

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
PROVISION FOR THE DELIVERY
OF LEGAL SERVICES COMMITTEE

Friday, January 30, 2009

1:04 p.m.

Legal Services Corporation
3333 K Street, N.W.
3rd Floor Conference Center
Washington, D.C.

COMMITTEE MEMBERS PRESENT:

Sarah Singleton, Acting Chairman
Thomas Fuentes
Michael D. McKay
Bernice Phillips-Jackson
Frank B. Strickland, ex officio

OTHER BOARD MEMBERS PRESENT:

Jonann C. Chiles
Herbert S. Garter
Thomas R. Meites

STAFF AND PUBLIC PRESENT:

Helaine M. Barnett, President
Victor M. Fortuno, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary
Karen J. Sarjeant, V. P. for Programs and Compliance
Jeffrey E. Schanz, Inspector General
Joel Gallay, Special Counsel to the Inspector General,
Office of the Inspector General
Laurie Tarantowicz, Assistant Inspector General and
Legal Counsel, Office of the Inspector General
Thomas Hester, Associate Counsel, Office of the
Inspector General
Thomas Coogan, Assistant Inspector General for
Investigations, Office of the Inspector General
Dan Sheahan, Program Evaluation Analyst, Office of the
Inspector General
John Constance, Director, Government Relations and
Public Affairs Office
Stephen Barr, Media Relations Director, Government
Relations and Public Affairs Office
Treefa Aziz, Government Affairs Representative,
Government Relations and Public Affairs Office
Curtis Goffe, Program Counsel III, Office of Compliance
and Enforcement
John Meyer, Director, Office of Information Management
Hana Bae, Office of Legal Affairs
Alice Dickerson, Director, Office of Human Resources
Cynthia G. Schneider, Deputy Director, Office of
Program Performance
Michael A. Genz, Program Counsel III, Office of Program
Performance
Stephanie Edelstein, Program Counsel III, Office of
Program Performance
Charles "Chuck" Greenfield, Program Counsel, Office of
Program Performance
Brenda Ford Harding, Neighborhood Legal Services
Program, Washington, D.C.
Diane Kutzko, Board of Directors Member, Iowa Legal Aid
Linda Perle, Center for Law & Social Policy (CLASP)
Don Saunders, National Legal Aid and Defenders
Association (NLADA)
Les Jin, Standing Committee on Legal Aid & Indigent
Defendants (SCLAID), American Bar Association

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1 P R O C E E D I N G S

2 (1:04 p.m.)

3 CHAIRMAN SINGLETON: I am chairing this
4 committee meeting in the absence of Professor Hall, at
5 his request.

6 Our first order of business is approval of
7 agenda. Does anyone have any changes to suggest to our
8 agenda?

9 M O T I O N

10 MR. MCKAY: So moved.

11 CHAIRMAN SINGLETON: Second?

12 MR. FUENTES: Second.

13 CHAIRMAN SINGLETON: The agenda has been moved
14 for approval, as submitted.

15 All in favor say aye.

16 (A chorus of ayes.)

17 CHAIRMAN SINGLETON: Opposed?

18 (No response.)

19 CHAIRMAN SINGLETON: The agenda is approved.

20 The second order of business are the approval
21 of the minutes from the committee's October 31st
22 meeting.

1 Does anyone have any changes to suggest to the
2 minutes?

3 M O T I O N

4 MR. FUENTES: Move approval.

5 MR. MCKAY: Second.

6 CHAIRMAN SINGLETON: All right. It's been
7 moved and seconded that we approve the minutes as
8 submitted.

9 All in favor say aye.

10 (A chorus of ayes.)

11 CHAIRMAN SINGLETON: Opposed?

12 (No response.)

13 CHAIRMAN SINGLETON: The minutes of October
14 31, 2008 meeting of the committee are approved.

15 We now turn to a staff update on activities
16 implementing the LSC Private Attorney Involvement
17 Action Plan, short title.

18 MS. SARJEANT: Help Close the Justice Gap --
19 Unleash the Power of Pro Bono.

20 CHAIRMAN SINGLETON: Yes. Right.

21 MS. SARJEANT: Thank you. I'm Karen Sarjeant,
22 vice president for programs and compliance at LSC. And

1 I'm pleased to have with me today to do the staff
2 update Stephanie Edelstein, who is a program counsel in
3 the Office of Program Performance, and who leads the
4 PAI advisory group, workgroup, within the Corporation,
5 and has been doing a lot of the substantive work on the
6 PAI initiative.

7 So at this point I'd like to turn this over to
8 Stephanie to do the PAI update.

9 MS. EDELSTEIN: Thank you, Karen.

10 What I'd like to do first -- good afternoon,
11 by the way -- is to highlight some of the recent staff
12 activities which are also in the president's written
13 report, and then to spend some time discussing the
14 proposed LSC board honor roll, which has a longer name
15 which I'll get to when we get to that discussion, and
16 then give you a couple of brief reports on a new
17 initiative, the PAI advisory group, and then a little
18 update on some activities that President Barnett has
19 been doing around law schools.

20 So first for the update. Staff continues to
21 work to implement the board's action plan for private
22 attorney involvement by encouraging programs to enhance

1 their PAI activities. So far, 99 grantee program
2 boards have adopted resolutions that are patterned on
3 the LSC board's PAI resolution, the one that you all
4 adopted in April 2007. And they've modified those to
5 suit the needs of their service areas.

6 And I thought that I would share with you an
7 interesting observation from some of the executive
8 directors as they've been going through that process,
9 which is that the process itself has led to discussions
10 among the board members and with the executive
11 directors on just what the role of the board is in
12 enhancing the program's involvement with the private
13 bar, and really encouraging a recognition that it's not
14 just a staff responsibility, but that the boards of our
15 programs also have the responsibility to maintain those
16 relationships on behalf of the program with the private
17 bar. I thought that that was a very interesting
18 development that we're seeing that we didn't really
19 expect, so that was good.

20 Since the last --

21 CHAIRMAN SINGLETON: Could you remind us what
22 percent of our boards are attorneys? Of our grantees'

1 boards are attorneys?

2 MS. EDELSTEIN: Sixty --

3 MS. SARJEANT: At least 60 percent.

4 CHAIRMAN SINGLETON: Okay. Thank you.

5 MS. EDELSTEIN: Yes. Since the last board
6 meeting, just a few activities that staff have been
7 engaged in.

8 We've been reviewing the PAI plans that were
9 submitted as part of the 2009 competition and grant
10 renewal process.

11 We have been assessing PAI activities during
12 program visits. Those of you who were here this
13 morning heard a description of the OPP side of those
14 program visits.

15 When we go out to programs, we will also, if
16 there are notable initiatives, bring those back to LSC
17 and recommend that they be included in the LSC Resource
18 Initiative, the LRI, on our website.

19 At NLADA in November, we sponsored a workshop
20 that highlighted the work of three of our grantees and
21 their private attorney involvement programs, and we
22 have now begun preparation for similar workshops at the

1 equal justice conference.

2 So those are some of the highlights of some of
3 the staff activities. Now -- oh, no. One more. One
4 more, excuse me. One more is the National Pro Bono
5 Celebration. Those of you who are involved in ABA
6 activities have probably already heard of this. You
7 may already have your pins that say National Pro Bono
8 Celebration.

9 This is an initiative that is cosponsored by
10 the ABA and in which LSC will be encouraging programs
11 to participate. I have been joining in the planning
12 calls for the National Pro Bono Celebration, which is
13 scheduled for October 25 through 31, 2009.

14 And what the goal is is to have a structure
15 similar to Law Week, where the ABA and other sponsoring
16 organizations will provide -- on a national level
17 provide resources, materials, some ideas for what bar
18 associations, law schools, legal services programs can
19 do on the state and local level, but let them create
20 the projects on the local level, with the ABA materials
21 being the support and providing the resources.

22 So what we will do is make sure that our

1 programs are aware of the celebration, and we'll make
2 sure that they get access -- have access to the
3 resources that are available, and will encourage them
4 to participate in whatever is going on at the state and
5 local level.

6 I was just looking, actually, at the ABA
7 listserv -- excuse me, website -- and at the lists of
8 who all is participating, and I do see that there are
9 some LSC-funded programs who are already listed as
10 being participants on the local level in those
11 activities.

12 One of the primary topics for discussion, or
13 actually the primary topic for discussion today, is the
14 honor roll. And you should have before you a handout,
15 which is a discussion draft for what we have been
16 calling in shorthand the honor roll. But I will give
17 you the long name, which is the LSC Board of Directors
18 Honor Roll for Outstanding Private Attorney
19 Involvement. Does everybody have that? Okay.

20 CHAIRMAN SINGLETON: I think that we got it
21 last night at the hotel. So you should look in the
22 materials that you received when you checked in.

1 MS. EDELSTEIN: It looks like this. Yes. It
2 does have -- oh, it has a longer title even than the
3 one I just gave you. So the title is the LSC Board of
4 Directors Honor Roll for Outstanding Private Attorney
5 Pro Bono Involvement with LSC-Funded Programs. We may
6 have an acronym for that one day, but we don't right
7 now.

8 What this is is it's a project that would
9 build upon this board's PAI action plan and the board's
10 resolution, and upon the program letter, all of which
11 acknowledge the importance of recognizing private
12 attorneys who volunteer with our programs. We all
13 understand the importance of recognition, which is both
14 to express appreciation for the individual who has
15 given of their time and their effort, but also to
16 encourage others to participate.

17 This board already, when you go out and meet
18 at programs on a local level, are doing that by
19 recognizing the contributions of the five local
20 attorneys to the work of the host program. But the
21 program is that with doing that, you're still limiting
22 the number of attorneys whom you can recognize.

1 SO the honor roll is a proposal that would
2 expand the number of volunteers who the board
3 recognizes for their service, but the goal is still to
4 keep it as a select group, those whose contributions to
5 our programs have been truly outstanding.

6 The challenge with this is how to provide this
7 wider recognition without duplicating the myriad of
8 state and local awards that are already given to
9 volunteer attorneys, and also how to -- what to do in
10 terms of the resources, the LSC resources, that would
11 go into having such an award.

12 Oops -- flying paper clips here -- so moving
13 on to the discussion draft, what you'll see is that
14 we're suggesting that each program be limited to making
15 one nomination for the honor roll. This would be their
16 most outstanding volunteer. The nominee could be an
17 individual attorney, a law firm, a corporate counsel
18 office, a law school clinic, or another entity.

19 On page 2 of the handout, what you'll see is
20 some proposed language for eligibility guidelines for
21 this honor roll. The goal is to honor those who have
22 made outstanding contributions to the provision of pro

1 bono legal services, but we want to give the nominators
2 some flexibility in -- we want to establish guidelines,
3 but give them some flexibility.

4 So the suggested guidelines, eligibility
5 guidelines, would call for nominations of people who
6 have made contributions in one or more of the following
7 ways. And I'm afraid I'm a little low tech here so that
8 I don't have it up on the board, but you do have it
9 before you.

10 Those who have demonstrated unwavering
11 commitment to the work of the nominating program by
12 participating in an exceptional number of pro bono
13 cases. Those who have taken difficult or complex
14 cases, or who have accepted cases on an emergency basis
15 and with little notice, or who have successfully
16 handled a pro bono case or cases that had a significant
17 favorable impact on the low income community as a
18 whole. That would be one category.

19 Another category: Person or entity who
20 significantly contributed to the nominating program's
21 ability to deliver legal services by providing
22 training, mentoring, or other support to program staff

1 or to other pro bono attorneys.

2 There are some volunteer attorneys who give of
3 their time by mentoring other volunteers or mentoring
4 the program staff; or somebody who played a leading
5 role in promoting and enhancing private bar pro bono
6 activities with the nominating program by engaging in
7 an activity that resulted in addressing previously
8 unmet legal needs; or contributing to the development
9 and implementation of an innovative approach to the
10 delivery of legal services or to access to justice.
11 And again, those who are making the nominations could
12 select one or more of those categories. It wouldn't
13 have to be limited.

14 The discussion draft also emphasizes that in
15 selecting a nominee, programs should be considering the
16 needs of their clients and the resources of their own
17 service areas. For example, you might have a small
18 rural program that doesn't have nearly as many
19 volunteers as you'd find in a large urban area or a
20 statewide program where there are the large law firms
21 with lots of resources. And the volunteers themselves
22 may not have the same resources to bring to the

1 program.

2 We don't want those individuals to be somehow
3 competing against each other for the same kind of --
4 for this recognition. The goal is to provide national
5 recognition to those whose efforts have been
6 outstanding on the local level, given the circumstances
7 of the service area.

8 In looking at those individual circumstances,
9 we do make suggestions for consideration: the total
10 number of hours that a volunteer may have given; the
11 complexity of the cases handled; the significance of
12 the contribution; the volunteer's willingness to assist
13 whenever asked; the person who is always there when the
14 program calls them and says, yes, I will take that
15 case; and the volunteer's inspiration to others. And
16 these last categories would really be just suggestions
17 as part of the nominating process.

18 CHAIRMAN SINGLETON: Stephanie?

19 MS. EDELSTEIN: Yes?

20 CHAIRMAN SINGLETON: Can I ask? Do you want
21 questions as you go along, or you want to wait?

22 MS. EDELSTEIN: Can we wait just one second?

1 CHAIRMAN SINGLETON: Sure.

2 MS. EDELSTEIN: Is that okay? Okay. Just to
3 let you know, the second part of the handout, which
4 begins on page 4, is the nomination form. And it
5 basically just mirrors the description of the process
6 except for one thing. It requests a very brief
7 250-word rationale for the nomination.

8 Sarah, before I get to your questions, I have
9 questions I'd like to pose to all of you -- they may be
10 the same questions, where we'd really like your input
11 on first the overall concept and then the particular
12 questions.

13 Are the guidelines, the proposed guidelines,
14 appropriate?

15 We suggest limiting the nominees to one per
16 program. Would that work?

17 Of those who are nominated, how many would
18 then be selected for the honor roll?

19 And a little information here. We don't have
20 this year's figures yet on how many attorneys volunteer
21 with our programs. But in 2007, 31,000 attorneys
22 volunteered with our programs. If each program were to

1 make one nomination, we would have then no more than
2 137, which is still a very select group.

3 Should we narrow that even more? And if we do
4 that, how would we do it? And what would be the
5 process?

6 And very importantly, what would be the
7 board's role and the staff's role in doing that? Going
8 back to the rather lengthy title, you'll notice it does
9 say that it's the board's award, it's the board's honor
10 roll, because this is something that the LSC board
11 would be making.

12 And finally, when we publicize -- you heard
13 this morning about all of the efforts of LSC's staff to
14 publicize the good work of our programs -- we would
15 also want to publicize the good work of the volunteers.

16 So the questions would then be: How would we go about
17 doing that?

18 There ends the presentation. Questions?
19 Sarah?

20 CHAIRMAN SINGLETON: Herb, do you have a
21 question?

22 MR. GARTEN: Yes. I don't mind you going

1 first, though, Sarah.

2 CHAIRMAN SINGLETON: No. Go ahead.

3 MR. GARTEN: Are you familiar with the
4 background of perhaps two years ago, where we wanted to
5 proceed with the ABA on a national pro bono award, and
6 we ran into what I'll call a jurisdictional dispute?
7 And so the ABA is moving ahead with the program that
8 you have just reported to us on.

9 So now you've come up with a different name, a
10 different approach, an honor roll rather than an award
11 itself. Knowing about this background, does the ABA
12 group approve of you moving forward with this type of
13 an award, or do they have a problem with it?

14 MS. EDELSTEIN: I'm not --

15 MR. GARTEN: They basically said that they had
16 the right --

17 MS. EDELSTEIN: They are aware. Right.

18 MR. GARTEN: -- they had the established
19 rights to a national pro bono award, and they went
20 ahead on their own, although the idea originated with
21 this board.

22 MS. EDELSTEIN: I'm not sure that the national

1 pro bono celebration will include an award. I haven't
2 heard that discussed on any of the calls. This
3 wouldn't be a joint award. As I recall, one of the
4 concerns with the -- the discussions a couple of years
5 ago was that it would be a joint ABA/LSC award, and
6 that didn't --

7 CHAIRMAN SINGLETON: Fly?

8 MS. EDELSTEIN: There you go.

9 MR. GARTEN: Well, we basically bowed out. We
10 basically bowed out.

11 MS. EDELSTEIN: But I'm not sure. I've not
12 heard in any of my discussions of any opposition to
13 doing something along these lines. It would be
14 recognizing, from our programs, the volunteers who work
15 with LSC-funded programs specifically.

16 MR. GARTEN: Yes. Well, I would like to see
17 it identified as a national award. And I don't know,
18 putting it in this context, would there be any
19 objection to that? You've got a very long name here,
20 from a marketing standpoint.

21 Is there an intent to do this on an annual
22 basis?

1 MS. SARJEANT: I think that's one of the
2 questions that we would ask the board whether they
3 wanted to do this on an annual basis. This came out of
4 earlier discussions at the provisions committee, and
5 this was seen as an LSC board honor roll.

6 So I think that's up to your desires about
7 whether you think you would want to be involved in an
8 award process on an annual basis, or every two years,
9 or some other length of time.

10 MR. GARTEN: I think the first order of
11 business is the ABA is a big supporter of LSC. They're
12 moving ahead on their own. And if this in any way
13 interferes with what they are planning to do, where
14 they have any objections to it, we should know that
15 right from the start.

16 CHAIRMAN SINGLETON: Well, can we task someone
17 to just find out if they have objections so we could at
18 least consider that? I don't know that would mean we
19 shouldn't do it or not, but Herb would like to know
20 what their position is.

21 MR. GARTEN: We wasted a lot of time
22 previously on this matter, and I would hate to see that

1 happened again.

2 MS. SARJEANT: We can certainly have those
3 discussions with them and find that out.

4 CHAIRMAN SINGLETON: And report back to us in
5 April? Karen, could you do that?

6 MS. SARJEANT: Sure.

7 CHAIRMAN SINGLETON: Just so we can --

8 MS. SARJEANT: We could certainly do that.

9 CHAIRMAN SINGLETON: All right.

10 MR. GARTEN: And in the meantime, Sarah, we
11 can certainly consider whether this honor roll is a
12 continuing one, a one-time endeavor --

13 CHAIRMAN SINGLETON: Herb, I think we ought to
14 try to provide a preliminary answer on all of the
15 questions that Stephanie asked, or determine that the
16 board needs more time to consider them. And why
17 don't -- do you care if we take them now, take them up
18 now?

19 All right. Correct me if I'm wrong, but as I
20 noted them, the first issue was: Does it seem
21 appropriate to have one nomination per program, per
22 grantee? I mean, it seems like it would be unworkable

1 if it was more.

2 MR. FUENTES: I have a comment to that, just
3 from personal experience. I sit on a foundation board
4 as a trustee, and we give about 100 campus college
5 scholarship awards per year. And for that 100, we get
6 about 400 applications. And we have three trustees who
7 sit on the committee to judge.

8 And it is weeks and weeks and weeks of work to
9 get to 100 quality award recipients, sorting them out.

10 I just wonder what mechanism we're putting in place
11 here, who's going to do this amount of work. 137
12 awards?

13 CHAIRMAN SINGLETON: I know that I have sat on
14 ABA committees that give out comparable type awards
15 where people tender an application saying why their
16 program is the best of whatever it is the award is
17 being given for. And it does take a lot of work to
18 read through the applications.

19 And what's even worse, you really don't know
20 if you're comparing apples to oranges because you have
21 no personal knowledge of what's going on on the ground,
22 which kind of gets to one of my questions. You say

1 we're going to compare people to others in their
2 service area. But the staff might know other people in
3 their service area; I don't know how the board is going
4 to know that.

5 MS. SARJEANT: Actually, let me try to clear
6 up a couple of points here.

7 CHAIRMAN SINGLETON: Okay.

8 MS. SARJEANT: If we have 137 -- if each
9 program makes one nomination, then it was our intent
10 that that would form the honor roll. There would not
11 be a further kind of deselection of people out of that
12 137. And the other --

13 CHAIRMAN SINGLETON: Oh, that didn't come
14 across at all to me. I'm sorry.

15 MS. SARJEANT: Okay. That's what we meant,
16 for just that reason. And that is we do not have the
17 kind of information that we could make a decision and
18 judge between attorneys on the local level. That's
19 what we would want the program to do.

20 CHAIRMAN SINGLETON: What is the blank on page
21 1 for, then?

22 MS. SARJEANT: Because we thought we would

1 leave the decision on whether it is an honor roll of
2 137 or whether it is an honor roll of 10 or 15 to your
3 discussion. That's what that blank is for, is for the
4 number that goes in there.

5 And that allows the nominating program to make
6 a decision based on the situation in their service area
7 as opposed to having us judge between a small rural
8 program, or someone who's being proposed from that
9 service area, and someone who's being proposed from
10 just --

11 CHAIRMAN SINGLETON: That certainly shifts the
12 burden.

13 MS. SARJEANT: Yes.

14 CHAIRMAN SINGLETON: That certainly shifts the
15 burden that Mr. Fuentes and I were worried about.

16 MS. SARJEANT: Well, we were worried about
17 that also in terms of having a smaller number that
18 would require a lot of a selective process by staff or
19 board. And then there were other issues that we had in
20 terms of the staff being involved in that process to
21 any great degree because we're providing oversight on
22 the programs' PAI activities.

1 CHAIRMAN SINGLETON: Well, then, let me ask
2 you if the question before us was: Is the limitation
3 of one per program appropriate? And then we also heard
4 how many people are to be recognized. So I guess it
5 could be less than one per program. What would be the
6 criteria for making it less than one per program?

7 MS. SARJEANT: I think the criteria would be
8 if a program decided that they didn't want to submit
9 somebody, then they wouldn't have to.

10 CHAIRMAN SINGLETON: So the issue to us is:
11 Should it be voluntary?

12 MS. SARJEANT: It will be voluntary, I think.

13 CHAIRMAN SINGLETON: Right. Okay.

14 MS. SARJEANT: Yes, I don't think we can make
15 this a mandatory award.

16 CHAIRMAN SINGLETON: Well, then, just tell me:
17 What is the question to us? It's either 137 or we
18 don't do it, based on the way you're presenting it now.

19 MS. SARJEANT: Well, the reason it was raised
20 like this is that at the last provisions committee
21 meeting, there was some interest raised in the honor
22 roll being more selective than one per program.

1 CHAIRMAN SINGLETON: Is there still interest
2 in making the honor roll be more selective than one per
3 program? First let me go to Mr. Fuentes because I saw
4 his red light first.

5 MR. FUENTES: I'll defer to beauty.

6 MR. GARTEN: No, no. Tom, you're first.

7 MR. FUENTES: Thanks, Herb. I'm concerned
8 that, you know, we're going to have our name on this as
9 a national board. It's going to be our award. But
10 it's not really our award. It's whoever sends in a
11 name, and we don't have any way of judging this. And I
12 wouldn't want to burden the staff here with the
13 responsibility of processing 137 or 437 applications.

14 As presently constituted, I just don't quite
15 understand how it's going to work other than, okay, so
16 we buy a box of pins and we send a pin to every
17 executive director and say, pin it on somebody in your
18 community in our name. But that's not really an award
19 of this board.

20 MS. SARJEANT: Well, actually, there is a way
21 to involve the board in the process of reviewing who's
22 been nominated if the board chose to take that on.

1 Because there could be a review, and there should be a
2 review, of who's been nominated. Do they meet the
3 criteria? What is it they've done? And I think the
4 only way -- at least the way we have proposed it to
5 you, the only way you wouldn't select somebody is if it
6 was so clear that they didn't meet any of these pretty,
7 you know, expansive criteria.

8 MR. FUENTES: But in reality, we really don't
9 have any role in selecting them.

10 MS. SARJEANT: That's true.

11 MR. FUENTES: And, you know, it's kind of a
12 mean trick, too, if we were to set this up as we're
13 going out the door and say to the next board, do it. I
14 just -- I've been through this experience with this
15 other situation, and there's an awful lot of work if
16 you're going to do something noble and something
17 proper.

18 CHAIRMAN SINGLETON: Yes, Mr. Garten?

19 MR. GARTEN: I presume that what you're
20 considering would be supplemental or in addition to the
21 awards we give when we go visit and have board meetings
22 throughout the country?

1 MS. SARJEANT: Yes.

2 MR. GARTEN: I consider that program very
3 successful and meaningful at a local level. And we've
4 seen it when the awards are given at these meetings.
5 So I would hate to detract from that. Maybe you ought
6 to consider that the honor roll would be a compilation
7 of all the awards that have been given to date in that
8 fashion. I'd just throw that out.

9 And I concur with Tom's comments about what
10 you're proposing here. A lot of thought has to be
11 given to it. And again, whatever we do, we certainly
12 should talk to the ABA people and make sure it doesn't
13 conflict with what they're doing and they have no
14 problems with it.

15 But consider the honor roll based upon past
16 recipients and future recipients, and maybe that would
17 be a good perch.

18 CHAIRMAN SINGLETON: Mr. Fuentes?

19 MR. FUENTES: I do have one reflect more, and
20 that is that Helaine, you came to our community and we
21 had that lovely evening together. It wasn't long after
22 I had my transplant, so I wasn't plugged in to any of

1 that preparation. I was just there that evening with
2 you.

3 But awards were given that evening. You
4 presented one of them at the podium. And it seemed
5 like a very refined and fine process, and had enormous
6 prestige, and had a proper audience, and really was
7 something. And of course, with the president of the
8 Corporation there, it added great national prestige to
9 a big gathering.

10 How did they get to that evening in terms of
11 those award selection, et cetera? And then you were
12 there in the name of LSC, so appropriately it would be
13 wonderful if we could give awards like that out. But
14 something less than that, I don't know that I'd be
15 enthusiastic about it. Can you tell us?

16 MS. BARNETT: I can tell you that I accepted
17 the award on behalf of LSC. We had no involvement in
18 the selection process. But our TIG program was
19 selected by whomever was making the selection process
20 for that dinner, and selected TIG, and I accepted on
21 behalf of the Legal Services Corporation.

22 MR. FUENTES: But the other recipients that

1 evening, there must have been --

2 MS. BARNETT: There must have been five.

3 MR. FUENTES: -- at least, yes, at least five.

4 MS. BARNETT: Right. I don't know.

5 MR. FUENTES: You don't know what the process
6 was?

7 MS. BARNETT: No, I don't.

8 MR. GARTEN: But my recollection is that staff
9 -- or you were relying on the local people to give you
10 suggestions as to who the --

11 MS. BARNETT: No. What Tom Fuentes is
12 referring to, LSC had no involvement in the selection
13 process. We were selected to be a recipient.

14 CHAIRMAN SINGLETON: But even when we go on
15 our program visits, don't we rely on the staff of the
16 local program?

17 MS. BARNETT: We certainly do. We certainly
18 do.

19 MR. FUENTES: The other recipients were
20 individual lawyers.

21 MR. GARTEN: Yes.

22 MR. FUENTES: And that's more the ones I was

1 questioning or asking about, how we got -- how that
2 evening got to come to honor those people. And it had
3 a marvelous tone and --

4 MR. GARTEN: I have always gone on the
5 assumption that the local people were the ones who
6 would make the recommendation to us for these
7 individuals award that you and David present, the
8 plaques that --

9 MS. BARNETT: That's absolutely true. On our
10 board visits, we ask the program to identify, and we
11 don't filter that at all. We present the awards on
12 behalf of the board to the individuals that the
13 programs have identified as providing exceptional
14 service to their clients.

15 CHAIRMAN SINGLETON: So in a way, this would
16 be the same thing except we wouldn't go on a program
17 visit and wouldn't do anything in the local community?

18 MS. BARNETT: Well, if the board decides to go
19 forward in some way with this concept, it's still up
20 for discussion what the recognition and celebration
21 would entail.

22 CHAIRMAN SINGLETON: All right. Well, I am

1 sensing some either unease or confusion with the
2 proposal that is before us, where the local programs,
3 in essence all 137 of them, would nominate one person.

4 And absent, you know, a felony conviction showing up
5 or something like that, we would just go along with
6 what they proposed.

7 MS. SARJEANT: If I may --

8 CHAIRMAN SINGLETON: Yes?

9 MS. SARJEANT: -- the awards that are done now
10 in conjunction with the board meetings are essentially
11 no different than what we're proposing. So what we're
12 talking about doesn't address the concern you raised in
13 terms of it not being a board selection.

14 This had come about as one of the activities
15 under the action plan to address the issue of
16 recognition that could be spread beyond where the board
17 goes for program visits. You know, it is simply
18 something that was presented to the board as an idea.
19 It absolutely does not have to be implemented if it's
20 not the board's desire.

21 CHAIRMAN SINGLETON: Well, does the committee
22 have a sense of what it would like to recommend to the

1 full board regarding this program?

2 MR. FUENTES: I think a little reflection and
3 further study, and maybe between now and the next
4 meeting we might have some ideas if it was to come
5 back. I'm not enthusiastic the way it is here
6 presented, and yet I am so enthusiastic about anything
7 this board can do to encourage pro bono.

8 And I wouldn't want this to be -- just because
9 the specifics of this at this moment aren't in order, I
10 sure wouldn't want you to interpret this that in any
11 way that we're not absolutely -- at least I am not
12 absolutely appreciative of anything that is creatively
13 offered to stimulate pro bono.

14 CHAIRMAN SINGLETON: All right. Let me see if
15 I can get a -- oh, go ahead, Mr. McKay.

16 MR. MCKAY: And I'm in agreement --

17 CHAIRMAN SINGLETON: Your mike isn't on, is
18 it?

19 MR. MCKAY: I believe it is, yes.

20 CHAIRMAN SINGLETON: Oh, okay. It doesn't
21 look red, Mike.

22 MR. MCKAY: Okay. It's on.

1 MR. GARTEN: Speak up, please.

2 MR. McKAY: Thank you. I'm in general
3 agreement with what Tom had to say. I think it's --
4 you know, anything that encourages pro bono
5 involvement, private attorney involvement, is great.
6 And giving out more awards, I think, is a good idea.
7 In many ways, though, it is singing to the choir. That
8 is, again, I think it's appropriate. It's appropriate
9 that those who do good work be honored.

10 But I wonder as I listen to your presentation
11 how those awards will encourage those attorneys who are
12 not involved to become involved. And so I would
13 encourage staff, as they work on this, to also continue
14 to think about innovative ways to get attorneys who
15 aren't involved involved.

16 And I know that's been a topic of discussion
17 by this committee and by the full board, but as I
18 listened to Mr. Barr this morning talking about how he
19 and his colleagues are using the internet and blogs and
20 e-mails to get our message out, I'm wondering if we
21 might want to go back and revisit that.

22 I mean, something that I've worried about for

1 my entire career is how you convince attorneys who have
2 never done pro bono work to do it because once you do
3 it, once you do it once, you realize how wonderful it
4 is, the reward. It's how richly rewarding it is for
5 the attorney to do it. But you've got to get them to
6 take that first step.

7 And so as I'm listening to Mr. Barr and
8 others, it seems to me we've got to be back to looking
9 at, you know, sending e-mails to the entire bar and not
10 just, you have to get your 15 hours in every year, but
11 try to find that very attractive way -- the same tools
12 are going to be employed during the Super Bowl on
13 Sunday to get people to purchase their products. Have
14 us be doing the same thing through the internet, which
15 is cheap, to get them to take that first step.

16 So I'd encourage us to think a little bit more
17 outside the box again to augment your efforts to get
18 attorneys who have not been involved to get them
19 involved.

20 CHAIRMAN SINGLETON: Mr. Meites?

21 MR. MEITES: If the provisions committee is
22 inclined to go in that direction, I would urge them to

1 consider inviting a representative of the ABA because
2 the ABA has spent a great deal of time and effort
3 trying to address exactly the problems that Mike just
4 raised. So if there's going to be another session, I
5 would urge that the provisions committee consider
6 getting an ABA representative from that area.

7 CHAIRMAN SINGLETON: Are there any other
8 comments on this proposal?

9 (No response.)

10 CHAIRMAN SINGLETON: Well, then, the summarize
11 what I believe I've heard the committee members suggest
12 is that we would ask that staff go back, rethink of a
13 way to make it at once more selective, but not in a
14 fashion that would require massive staff or board time
15 in the selection process.

16 We also would ask that you solicit input from
17 the ABA both as to their reaction to giving the award
18 and for ideas on how we might go about making our
19 selection process the most effective and efficient.

20 And finally, give some thought to innovative
21 ways of recognizing these people who do pro bono, and
22 encouraging others in the legal community to volunteer.

1 MR. FUENTES: Sarah?

2 CHAIRMAN SINGLETON: Yes?

3 MR. FUENTES: I would like to add one item,
4 request, to that. If there is any way to give a
5 budgetary projection if staff time or resources are to
6 be used to implement such a program, what is projected
7 that the cost would be.

8 CHAIRMAN SINGLETON: Yes. I think that the
9 suggestion is a good one, giving us some idea of what
10 the cost might be.

11 Anything else on that report?

12 MS. EDELSTEIN: Not on that particular one. I
13 do have two other items in the PAI item.

14 CHAIRMAN SINGLETON: Please.

15 MS. EDELSTEIN: The first is that LSC is
16 forming a PAI advisory group. Actually, the idea for
17 this was formed at the executive directors conference
18 last June. And the goal is to promote open discussion
19 about some issues that are arising as programs are
20 developing creative ways of involving private attorneys
21 in their work, including participation in statewide
22 delivery systems.

1 LSC expects programs to be doing this under
2 the performance criteria, the PAI program letter. We
3 encourage programs to be creative in how they are using
4 private attorneys in their work.

5 But we are also finding that as programs
6 become more creative and more involved in the statewide
7 initiatives, the activities in which they are engaged
8 are not always meeting the requirements for allocation
9 toward the 12.5 percent under the regulations. And as
10 a result of this and the discussions that have been
11 ongoing in the last few months, President Barnett is
12 forming an advisory group to discuss these and perhaps
13 some other PAI issues.

14 The advisory group has not yet met. We are
15 hoping that it will hope the first telephone meeting in
16 February. It's just in the preliminary stages. And at
17 the first meeting, the group will discuss what issues
18 it wants to consider, what the goals are, what the
19 possible outcomes will be.

20 So questions on that?

21 CHAIRMAN SINGLETON: Has the group been
22 formed? I mean, do you know who's on it?

1 MS. SARJEANT: We sent out an e-mail
2 invitation, and I'm not sure that everybody has
3 responded yet. The responses would have gone back, so
4 -- it just went out, so we don't know.

5 CHAIRMAN SINGLETON: Not by name, but can you
6 give us generically the kind of people who got invited
7 to participate?

8 MS. SARJEANT: Sure. We invited several
9 executive directors and some PAI, private attorney
10 involvement, coordinators in programs. We tried to
11 keep the group to about 10 or 11 in terms of coming
12 from field programs, primarily executive directors.

13 And as we've done with other advisory groups,
14 after we determine what the work plan will be and what
15 kinds of things we will be trying to do, we may expand
16 the group to bring in, you know, specific identified
17 particular skill sets or others.

18 CHAIRMAN SINGLETON: Well, I'm wondering about
19 inviting people who are involved in the access to
20 justice communities where I think -- which are giving
21 rise to some of these issues, I believe.

22 MS. SARJEANT: Well, absolutely. What we

1 wanted to do is start with an LSC group, and then
2 after -- because there's some issues related to private
3 attorney involvement that are very much LSC kind of
4 centric issues. And then we will expand out. We
5 expect to have other representatives from access to
6 justice communities be a part of these discussions.

7 CHAIRMAN SINGLETON: Any other questions on
8 this report?

9 MR. FUENTES: Just a thought. In the last
10 administration, there was added to our government an
11 office, the White House Office of Faith-Based
12 Initiatives. And those are most primarily concerned,
13 of course, with people of goodwill doing charitable and
14 caring acts across the country.

15 I suspect that is established and continues to
16 function, or will continue to function. I haven't read
17 anything to the contrary. And I'm wondering if we
18 ought to liaison with that office. I mean, there's a
19 core of volunteerism focused here in Washington through
20 that office. And I wonder if they might have some
21 knowledgeable people there who could bring a new
22 perspective.

1 I've complained in the past that I always feel
2 we're talking to ourselves, and we're such a -- you
3 know, an inter-focused group rather than getting out
4 there further. And I'm wondering if that contact
5 couldn't be made an invited.

6 MS. SARJEANT: We will certainly consider that.
7 The initial work, as Stephanie was explaining it,
8 really focused on the -- you know, our programs said to
9 us at the executive directors meeting, you sent out the
10 program letter on enhanced private attorney
11 involvement. You expect us to be a participant in
12 statewide delivery systems. And we have this
13 regulation that in some ways limits what we can do.

14 So I think what we will look to is dealing
15 with issues that are related to those kinds of LSC-
16 related issues, and then we can certainly think about
17 expanding out. Because I think in private attorney
18 involvement and in state justice communities, the whole
19 is to reach broad groups of folks.

20 And if there's a particular contact that you
21 have in that White House office or in another office,
22 we'd be happy to follow up on that.

1 CHAIRMAN SINGLETON: I also think that you
2 might find, when you reach out to the access to justice
3 communities, that they involve the faith-based groups
4 in their own states or areas; at least, we do in New
5 Mexico, some of them, the ones that deal with legal
6 issues.

7 MS. SARJEANT: Right. Right.

8 MR. FUENTES: Well, I think of, for instance,
9 annually in our community we have what's called the Red
10 Mass. And it's a rather ecumenical event, and --

11 CHAIRMAN SINGLETON: It certainly is. I
12 participated once.

13 (Laughter.)

14 MR. FUENTES: And, I mean, what a marvelous
15 forum. Many times the Red Mass, you know, is followed
16 by a breakfast gathering and speakers, or a luncheon
17 gathering and speakers. And to draw in the community
18 like that is -- in an advisory role, input, would be a
19 new voice to the rather consistent voices that we hear.

20 CHAIRMAN SINGLETON: Yes. And if not
21 specifically on this particular topic, in general, I
22 think in part in response to what Mike McKay was

1 suggesting on the last thing about reaching out to
2 other people, that's a good source to go to. I think a
3 lot of people are missing the boat when they don't get
4 into that community.

5 Anything else on this particular report?
6 Stephanie?

7 MS. EDELSTEIN: One final item. In March -- I
8 believe it's in March -- Helaine will participate in a
9 forum on law schools and legal services. And this is
10 just to let you all know that in preparation, she's
11 asked grantee programs to share examples of their
12 collaborations with law schools, and will be looking at
13 the history of LSC's relationship with law schools.
14 I'm not sure that there is other information to share
15 at this point, but I just wanted to --

16 CHAIRMAN SINGLETON: Who's the sponsor of that
17 forum?

18 MS. SARJEANT: Yale.

19 CHAIRMAN SINGLETON: Yale? Okay. Thank you.

20 Okay. Anything else on this?

21 (No response.)

22 CHAIRMAN SINGLETON: All right. Staff update

1 on the pilot loan repayment assistance program.

2 MS. SARJEANT: And I'd like to I could again
3 Cynthia Schneider, who is the deputy director of the
4 Office of Program Performance, who actually has fairly
5 singlehandedly been doing a lot of the work on the
6 pilot LRAP program for several years. So she's going
7 to give you the update on that.

8 CHAIRMAN SINGLETON: I notice that we're
9 careful to call this a pilot program again.

10 MS. SARJEANT: It's a pilot program.

11 MS. SCHNEIDER: Yes. It still is a pilot.
12 And while Karen was very gracious in recognizing my
13 effort with this program, I did have a significant
14 amount of help. from other OPP staff, including my
15 administrative assistant, who I could not do this
16 without.

17 And then there are other offices within LSC
18 that also play a significant role in our loan repayment
19 assistance program, and that's -- one namely is the
20 comptroller's office, who actually gets the checks out
21 and then forgives the loans after I provide them the
22 information that they need.

1 But right now, we are just in the process of
2 finishing our first round of the pilot. And I think of
3 a round as a three-year period. And the first round
4 was funded with the million-dollar appropriation that
5 we received several years ago now, where our
6 participants received a loan in each one of those
7 three-year periods.

8 Right now there will have been 48 attorneys
9 who participated in the first round. And this year
10 they received a \$5600 loan. We will begin our
11 evaluation of their final year of participation --
12 actually, we have begun work on that -- and what we
13 will be very interested in learning is not only how the
14 loans affected the program's ability to retain
15 attorneys, but now that the LSC LRAP assistance has
16 ended, have those attorneys been able to stay with the
17 program?

18 Because while the first round was continuing,
19 we heard time and time again from participants that the
20 LRAP loan, the LSC loan, made the difference of their
21 ability to work for a legal aid program. So it will be
22 curious, now that it is only a three-year program,

1 whether these attorneys are able to stay with their
2 program.

3 This year, fiscal year '09, we also entered
4 into our second round of the pilot. And that was the
5 round with the half a million dollars of funding. This
6 round we have just provided loans to 42 attorneys in 22
7 LSC-funded programs around the country. We received
8 over 300 applications for these 42 slots, and it was a
9 very difficult decision in selecting the 42 attorneys.

10 These attorneys for this year have received a
11 \$5600 loan. The program again will be for three years.

12 They must reapply at the end of every year for the
13 next year and show that they continue to be eligible.
14 And they must submit documentation of their law school
15 loans.

16 With the people we -- the attorneys we funded
17 this round, they have law school debt ranging from
18 \$5600 -- or \$56,000, I'm sorry -- to a high of \$160,000
19 in debt.

20 Upon their notice that they were selected for
21 the LSC pilot program, I received many e-mails from
22 participants expressing deep gratitude for the

1 assistance. And some of these participants already
2 receive other LRAPs, but given the degree of their
3 debt, they need all the help that they can get. And
4 given the level of salaries in the field, they need
5 help with their law school debt to enable them to work
6 with legal aid programs.

7 CHAIRMAN SINGLETON: Mr. Meites wants to know
8 which law school costs \$160,000 to go to.

9 MS. SCHNEIDER: I can't tell you right away.

10 CHAIRMAN SINGLETON: Okay. He does have
11 another question.

12 MR. MEITES: Well, John Constance, I think,
13 is -- but it's a question I ask whenever this is
14 brought up. When are we going to get out of this
15 business?

16 MS. SCHNEIDER: Yes.

17 MR. MEITES: This is a pilot.

18 MS. SCHNEIDER: I know.

19 MR. MEITES: And it's nice that we have -- I'm
20 not sure it's nice -- that we found \$500,000 that
21 wasn't easy for us to find it. And since we started
22 this program, there have been two congressional

1 enactments which address this situation, both of which
2 are referred to in the materials.

3 And I understand that there's been no
4 appropriation for one, though apparently the other one
5 is ongoing. And we can't solve all of the law school
6 debt problems of our grantees' attorneys. That's just
7 not our business. We don't have the money, and that's
8 not what we're supposed to be doing. And every dollar
9 we spend for this is a dollar we don't have to spend
10 somewhere else.

11 I very much want to get out of this business.

12 I regret we're going to do another three years of
13 this. But I want to see it as the end because this is
14 a problem that is not ours to solve. It is a much
15 broader problem than we can address. We have shown it
16 makes a difference; that's what a pilot's about. And
17 Congress responded by its two enactments.

18 So I'm not addressing it particularly to you
19 because this isn't your issue. But I don't really know
20 when we address this again. We did not address it
21 squarely when the second round was decided. We kind of
22 backed into the second round under some confused

1 circumstances.

2 But I would just like to know is it the
3 finance committee's job to make a decision or consider
4 ending this? Is it the full board? How do we decide
5 whether we want to stay in this business or not, and
6 what committee is going to address it, and when are
7 they going to address it? Frank, I suppose I have to
8 ask that to you.

9 MR. STRICKLAND: Well, presumably the route
10 you suggested is the correct one. It would emanate
11 from the finance committee and then come on to the full
12 board. I mean, it would be a budget item, it seems to
13 me, unless others disagree.

14 CHAIRMAN SINGLETON: Well, I would think it
15 might be good to have provisions look at it, make a
16 recommendation on whether or not this is a program that
17 LSC ought to continue. And then if provisions says
18 yes, then finance committee ought to see a way about
19 putting it into our budget request.

20 MR. STRICKLAND: That's fine. That might be a
21 better route than what Tom and I just discussed.

22 CHAIRMAN SINGLETON: Okay. Karen, and then

1 Herb.

2 MS. SARJEANT: I would just like to remind the
3 committee that at the last provisions committee when we
4 were having a discussion with Professor Hall, there was
5 in fact this very same discussion, and a decision was
6 made to not address whether or not we continue the
7 pilot.

8 At this meeting we talked about whether, once
9 there was more information about one of the other
10 pieces of legislation, that we in fact would bring this
11 back to the provisions committee for a discussion about
12 whether this was something LSC should continue.

13 CHAIRMAN SINGLETON: So are we waiting to find
14 out if that's funded, or how it's working?

15 MS. SCHNEIDER: I'm trying to --

16 CHAIRMAN SINGLETON: It's the Harkin amendment
17 with the --

18 MS. SCHNEIDER: Yes. I'm trying to remember.

19 CHAIRMAN SINGLETON: -- up to 8 million -- no,
20 up to --

21 MS. SCHNEIDER: I think it was 10 million, but
22 there's been no appropriation yet, just the

1 authorization.

2 MR. MEITES: But there's a second act as well.

3 MS. SCHNEIDER: Yes, there is. The second
4 act, which currently just began, allows the attorney to
5 refinance their loans at more favorable terms. Another
6 piece of it does allow for their law school debt to be
7 forgiven after -- after -- 10 years of service with a
8 legal aid or other nonprofit organization.

9 And given the debt that many of these
10 attorneys are carrying, some of them can't work for
11 that 10 years to get it forgiven then at that point.
12 So it's questionable how much of an impact that
13 provision in the legislation will have.

14 CHAIRMAN SINGLETON: Mr. Garten?

15 MR. GARTEN: I just would like to be
16 refreshed. My recollection is that Congress, the
17 committees, appropriated an extra million dollars so
18 that we could adopt this program, and that they have
19 looked very favorably on it since we installed the
20 plan, so that we'd better take a good look at that.

21 And I also don't agree with you, Tom.
22 Normally I do, don't I? This gives us an opportunity

1 tell our 100-plus programs that we can help them retain
2 lawyers. And I think that this is one of our missions,
3 to help them retain lawyers.

4 And if we have these funds, and Congress is
5 willing to allocate these funds to us, I would be in
6 favor of doing away with the interim designation and
7 continue it as a permanent program sponsored by us to
8 help the lawyers who are employed by the organizations
9 that we support.

10 But I think I'd like to get refreshed on the
11 congressional background of that.

12 CHAIRMAN SINGLETON: Well, can I make a
13 suggestion? It seems to me that what Chairman
14 Strickland said was that the provisions committee will
15 look at it. What Karen reminded us of was that we said
16 they would look at it after we have more definite data
17 on the Harkin amendment and the other legislation.

18 So I think this discussion of the pros or cons
19 of LSC funding loan repayment assistance ought to be
20 put on a future board or provisions committee agenda
21 rather than discussing it today. Is that all right?

22 MR. GARTEN: Yes. We might get some

1 background.

2 MR. CONSTANCE: Mr. Chairman, thank you. John
3 Constance, Government Relations and Public Affairs.

4 Where the Harkin amendment is right now, I
5 mean, that is authorized. There will be a 2010 budget
6 proposal that's going to the Hill probably early April
7 from the Obama administration. The funding will either
8 be in or out of that -- for that \$10 million in terms
9 of the funding for the Department of Education, which
10 is the funding arm for that money.

11 Given the fact that Tom Harkin is the chairman
12 of the committee that oversees the budget of the
13 Department of Education, I think it is not unreasonable
14 to expect that something will be in the final bill when
15 it's completed next fall. But again, we'll know what
16 the administration's position is on this by April, and
17 then we will know, as the summer goes along and the
18 appropriations bills are processed, whether that will
19 in fact be funded for 2010.

20 So that's the timing issue.

21 CHAIRMAN SINGLETON: Mr. Fuentes?

22 MR. FUENTES: Sarah, I wanted to jump into

1 this when you opened the subject because you opened it
2 with a questioning of the word "pilot" in --

3 CHAIRMAN SINGLETON: Just a noting, not a
4 question.

5 MR. FUENTES: Yes. And I was wondering how
6 important that concern or interest was. And then Tom
7 certainly articulated some pretty serious thoughts that
8 I find agreement with.

9 But I have for some time thought about this
10 title that we have, the Pilot Loan Repayment Assistance
11 Program, and from a completely different standpoint.
12 And I know we're not going to decide today whether this
13 continues or whether this is for three years or this
14 ends or not.

15 But there has been, you know, in the history
16 of things here in Washington, titles given to programs
17 that become very important. We've just talked about
18 the Harkin amendment. We've had McCain-Feingold, and
19 other things like this.

20 And I wish to offer a serious proposal to our
21 committee. And I would like to change the name of this
22 to the Herb Garten LSC Loan Repayment Assistance

1 Program.

2 (Laughter.)

3 MR. FUENTES: Whether it goes forward or
4 doesn't go forward, there has been no one this board
5 more of an advocate and booster and sponsor of this
6 program than our Herb. And if members of the House and
7 Senate can have their names on things, I think one of
8 our members ought to have his name on this.

9 M O T I O N

10 MR. FUENTES: So I move that the provisions
11 committee recommend to the board the renaming of this
12 program as the Herb Garten LSC Loan Repayment
13 Assistance Program. And I do that with all genuine
14 esteem for you, Herb.

15 MR. GARTEN: I know you do. And with the same
16 enthusiasm, I decline.

17 (Laughter.)

18 MR. FUENTES: Why?

19 CHAIRMAN SINGLETON: Well, now, procedurally
20 is there a second to the motion?

21 MS. PHILLIPS-JACKSON: I second.

22 CHAIRMAN SINGLETON: Ah-hah. Seconded by Ms.

1 Phillips.

2 Mr. Constance?

3 MR. CONSTANCE: I was only going to offer to
4 the board as to whether Mr. Garten has an opinion now
5 as to whether this should be permanent or temporary as
6 a program.

7 MR. FUENTES: I don't think that should play
8 into it. Even if it was a program that aided people
9 for some time, or whether it's a program that aids
10 people for a long time to come, it's worthy of saluting
11 its author and encourager.

12 CHAIRMAN SINGLETON: We have a motion on the
13 floor that the committee recommend to the board that
14 the name of this program be, henceforth, the Herb
15 Garten LSC Loan Repayment Assistance Program.

16 Is there any more discussion on that?

17 MR. STRICKLAND: May I offer, as an ex officio
18 member of the committee, a technical amendment to Mr.
19 Fuentes' motion.

20 MR. FUENTES: You can't have the word
21 "memorial."

22 (Laughter.)

1 MR. STRICKLAND: No, no. I wouldn't do that.
2 That's not what I had in mind.

3 MR. FUENTES: That's good.

4 MR. STRICKLAND: It is entirely technical.
5 But in looking at Mr. Garten's nametag, I would propose
6 that it be the Herbert S. Garten, et cetera.

7 MR. FUENTES: Yes, indeed.

8 CHAIRMAN SINGLETON: Well, I was going to
9 suggest it should just be the Garten. Everyone knows
10 who Herb is.

11 MR. STRICKLAND: Either way.

12 MR. GARTEN: Why don't you withdraw the
13 motion, please.

14 MR. FUENTES: Herb, you're just being modest,
15 and I'm not going to go along with that.

16 CHAIRMAN SINGLETON: All right. Yes. That's
17 right. I don't think Feingold or McCain got to say
18 whether their names went on that financing bill.

19 Okay. All in favor of the motion, please say
20 aye.

21 (A chorus of ayes.)

22 CHAIRMAN SINGLETON: Opposed?

1 (No response.)

2 CHAIRMAN SINGLETON: Well, the committee
3 recommends it unanimously, Herb.

4 All right. Native American delivery. Karen.

5 MS. SARJEANT: Thank you. I have a very brief
6 but good report for you.

7 We have had very productive calls with the
8 Native American Indian Legal Services program and a
9 principal from the research firm that they had
10 initially spoken to. We've agreed on the data sets
11 that the research firm is going to prepare for us and
12 analyze.

13 We have a contract that will be going out to
14 them. We've talked about timetables. And we should be
15 able to bring back to the board information at the
16 April meeting from that process.

17 CHAIRMAN SINGLETON: Very good. Any
18 questions?

19 (No response.)

20 CHAIRMAN SINGLETON: All right. Excellent.
21 Staff update on cooperative agreement with
22 College of Law Practice Management.

1 MS. SARJEANT: I have an equally brief update
2 on that. There are materials in the board book.

3 This is an interesting collaboration that was
4 brought to us by Ron Stout, who has been -- from
5 Illinois, active with our TIG program, as you may have
6 heard this morning, the A to J author.

7 We will be -- it is an organization of fellows
8 that are very highly thought of in terms of law
9 practice management. And so the Office of Program
10 Performance will be using individuals as consultants
11 from that group. They want to do it pro bono, with LSC
12 just covering their travel costs and expenses, no
13 consultant fee.

14 And OPP is identifying a number of program
15 quality visits in which they will suggest that one of
16 the members of the College of Law Practice Management
17 participate with them on that visit. And we think this
18 will be an excellent way to bring some outside
19 experience that is the kind of experience as you were
20 just suggesting.

21 We don't always pull in other groups, and so
22 we will be doing that. And we think it will be a very

1 interesting collaboration.

2 CHAIRMAN SINGLETON: Are there any questions
3 on this?

4 (No response.)

5 CHAIRMAN SINGLETON: Well, I think that sounds
6 very interesting. I know that Ron worked with us on
7 the ABA standards, particularly on technology, and he
8 was extremely knowledgeable. So I think this is a
9 really exciting opportunity.

10 MS. SARJEANT: Yes. So that ends the staff
11 updates.

12 CHAIRMAN SINGLETON: At this point, we call
13 for public comment on anything that has come before the
14 provisions committee, or I guess anything else you
15 might want to talk about.

16 Do we have any?

17 (No response.)

18 CHAIRMAN SINGLETON: There appearing to be no
19 public comment, do we have any other business?

20 (No response.)

21 CHAIRMAN SINGLETON: It appearing that there's
22 no other business, could I have a motion to adjourn?

1 M O T I O N

2 MR. FUENTES: So moved.

3 CHAIRMAN SINGLETON: Second?

4 MS. PHILLIPS-JACKSON: Second.

5 CHAIRMAN SINGLETON: It was moved by
6 Mr. Fuentes, seconded by Ms. Phillips-Jackson.

7 All in favor say aye.

8 (A chorus of ayes.)

9 CHAIRMAN SINGLETON: Opposed?

10 (No response.)

11 CHAIRMAN SINGLETON: The provisions committee
12 is hereby adjourned.

13 (Whereupon, at 2:12 p.m., the committee was
14 adjourned.)

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