's something to think about for the future.

16 MR. GREY: I would actually second that. I
17 mean, I don't think we ought to think about it. I
18 think that's something that would change the dynamic
19 and the expression of appreciation and sincerity.

20 FATHER PIUS: It's a way for us to focus on
21 somebody other than just lawyers.

22 MR. GREY: I think that's absolutely

1 essential.

2 CHAIRMAN LEVI: That's a neat suggestion.

3 MR. KORRELL: I'd support the idea if it comes
4 with a commensurate reduction in the number of other
5 speakers at the dais.

6 (Laughter.)

7 MR. KORRELL: Because, to be candid, the eyes
8 do glaze over after a while.

9 CHAIRMAN LEVI: That's true. You know, one of
10 the -- well, anyway, we won't -- this will be an
11 offline discussion.

12 (Laughter.)

13 PROFESSOR VALENCIA-WEBER: Well, John, I was
14 talking just -- not putting -- unless we have them on a
15 panel for a purpose. But just acknowledging their
16 presence in the audience.

17 CHAIRMAN LEVI: Yes. Absolutely. I
18 understand. I think it's a great suggestion.

19 Any other member comments?

20 (No response.)

21 CHAIRMAN LEVI: Mr. President? And I think
22 now we have to go on here, and I'll move over.

1 PRESIDENT SANDMAN: Thank you, John. I'd like
2 to report on seven items this afternoon:

3 First, update you on recent steps we've taken
4 to implement the recommendations of the Fiscal
5 Oversight Task Force;

6 Second, to report on the status of our work on
7 the Public Welfare Foundation grant for data collection
8 and analysis;

9 Third, to report on a research initiative
10 that's being undertaken with funding from the National
11 Science Foundation and with help from the American Bar
12 Foundation;

13 Next, to report on a Federal Government/ Legal
14 Aid interagency roundtable that the Department of
15 Justice Access to Justice Initiative has convened;

16 Next, to report on a few things I've learned
17 recently in visits to the field; and

18 Finally, to turn things over to Glenn Rawdon,
19 who will report on our technology summit and our
20 technology initiative grants conference.

21 We've done a number of things to implement the
22 recommendations of the Fiscal Oversight Task Force.

1 First, we recently received a report from a consulting
2 firm that we've retained to advise us on our internal
3 controls in our grantmaking process.

4 This actually flows from a recommendation of
5 the GAO. It wasn't a specific recommendation of the
6 task force, but it's closely related to what the task
7 force was focused on.

8 The GAO recommendation was that either LSC
9 itself or a consultant retained by LSC take a look at
10 our internal controls in the grant-making process from
11 the time of application to the time we actually award a
12 grant.

13 I thought that it would be more efficient,
14 faster, and more objective to have an outside
15 consulting firm look at our internal controls, and L&L
16 Consulting was the firm that we retained to do that. I
17 think they did an excellent job.

18 Their report recommends full integration of
19 fiscal reviews into our online grants process. LSC
20 Grants is the online tool that we have, and currently
21 the fiscal component of our review is not integrated
22 into the online documentation of what we do.

1 Second, they recommended improving access
2 across LSC to all data and documents regarding
3 grantees. We currently retain that information in a
4 variety of different databases and sometimes in hard
5 copy. They, I think quite appropriately, recommended
6 that we try to bring all of that information into one
7 place that's accessible to everyone who touches
8 grantees.

9 They will be making a briefing to management
10 on February 5th to explain their recommendations and
11 for us to have an opportunity to discuss their
12 recommendations with them. But I think the connections
13 between what they recommended and the work of the task
14 force are obvious.

15 We did, in our grant-making process at the end
16 of 2012, incorporate fiscal reviews formally into the
17 process for competition for the first time. We had our
18 fiscal staff within the Office of Compliance and
19 Enforcement review the grant applications. They
20 generated a form that they completed for each
21 application that flagged any problems, that looked at
22 recent IPA reports.

1 They coordinated with the Office of the
2 Inspector General. I think we still have some work to
3 do on fine-tuning that process, improving it, but I
4 think we're off to a good start the.

5 MS. REISKIN: Jim?

6 PRESIDENT SANDMAN: Yes?

7 MS. REISKIN: I take it that's both fiscal
8 health and best practices in that review?

9 PRESIDENT SANDMAN: It's primarily fiscal
10 health. It's not so much internal controls as looking
11 at the existing information that we have. They will
12 look, for example, at recent IPA reports. Were there
13 management issues flagged? Have we gotten any
14 information from OIG? We have more to do in that area.

15 We are in the process of developing an
16 improved tool for identifying the programs that we'll
17 visit to do site reviews. This also is an area where
18 we've retained a consultant, Charmaine Romir and her
19 firm, to advise us on how we can more strategically
20 identify the programs that should be at the top of our
21 priority list because they might be presenting risks
22 particularly in the area of fiscal controls.

1 Lynn Jennings is spearheading our effort to
2 implement one of the most important recommendations of
3 the task force, and that is that we consolidate the
4 operations of OCE, OPP, and OIM.

5 And she's doing that in a three-step process.

6 She is meeting one-on-one with all of the employees in
7 each of those offices, and has almost completed her
8 meetings. I have received spontaneous and very
9 favorable feedback from employees as a result of those
10 meetings.

11 I think they've felt listened to, and my
12 impression is that people have felt comfortable being
13 candid, which I think is a good sign and speaks well of
14 the relationship that Lynn has been able to establish
15 with them.

16 Once she has concluded those, which will
17 happen very shortly, she'll be doing functional meeting
18 with the staff who are responsible for particular
19 business processes to must she has a big picture view
20 of what they do and how their functions relate to each
21 other.

22 Concurrently with that, she will be doing

1 benchmarking with other organizations that do
2 grantmaking to see how they're structured and what we
3 might learn in doing our reorganization from them. And
4 she anticipates completing this process over the next
5 four to six months.

6 Some of what comes out of her review and her
7 recommendations will likely require negotiations with
8 our union. We will be completely open about what we're
9 up to, and are happy to talk to our union about those
10 matters.

11 Finally, we have really institutionalized now
12 regular meetings between Management and OIG. Lynn and
13 Lora Rath and Janet LaBella meet regularly with the
14 Assistant Inspectors General for Audit and for
15 Investigations. And I think the communication there is
16 excellent. I continue to meet regularly with Jeff.

17 We recently had a situation that arose in late
18 2012 involving a sub-grantee of a grantee. And OIG had
19 done an investigation that hadn't yet resulted in the
20 issuance of a result, but had shared information with
21 us because we were going to have to make a decision about
22 whether to approve a sub-grant with that sub-grantee

1 for 2013.

2 I think the process worked exactly as it
3 should have. They shared the information with me. I
4 was very concerned about what they reported, and as a
5 result of what I was told, did not have confidence that
6 we could and should approve the sub-grant, so we
7 didn't.

8 They didn't wait until all the wrapping paper
9 and the bows were put on their report before letting me
10 know about it. And I think that's the kind of thing
11 that the task force was recommending. It's happening
12 now.

13 On the Public Welfare Foundation grant, we
14 have now selected consultants to assist us in that
15 work, and I'm very happy with the selection we've made.

16 We conducted an RFP process to identify consultants.
17 Had some very good candidates.

18 We've selected Sanjeev Khagram of Innovations
19 for Scaling Impact -- that's the name of his consulting
20 firm -- and David Bonbright of Keystone Accountability.

21 They're partnering on this, partnered on the response
22 they submitted to our RFP.

1 They have extensive experience with nonprofits
2 in doing evaluation. They are smart, savvy,
3 sophisticated, and sensitive to the concerns of our
4 grantees. And what they've proposed is a very
5 collaborative process that will seek detailed input
6 from the grantees.

7 They understand that if what we're trying to
8 do in data collection and analysis is ultimately going
9 to benefit clients -- and to me that's what this is
10 about, improving the effectiveness and the efficiency
11 of client service -- it has to be embraced by the
12 grantees.

13 If they do what we're asking them to do
14 reluctantly and only because LSC is making them, that
15 is not going to be successful in changing the behaviors
16 that lead to improvements in client service. They get
17 that.

18 We have also worked to put together a small
19 group to advise the consultants and LSC Management as
20 we pursue this project. It will be a combination of
21 people from the grantee community and other funders.

22 We'd like to be sure that what we do in this

1 area is coordinated, particularly with IOLTA funders,
2 because they do the same thing we do. They make grants
3 to legal aid organizations and they exercise oversight.
4 They get reports from their grantees.

5 We don't want to be imposing unnecessary
6 burdens on grantees. We don't want to be duplicating
7 what IOLTA funders are already doing. And the
8 invitations that I've extended to people from the
9 co-funder community to participate have been accepted
10 enthusiastically. They're happy to collaborate with
11 us, and happy that we asked.

12 The bulk of the work that the consultants
13 expect to do will occur in 2013, but some of it will go
14 into 2014. The grant that we received was for an
15 18-month period from July 1, 2012 through December 31,
16 2013.

17 But I've talked to the president of the Public
18 Welfare Foundation about the need for us to go into
19 2014. She's quite comfortable with that, anticipated
20 that, and said that that will not be a problem.

21 Just to remind you, the goals of this project
22 are to improve our data collection and analysis,

1 including some information on outcomes, giving grantees
2 a toolkit that they can use, that they can customize,
3 to improve their own data collection and analysis, and
4 to enhance the management of the programs they're
5 responsible for.

6 This is simply going to be a first step in
7 implementing the first goal of the strategic plan,
8 though. I anticipate that this will be a multi-year
9 process, but I think this is a great way to get
10 started.

11 On a closely related subject, there is a
12 research initiative underway to encourage and come up
13 with funding for research into civil legal services for
14 low income people. This is an under-researched area.
15 Every time we go looking for data, for information
16 about what works, we come up short.

17 I attended a workshop in Chicago in December
18 that was funded by the National Science Foundation. It
19 was a convening of leaders from the access to justice
20 community, academics, people who are interested in
21 researching this area, funders, and relate people. I'd
22 estimate there were about 50 people there. And the

1 goal was to discuss how we can align the interests of
2 researchers with the needs of the legal services
3 community.

4 One thing that I'm particularly interested in,
5 for example, is research into the effectiveness of
6 brief advice and counsel, which year in and year out
7 constitutes the majority of work that legal aid
8 organizations do, not just LSC-funded organizations but
9 all of them.

10 Is that making a difference? I'm not aware
11 that anybody's ever measured that. But if we're going
12 to be giving most of the clients who come in for
13 service only brief advice and counsel, I think it would
14 be good to have some objective assessment of the extent
15 to which that's effective. And there are people in the
16 academic community who are very interested in looking
17 into that.

18 They were clear that they publish the results
19 of their research; that anything that they do would be
20 publicly disclosed. I think that's not only
21 appropriate but necessary. But I'm optimistic that
22 some good matchmaking will come out of that conference.

1 Becky Sandefur, who has done work under the
2 auspices off the American Bar Foundation, was one of
3 the principal people involved in this. She has done
4 research into civil legal services, and is eager to do
5 more.

6 The federal government has created what they
7 call the legal aid interagency roundtable. This group
8 has been co-convened by the U.S. Department of Justice
9 Access to Justice Initiative and the White House
10 Domestic Policy Council.

11 It's intended to bring together all of the
12 different federal agencies that deal with populations
13 and issues who also have legal aid concerns. There
14 hasn't historically been much coordination about
15 efforts that touch legal aid and that are closely
16 related to the work that goes on within legal services
17 organizations.

18 This is an effort to educate agencies about
19 the role of legal aid in helping them fulfill their
20 mission. It also has the benefit to the legal services
21 community of identifying other sources of funding.

22 One of the things that the meetings of this

1 group that I've attended does is to spotlight grant and
2 sub-grant opportunities for the legal services
3 community that exist within existing federal programs.

4 The group has given LSC a prominent role in
5 this. I've been invited to all of their meetings, and
6 am always invited to speak to the group convened, I
7 think this is a great example of collaboration across
8 the federal government, and offers good prospects for
9 opening some additional opportunities for our grantees.

10 I just wanted to report on a few things that
11 I've learned recently from being out on the road. I
12 travel a fair amount and I try to be careful about not
13 traveling too much, and to make sure that I'm being
14 strategic in what I do.

15 I had three experiences recently that I just
16 wanted to tell you about. The first was my experience
17 at the NLADA meeting in Chicago in December. I was on
18 a number of panels there, all of which were very
19 interesting and well-done. But the most affecting
20 thing I did there was to attend a reception for
21 clients.

22 I sat down at a table with a group of clients

1 and started to talk to them. And they were very open
2 to me. The most interesting thing I heard was a
3 suggestion from a client board member for one of our
4 programs.

5 She said, "Could you do something for me?
6 When you send your people out to visit a program, could
7 you have them be clients?" What she was suggesting was
8 what lawyers would call "testers."

9 She was asking that LSC staff put themselves
10 in the position of clients to get the experience
11 personally of what it's like to be a client, and her
12 concern was that we're not getting an accurate
13 impression of what it is like to be a client of a legal
14 aid organization.

15 I've talked to Janet LaBella about this. I
16 thought that was very interesting, that she had a
17 perspective on what happens in LSC visits, and had a
18 concern that she wanted to express.

19 It's a small example but a significant one, I
20 think, of the benefit of talking to clients. I never
21 heard that before. I don't think I'd ever had the
22 opportunity to hear that before. But I think that's

1 very important for us to know.

2 A second incredibly interesting experience was
3 one I had back in September, actually, before the last
4 board meeting, but I didn't have a chance to report on
5 it there. It was a visit to DNA Peoples Legal Services
6 in Arizona that I made with Gloria. This is a program
7 that serves the Navajo Reservation.

8 The Navajo Reservation is larger than, I
9 think, eight states. It is in Northeastern Arizona, in
10 the Four Corners area. It is a program that serves a
11 dispersed population, remote, very poor.

12 I had read a lot before I went there about the
13 challenges of service delivery in remote areas, where
14 people are widely dispersed -- Montana, for example,
15 the fourth largest state, seven people per square mile.

16 But I really didn't have any understanding of what
17 it's really like until I saw it.

18 I learned something significant when I was
19 picked up at the airport in Albuquerque, and the lawyer
20 from the program who met me was driving a vehicle that
21 he told me he had purchased new four months before. It
22 already had 14,000 miles on it. That tells you

1 something about the distances and the indirect routes
2 that you need to take to get where you're going.

3 People talk about technology as the way to
4 deliver legal services in an environment like this.
5 Technology doesn't work when there's no broadband
6 access, no WiFi, when there aren't cell phone towers.
7 People on the Navajo Reservation not infrequently have
8 to drive to a particular place to get cell phone
9 coverage. They know where those places area.

10 On the Navajo Reservation, many people share
11 post office boxes, and one person in the group might be
12 assigned to go once a week to pick up the mail, and
13 then is responsible for disbursing the email to the
14 people who share the box.

15 If you're a legal aid lawyer trying to get a
16 notice of an upcoming hearing to a client who's getting
17 their information that way, they not infrequently miss
18 the hearing date.

19 I was also very impressed by the lawyers
20 working in the program. This is a program that has ten
21 offices. They're widely separated, and it's difficult
22 to convene them all to get together.

1 The living conditions for the lawyers there
2 are challenging. Many of them live in mobile homes,
3 rundown mobile homes that are hours from what we all
4 would consider normal shopping opportunities, medical
5 appointments, the things you need to live your life day
6 to day. And they often come there from other places
7 not knowing anyone in the community, such as it is,
8 into which they've moved.

9 The staff of the program seems to be split
10 between relatively -- well, very new lawyers, people
11 who just graduated from law school who spend a couple
12 of years there, and people who have made a career of
13 it.

14 The newer lawyers are absolutely passionate
15 about what they're doing. Almost all of them were
16 summer interns on the reservation, so they knew what
17 they were getting into. It is actually very important
18 that people going to work there understand what they're
19 getting into.

20 They really believe in what they're doing, but
21 it is a hard life for them. Imagine in 2012, 2013,
22 being a 20-something with no cell phone access and no

1 internet access, in a place far away from where you've
2 ever lived, in a community of maybe 20 people, and
3 you're living alone in a mobile home.

4 That's why there is a fair amount of turnover
5 among the newer lawyers. They typically spent no more
6 than two years doing this, sometimes more. But the
7 program has found that they can very successfully staff
8 their needs with newer lawyers for that period of time,
9 and it's a model that's worked quite well for them over
10 more than 40 years now.

11 I described this at some length just to
12 illustrate how you really have to see it to understand.

13 It was a memorable experience for many, many reasons,
14 but maybe the thing I'll never forget is the way it
15 started.

16 Gloria and I went to a ceremony at 7:00 a.m.
17 on the first day we were there was a Navajo medicine
18 man, and he blessed us in a very wonderful ceremony
19 that included his praying and singing in Navajo. After
20 each prayer and song, he roughly translated what the
21 prayer or the song had been about. All of them, in one
22 way or another, had to do with funding.

1 (Laughter.)

2 PRESIDENT SANDMAN: He was a very smart
3 medicine man. He understood what we do and what the
4 needs of the Navajo Nation are.

5 Finally, I visited the Legal Aid Society of
6 Cleveland in early November. Colleen Cotter and a
7 former colleague of who's now a professor at Cleveland
8 State Law School arranged for me to speak at the City
9 Club of Cleveland, which is one of the premier speaking
10 venues in the United States. Every President since
11 George Washington -- I'm making that up -- has spoken
12 there.

13 They knew that one of my goals is to try to
14 get the messages about what we do and the need for
15 Legal Services to new audiences, to people who aren't
16 familiar with what we do and need to be educated about
17 the importance of it. The proceedings of the City Club
18 of Cleveland are carried on the local and regional PBS
19 and NPR affiliates in the Midwest.

20 But while I was there, I visited the Legal Aid
21 Society of Cleveland. And I learned there about the
22 extent of their collaborations and connections with

1 their community, how well tied in they are to social
2 services providers, to the private bar, to private
3 resources, how critical that is to holistic client
4 service, and to establishing their place as an
5 institution in Cleveland.

6 It was very impressive, and I think that the
7 opportunity to collaborate with people outside the
8 program gives a richness to the professional experience
9 of the people who work there in addition to enhancing
10 the service they're able to offer their clients.

11 So my lesson is, when you can get out there
12 and see what people are actually doing, you pick up
13 things you will never learn if you just sit in your
14 office.

15 Finally, I wanted to lead into a report that
16 Glenn Rawdon will give on recent developments in
17 technology. I do want to report that our new Chief
18 Information Officer, Peter Campbell, who joined us on
19 January 2nd, is off to a terrific start.

20 He attended both the Tech Summit and the TIG
21 Conference last week in Jacksonville, Florida, and was
22 really welcomed and embraced by the grantee community.

1 They were happy that someone from LSC has the
2 interests and the experience that he does.

3 That doesn't always happen. I learned early
4 on after I joined LSC that if you want a guaranteed
5 laugh line when you to go meet with a group of
6 grantees, just tell them, "I'm here from LSC. I'm here
7 to help." But Peter, I think, was received as a friend
8 and a colleague and someone who can work with them to
9 enhance what they do.

10 I attended the summit and the conference, and
11 I think the success of both gatherings is a real
12 tribute to our TIG team, led by Glenn. The summit had
13 50 attendees, as Glenn will describe, who met for a day
14 and a half. And the energy and enthusiasm of this
15 group was unbelievable.

16 This is an area where LSC leads -- not that we
17 can do things in technology alone. We can't, by any
18 means. We have to collaborate with a lot of other
19 people to make a difference in using technology to
20 deliver legal services to low income people. But our
21 ability to convene that group, to get the people who
22 came to come, is if not unique, not being realized by

1 others currently.

2 So I just want to commend and thank Glenn for
3 his personal leadership in this area. I think it's
4 important for every organization to focus on things
5 that it does best and where it can really make a
6 difference in the field in which it operates. This is
7 one for LSC.

8 Glenn?

9 MR. RAWDON: Thank you, Jim. Mr. Chairman,
10 members of the Board, for the record, my name is Glenn
11 Rawdon. I'm a program counsel with LSC's Office of
12 Program Performance.

13 As Jim said, we just finished the TIG
14 conference. That was last week in Jacksonville. And
15 this was the largest ever. This was the 13th
16 conference. We've been having them in conjunction with
17 our new grants each year.

18 We had dozens of sessions, lots of presenters.
19 The biggest conference ever. We had 176 people
20 registered for the conference. We did it in
21 conjunction with the Management Information Exchange's
22 administrators conference so that people could leverage

1 their resources and could send one person to both
2 conferences. We had 40-some people that overlapped
3 between the two. And it was just really successful.

4 It started here in New Orleans 13 years ago,
5 so it's kind of appropriate to talk to you about it.
6 But as Jim said, the energy's just amazing. We get a
7 group of people who come into this who aren't telling
8 us why they can't do something. These are the people
9 who come in and tell us how they can do things and why
10 they want to do more. So it's really, really
11 enthusiastic.

12 I also want to talk to you about the first two
13 days that we had, or the Technology Summit. You'll
14 recall that in Ann Arbor last year, I talked to you
15 about the first session we had of our Technology
16 Summit.

17 This ties in very much with the panel that you
18 had at the Supreme Court, where they were talking about
19 improving access to justice. The different initiatives
20 that they were talking about, the self-help centers,
21 the unbundled legal services; then Julie talking about
22 the assistance of non-attorneys involved in this -- as

1 you can see, this is essentially what our long mission
2 statement boils down to.

3 We want to be sure that everybody who can't
4 afford an attorney gets some form of assistance. And
5 this isn't just something that's being done by Legal
6 Services. This is with the courts. This is with pro
7 bono.

8 So this is why we had the first session. And
9 I'll just remind you a few things that we wanted to do
10 at the first session, was this was the idea session.
11 Identify the ways that technology can expand access.
12 Identify how we can improve our organization and
13 efficiency. Identify ways that we can change the legal
14 system's advocacy and decision-making
15 processes -- getting into expert systems, checklists,
16 those types of things.

17 At the first session, we asked people not to
18 worry about obstacles. Don't worry about why you can't
19 get something done. Let's just come up with the ideas.

20 And let's talk about the implementation, money,
21 funding, and everything at the second session.

22 Well, that was a good idea until we actually

1 had to hold second session.

2 (Laughter.)

3 MR. RAWDON: So we really got down to the very
4 difficult things. We had 51 attendees. We had 24 from
5 the first session so we had some continuity. And we
6 had 27 new people for the second session.

7 We had, as you can see here, lots of people
8 from lots of different areas. One group I realized I
9 forgot to put on this slide was also from the library
10 community. We had people because they're going to be a
11 very important partner with us in providing access to
12 people. So we came together. We had small group
13 discussions. And we looked at all of the different
14 things that we came up with from the first summit.

15 Now, one of our first things that we had to do
16 was prioritize because we had 26 objectives and 50
17 technology activities that were identified that were
18 important out of the first session. When everything is
19 a priority, nothing is a priority. So we had to use
20 some way to bring this down.

21 Using one of the ideas that came out of the
22 first session called "choice boxing," we were able to

1 work before the second session of the summit to reduce
2 these to a manageable level.

3 Just this little graphic here will show you
4 the white noise, everything coming in one side, and
5 using the choice boxing, which allows people to give
6 their own weight to the priorities, their own weight to
7 the objectives.

8 As we came out of that, we were able to come
9 out on the other side with some very clear ideas. And
10 we came up with essentially five of the key places that
11 we need to focus.

12 The first is document assembly for
13 self-represented litigants. We've already done a lot
14 in that area; I won't repeat everything that we've
15 talked about before. But this is still very important,
16 to get more and more of the forms, to work with the
17 courts on a forms strategy.

18 Another is better triage. We want to get
19 people to the right place as soon as we can with the
20 minimum amount of resources to get them there so that
21 they're not wasting their time. We're not wasting our
22 time.

1 The other is mobile technologies because more
2 and more of our client community is depending on their
3 cell phones. They're depending on their smart phones
4 as their only phone system, their only communications
5 with the internet.

6 We need to do more work on how we can leverage
7 this because while there's still some bit of a digital
8 divide, it's nothing like we've seen before, and it's
9 getting smaller and smaller every day.

10 The other is, like I mentioned, the expert
11 systems and checklists. Now, as you can see, a lot of
12 these things tie together. Expert systems is going to
13 work well into the triage. Mobile technologies are
14 things that we want to work with our document assembly.
15 So all of these tie in together.

16 But the last one is the remote service
17 delivery, which also works with this. Jim described
18 DNA and the challenges. All of our programs, even ones
19 in big cities, have service delivery problems. Even in
20 New York City, people have difficulty getting into
21 offices. So we've got to explore ways that we can do
22 more with remote service delivery. And the courts are

1 very much on board with this as well.

2 We came up with our overall strategy. We want
3 to transform the way in which the existing resources
4 are used to meet the civil needs. In other words,
5 we've got to look at ways that we can come up and take
6 what we have already, the resources we have -- because
7 we're not expecting to get lots of new resources -- and
8 use those more efficiently and effectively.

9 One of the ways to do this is look we talk
10 about, practicing at the top of the license. And
11 Julie, I heard your question at the panel yesterday
12 about non-attorneys.

13 We've got to look at how we use non-attorneys
14 in this process so that the attorneys are doing what
15 they can do, and other people that are lower cost can
16 function at other areas. We've got to increase the
17 involvement of the private bar, and we will work very
18 closely.

19 I was on the Pro Bono Task Force. We'll be
20 working with the implementation of that. Everything
21 that I'm showing you here that we identified is going
22 to be working with all of LSC's other strategies so

1 it's all coordinated. We're not each working in our
2 own silos.

3 Empowering self-help: We've got to give
4 people who have to represent themselves more tools to
5 do this. We have to give them more videos, more
6 instructions. We can't just have systems that get them
7 into court; we've got to have systems that help them
8 get through the process and get out of court on the
9 other end.

10 Then finally, the remote service delivery that
11 I talked about, we've got to do it so that people that
12 can't get into an office, so that they attorneys don't
13 have to drive 14,000 miles in three months to do this.

14 We've got to look at ways that we can do this. And
15 we're going to employ technology to achieve these.

16 Now, what are the next steps? Because we just
17 had this last week. And so there's still lots that we
18 have to do. We haven't completely come up with
19 everything.

20 Right now we're drafting an access to justice
21 technology initiative strategic plan. John Grecian,
22 our consultant, is working on that. Once he gets this

1 done, he will be vetting this with the summit
2 participants so that they can go through it, make
3 tweaks, make decisions.

4 Part of this is going to be pilot projects
5 that we're going to do, looking how triage can work,
6 find a jurisdiction that would like to do that. Part
7 of it's going to be a strategy to expand the use of the
8 document assembly tools that we already have in place.

9 Some of those like that, we have a really good
10 foundation already built up from the TIG program, so
11 we've got to start leveraging that.

12 Then we've got to submit it to endorsements.
13 It needs to go to the ABA, the National Center for
14 State Courts, all the alphabet soup. We want to go to
15 the CCJ/COSCA, CTAC, everybody, and get buy-in.

16 These people all had representatives at the
17 summit, and so we want them to take these back to their
18 organizations so that this isn't LSC's plan. This is a
19 plan for the whole access to justice community on how
20 technology can work on this.

21 Then we want to enlist those organizations to
22 participate in a steering committee so that we don't

1 lose the energy that Jim described at the summit, that
2 people keep coming together, that we have really,
3 really meetings, that we keep working with people like
4 the judges and justices that we saw on the panel to
5 actually implement this, people that it's important.

6 Then finally, we just have to get it done.
7 Once we get all of this done, then we have to actually
8 get this in place. And so that's going to be a lot of
9 hard work. It's not going to happen immediately.

10 But we're in such better shape than we were
11 when we had the first summit back in 1998. It's just
12 really encouraging. I've been working hard on this for
13 13 years with TIG, and I just love being over in the
14 Supreme Court and hearing all the justices from
15 Kentucky and Louisiana and Florida and Mississippi
16 talking about the same issues that we've been working
17 on now for 13 years. It's just really encouraging, and
18 it gives me a lot of hope.

19 CHAIRMAN LEVI: Questions?

20 MR. RAWDON: Martha, did you have a --

21 DEAN MINOW: I just want to say that we were
22 able to send someone from Harvard Law School to the TIG

1 conference, who found it empowering and very exciting.

2 I do think that there's opportunity to leverage some
3 of what's going on through the law schools and
4 universities because there are a lot of people trying
5 to create apps, trying to do all kinds of things.

6 So one just small thought is to put out an
7 invitation for both recipients and other participants
8 to generate wish lists that they would like the
9 students and others to be innovating. Because I'm
10 telling you, at Harvard, at Stanford, at a lot of other
11 places, here at Loyola, there are people who are
12 sitting there trying to create apps right now.

13 This is a great possibility because to
14 actually connect them with something that's needed
15 would be very helpful.

16 MR. RAWDON: Ron Stout had a good session on
17 that. We've started the project with the TIG grant.
18 And also, I've been approached by Georgetown Law
19 School, and I've put them recently in contact with
20 Northern Virginia to try to work on that.

21 So we're trying to be a clearinghouse to get
22 these people together because this is a great resource

1 to leverage.

2 CHAIRMAN LEVI: Charles?

3 MR. KECKLER: Glenn, thanks for the report. I
4 actually had this thought when the justices were
5 talking the other day. So one of the -- sort of the
6 typical conventional barrier, right, is that somebody
7 shows up and talks to the clerk.

8 And the clerk says, "I can't practice law for
9 you. I can't answer your question." Or there's
10 various officials that at some point, for a variety of
11 reasons, many of which are good, say, "I can't answer
12 your question."

13 But I think that -- and I don't know whether
14 anybody's working on this. That's information. That
15 encounter is information. So even though the clerk
16 can't, in fact, practice law for them, they could write
17 down what their question is and record the fact that
18 they requested it.

19 Now, ideally, we'd have a referral for them
20 and so on. But even in the absence of a referral, the
21 fact that there was this encounter in this part of the
22 system one way or the other, and maybe ultimately you

1 could find judges willing to record their inability to
2 help -- but is that kind of information being captured?

3 Because there's two functions to it: first,
4 this overall mission of getting help for 100 percent of
5 people. Right? If you record inability to help,
6 that's part of your number on your strategic objective.

7 Secondly, the types of questions that are
8 being asked and the types of requests that are being
9 directed in certain places is going to help develop our
10 endpoint system and referral systems. So I was
11 wondering if there's been any thought of capturing
12 those encounters.

13 MR. RAWDON: Well, we're hoping with the
14 triage project that I mentioned to do exactly that. As
15 you heard one of the justices say, I believe the one
16 maybe from Mississippi, he was talking about the lack
17 of data that we have on self-representeds in the court.

18 Nobody's tracking this now, and we really need
19 to be doing that because what we want to do is not just
20 to create a system, but what we think is how it should
21 work. We've got to be able to tweak it, put it in a
22 laboratory model, and see how it works. That's why we

1 want to do a pilot, because we -- we want to get it
2 right to get it smooth before we would roll it out to
3 other jurisdictions.

4 So you're exactly right. We need to be
5 recording those types of inquiries. And that's why
6 it's essential to have the court as a partner with us,
7 because they are there. We can't afford to send people
8 into the courthouses and record this. We need their
9 help to record those types of information, to make the
10 system better.

11 Well, thank you very much.

12 PRESIDENT SANDMAN: I'd be happy to answer any
13 questions as well.

14 DEAN MINOW: Jim, that was a great report.
15 Your first two topics -- that is, the implementation of
16 the fiscal strategy, report, and also the attention to
17 the legal aid -- what is it called? Roundtable?

18 PRESIDENT SANDMAN: Interagency roundtable.

19 DEAN MINOW: Interagency roundtable. For both
20 of them -- oh, no. I'm sorry. The first one is the
21 financial -- the fiscal report, and the second is the
22 evaluation.

1 I wondered about the IT sides of that. So I
2 don't know how you line them up. But that's -- I know
3 from painful experience --

4 PRESIDENT SANDMAN: Yes.

5 DEAN MINOW: -- that if it's not there at the
6 front end, it's really hard to retrofit.

7 PRESIDENT SANDMAN: That's definitely
8 something that our consultants are attuned to, and
9 something that we'll be investigating. We need to take
10 a look at what systems our grantees already have in
11 place.

12 We don't want to be mandating additional
13 technology costs for them. But to the extent that we
14 can integrate what we do into their existing case
15 management systems, that would be desirable.

16 DEAN MINOW: And then on the legal aid
17 interagency roundtable, which is such a great idea, I
18 wondered, is this a place to pursue what I think of as
19 Vic's idea, which is that the agencies that manage the
20 programs that our ultimate beneficiaries are dealing
21 with create the mess that makes it necessary for them
22 to have lawyers?

1 So is this roundtable going to address, at
2 least to some degree, that problem? What kind of law
3 reform or regulatory reform would reduce the need for
4 legal advocacy for low income people? Have I stated it
5 correctly, Vic?

6 MR. MADDUX: Sounds good to me.

7 PRESIDENT SANDMAN: I don't believe that's a
8 stated purpose of the roundtable. But I think it's a
9 very likely consequence of its creation. I think that
10 just the conversation and the education that goes on in
11 these meetings will naturally highlight those kinds of
12 things.

13 So if there are systemic changes that could
14 happen within an agency that could obviate a lot of the
15 problems that result in visits to legal aid offices or
16 unmet legal needs, I think this is a great way to
17 facilitate the identification of those kinds of things.

18 DEAN MINOW: Well, if it's at all possible for
19 our participation there to highlight that, it's a
20 counterpart to what OMB regulatory review does. It's
21 to ask, what's the impact of the regulatory structure
22 on private people and how they have to cope? And I'm

1 not sure there is anybody who's pushing that kind of
2 inquiry.

3 MR. MADDOX: Yes. Martha and Jim, I'm really
4 encouraged to hear this because I think it's so
5 important. Yesterday we heard what to me sounded like
6 a lot of time spent dealing with earned income tax
7 credit stuff, which, I mean, it's very important.

8 But it is fundamentally not addressing what I
9 think of as the core mission, which is getting poor
10 people who are forced to go to court and oppose
11 well-funded opposition with high-powered lawyers.

12 And I don't know how much we heard yesterday.
13 There were programs about the student stuff, and lot
14 of that had nothing to do with court or the absence of
15 what I think of as the problem of access to the
16 courtroom.

17 So I think that -- I've thought this from the
18 beginning of my service on the Board -- that when I see
19 that 12 percent of the LSC-funded cases every year are
20 basically income maintenance things that deal with HUD
21 or IRS or the other agencies, it seems like if you
22 could increase your resources suddenly by 12 percent,

1 fund lawyers and paralegals who actually have to go to
2 court. So I think it's a great initiative.

3 CHAIRMAN LEVI: It maybe, to the extent that
4 you don't want to scare them off. But you can actually
5 promote warming up the topic.

6 MS. REISKIN: Exactly. And I know those are
7 the kinds of things that non-lawyers can do, that you
8 don't need to be a lawyer to learn how to fill out
9 these forms, and that we could get clients to be
10 volunteers on.

11 But when we're talking about this, the regs
12 identify a way that priorities are supposed to be set
13 and how the client and legal communities are supposed
14 to be involved in that. And that was the other thing
15 clients were talking about, is none of the client board
16 members knew that the regs said that, what indicated a
17 training need.

18 And I brought up the reg and I sent it out.
19 But when we're talking about priorities, I think you've
20 got to frame that with not just kind of an open-ended,
21 "What do you need?" But frame it and say, "Here are
22 things that only lawyers can do," and explain kind of

1 the purpose, and have more of a strategic discussion
2 than just an open-ended -- or just some survey.

3 PROFESSOR VALENCIA-WEBER: I'd like to talk
4 about the earned income credit. I understand Victor's
5 comment. But I do want to make the point that the
6 earned income credit is often -- not every time -- tied
7 to a legal issue that requires representation.

8 At a number of law school clinics, including
9 the one at my school, we have a tax clinic. And a
10 number of years, it has in fact received grants from
11 the IRS to provide services to eligible low income
12 people.

13 The people that get referred to that clinic
14 are not the people that go to the tax club, bring your
15 records in, your shopping bag, and we'll help you make
16 your income tax and get you a earned income credit.

17 They basically fall into two categories. One
18 is that the client has received a communication from
19 IRS itself saying, "There is a problem. You have an
20 issue. Something is happening."

21 Secondly, the other class of client are people
22 who come in for a real legal issue. And they're poor

1 to begin with, to qualify for clinic services. And in
2 both this case and the first one, the client does not
3 realize that they are eligible for an earned income tax
4 credit.

5 So in conjunction with what might be a family
6 law matter, a credit, a collection matter, you can find
7 income through the earned income tax credit for these
8 people to resolve the underlying legal issue, which may
9 be a creditor after them or a divorce, and what's going
10 to happen and who's going to get money for kids?

11 So I want to distinguish that there are in
12 fact real legal cases where the earned income tax
13 credit is a critical factor.

14 CHAIRMAN LEVI: Other questions?

15 (No response.)

16 CHAIRMAN LEVI: Mr. Inspector General? Thank
17 you, Jim. Terrifically informative report, while the
18 Inspector General is coming up. And also, I should
19 have mentioned as a part of my overview of the year
20 that the technology summit had been launched.

21 MR. SCHANZ: This is Jeff Schanz, for the
22 record, the Inspector General. I do want to thank the

1 Board for giving me the lunchtime spot. I will try to
2 go through this as quickly as I can in open session,
3 and we do have a closed session report for the Board
4 also.

5 I do have a housekeeping matter to take care
6 of. And I'll provide you a hard copy of it, and I'll
7 also send you an electronic copy so you don't have to
8 tote it around. But in going through the performance
9 process, appraisal process, that I went through this
10 morning, I discovered that I am to provide the Board
11 with a work plan, the OIG work plan for every fiscal
12 year.

13 So I have that available, three-hole punched
14 and stapled so it can fit into your binder, or I'll
15 send it electronically on Monday. And I would welcome
16 any comments that you have, any suggests that you have.

17 I do this on the Hill. I cast a very wide net,
18 saying, okay, what programs? What issues? I do it
19 with Jim. I do it with Management. I'd it with the
20 Board. I do it with the Hill.

21 What can we do better? What programs would
22 you like an independent and objective look at? So that

1 I'll put -- if we get to lunch, I'll put this at your
2 seat. You can look at it, and then toss it.

3 I am heavily engaged in CIGIE. I like CIGIE.

4 It's an association, the Council of Inspectors General
5 for Integrity and Efficiency. We share common
6 problems. We share best practices. We share
7 information that we can use. I'm not as large as, of
8 course, some of the other agencies. But I'll just give
9 you a blurb. Once again, all this is available. I can
10 make it available.

11 But the IG Reform Act of 2008 -- our original
12 legislation goes back to 1978. It's been tweaked; it's
13 been updated one time to add other inspectors general,
14 including the Department of Justice and the LSC IG.
15 Both where I currently and previously worked came in in
16 the same piece of legislation.

17 But now the Reform Act of 2008 brought 69
18 federal IGs into a council. While there's four others
19 from the intelligence community, they don't usually get
20 the press that other IGs do. And as far as our 2011
21 report, we are pleased to report that the council and
22 its member organizations functioned as a robust

1 oversight group engaged in issues of nationwide
2 significance.

3 I'll give you just a couple stats related to
4 that. As you know, I serve on the audit committee of
5 the CIGIE, which is pretty well represented by some of
6 the colleagues I knew from my prior position with DOJ.

7 What the IG did this year is -- and Julie, you
8 were interested in this at one point, too, so I can
9 make all of this available to you -- but the OIG
10 community in fiscal year 2011 identified potential
11 savings of over 93 billion -- that's with a B -- as
12 well as numerous program efficiencies and enhancements.

13 Cumulatively, these efforts resulted in 84.8
14 billion in potential savings from audit
15 recommendations, 9.1 in potential savings from
16 investigative recoveries and receivables, over 6500
17 indictments and criminal informations, over 6,000
18 successful prosecutions, over 5600 suspensions or
19 debarments, and almost half a million of hotline
20 complaints processed.

21 So it's an active group. I did attend a
22 session to keep my skill sets sharper, Dean Minow. It

1 was the Association of IGs, and I was with not only
2 federal IGs but state and local. And it was
3 interesting to see how the concept of inspectors
4 general has cascaded down to the state and local level.

5 They do not enjoy the independence that a
6 federal IG such as myself enjoy, but it's still a very
7 important function for efficient and effective
8 government at the state and local and federal levels.

9 A couple other things to follow up on what Jim
10 said with the consultants. I am very happy to provide
11 whatever expertise and knowledge I have to those
12 consultants, and have engaged my entire staff to meet
13 with them as it relates to internal controls and risk
14 assessments. They come to the right door when they
15 knock on my door for information related to that.

16 As an aside, the OIG answered four
17 congressionals this year, and answering congressionals
18 is one of my top priorities if not the top priorities.

19 And it usually engenders some additional followup once
20 they get the response, and we have one coming up also
21 that as soon as I get back to the office, we'll be
22 meeting with some members on the Hill.

1 There is something, and I'll just regress just
2 a little bit. It's interesting to me, and hopefully to
3 you. Maybe not. But the Recovery Act funds that the
4 Legal Services Corporation did not get any of, there
5 are unused funds in the Recovery Act funds.

6 It sunsetted, but there's \$11.5 million in
7 unused Recovery Act funds that are going to be directed
8 to the inspectors general of the larger agencies. And
9 this is by presidential executive order.

10 So to me, in reading this, that says, wow.
11 They really need inspectors general. And it's just an
12 endorsement of what I've been trying to say for quite a
13 few years. But by executive order, 11.5 million will
14 be going to IGs, with the recognition that
15 investigations don't end at a certain point in time.
16 They may extend for several years, especially if you're
17 looking at collusion or something like that and
18 transportation.

19 As a housekeeping matter, I'm pleased to
20 report that I've hired five relatively new people. It
21 doesn't increase my ceiling beyond what's authorized,
22 but I have hired four individuals in our audit unit,

1 and our IT guy has left on retirement and I hired
2 somebody who is really good, and has worked in
3 nonprofit before, and is working really well so far
4 with Peter Campbell, the new CIO.

5 So I'm very excited about that, and having
6 things -- sometimes in the IT world, when I ask for
7 something, I may get it; I may not, even as the IG.
8 And how I'm getting almost immediate response from our
9 IT staff of one person, but he's really good. So I'm
10 pleased to announce that.

11 There are people still looking for jobs out
12 there. I've hired four very good auditors. And a
13 happy IG has auditors on the road, so they will be
14 visiting grant programs. And I won't talk about our
15 investigations; that will come in closed session. But
16 we're busy. And, as I mentioned in my performance
17 appraisal, I'm happy. And IGs are never happy.

18 So thank you very much. If an action item or
19 to-do could be done within a week for the work plan
20 from the Board, then I can put it up on our website.
21 So thank you very much.

22 Any questions?

1 (No response.)

2 MR. SCHANZ: It may be lunchtime. Okay.

3 Thank you.

4 CHAIRMAN LEVI: Thank you, Jeff.

5 Is there a report from Promotions?

6 MS. MIKVA: Nothing that the Committee did
7 that needs action. I would like to thank Janet
8 LaBella -- I don't know if she's still here -- for all
9 her work with me over the years.

10 And I would like to indicate as my last act as
11 chair, or perhaps usurping authority that I no longer
12 have, I asked her to set up a teleconference call to
13 discuss both the evaluations and what the Committee
14 wants to do going forward. And she said she will take
15 care of that.

16 CHAIRMAN LEVI: That will be great. I think
17 that Martha, Jim, and I would love to participate in
18 that call as well.

19 The Finance Committee?

20 DEAN MINOW: Mr. Chair, because the chair was
21 called out, he asked me to report, which I'm glad to
22 do.

1 M O T I O N

2 DEAN MINOW: The Finance Committee discussed
3 the financial report for FY 2012, considered and acted
4 on the revised temporary operating budget for FY 2013,
5 and recommends the relation related to that. I don't
6 know if you want to take these up one at a time
7 because --

8 CHAIRMAN LEVI: Yes. We need to adopt that
9 resolution. So the resolution is in front of us from
10 the Committee. It doesn't need a second.

11 DEAN MINOW: Correct.

12 CHAIRMAN LEVI: All in favor?

13 (A chorus of ayes.)

14 CHAIRMAN LEVI: Opposed?

15 (No response.)

16 CHAIRMAN LEVI: Next?

17 DEAN MINOW: We also heard, with Dave
18 Richardson's wonderful clarity, the presentation of the
19 first two months of FY '13 report and the report on the
20 selection of accounts and depositories.

21 We also heard a presentation from Carol
22 Bergman about the current budget request, and all of us

1 who didn't have white hair started to get it. Then we
2 discussed the evaluations, and I think that's pretty
3 much it.

4 CHAIRMAN LEVI: No other action items?

5 DEAN MINOW: No other action items.

6 CHAIRMAN LEVI: I thought we did need the
7 resolution on the Pro Bono Innovation Fund. And I
8 think there is a resolution pending for that.

9 M O T I O N

10 DEAN MINOW: Here it is. I'm sorry.

11 CHAIRMAN LEVI: It doesn't need a second.

12 DEAN MINOW: It wasn't on the agenda, but
13 you're absolutely right.

14 CHAIRMAN LEVI: Okay. All in favor?

15 (A chorus of ayes.)

16 CHAIRMAN LEVI: Opposed?

17 (No response.)

18 CHAIRMAN LEVI: Okay. I think your Committee
19 has given a good report, Mr. Chair. And if you have
20 anything to add to it?

21 MR. GREY: It's been covered.

22 CHAIRMAN LEVI: The Audit Committee?

1 MR. MADDOX: Thank you, Mr. Chairman. The
2 Audit Committee met today and received the presentation
3 of the fiscal year 2012 annual financial audit from the
4 Assistant Inspector General for Audits, Ronald
5 Merryman, and the outside auditor lead partner, Nancy
6 Davis from WithumSmith+Brown.

7 The auditors gave the Corporation a clean
8 opinion, which was exactly what we wanted. They also
9 gave us an opinion, or at least an assessment, excuse
10 me, of the internal controls of the Corporation, which
11 is required by the Government Yellow Book. That
12 appears at page 175 of your board book, if you'd like
13 to see it. The clean opinion is at page 160.

14 The internal control review noted no
15 significant deficiencies and no material weaknesses.
16 Ms. Davis reported that Management is hands-on and
17 effective, and that the financial condition of the
18 Corporation is "very sound." So that was a good
19 report.

20 We were asked by Paul Snyder if we were
21 required to present the report to the Board for
22 acceptance, or recommend to the Board that the Board

1 accept it. That's not been our practice in the past,
2 and we simply noted that we would advise the Board that
3 it was pleased with the report and with the results of
4 the audit. So if the Board would like some formal
5 recommendation in future audits, we can discuss that.

6 We also had a review of the Corporation's Form
7 990, which is essentially its tax return for FY 2012.
8 There were no significant issues noted. We deferred
9 the Inspector General's report to the full Board, and
10 we had a discussion of the committee evaluations and
11 the like. And there was no other business.

12 CHAIRMAN LEVI: Any questions?

13 (No response.)

14 CHAIRMAN LEVI: Ops and Regs?

15 MR. KECKLER: Thank you, Mr. Chairman. The
16 Ops & Regs Committee met yesterday and discussed
17 several matters. So we have three motions to bring
18 before the Board.

19 M O T I O N

20 MR. KECKLER: The first motion is regarding
21 the final rule on enforcement mechanisms, which has
22 been available in your book. The Committee has voted

1 to recommend adoption of this rule, which would take
2 effect 30 days after publication in the Federal
3 Register.

4 I should note a couple of items, that in
5 addition, I think Father Pius has an associated
6 resolution which will be brought up later in the
7 meeting.

8 So that's the first item of business, is that
9 recommendation.

10 FATHER PIUS: I think it's worth at least some
11 commenting on because of the scope and the controversy
12 of this particular one. This is one I've been thinking
13 about a lot. I take account both of the needs of
14 Management and the management decision and opinion,
15 which I respect greatly, as well as the opinions of our
16 grantees.

17 I've had, as many of you have had, the great
18 honor of seeing a number of our grantees in action,
19 many of them who do extraordinary work and are
20 extraordinary lawyers and administrators. And I have a
21 great respect for what they do, and take to heart their
22 concerns and their cautionary notes about what we're

1 planning to do here.

2 I think their concerns -- I've thought about
3 them a lot. And I'm ultimately going to support the
4 resolution, but I do so with their concerns in mind,
5 which is why I've asked, which I'll be posing later
6 assuming this passes, some proposed resolutions to see
7 that we regularly review these amendments, regularly
8 review the way in which we conduct them, the Management
9 does, and that if there are significant problems, that
10 they're brought to our attention so that we can make
11 changes to these.

12 I would encourage the field. A number of them
13 said -- when they spoke yesterday, a number who spoke
14 in the open meeting said, I hope this doesn't destroy
15 the ill will (sic) I've created by speaking against
16 this resolution.

17 I hope they don't feel that way, certainly not
18 in my view. Just because someone disagrees with my
19 position doesn't mean I don't value their opinion. I
20 do, and I hope they continue to feel free to bring to
21 the Board their concerns with the way in which these,
22 if they're approved, are implemented so that we can

1 take action on them.

2 Our goal is not and should not be to impose
3 additional burdens on good functioning grantees. Our
4 goal is only to provide tools for Management so that
5 when problems are discovered, they can be handled in
6 the best possible way.

7 I should say, when I was appointed, or when my
8 nomination was first mentioned to me, just out of the
9 blue, I obviously did some research on LSC and found
10 three GAO reports mentioning problems with this, and in
11 the news, all at that time, a number of scandals
12 involving our clients. And I thought to myself, oh, my
13 goodness, what have I gotten into?

14 The need for dealing effectively with wayward
15 programs is there. We have experienced it both in the
16 public and in the confidential forum. I think the need
17 is there.

18 I trust Jim and Management in identifying the
19 best way to go about that and to implement that, and
20 certainly don't think this is a closed book. And I
21 hope that the Board will continue to evaluate the way
22 in which this is implemented, to make corrections where

1 necessary, to make sure that good functioning grantees
2 remain good functioning grantees.

3 CHAIRMAN LEVI: Well, I thank you for that,
4 Father Pius.

5 MS. BROWNE: This is Sharon.

6 CHAIRMAN LEVI: Certainly, as I had -- I
7 think -- Sharon, I'll get to you in a second.

8 MS. BROWNE: Thank you.

9 CHAIRMAN LEVI: As I had pushed back a bit
10 yesterday, I wanted to make sure those grantees knew we
11 love them and appreciate their work. I also recall in
12 the conversation that Martha Minow had suggested some
13 very thoughtful guidance that was really to accompany,
14 I thought, the -- and I'm not sure that was part of the
15 suggestion here -- that was to accompany the
16 implementation of this.

17 I want to make sure that does somehow get
18 accomplished and brought into the record here. And
19 also, I know that Sharon is on, wanting -- if it's in
20 that vein, Sharon; otherwise, we'll --

21 MS. BROWNE: Yes, it is.

22 CHAIRMAN LEVI: Was it?

1 MS. BROWNE: Yes.

2 CHAIRMAN LEVI: Okay.

3 MS. BROWNE: Okay. I just wanted to mention
4 that I really respected and understand many of the
5 concerns that were raised yesterday during the
6 discussion of this compliance tool.

7 I'm going to support the compliance tool as
8 it's been drafted because I believe that it enables LSC
9 to respond quickly to many of the instances of
10 substantial violations. And there is no intent on the
11 part of the Board to undermine any of the great
12 grantees that are out there.

13 This is merely another tool. And I believe
14 that this particular rule carefully balances the
15 concerns for ongoing client services and recipient
16 rights, along with the clear mandate that Congress has
17 already provided to LSC to assure accountability and
18 oversight of our grantees as it relates to LSC funds.

19 I think this ongoing proposal of studying this
20 rule after it's adopted, and as Father Pius has
21 mentioned, will go a long ways to making sure that this
22 rule is implemented in the manner and the intent to

1 which it is being put forth. Thank you.

2 CHAIRMAN LEVI: Julie?

3 MS. REISKIN: Thank you. I just wanted to say
4 that I really appreciate the resolution that Father
5 Pius is going to offer. And I do appreciate he time
6 and the consideration. And I do not in any way
7 question the motives of anyone here.

8 I also agree that we want strong
9 accountability for client services. I just wanted to
10 exclusion again why I feel like I can't support it,
11 because the client community very strongly -- and I
12 think the client community is actually harder on the
13 grantees than any of you guys could ever be -- very
14 strongly felt no. And without a way to really -- and I
15 will try and figure that you in the future.

16 Without a way to go back and have further
17 discussion, I don't feel like I can ask for input and
18 then ignore it. So I just wanted to explain why I just
19 can't support it. But it's not about anyone's
20 intentions or any distrust of Management at all.

21 CHAIRMAN LEVI: Mark, did you have anything
22 you wanted to say? No?

1 Martha?

2 DEAN MINOW: I just want to say that I'm
3 grateful for Father Pius's resolution, and I think it's
4 a very constructive suggestion.

5 MR. KECKLER: Thanks. I just want to briefly
6 comment on the resolution. I think it's fine. I think
7 it's positive, and it just extends the remarks that
8 both Martha made about the Board's responsibilities and
9 continuing over certain responsibilities, and the
10 remarks that I made about accountability and up and
11 down the chain.

12 So the Committee didn't consider it, but it's
13 fine.

14 CHAIRMAN LEVI: Well, as long as it's here,
15 let's take it up right now rather than --

16 MR. KECKLER: All right. That's fine.

17 CHAIRMAN LEVI: Because you've offered a
18 resolution.

19 FATHER PIUS: Do you want to take up the
20 resolution now?

21 CHAIRMAN LEVI: Sure.

22 FATHER PIUS: Everybody, I've given a copy of

1 the resolution from --

2 MR. KORRELL: First, do we need to adopt --

3 FATHER PIUS: Yes. I would actually have us
4 deal with the --

5 CHAIRMAN LEVI: Well, to the extent -- this is
6 the question. To the extent that the companion
7 resolution impacts people's votes on the underlying, I
8 don't know how you want to deal with that. But I'm
9 hearing a little of that.

10 FATHER PIUS: Oh, I would just say, then, that
11 assuming -- I can propose this with the condition that
12 assuming that the rule/regulation changes are in fact
13 adopted, then this would go into effect.

14 MR. KECKLER: I think that's fine, that we
15 know that.

16 CHAIRMAN LEVI: All right.

17 MR. KECKLER: So I'll incorporate it as part
18 of my report since it's a related matter, germane.

19 CHAIRMAN LEVI: Yes.

20 MR. KECKLER: It's germane. But with this,
21 since it wasn't adopted by the Committee, it needs to
22 be proposed and seconded. So you can propose it and

1 I'll second it.

2 M O T I O N

3 FATHER PIUS: Yes. Do you want me to read it?

4 I'd just summarize it very quickly. All it is is a
5 direction to Management to provide an annual report on
6 the way in which these enforcement mechanisms are
7 carried out; to provide the number of cases that arise,
8 observing confidentiality; due process issues that are
9 raised; description of what caused these effects there;
10 and then Management's opinion on the need for and the
11 effectiveness of the changes that would be going into
12 effect, to tell us if they do in fact really need these
13 still; and then finally, if Management has any
14 suggestions for proposed changes to advance due process
15 and the like.

16 MR. KECKLER: And Father Pius, could I offer a
17 friendly amendment on this?

18 FATHER PIUS: Sure.

19 MR. KECKLER: Which is to include in the
20 report any guidance that has been issued in the prior
21 year related to these regulations. Is that acceptable?

22 FATHER PIUS: Yes. That's acceptable. So

1 that's now been moved.

2 MR. KECKLER: And seconded.

3 DEAN MINOW: So may I suggest that we take a
4 vote?

5 MS. REISKIN: This is just on the --

6 DEAN MINOW: This is on this, conditioned on
7 the enactment of the underlying rule change.

8 FATHER PIUS: And this would only take effect
9 if the underlying rule change was approved.

10 DEAN MINOW: Right. So how many in favor?

11 (A chorus of ayes.)

12 DEAN MINOW: How many opposed? Oh, Sharon's
13 in favor. How many opposed?

14 (No response.)

15 DEAN MINOW: So none opposed.

16 So now I think we can proceed to a vote on the
17 underlying rule change, the final rule.

18 MS. MIKVA: Can I appear briefly?

19 DEAN MINOW: Yes. Of course.

20 MS. MIKVA: Thank you. I really appreciate
21 how committed this Board and this President are to the
22 mission of legal services. And I really hope that all

1 boards and the president are.

2 But I do remember a time when both the board
3 and the president did not believe in the mission, and
4 did seek to undermine grantees, including good,
5 effective -- maybe even especially good and
6 effective -- grantees.

7 I think that we could fashion a rule that both
8 gave management the tools and gave further protection
9 to the grantees. And for that reason, I am going to
10 oppose the rule. I do appreciate Father Pius's
11 amendment or addition. Thank you.

12 DEAN MINOW: Thank you, Laurie.

13 One thought to consider, if this does pass, in
14 the first annual review that Jim gives, would be to
15 consider introducing a sunset provision on this rule.
16 So if there were a sunset provision that would require
17 its renewal in two years or three years, that would be
18 something we could consider.

19 CHAIRMAN LEVI: That's true.

20 MR. KORRELL: So we could go through this
21 again.

22 (Laughter.)

1 CHAIRMAN LEVI: Well, we could, and we could
2 hear it described in other glowing terms.

3 DEAN MINOW: Or we could have the sunset occur
4 at the moment that we all rotate off, and welcome a new
5 board with this as their initiation experience.

6 Mark, are you sitting there with an interest
7 in commenting or -- no?

8 MR. FREEDMAN: No.

9 CHAIRMAN LEVI: Okay. All in favor?

10 (A chorus of ayes.)

11 CHAIRMAN LEVI: Opposed?

12 MS. MIKVA: Nay.

13 MS. REISKIN: Nay.

14 FATHER PIUS: Did Sharon vote?

15 CHAIRMAN LEVI: Sharon?

16 MS. BROWNE: Yes. I voted yes. Mine would be
17 yes.

18 CHAIRMAN LEVI: And you still have more to
19 propose. Right?

20 MR. KECKLER: Yes, I do. I have two more
21 motions.

22 //

1 M O T I O N

2 MR. KECKLER: That, in addition, the Committee
3 recommends to the Board to authorize rulemaking
4 options, the generation of a rulemaking options paper,
5 on the use of LSC funds for representation of eligible
6 clients in any criminal matter before the Tribal Court.

7 As most of the Board has heard, this is due to
8 a statutory change by Congress allowing, even perhaps
9 suggesting, that we authorize funds for this purpose.
10 SO the Committee has recommended rulemaking in this
11 area.

12 DEAN MINOW: So it doesn't need a second.

13 MR. KECKLER: It does not need a second.

14 DEAN MINOW: And is there any discussion?

15 Yes, Jim?

16 PRESIDENT SANDMAN: Is the text of the
17 resolution -- you, as I recall, Charles, had a slight
18 amendment to the text of the resolution that was in the
19 board book.

20 MR. KECKLER: Where is the -- is there a
21 resolution on it?

22 MR. FREEDMAN: This is Mark Freedman from the

1 Office of Legal Affairs. I think that on the Tribal
2 Court -- on both of these resolutions, Chairman Keckler
3 put them on the record orally. The text was based on
4 the memorandums in the board book.

5 But there is a specific resolution document,
6 and if I recall correctly, it was on the next
7 resolution that Charles Keckler altered the wording
8 slightly of what had originally been --

9 PRESIDENT SANDMAN: You're correct.

10 MR. KECKLER: I did. And I will reread the
11 recommendation for this matter right now.

12 That the Board authorize the Committee -- it
13 will go back to the Committee -- that the Board
14 authorize the Committee to consider rulemaking options
15 on the use of LSC funds for representation of eligible
16 clients in any criminal matter before a Tribal Court.

17 DEAN MINOW: Thank you. May we take a vote?
18 All in favor?

19 (A chorus of ayes.)

20 DEAN MINOW: Any opposed?

21 (No response.)

22 DEAN MINOW: Okay. Motion carries.

1 And you have a third?

2 MR. KECKLER: I do. And this is a slight
3 change from what was originally said, and I can explain
4 that if the Board wishes. In addition, the Committee
5 recommends that we create a rulemaking, start a
6 rulemaking, generate a rulemaking options paper, on
7 private attorney involvement in response to the
8 recommendations of the Pro Bono Task Force report. And
9 I'll read the actual motion.

10 M O T I O N

11 MR. KECKLER: That the Board authorize the
12 Committee to consider rulemaking options regarding
13 private attorney involvement in a manner responsive to
14 the recommendations of the Pro Bono Task Force report.

15 DEAN MINOW: Very good. Any discussion of
16 this one?

17 (No response.)

18 DEAN MINOW: Are we ready to take a vote? How
19 many in favor?

20 (A chorus of ayes.)

21 DEAN MINOW: Any opposed?

22 (No response.)

1 DEAN MINOW: Okay. That's unanimous.

2 Any further comments from this --

3 MR. KECKLER: That concludes the report of the
4 Operations & Regulations Committee.

5 DEAN MINOW: Excellent.

6 Now we have a report of the Governance &
7 Performance Review Committee. And I can sit in two
8 chairs, or John can take over chairing again. That's
9 great.

10 I will report and say that the Committee met
11 today and, most importantly, besides hearing reports of
12 good progress on implementing the GAO recommendations
13 and good progress on the Public Welfare Foundation
14 grant, we had a discussion of the President's
15 evaluation and the Inspector General's evaluations,
16 both of which were fully satisfactory and included some
17 suggestions for both of them for next year. And that
18 concludes the report of the Governance & Performance
19 Review Committee.

20 CHAIRMAN LEVI: And the Institutional
21 Advancement Committee met. We don't have any action
22 items. We are -- two things -- well on the way to

1 finding a development professional for LSC; and
2 secondly, we talked about making plans for the 40th
3 year, which is next year, and having a year to plan it
4 and regular, frequent meetings for that purpose. And I
5 think there'll be much more to come. But that was
6 basically the thrust of our meeting.

7 Anything else on that?

8 (No response.)

9 CHAIRMAN LEVI: Okay. Now we need to
10 have -- we have a resolution thanking members of the
11 Pro Bono Task Force for their service. And maybe,
12 Martha, you'll want to say something about that.

13 DEAN MINOW: Yes. I think this is a wonderful
14 thing to do, and I hope it's accompanied by an update
15 on the implementation plans, with an invitation for
16 people to continue their work.

17 CHAIRMAN LEVI: In fact, what we could do is
18 send them -- we had this great meeting -- when the new
19 committee structure of the implementing committees is
20 put together, we could enclose a copy of that memo.

21 DEAN MINOW: Great.

22 CHAIRMAN LEVI: Any other --

1 DEAN MINOW: Do you want action on that? Do
2 you want a vote on that?

3 CHAIRMAN LEVI: Yes. Second? It doesn't need
4 a second, it's a -- no, I think --

5 M O T I O N

6 DEAN MINOW: I think I'd move it.

7 CHAIRMAN LEVI: I think it needs to be moved
8 and seconded.

9 MS. REISKIN: Second.

10 DEAN MINOW: So it's moved and seconded.

11 CHAIRMAN LEVI: All in favor?

12 (A chorus of ayes.)

13 CHAIRMAN LEVI: Opposed?

14 (No response.)

15 CHAIRMAN LEVI: Okay. Public comment?

16 (No response.)

17 CHAIRMAN LEVI: I want to just say that we're
18 going to now move to a closed session. And because of
19 the pendency of a parade -- oh, we have to consider and
20 act on whether to have an executive session.

21 M O T I O N

22 MS. REISKIN: So moved.

1 DEAN MINOW: Second.

2 CHAIRMAN LEVI: All in favor?

3 (A chorus of ayes.)

4 CHAIRMAN LEVI: Okay. But while we're still
5 here, I want to thank all of you who have attended our
6 meeting. For the board members, go get your lunch.
7 Bring it here.

8 There's a parade that is apparently going to
9 make it difficult to get in and out of here. My own
10 travel arrangements just changed dramatically because
11 of an ice storm that is coming into Chicago in the
12 morning. And so there's a little bit of frantiness.

13 So those of you who were planning to fly
14 through Chicago tomorrow, if you were, may wish to take
15 a look at your own arrangements.

16 DEAN MINOW: Before we go to closed session,
17 could I just move a statement of thanks to two people
18 who helped organize all of our meetings and did such a
19 good job?

20 CHAIRMAN LEVI: Becky and Bernie.

21 DEAN MINOW: So for Becky and Bernie, I think
22 we all want to express deep thanks.

1 (Applause)

2 CHAIRMAN LEVI: And really, that ought to be a
3 regular agenda item.

4 FATHER PIUS: Well, it depends on how the
5 meeting goes.

6 CHAIRMAN LEVI: Yes. I guess that's true. We
7 can hold your response at the end.

8 (Whereupon, at 1:43 p.m., the Board of
9 Directors was adjourned to Closed Session.)

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