

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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