

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
SEARCH COMMITTEE FOR LSC PRESIDENT

OPEN SESSION

Tuesday, April 27, 2010

3:08 p.m.

Legal Services Corporation
3333 K Street, N.W.
Washington, D.C. 20007

COMMITTEE MEMBERS PRESENT:

- John G. Levi, Chairperson
- Charles N.W. Keckler
- Victor B. Maddox
- Laurie I. Mikva
- Martha Minow

ADVISORY MEMBERS PRESENT:

- Laveeda Battle
- Douglas Eakeley
- Robert Stein
- Frank Strickland
- Deierdre Weir

1 STAFF AND PUBLIC PRESENT:

2

Victor M. Fortuno, Interim President and General

3 Counsel

4 Kathleen Connors, Executive Assistant to the

5 President

6 Katherine Ward, Executive Assistant to the Vice President for Legal

7 Affairs, General Counsel and Corporate Secretary

8 David L. Richardson, Treasurer and Comptroller,

9 Office of Financial and Administrative Services

10 Mattie Cohan, Senior Assistant General Counsel, Office

11 of Legal Affairs

12 Karen J. Sarjeant, Vice President for Programs and

13 Compliance

14 Charles Jeffress, Chief Administrative Officer

15 Jeffrey E. Schanz, Inspector General

16 Laurie Tarantowicz, Assistant Inspector General and

17 Legal Counsel, Office of the Inspector General

18 David de la Tour, Program Counsel III, Office of

19 Compliance and Enforcement

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C O N T E N T S

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OPEN SESSION

PAGE

1. Approval of agenda	4
2. Consider and act on draft Request for Proposals for executive search firms	4
3. Public comment	17
4. Consider and act on other business	22
5. Consider and act on adjournment of meeting	22

Motions: Pages 4, 17, 22

P R O C E E D I N G S

(3:08 p.m.)

CHAIRMAN LEVI: Can we have a motion to approve the agenda?

M O T I O N

PROFESSOR KECKLER: So move.

CHAIRMAN LEVI: Second?

MS. MIKVA: Second.

CHAIRMAN LEVI: Okay. All in favor?

(A chorus of ayes.)

CHAIRMAN LEVI: We've been sent a draft of a request for proposals for executive search firms. And are there any comments, changes, issues with the draft proposal?

MR. MADDOX: My only comment, John -- Victor Maddox here -- is I thought the proposal was well done, and I fully support it.

MR. STEIN: I have one question. Might the proposal include a time frame from the date of award to when it is expected to be completed? I may have missed it, but I didn't see that.

MS. COHAN: It's on page 5. There's a space

1 for it to be filled in.

2 CHAIRMAN LEVI: It's on page 5.

3 MS. COHAN: It needs to be filled in.

4 MR. STEIN: On page -- oh, then I didn't get
5 it. Okay.

6 CHAIRMAN LEVI: And that's something we can
7 discuss today. And in fact, that was, I think, the only
8 place that we did have.

9 So what do you think is realistic? Thirty
10 days?

11 MS. WEIR: Thirty days, from what point to
12 what?

13 CHAIRMAN LEVI: Well, we want the -- do we
14 want proposals back within 30 days? Is that realistic,
15 folks? I think it is.

16 MS. WEIR: I do.

17 CHAIRMAN LEVI: And the question is -- or is
18 that too much? Do you want to make it 21 days? I think
19 30 days is probably more reasonable.

20 MR. MADDOX: That seems fine.

21 MR. STRICKLAND: In this market, I'll bet you
22 you can shorten the time and get responses from anybody

1 who's interested. But I certainly -- 30 days is okay,
2 but I'll get you could get a shorter time.

3 DEAN MINOW: Make it 28 days.

4 CHAIRMAN LEVI: Let's see. Today is --

5 MR. FORTUNO: The 27th.

6 CHAIRMAN LEVI: Why don't we say by May --

7 MR. STRICKLAND: May 28 is the end of the --

8 CHAIRMAN LEVI: Well, May 28th is Memorial Day
9 weekend. So why don't we say Monday, May 24th?

10 MS. WEIR: Memorial Day weekend, yes, that's a
11 bad one.

12 CHAIRMAN LEVI: Why don't we try for Monday,
13 May 24th? How about that? That's 28 days.

14 DEAN MINOW: That sounds good.

15 MR. STRICKLAND: Good.

16 MS. WEIR: I'm fine.

17 CHAIRMAN LEVI: And then I think the proposals
18 should probably be -- will anybody know if they're
19 directed to me in this building, or should we have them
20 sent to you, Vic?

21 MR. FORTUNO: It's up to you. We can have
22 them sent directly to you, if you'd like, or they --

1 CHAIRMAN LEVI: Well, you're going to send
2 them to the committee.

3 MR. FORTUNO: What I would do -- yes. Either
4 me or to the corporate secretary, who can then, just as
5 a matter of course, distribute them to everybody. But
6 it's --

7 CHAIRMAN LEVI: Yes. I think have them
8 directed to you.

9 DEAN MINOW: Let's just eliminate any extra
10 step. If the corporate secretary is going to send them
11 out, then just have them sent there.

12 MR. FORTUNO: Okay. Corporate secretary.

13 PROFESSOR KECKLER: The only question I would
14 have is whether or not you're contemplating having an
15 initial screen of the proposals for compliance with the
16 RFP before we evaluate them.

17 CHAIRMAN LEVI: Yes. That's why I think they
18 should come to you.

19 MR. FORTUNO: All right.

20 CHAIRMAN LEVI: I think they should come to
21 Vic.

22 DEAN MINOW: Okay. But then, if that's going

1 to come up against the deadline, I mean, I don't know
2 how you're going to handle that, Vic.

3 MR. FORTUNO: What I was -- yes. What I was
4 thinking was if I get them, just to send those that meet
5 the requirements set out in the RFP; but to send you a
6 memo that explains which others were received and why
7 they weren't forwarded, where they fell short, so that
8 you were at least aware of everything that was received.

9 But that will take a day or two. Assuming
10 that they all come in fairly close to the deadline, you
11 probably won't get this until right after the Memorial
12 Day weekend.

13 CHAIRMAN LEVI: Well, that's --

14 DEAN MINOW: I mean, that's my question. I
15 think you're right. There may be none until just at
16 that end. But if there are some coming in, I'd like to
17 have them as they come in.

18 DEAN MINOW: Oh, sure. We can do that.

19 CHAIRMAN LEVI: We're going to do that.

20 MR. FORTUNO: Yes.

21 CHAIRMAN LEVI: And then, traditionally, we
22 can send these out to a whole group, or we can also make

1 sure we include that the Corporation has used previously
2 and successfully, and any names or firms that anyone on
3 the call wants to suggest. I think it should be
4 generally available on our website.

5 MS. WEIR: This is Deierdre. One of the
6 questions I had is do we have a list presently of search
7 firms we're going to send it out to?

8 MR. FORTUNO: The Corporation has used in the
9 past two firms that I'm familiar with. One is Heidrick
10 & Struggles. Frank, the firm -- the board that you
11 chaired used Heidrick, didn't it?

12 CHAIRMAN LEVI: Yes.

13 MR. STRICKLAND: Yes, we did. And we also
14 contacted --

15 CHAIRMAN LEVI: And Isaacson, Miller.

16 MR. STRICKLAND: -- two other firms. One was
17 called Korn/Ferry, K-o-r-n, Korn/Ferry.

18 CHAIRMAN LEVI: Right.

19 MR. STRICKLAND: And the other one -- Vic,
20 help me with this one -- it's in Boston.

21 MR. FORTUNO: Isaacson, Miller.

22 CHAIRMAN LEVI: Isaacson, Miller.

1 MR. STRICKLAND: Yes.

2 CHAIRMAN LEVI: Now, Martha, you had a name,
3 also.

4 DEAN MINOW: Yes, I do. So do we send -- we
5 actually do send this out to actual firms, as opposed to
6 simply post it somewhere?

7 CHAIRMAN LEVI: Yes. We do both.

8 DEAN MINOW: I see. So I would suggest
9 sending it to -- I'll send you the name. It's here in
10 Wilcox, an IM Search.

11 CHAIRMAN LEVI: There's also a big legal
12 search firm -- I believe they're still in business --
13 Major, Africa and --

14 MS. COHAN: Hagan?

15 CHAIRMAN LEVI: Yes. But I think, in the
16 interests of the public here, that it ought to be posted
17 on the website and available with some note that --

18 MR. STRICKLAND: John, we're having trouble
19 hearing you.

20 CHAIRMAN LEVI: I said I think it should be
21 posted on our website and made more generally available
22 in some published way.

1 MR. FORTUNO: We can probably issue a press
2 release that won't get too much coverage, but at least
3 it's out there in addition to being on our website, and
4 of course, target any firms whose names are submitted to
5 us by members of the search committee or advisory
6 committee members. And we can go ahead and send out to
7 specific firms whose names we get from you.

8 So that should give us a pretty good turnout.

9 I think it's a limited universe of prospects here, and
10 I think we're probably able to identify a good half-
11 dozen to a dozen. And then the posting on our website
12 and issuing a press release may possibly generate
13 another one. But I suspect that the universe is going
14 to be relatively small.

15 CHAIRMAN LEVI: Any other --

16 MR. STRICKLAND: To start with, it has to be
17 somebody who does work in the nonprofit area --

18 CHAIRMAN LEVI: Right.

19 MR. STRICKLAND: -- it seems to me, just to be
20 familiar with that market.

21 CHAIRMAN LEVI: Right.

22 DEAN MINOW: The one I'd mentioned -- it's

1 Martha again -- is Isaacson, Miller.

2 CHAIRMAN LEVI: Yes. We are sending there.

3 DEAN MINOW: It's probably too expensive to
4 put an ad in the Chronicle of Philanthropy, but it would
5 be great to get a story in there, which doesn't cost
6 anything.

7 CHAIRMAN LEVI: That's a great suggestion.

8 MR. FORTUNO: In fact, I'll have Steve Barr
9 look into that right now.

10 CHAIRMAN LEVI: And see if there's any other
11 like journal. If we don't get sufficient proposals, we
12 can always extend the date. But I hope we can get some
13 competition here.

14 Any other issues on that? Are we good?

15 MR. STRICKLAND: I have one or two
16 typographical suggestions in the notice itself, if I
17 might --

18 CHAIRMAN LEVI: Yes, please.

19 MR. STRICKLAND: -- cover those. On page 3,
20 under paragraph B, "for ensuring a diverse applicant
21 pool." Mine shows "an diverse applicant pool."

22 MS. COHAN: I'm sorry. Can you repeat what

1 page that was?

2 CHAIRMAN LEVI: Page 3.

3 MR. STRICKLAND: Did you get that one?

4 CHAIRMAN LEVI: No. I don't think she's found
5 it.

6 MS. COHAN: No.

7 MR. FORTUNO: What's the heading?

8 CHAIRMAN LEVI: Somebody's really --

9 MS. COHAN: Paragraph B?

10 MR. STRICKLAND: I'm not hearing you guys.

11 CHAIRMAN LEVI: Somebody's breathing heavily
12 into the phone. If they can back away from it just
13 slightly. Okay. Yes.

14 MS. COHAN: Oh, I got it. Thank you.

15 CHAIRMAN LEVI: Next one, Frank.

16 MR. STRICKLAND: Okay. And then -- let's see
17 if I can find them. Bear with me one minute here.
18 Okay. I guess at the bottom of page 1, third line from
19 the bottom, I would suggest a small "i" in the word
20 "interim."

21 CHAIRMAN LEVI: Okay. That's through.

22 MR. STRICKLAND: Okay? Those are all my

1 corrections.

2 CHAIRMAN LEVI: Any other changes?

3 MS. WEIR: This is Deierdre. I just have a
4 question. At the top of page 5, where it talks about --
5 No. V(A), it talks about providing copies, and it says
6 five. Will the advisory committee members get a copy of
7 the proposals?

8 CHAIRMAN LEVI: Yes.

9 MS. COHAN: Yes. So we can either ask people
10 to provide more copies or we can make them.

11 CHAIRMAN LEVI: We'll make the copies, or we
12 may e-mail them to you. More likely we'll PDF them.

13 MS. COHAN: Yes.

14 MS. WEIR: Okay.

15 MS. COHAN: My only question is there were
16 some other dates. Do you want to put target dates in or
17 not?

18 CHAIRMAN LEVI: I think, at this juncture, we
19 need to be guided by them.

20 MS. COHAN: Okay.

21 CHAIRMAN LEVI: I'd like to see what they
22 propose rather than proposing it for them.

1 MR. STRICKLAND: To minimize our own staff
2 work, it could be we ought to take a head count of the
3 number of people on the committee and others, and
4 request that many copies of the proposal. It's not
5 uncommon for them to put these in a ring binder. What
6 does everybody else think?

7 CHAIRMAN LEVI: Well, this is just the
8 proposal, Frank. This is just the proposal from the
9 search firm, not ultimately what they do when they've
10 got candidates and they're sending out. Then we'll want
11 a book for everybody.

12 MR. STRICKLAND: Right.

13 CHAIRMAN LEVI: Okay? But this is just for
14 the proposal from the search firm. And I think we'll
15 probably PDF that around to people.

16 MR. STRICKLAND: Okay.

17 MR. JEFFRESS: Have them mail it
18 electronically to you.

19 CHAIRMAN LEVI: Well, that's what we'll
20 probably do.

21 A couple of other things that I want to say on
22 the front end here. Occasionally we'll have to have an

1 executive session, maybe. I don't know whether we will.

2 But if we do, an executive session, in my vernacular,
3 means the five people who are the voting members.

4 More often than not, because we're not going
5 to be actually deliberating and deciding anything, we
6 will have closed session of the search committee when we
7 have to, and that includes the five advisory members.
8 When we have to have a public session because we need to
9 decide something, then we will announce those in the
10 Federal Register and we'll agree on a calendar. But
11 that's going to take some time as we ramp up the search.

12 So I do want to be mindful of people's
13 schedules and travel and try to figure out ways in which
14 we can have these search meetings by phone more often
15 than not. But if some of you happen to be -- if we set
16 it up correctly, maybe a few of you will at the in
17 Chicago at some point because Laurie and I are there.
18 Martha's going to be there on the 10th of May.

19 I'm thinking if maybe we get some response by
20 then, we could have a shot call just to say, here's
21 where we are and here's where we aren't. And after
22 that, we'll come up with a schedule that tries to take

1 advantage of our board minutes and people's whereabouts.

2 Any other public comment? I guess actually we
3 didn't consider and act on the draft. Maybe I need a
4 motion to approve it and --

5 M O T I O N

6 DEAN MINOW: So moved.

7 CHAIRMAN LEVI: Second?

8 MR. MADDOX: Second.

9 CHAIRMAN LEVI: In favor?

10 (A chorus of ayes.)

11 CHAIRMAN LEVI: Okay. It carries.

12 Any further public comment, since I made the
13 public comment before the motion?

14 MR. DE LA TOUR: Public comment about the
15 motion or in general?

16 CHAIRMAN LEVI: In general.

17 MR. DE LA TOUR: Can everyone hear me all
18 right?

19 COMMITTEE MEMBERS: Yes.

20 MR. DE LA TOUR: Good. My name is David de la
21 Tour. I've worked at LSC for 22 years. I'm currently
22 one of the interim elected union leaders. And the

1 membership asked me to call and participate in this
2 meeting today to make you all aware of a couple of brief
3 things regarding the search process.

4 And we recognize that you all -- we welcome
5 the new people again. We recognize you all are here
6 quickly and moving fast, and that we have a pending
7 request just to talk about a few things, and that we
8 haven't all had time yet to do that. This was one of
9 those things.

10 It is a very strong belief on behalf of the
11 majority of staff that it would be in LSC's best
12 interests to add an advisory committee member who is a
13 representative from or of the union. We recognize in
14 the resolution that it says that no one should be an LSC
15 staff person.

16 We did some research on that and found that
17 that was a policy that was adopted by LSC. We really
18 didn't find whether that was a prohibition. However,
19 what we wanted to also let you be aware of is that if
20 that were indeed something you wanted to stay with, we
21 could have a person who's not an employee represent the
22 union as one of the advisory members.

1 And we think that this would be something we
2 don't expect you to decide right now, but we'd like you
3 to seriously consider. Okay? Thank you very much.

4 CHAIRMAN LEVI: Any other public comment?

5 (No response.)

6 CHAIRMAN LEVI: I will make an initial
7 reaction, even though I will take the --

8 MR. MADDOX: John, I'm sorry. I cannot hear
9 you.

10 CHAIRMAN LEVI: I wonder why we can hear David
11 de la Tour? Isn't he in the same building? Can you
12 hear me now?

13 MR. MADDOX: That's better.

14 CHAIRMAN LEVI: Well, I'm right up against
15 this, leaning over the -- all right. I have conducted
16 searches in prior iterations where there were unionized
17 members of the faculty.

18 And the search committee -- you know, normally
19 a search is done by the board, and there are appropriate
20 ways for employees to have input through the process of
21 interviewing and when candidates are being selected.
22 And the search firm itself, in my view, has a

1 responsibility to talk to people in the building
2 generally. But it would be -- it's fairly unusual to
3 have membership of that kind on a search committee.

4 I should also say that at the moment, we have
5 five advisory members and five board members. And to
6 me, the notion of having -- I think that's a nice
7 balance.

8 But that's my initial impression, but I will -
9 - and I'm sure the rest of my colleagues on here may
10 have a reaction or two. We'll take it under advisement,
11 but that's my --

12 MS. MIKVA: Mr. de la Tour? This is Laurie
13 Mikva speaking. I'm wondering whether the union could
14 give us some suggestions for how you could have input
15 other than being on the search committee. I think that
16 might be helpful in the event that the decision is made
17 not to add one of you to the advisory panel.

18 MR. DE LA TOUR: We would be welcome to do
19 anything that would facilitate more open communication.

20 However, we don't know enough about the process, I
21 believe. I'll take that back to the membership, but I'm
22 not sure we know enough about the process right now to

1 know how we co.

2 Now, I just heard a suggestion about
3 interviewing. That would be brand-new for LSC.
4 Typically, people have just been sprung on staff, and I
5 think that -- and in great secrecy, as well. So I think
6 anything that would be more open that would involve
7 staff in the process, again, would be to the benefit of
8 LSC because, as you all learn what has been occurring, I
9 think that we're all looking for different leadership.

10 The other thing I just should mention, and it
11 is a common belief of staff, is that because the
12 advisory committee includes persons outside of LSC, that
13 makes people feel even moreso that the staff of LSC
14 should be somehow included formally in the process.

15 CHAIRMAN LEVI: Well, I guess historically --
16 we're observing a sort of historical precedent here,
17 that the ABA committee and NLADA have had
18 representatives on the search committees for LSC prior
19 to this time. And that's --

20 MR. DE LA TOUR: And we have no problem with
21 that, yes. But we believe that's even moreso a case for
22 people working at the Corporation to have a voice as

1 well.

2 CHAIRMAN LEVI: Any other comment?

3 (No response.)

4 CHAIRMAN LEVI: Any other business?

5 (No response.)

6 CHAIRMAN LEVI: Can I have a motion to

7 adjourn?

8 M O T I O N

9 DEAN MINOW: So moved.

10 MS. MIKVA: Second.

11 CHAIRMAN LEVI: Thanks very much, everybody.

12 COMMITTEE MEMBERS: Thank you.

13 (Whereupon, at 3:28 p.m., the search committee

14 was adjourned.)

15 * * * * *