

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

MEETING OF THE BOARD OF DIRECTORS  
OPEN SESSION

Saturday, July 31, 2010

12:21 p.m.

Hyatt Regency Milwaukee  
333 W. Kilbourn Avenue  
Milwaukee, Wisconsin 53203

BOARD MEMBERS PRESENT:

John G. Levi, Chairman  
Martha L. Minow, Vice Chairman  
Sharon L. Browne  
Jonann C. Chiles (by telephone)  
Thomas A. Fuentes (by telephone)  
Robert J. Grey, Jr.  
Victor B. Maddox  
Thomas R. Meites  
Laurie I. Mikva  
Charles N.W. Keckler  
Hon. Sarah M. Singleton (by telephone)  
Victor M. Fortunato, Interim President and General  
Counsel (ex officio)

## STAFF AND PUBLIC PRESENT:

Kathleen Connors, Executive Assistant to the President

Patricia Batie, Acting Corporate Secretary and FOIA  
Officer, Office of Legal Affairs

Mattie Cohan, Senior Assistant General Counsel, Office  
of Legal Affairs

Karen J. Sarjeant, Vice President for Programs and  
Compliance

David L. Richardson, Treasurer and Comptroller

Charles Jeffress, Chief Administrative Officer

Kamala Srinavasagam, Program Counsel III (detailed to  
the Executive Office), Office of Compliance and  
Enforcement

Linda Mullenbach, Senior Assistant General Counsel,  
Office of Legal Affairs

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

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

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

David Maddox, Assistant Inspector General for  
Management and Evaluation, Office of the Inspector  
General

## STAFF AND PUBLIC PRESENT (Cont'd):

John Constance, Director, Office of Government  
Relations and Public Affairs

Stephen Barr, Media Relations Director, Office of  
Government Relations and Public Affairs

Danilo A. Cardona, Director, Office of Compliance  
and Enforcement

Alice C. Dickerson, Director, Office of Human Resources

Bristow Hardin, Program Analyst III, Office of Program  
Performance

Glenn Rawdon, Program Counsel III (Technology), Office  
of Program Performance

Jonathan D. Asher, Executive Director, Colorado Legal  
Services

Nan Heald, Executive Director, Pine Tree Legal  
Assistance

The Reverend Pius Pietrzyk, O.P., Board Nominee

Harry Korell, LSC Board Nominee (by telephone)

Julie Reiskin, LSC Board Nominee

Gloria Valencia-Weber, LSC Board Nominee

Thomas Smegal, Smegal Law Firm

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

Linda Perle, Center for Law & Social Policy (CLASP)

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## 1 PROCEEDINGS

2 (12:21 p.m.)

3 CHAIRMAN LEVI: This is John Levi. I'm  
4 chairman of the Legal Services Corporation Board, and  
5 I'm calling to order the July 31, 2010 quarterly Board  
6 of Directors meeting, which has been duly noticed in  
7 the Federal Register.

8 And before I ask for approval of the agenda,  
9 Tom Fuentes, you will be happy to know we have an  
10 American flag here, and we're going to have the Pledge  
11 of Allegiance led by Martha Minow.

12 (Pledge of Allegiance)

13 CHAIRMAN LEVI: Thank you. Before I ask to  
14 have the agenda approved, I want to switch items, or  
15 just reverse in order items 7 and 8. There is no No.  
16 10, and I'm going to defer No. 19 in the interests of  
17 time, and we'll see what we can do along the way.

18 Based on that, could I have a motion to  
19 approve the agenda?

20 MOTION

21 MR. MEITES: So moved.

22 DEAN MINOW: Could I seek an amendment to

1 correct the spelling of the name "Minow" on pages 271  
2 and 274?

3 CHAIRMAN LEVI: Yes.

4 DEAN MINOW: It is spelled with one N. Thank  
5 you.

6 CHAIRMAN LEVI: Certainly. Second?

7 PROFESSOR KECKLER: Second.

8 CHAIRMAN LEVI: All in favor?

9 (A chorus of ayes.)

10 CHAIRMAN LEVI: Can we move -- now we have  
11 minutes from April 17, May 19, and June 15. Would it  
12 be possible under a protocol to approve them in one  
13 motion?

14 PRESIDENT FORTUNO: Sure.

15 DEAN MINOW: With the changes. Right?

16 CHAIRMAN LEVI: With the changes?

17 M O T I O N

18 MR. MEITES: So moved.

19 CHAIRMAN LEVI: Second?

20 MR. MADDOX: Second.

21 CHAIRMAN LEVI: All in favor?

22 (A chorus of ayes.)



1           CHAIRMAN LEVI:  It's now my great pleasure to  
2  introduce to this Board the probably longest-serving  
3  member of the Board of the Legal Services Corporation,  
4  namely, Tom Smegal, who has come to us today from his  
5  summer home.  He drove down here to see us.  He lives  
6  most of the year in San Francisco.  He was appointed by  
7  President Reagan to the Board, and then again by  
8  President Clinton.

9           He is the chairman of the Friends of Legal  
10 Services board.  He is a real friend and supporter of  
11 the Legal Services Corporation, and a wonderful advisor  
12 to board members.  It's our pleasure to welcome you.

13           MR. SMEGAL:  Thank you, Mr. President.

14           (Applause)

15           CHAIRMAN LEVI:  Do you have a report for us  
16 that you want to give, or are we going to defer it?

17           PRESIDENT FORTUNO:  Well, no.  Actually, since  
18 he's here now, if he has anything he'd like to say,  
19 this might be --

20           MR. SMEGAL:  I'm not in a hurry.  I'll go on  
21 your agenda or --

22           CHAIRMAN LEVI:  Well, it can be right here.

1 We're already on No. 5.

2 MR. SMEGAL: I'm Tom Smegal from San  
3 Francisco, chair of the Friends of the Legal Services  
4 Corporation board. I am reminded this is my third  
5 decade of sitting in these meetings.

6 As the president mentioned, I initially served  
7 at the honor and privilege of President Reagan in 1984,  
8 and then again at the nomination by President Clinton  
9 in 1993, and was here through 2003, when Tom -- where  
10 is he? He's not here -- when Tom started on the Board.

11 So Tom has been here since '93. Oh, there he is.  
12 He's hiding behind Robin.

13 MR. MEITES: 2003.

14 MR. SMEGAL: 2003. There you are. No, 2003.  
15 What did I say?

16 Why I'm here and what I represent is what came  
17 about over the years that I served on the Board. When  
18 I got here in 1984, the Legal Services Corporation  
19 staff was up on 15th Street, I think, or was it 14th,  
20 in some hovel. And during the time that I served, they  
21 went into a basement on Virginia Street, and then we  
22 were somewhere else before you got over to wherever it

1 was you ended up there by the railroad station.

2           And one of the things that occurred to us on  
3 the Board was that if the Corporation had a permanent  
4 home for the staff, that it wouldn't be the orphan that  
5 kept -- at least hopefully the orphan that kept getting  
6 kicked around by Congress every appropriation year. So  
7 we decided we'd try to find some foundation money, seed  
8 money, to buy a building.

9           And we spent a couple of years unsuccessfully  
10 trying to find money. We had a pretty good point  
11 person. A guy by the name of Jack Martin had been  
12 general counsel of Ford Motor Company. He had a lot of  
13 friends in foundations. And after about a year and a  
14 half, he gave up. Nobody would give you money for  
15 buildings. Everybody would give you money for program.

16           And John McKay and I knew Bill Gates, Sr., and  
17 decided when Jack gave up that we would try to see if  
18 the Gates Foundation might be interested in such an  
19 endeavor. And Bill Gates said the same thing that  
20 everyone else was saying: We give money for programs.

21 We don't buy buildings. Who wants bricks and mortar?

22           Anyway, the good news was about six months

1 later Bill Gates called and said, I'm going to make  
2 your day. We'll give you \$4 million. So we had \$4  
3 million and a couple of paperclips, which wasn't much  
4 of a bargaining chip with the banking industry. And as  
5 it turned out, the only bank that would even talk to us  
6 was the Bank of America, who had some program for  
7 funding orphans and widows or whatever, and were  
8 willing to consider helping us to finance a building.

9           They had some restrictions on what they would  
10 do for us and how they would go about it, but the  
11 object was to -- and I don't know that we really  
12 necessarily had to persuade Congress that this was a  
13 good idea, but with the thought that we might have to  
14 persuade Congress, the thought was, if we could  
15 stabilize and provide a ceiling on the rent that the  
16 Corporation paid for some lengthy period of time, that  
17 it might be palatable to the preparation process.

18           And it turns out that the Bank of America  
19 liked that idea and wanted us to have a ten-year list  
20 with the Corporation at an amount that would allow the  
21 money we were going have to really get to finance a  
22 building to be covered in terms of the amount that

1 would have to be paid on loans.

2 And BofA set up a bunch of restrictions.

3 Turned out that we set the level of rent for the  
4 Corporation in that first year, at what they were  
5 paying the year before, what we were paying up

6 on -- was it Second Street? First Street? New York?

7 PRESIDENT FORTUNO: 750 First Street.

8 MR. SMEGAL: And we set a number that  
9 corresponded to that because that's what the BofA  
10 wanted to service the loans.

11 Bought the building in August of 2002, and at  
12 that point this building was down on K Street, as you  
13 know. And next to it, where you now see a ten-story  
14 condominium complex with a 10- or \$15 million  
15 penthouse, there was an empty lot with burned-out cars.

16 The building was about half full -- no, not even a  
17 half full -- a third full of tenants --

18 PRESIDENT FORTUNO: If that.

19 MR. SMEGAL: -- all paying a little money.

20 And across the street was a big fence so you couldn't  
21 get near the Potomac. And I don't know what was out  
22 there, but it wasn't very impressive.

1           Anyway, BofA agreed to help us make this deal,  
2 and we ended up, down the road a ways, with \$13 million  
3 in tax-free bonds -- it was first a loan from  
4 BofA -- tax-free bonds from the District of Columbia,  
5 and another 3-plus million in a term loan because part  
6 of the building is occupied by other than the Legal  
7 Services Corporation.

8           So that's where we started in August of 2002,  
9 with about \$16 million in debt. The Gates money was  
10 partially in a reserve that BofA insisted on us having.

11          But we didn't have a tenant. We didn't have a tenant  
12 until 2003, which is when the Corporation's ten-year  
13 list started.

14           So the amount of money that we had to begin  
15 with out on loan had to also carry the paper for the  
16 first ten or eleven months, plus we put about \$2  
17 million in tenant improvements, to make the third and  
18 fourth floor what you have there today.

19           So that's where we started out. We've been  
20 moving along. I have chaired the Friends board since I  
21 went off this Board in early 2003. And, as I did on  
22 this Board, I serve at no compensation. It's a little

1 worse than I did here. At least I got my expenses,  
2 Vic, from you guys when I came to board meetings. I  
3 come to Washington and attend the board meetings I call  
4 for at my own expense.

5           So we have a ten-year list. It goes through  
6 May or June of 2013. Since August of 2002 when we took  
7 all the loans out and encumbered ourselves for \$16  
8 million, we've reduced the bonds to about \$10 million,  
9 and the term loan that we needed for the rest of the  
10 financing of the non-LSC part of the building to  
11 something under \$2 million.

12           So we're down to about \$12 million, and we've  
13 got this Gates money in reserve. So we're actually  
14 down to about \$10 million right now.

15           And my predictions as to what will happen to  
16 our obligations over the next three years, to the end  
17 of this ten-year lease that the Legal Services  
18 Corporation has from Friends -- and incidentally, I  
19 should back up for a moment.

20           The reason there is a Friends is because the  
21 OMB would have scored the building cost, the total of  
22 the entire cost of the building, would have scored it

1 and taken it off the appropriation for that particular  
2 year for LSC. So there would have been a 16-, \$18  
3 million debit right off the top of whatever the  
4 appropriation was in 2002.

5 In order to avoid that, we had to set up a  
6 501(c)(3) called Friends of the Legal Services  
7 Corporation. So Friends owns the building, but the way  
8 the whole thing is structured is 25 years out, the  
9 building will be entirely paid for. That's 1992 (sic),  
10 and I'll be about -- no, I'm sorry. Not 1992.

11 (Laughter.)

12 MR. SMEGAL: A little later than that. It  
13 started in 2002. So 25 more years from 2002, I'll be  
14 about 95, I think. But anyway, at that point the  
15 building would have no scoring obligation whatsoever,  
16 and OMB would be happy, and everyone else.

17 So we can wait around for another 16 or 17  
18 years and come back to the Board, whoever it is then,  
19 and hand them the deed. Alternatively, you  
20 might -- the way I think you structured the -- John,  
21 you structured the presentation here -- is at the end  
22 of the ten years, this ten-year lease in May of 2013,



1 the obligations we have under the bonds and under the  
2 term loan and with the credit we have for the reserve,  
3 should be down to under \$8 million, possibly 7.

4 Now, offset against that is the Corporation's  
5 paying a million seven in rent, another hundred  
6 thousand for parking. So it's a million eight a year.

7 We pay property tax to the District of Columbia. We  
8 tried to get out of it. We were almost out of paying,  
9 and it's now \$400,000 a year for the building. We were  
10 almost out of it, and then the D.C. tax people all went  
11 to jail for whatever they did.

12 (Laughter.)

13 MR. SMEGAL: They were all skimming or  
14 scamming or something. Anyway, all of a sudden our  
15 application disappeared and it was gone.

16 So you got a million eight you're paying in  
17 rent and parking. We've got \$400,000 a year we're  
18 paying in property tax. And we also are paying about  
19 \$400,000 in interest on the tax-free bonds at 3.9  
20 percent, and the term ln.

21 So you're looking at \$2.7 million a year  
22 that's outgoing, and a sense of what would be available

1 to the Corporation if the Corporation owned the  
2 building. So if you do the math, in three years you  
3 could -- three years of owning the building, starting  
4 in 2013, you could make up for the cost that you're now  
5 incurring in rent, in parking, and what we're incurring  
6 in property tax, which you wouldn't have to pay, and in  
7 the interest on the bonds and the term loan.

8           So you might want to consider -- at the end of  
9 President Obama's first term, you might want to  
10 consider asking Congress, asking your supporters up  
11 there, for a one-time grant of an extra 7- or \$8  
12 million, at which point you got the building.

13           And I think it's worth considering. You've  
14 got a couple of years. The alternative, in May of  
15 2013, is we're going to have to do another lease. I  
16 don't know what BofA would require. They wanted ten  
17 years of fixed income, in a sense, then. The  
18 circumstances are much different now. We are clearly a  
19 viable entity, and generating enough to keep reducing  
20 even our term loan.

21           So anyway, I offer that as something to put on  
22 the back burner, on the future things to consider, Mr.

1 President. And I'll be back in 2013 with either a  
2 lease in hand or a deed, whatever you want. You have  
3 your choice.

4 (Laughter.)

5 MR. SMEGAL: Any questions? I'll be happy to  
6 respond.

7 CHAIRMAN LEVI: Any questions for Tom? Thank  
8 you for that presentation. Any questions for Tom?  
9 It's going to come to the Finance Committee, Mr. Grey.

10 (Laughter.)

11 CHAIRMAN LEVI: Robert?

12 MR. GREY: I can't wait.

13 Mr. Chairman, point of personal privilege.  
14 Tom is one of the folks that I have had the privilege  
15 of knowing most of my professional career. And I want  
16 to tell you that among the lawyers of the American Bar  
17 Association, he is revered for his continued commitment  
18 and work with legal services throughout the country.  
19 And we are very proud of him, and I am proud to call  
20 him a friend. So thank you very much.

21 CHAIRMAN LEVI: Thank you.

22 MR. SMEGAL: Thank you, Robert.

1           CHAIRMAN LEVI: Any questions? Thank you  
2 so -- Martha?

3           DEAN MINOW: Why don't you come to all the  
4 meetings?

5           (Laughter.)

6           MR. SMEGAL: Why don't I come to them all?

7           CHAIRMAN LEVI: Any questions or observations  
8 from the board members on the phone? Thank you, Tom.

9           MR. SMEGAL: I'll just say one other thing. I  
10 apologize, I didn't give you any paper. We've killed  
11 enough trees, I see in at the back of the room there on  
12 the table.

13           But all of this information is something I get  
14 monthly. I know where it's going. So if at any time,  
15 Mr. President, you want to see where we are  
16 financially, I'd be happy to share it with you. But  
17 I've got it in here, but I didn't pass it out. Thank  
18 you.

19           CHAIRMAN LEVI: Thank you very much. Tom  
20 Meites.

21           MR. MEITES: You all are going to be --

22           MR. FUENTES: Mr. Chairman, Tom Fuentes here.

1 I wonder if, before Tom leaves, he could tell us who  
2 the other board members serving for Friends are today.

3 MR. SMEGAL: Yes. I'd be happy to do that.  
4 There are five. One is Alex Forger, who was a the  
5 president of this -- staff president for many years.  
6 He came from Milbank Tweed, where I think he's the  
7 managing partner.

8 Jack Martin, who as I've already indicated was  
9 the general counsel of Ford Motor Company.

10 Bucky Askew, who served as a staff member for  
11 many years. He served as a nominee of President  
12 Clinton on the Board for the term that I served, the  
13 President Clinton term.

14 And Ahn Tu, who up until two years, and for  
15 three years prior to that, was a part-time executive  
16 director who assisted us. Prior to that, she'd been  
17 with the Corporation for about 20 years.

18 So we have six board members, Tom. I think  
19 I've named them all. I'm sorry. No, I apologize.  
20 There is one more.

21 MR. FUENTES: And are there any other  
22 activities, apart from ownership of the building --

1           MR. SMEGAL: Peter Edleman. Peter Edleman of  
2 Georgetown University Law School. I'm sorry, Tom. I  
3 didn't hear what you said.

4           MR. MEITES: I just want to give my opinion.  
5 You all will be serving in 2013 and long thereafter, so  
6 this will happen.

7           MR. SMEGAL: Right. We'll be back.

8           CHAIRMAN LEVI: Thank you, Tom.

9           MR. SMEGAL: Thank you.

10          CHAIRMAN LEVI: Thank you to the Toms.

11          (Appause)

12          CHAIRMAN LEVI: In my chairman's report, I  
13 want to thank the folks in Wisconsin here for welcoming  
14 us to their state, for their insightful presentations,  
15 Legal Action and Wisconsin Judicare, who spent much of  
16 the day yesterday with us; for the chief justice, Chief  
17 Justice Shirley Abrahamson, who spoke to us from the  
18 heart and directly from the Conference of Chief  
19 Justices on Thursday evening; to Governor Doyle, who  
20 gave a really inspiring talk yesterday.

21                   And to the wonderful executive director panel  
22 that came from all across the country -- Jonathan Asher

1 from Colorado, Colleen Cotter from Cleveland, John  
2 Ebbott, of course, from Wisconsin. Nan Heald came from  
3 Maine; Andrea Loney from South Carolina; Klaus Sitte  
4 from Montana -- did I pronounce his name  
5 correctly? -- Sitte, from Montana; and Diana White came  
6 from Chicago.

7           The panel discussion yesterday afternoon was  
8 very, very interesting, a frank, open exchange of  
9 views, and I think extraordinarily helpful to the  
10 Board.

11           Now, as you've gotten the sense from how I  
12 have talked about length of meetings, I'm interested in  
13 trying to have meetings of about an hour. And if  
14 committee meetings need to get beyond an hour or 90  
15 minutes or so, that's okay.

16           But if all of them do, that's not so okay  
17 because I believe, through my professional career, that  
18 people tire out, and that then they get -- nerves get  
19 frayed, decision-making gets rushed, and we don't do as  
20 good a job.

21           So one of the things I'm asking -- I know it's  
22 a change in rhythm for the way the Corporation may have

1 acted in the past -- that committees that have full  
2 agendas consider having -- I don't want to micromanage  
3 the chairs -- but consider having meetings between our  
4 quarterly meetings to help expedite and move your  
5 agendas along.

6           Much is on our plate, and I don't think we'll  
7 be fair to ourselves, to our fellow board members, or  
8 to what is expected of us if we don't take advantage of  
9 having telephonic -- I don't think we have to have  
10 in-person -- but telephonic meetings. And I will be  
11 supportive of any committee.

12           Now, I understand that we can't all be doing  
13 it the same week, and that there has also been -- some  
14 of you have said to me, my gosh, I'm being bombarded  
15 with e-mails. And so we have to be a little bit  
16 considerate of that issue and try to keep the e-mailing  
17 to a respectful level. But I think then we can get our  
18 agenda moved along.

19           For those of you who have not been here, I  
20 want to welcome Father Pius, who just left a few  
21 minutes ago, who is a nominee. Harry Korell is, I  
22 think, maybe, on the phone, and I want to welcome him



1 as a nominee. Gloria Valencia-Weber and Julie Reiskin,  
2 nominees who cleared the Senate, are also both here.  
3 And so you have a sense of what the full Board is going  
4 to be.

5           And one of the nice things is I think you can  
6 see, from our time together here and in Arizona and in  
7 between, we're getting along. We like each other. And  
8 hopefully, we can keep our good humor and do some good  
9 while we're working hard at these issues.

10           This is a serious time in our country. It's a  
11 serious time for legal services. It's an important  
12 time to remind the country of the public/private  
13 partnership that exists, I have been saying  
14 haphazardly, but, you know, it began with President  
15 Nixon 35 years ago, and look what has sprung up all  
16 across the country.

17           And we are, as you heard from the programs  
18 yesterday, important stewards and important messengers  
19 in our communities. If you haven't been out to be -- I  
20 know Sharon did -- with your local program in your  
21 states, I encourage the Board to go have lunch with  
22 them, visit them, let them know that you're there and

1 thank you want to learn from them. Because the  
2 exchange of ideas, I think, will be helpful to all of  
3 us in this time of transition.

4 I hope we all keep our sense of humor. I want  
5 to thank the board members who are still having to  
6 serve with us -- and I think that's probably how they  
7 feel -- Tom Meites, and on the phone Sarah Singleton,  
8 Jonann Chiles, and Tom Fuentes -- for putting up with  
9 us in this time of transition.

10 And don't be too hard on us. Don't be too  
11 hard on us. We're feeling our way and we're moving  
12 along as best we can. We're all trying to get, I  
13 think, to the same place; although we may not agree on  
14 every issue, I think you can feel the momentum in the  
15 room.

16 So with that, I want to say that we will be  
17 putting, based on what's happened in Arizona and here  
18 in Wisconsin, a great burden on our colleague, Victor  
19 Maddox, to show us a good time in his home city of  
20 Louisville. Some of you have asked for bluegrass in  
21 the evening, but --

22 MR. MADDOX: I'll have to check on that.

1           CHAIRMAN LEVI: In any event, our next  
2 gathering will be in Louisville. And I'll come back in  
3 a few minutes and discuss future meetings. I now want  
4 to turn it over to our acting president, Mr. Fortuno,  
5 who has a report.

6           PRESIDENT FORTUNO: I think I've been trying  
7 to keep you currently informed with the written LSC  
8 Board updates. I think that you received one not long  
9 ago, so you are, I think, largely up to date. Just a  
10 couple of items I do want to touch on that haven't been  
11 reported on yet.

12           One is that we are moving forward with  
13 renovation of some space on the first floor to help  
14 accommodate expansion, mostly the Office of Program  
15 Performance and the Office of Compliance and  
16 Enforcement. I think we'll have five people down  
17 there. I don't know that the five new people in each  
18 office will be there, but as a result of the five new  
19 people in each office, we'll have ten down on the first  
20 floor now.

21           I also wanted to note that the Fact Book, 2009  
22 Fact Book, has been issued. You should have received a

1 copy. If you haven't, please let me know. It contains  
2 selected national data on 2009 LSC program funding,  
3 legal services clients, demographics, program staffing,  
4 select historical data. I commend it to you. I think  
5 it may be useful to keep handy and ref to from time to  
6 time. And I'd like to thank the Office of Information  
7 Management for all of their work on it.

8 I would also like to thank John Constance,  
9 Steve Barr, and the other members of the GRPA staff for  
10 what I think is an absolutely first-rate job they did  
11 on the annual report that was distributed yesterday.  
12 That was done in a timely, thoroughly professional  
13 manner, and came in well below budget.

14 So this is one of those few instances where we  
15 had a project actually return money to the  
16 comptroller's office, much to Dave Richardson's  
17 delight. So I just want to take a moment to express my  
18 very sincere thanks for that. I think they did a  
19 wonderful job and deserve to be recognized for it.

20 And then last but certainly not least, a note  
21 concerning a couple of our top leaders. As you may all  
22 know, since the last quarterly meeting in Tucson,

1 Arizona, Charles Jeffress and Karen Sarjeant have  
2 informed me that they have decided to, in the near  
3 future, move on to other challenges. They don't let  
4 grass grow under their feet. And they certainly look  
5 forward to new challenges.

6 And so they've informed us that. They'll be  
7 with us and available to us for some time still. But  
8 since this will all happen by the time the Board's next  
9 quarterly in-person meeting rolls around, I want to  
10 take this opportunity to recognize that, to say that I  
11 greatly appreciate both of them, their hard work and  
12 dedicated service for years now, and their many  
13 significant contributions to the Corporation and its  
14 mission. And I wanted to ask you all to join me in a  
15 round of applause to express our appreciation.

16 (Applause)

17 PRESIDENT FORTUNO: And recognizing that we're  
18 short on time, that will conclude my report. Thank you  
19 very much.

20 CHAIRMAN LEVI: Thank you.

21 Mr. Inspector General?

22 MR. SCHANZ: That's a really tough act to

1 follow, so I commend both Ms. Sarjeant and Mr.  
2 Jeffress, and thank the program here for showing us  
3 Milwaukee.

4 I'll keep it short. As part of my interest in  
5 keeping the Board advised of what's going on, I sent  
6 out an e-mail that you need to know about related to  
7 the Financial Reform Act, that there's two provisions  
8 in there that affect the OIG and your dealings with the  
9 OIG. So I sent that e-mail to you on June 22nd. You  
10 should have it; if not, just let me know.

11 One of the provisions -- and if Sarah  
12 Singleton is still on the line, one of the provisions  
13 required in this modification to the relationship with  
14 the IG is the posting of the peer reviews. The IGs are  
15 subjected to a peer review every three years.

16 It's under the auspices of what is known as  
17 the CIGIE, the Council of Inspectors General for  
18 Integrity and Efficiency. And it's a feeding frenzy.  
19 We review somebody. They review us. So that is  
20 already posted, Sarah, on our website, and I'll  
21 continue to do that because IGs should operate in the  
22 light of day also.

1           Also, I sent to the Board something that we've  
2 compiled. It's just called a Board Resource on the  
3 OIG. It's on our webpage, and it has links to numerous  
4 Board governance issues, some GAO work that deals with  
5 that, and I would draw your attention to that.

6           Now, with that said, I'd like to defer the  
7 rest of my comments on the work in progress to the  
8 closed session. Thank you.

9           CHAIRMAN LEVI: Any questions for the  
10 Inspector General?

11           (No response.)

12           CHAIRMAN LEVI: Thank you.

13           It says -- I was not going to say anything  
14 about the Search Committee, but then I remembered that  
15 I do need to say that Ellen Brown and Dale Jones were  
16 with us here from Heidrick, and that they will begin  
17 very shortly a series of meetings in-house -- that is,  
18 at LSC -- to give staff, senior staff, and employees  
19 throughout the building an opportunity to meet with  
20 them and be interviewed as to what they hope and expect  
21 and want to see in the next president of LSC, and other  
22 issues that they believe would be helpful to the

1 consultants as they proceed in the search.

2 And that will certainly take place, I would  
3 summary, within the next few weeks. And so I thought  
4 I'd better -- I forgot to mention it in my report, and  
5 that I'd better get it out there.

6 MR. MEITES: John?

7 CHAIRMAN LEVI: Yes?

8 MR. MEITES: Do you have any idea of when the  
9 Board will actually meet with and make a decision about  
10 the president?

11 CHAIRMAN LEVI: Well, our hope is this fall.  
12 But that's late -- probably later this fall than  
13 earlier. But they're optimistic.

14 MR. MEITES: Thank you.

15 CHAIRMAN LEVI: Laurie Mikva just left. Who  
16 was going to --

17 MS. MIKVA: I'm on the phone.

18 CHAIRMAN LEVI: Oh, you're on the phone?  
19 Well, your committee is up. Okay. Your committee is  
20 up, Promotion and Provision for the Delivery of Legal  
21 Services. I think she went -- Laurie is going to be in  
22 a half-marathon tomorrow, so she's getting on a train



1 to get herself ready. Right?

2 MS. MIKVA: Right. Unless I need the Board to  
3 vote on our charter, we have no report. And I guess I  
4 don't know the answer to that.

5 CHAIRMAN LEVI: We do need to vote on your  
6 charter, and so would you propose it?

7 MS. MIKVA: My committee has proposed that the  
8 Board adopt the amended charter, mostly to take account  
9 of the new name of the committee. There are a few  
10 changes in terms of stated mission of the committee.

11 CHAIRMAN LEVI: Any second on that motion?

12 MS. BROWNE: I'll second it.

13 CHAIRMAN LEVI: Any comments? Questions?

14 MS. BROWNE: I'd like to just clarify what we  
15 did propose. On our charter, it's the Promotion and  
16 Provision for the Delivery of Legal Services Committee.

17 And on the purpose, we did make a change on the  
18 language, just to make it a little bit more consistent.

19 So on the fourth line -- it's in red -- it  
20 would say, "Discuss and make recommendations" -- with  
21 an S on the end of "recommendations" -- "to the  
22 Board" -- we'd capitalize the B in Board.

1           On the next line at the very end, it says,  
2 "Special population." We would put an S on the end of  
3 "populations." And we would delete the word "funding,"  
4 so it would just be "Special populations issues,  
5 delivery models and systems, and to the role of private  
6 attorneys."

7   M O T I O N

8           MS. BROWNE: So there were a few minor changes  
9 to the Purpose language. And with that, I think, as  
10 Laurie said, we'd like to move and make that the new  
11 purpose for this committee.

12           CHAIRMAN LEVI: Thank you very much, Sharon.

13           MS. CHILES: Thank you, Sharon.

14           CHAIRMAN LEVI: Any questions? Yes?

15           MS. SARJEANT: There was one other change, and  
16 that was under section 5, Authority, item 6, where it  
17 says, "may require." It was "may request." That was  
18 the one other change.

19           CHAIRMAN LEVI: Is that correct?

20           MS. BROWNE: Yes. That's correct.

21           CHAIRMAN LEVI: Any other comments?

22           (No response.)

1 CHAIRMAN LEVI: All in favor?

2 (A chorus of ayes.)

3 CHAIRMAN LEVI: Opposed?

4 (No response.)

5 CHAIRMAN LEVI: Okay. We're now on the report  
6 of the Finance Committee.

7 MR. GREY: Mr. Chairman, the Finance Committee  
8 considered a number of issues. And I have the  
9 treasurer and the CAO available. But the first  
10 is -- so that they'll keep me straight -- a  
11 recommendation by the Finance Committee for the Board  
12 to adopt the consolidated operating budget for 2010,  
13 with adjustments as recommended, and as amended -- as  
14 proposed as -- and as amended by a proposal by the  
15 Dean.

16 M O T I O N

17 MR. GREY: I'd like to move the adoption.

18 DEAN MINOW: Second.

19 CHAIRMAN LEVI: Any discussion?

20 (No response.)

21 CHAIRMAN LEVI: All in favor?

22 (A chorus of ayes.)

1 CHAIRMAN LEVI: Opposed?

2 (No response.)

3 MR. GREY: Item No. 6 is a proposed pay  
4 increase --

5 (Loud noises from telephone.)

6 MR. GREY: -- proposed pay increase that was  
7 recommended by the staff that we have. I think we've  
8 got some extraneous noise here.

9 CHAIRMAN LEVI: Somebody needs to mute their  
10 phone.

11 JUDGE SINGLETON: The person in the train  
12 station could try pressing star 6.

13 MS. MIKVA: I'm doing that, and for some  
14 reason it won't mute. But I'll keep trying.

15 JUDGE SINGLETON: Thank you.

16 CHAIRMAN LEVI: Otherwise, we're going to be  
17 riding the train with you.

18 In any event.

19 MR. GREY: I'd ask David to give the details  
20 of the proposed pay increase.

21 MR. RICHARDSON: Yes. We had some  
22 discussion --

1           CHAIRMAN LEVI: Your mike's not on.

2           MR. RICHARDSON: We had a discussion in  
3 regards to the increase that's proposed by management.  
4 The proposal is a 1.5 percent for an across-the-board  
5 locality (sic) increase, basically, or an adjustment to  
6 pay. There's also -- because of the locality factor,  
7 we've asked for a 2pct increase in the locality. It  
8 will raise locality from 17.1 to 19 percent.

9           We did clarify -- and we'll try to get it on  
10 the record -- but to make sure that the IG and  
11 management are in accord with this proposal, both agree  
12 that this is the way we'd like to move forward.

13           CHAIRMAN LEVI: Martha?

14           DEAN MINOW: I think it's also fair to report  
15 that the committee discussed the role of performance  
16 pay and plans to return to that practice in the future,  
17 which we have done in the past. So our not doing it  
18 this year has no implication for having walked away  
19 from that practice.

20                           M O T I O N

21           MR. GREY: That's correct. That's the  
22 proposal by the committee, and we would make a motion

1 that would entail a 3.5 percent increase broken down as  
2 the treasurer has discussed.

3 CHAIRMAN LEVI: Is there a second?

4 MR. GREY: With the amendment.

5 DEAN MINOW: So do you want a motion, or was  
6 that the motion?

7 MR. GREY: That is a motion.

8 DEAN MINOW: So this is a second.

9 CHAIRMAN LEVI: Any discussion? Charles?

10 PROFESSOR KECKLER: Thank you, Mr. Chairman.

11 There were concerns expressed earlier about the role of  
12 performance as the basis for pay rather than across the  
13 board. I'm comfortable with the money in part because  
14 it could be used to reward success and reward  
15 successful employees.

16 But that would imply that it would be  
17 distributed on the basis of performance. And it's just  
18 been my experience that having performance-based pay is  
19 a useful exercise not only for the employees, and the  
20 most successful employees, but also for managers  
21 because it makes performance review meaningful for the  
22 supervisors. They take it more seriously as to

1 employees.

2           So although I'm comfortable with it as a  
3 budgetary matter, I'm not comfortable with it in the  
4 manner in which it's intended to be distributed.

5           CHAIRMAN LEVI: Any other committees?

6           MR. FUENTES: Mr. Chairman, Tom Fuentes. I  
7 expressed my opposition to pay increase this year in  
8 the Finance Committee. I intend to vote no.

9           CHAIRMAN LEVI: Thank you, Mr. Fuentes.

10           Any other comments?

11           (No response.)

12           CHAIRMAN LEVI: All in favor of the motion?

13           (A chorus of ayes.)

14           CHAIRMAN LEVI: Opposed?

15           PROFESSOR KECKLER: Nay.

16           MR. FUENTES: No.

17           CHAIRMAN LEVI: Thank you very much.

18           Any more on your report of the Finance

19 Committee, Mr. --

20           MR. GREY: I'm afraid so.

21           CHAIRMAN LEVI: -- Finance Chair?

22           MR. GREY: There's a resolution that the

1 committee recommends to the Board to consider as a  
2 temporary operating budget for 2011, and it requires  
3 Board action. I'd ask the treasurer to elaborate on  
4 that.

5 MR. RICHARDSON: Page 122 of your board book,  
6 it lays out that we are -- this is the last scheduled  
7 full board meeting before the beginning of next fiscal  
8 year. So what we're asking is that you grant us  
9 temporary operating authority with a budget of \$426  
10 million, and that is broken down basically as the \$420  
11 million is what we received this year in an  
12 appropriation. I have estimated that there would be \$6  
13 million in carryover going into the next year.

14 We will begin the year with this budget, if  
15 you approve that. And then when we come the middle of  
16 October to the next meeting in Louisville, we will  
17 present you a full temporary operating budget where we  
18 will begin the year until such time as we have the  
19 complete carryover and we have an appropriation.

20 We do anticipate, as John Constance has told  
21 us, probably a continuing resolution to begin the year.

22 And then we will adopt a full budget once we have the



1 full appropriation.

2 M O T I O N

3 MR. GREY: We would so move.

4 CHAIRMAN LEVI: Is there a second?

5 DEAN MINOW: Second.

6 JUDGE SINGLETON: Second. This is Singleton.

7 CHAIRMAN LEVI: Yes. Thank you, Judge.

8 Any further comments? Questions?

9 (No response.)

10 CHAIRMAN LEVI: All in favor?

11 (A chorus of ayes.)

12 CHAIRMAN LEVI: Opposition?

13 (No response.)

14 MR. GREY: Finally, Mr. Chairman, there is a  
15 resolution the thrift plan, 403(b), that we are asking  
16 the -- or the committee is recommending to the Board  
17 that we modify the plan to allow for up to six loans  
18 per employee. And that will allow us to be in  
19 compliance at the end of the year.

20 M O T I O N

21 MR. GREY: We'll probably come back and  
22 revisit this issue next year. But at the present time,

1 this modification, we think, is in order, and would  
2 recommend to the Board that they adopt it. And I so  
3 move.

4 DEAN MINOW: Second.

5 CHAIRMAN LEVI: Comments? Questions?

6 (No response.)

7 CHAIRMAN LEVI: All in favor?

8 (A chorus of ayes.)

9 CHAIRMAN LEVI: Opposed?

10 (No response.)

11 CHAIRMAN LEVI: Does that conclude your  
12 report?

13 MR. GREY: That concludes my report, Mr.  
14 Chairman.

15 CHAIRMAN LEVI: Now Mr. Meites --

16 MR. MEITES: Yes, sir.

17 CHAIRMAN LEVI: No, no, no. It's Mr. Maddox.  
18 It's the Audit Committee. I'm sorry.

19 MR. MEITES: All right. That's fine.

20 MR. MADDOX: Mr. Chairman, we deferred action  
21 of resolutions, and I don't believe we conducted any  
22 votes. So there is nothing to report to the Board.

1           CHAIRMAN LEVI:  How pleasant.

2           Mr. Meites?

3           MR. MEITES:  We considered the potential  
4 initiation of a rulemaking to amend the requirements of  
5 our regulations with regard to the public aspects of  
6 performance evaluations and the present inspector  
7 general.

8           Management recommended to us that we defer  
9 action until such time as the OIG and management can  
10 present to us a joint protocol, which it  
11 believes -- they believe -- will allow solving this  
12 problem without amending the regions.

13           We were also mindful that the Board is about  
14 to enter a presidential search, which has other issues  
15 about public meetings.  And so with that in mind, we  
16 have called a special meeting our committee for August  
17 15th, at which time management and the OIG will present  
18 us their proposed protocol and we will conduct further  
19 discussions on this item.

20           The next item, actually, was grant assurances.

21           Ever year management brings to us a proposed grant  
22 assurance which all grantees have to sign as a

1 condition of receiving funds from the Corporation.

2 Karen Sarjeant reviewed the grant assurances  
3 with us. There are five changes, all of which we  
4 determined to be nonsubstantive.

5 M O T I O N

6 MR. MEITES: And I therefore -- our committee  
7 recommended, and I move, that the 2011 grant assurances  
8 be approved by the Board.

9 CHAIRMAN LEVI: Is there a second?

10 PROFESSOR KECKLER: Second.

11 CHAIRMAN LEVI: Discussion? Comment?

12 (No response.)

13 CHAIRMAN LEVI: All in favor?

14 (A chorus of ayes.)

15 CHAIRMAN LEVI: Opposed?

16 (No response.)

17 MR. MEITES: At Charles' suggestion, we asked  
18 management to report a briefing on two items, plans for  
19 reviewing and improving LSC's performance measures, and  
20 a briefing on receipt and use of timekeeping data. We  
21 had an informative discussion, and we learned that, in  
22 fact, management was ahead of us, and in responding to

1 the GAO study, it is examining these questions  
2 independently. So we await further information.

3 The other item we considered in closed  
4 session, and I don't exactly know how to handle this.  
5 We had a resolution to recommend to the Board, which I  
6 will pass out now, which has to be in open session,  
7 does it not, Vic? And it should be. Nothing that I  
8 don't want to say.

9 PRESIDENT FORTUNO: It's on the --

10 DEAN MINOW: It's on the agenda for the closed  
11 session.

12 MR. MEITES: Well, but I don't think it should  
13 be. This is going to be a public resolution. There's  
14 not a place to -- there's no drawer to put this  
15 resolution out of sight.

16 So Vic, maybe you could help me. Is there any  
17 reason why we can't consider that -- or why we  
18 shouldn't consider this resolution at this time?

19 PRESIDENT FORTUNO: I don't think so. I don't  
20 see any reason why it can't be done.

21 MR. MEITES: All right. Our committee  
22 discussed the matter of employee benefits for same-sex

1 alliances of whatever type. We were informed that  
2 under the laws of the District of Columbia, it is  
3 illegal to discriminate in the provision of benefits on  
4 the basis of domestic arrangements.

5           It was proposed to us the employee handbook be  
6 modified to provide that non-ERISA benefits -- and I'll  
7 get back to that in a minute -- in fact, be provided on  
8 a nondiscriminatory basis. And that is what this  
9 resolution accomplishes.

10           ERISA benefits, which we have, are not  
11 governed by the D.C. statutes and are not covered by  
12 this resolution. If you look at the bottom of page 1,  
13 you will see we have a listing of those benefits,  
14 non-ERISA benefits, which would be affected by this  
15 resolution.

16           And the handbook would be amended to make  
17 clear that these benefits will be provided to same-sex  
18 spouses and same-sex and opposite-sex domestic partners  
19 and dependents thereof. And the handbook will further  
20 provide a definition, using the D.C. statutes, as to  
21 what these terms mean.

22           The aim is that any employee reading this

1 handbook will know, first of all, whether they qualify,  
2 or they or their partner qualifies for these benefits,  
3 and indeed, what benefits are being provided.

4 Our committee was unanimous in recommending  
5 the Board adopt these changes to the handbook, which  
6 also is a substantive change in our benefits. I want  
7 to make clear it's not just the handbook. It's what  
8 happens.

9 CHAIRMAN LEVI: Right. Yes.

10 MR. MEITES: We believe that it is mandated by  
11 local law. We actually at this point see no need to  
12 have a discussion of either the wisdom or utility of  
13 this. Our view is we have no choice.

14 M O T I O N

15 MR. MEITES: We all have personal views on  
16 this, and perhaps we'll have another chance to discuss  
17 it. But at this point, because we have been informed  
18 by counsel that this is required by the statutes that  
19 govern us, I move that these changes be adopted.

20 CHAIRMAN LEVI: Is there a second?

21 MS. BROWNE: I'll second it.

22 MR. GREY: Let me just ask, before we do that,

1 was there a briefing on this that was scheduled or  
2 postponed?

3 MR. MEITES: There was a briefing which I  
4 canceled, and --

5 MR. GREY: We have the memo from --

6 CHAIRMAN LEVI: There was a briefing that you  
7 got the memos, yes. But then as a part of their closed  
8 session yesterday, or this morning, rather, that was  
9 opposite the Finance Committee --

10 MR. MEITES: And our discussion was guided by  
11 the memo that you all -- memos that you all received.

12 CHAIRMAN LEVI: With that clarification, any  
13 other questions? Comments? Charles?

14 PROFESSOR KECKLER: Yes. Thank you, Mr.  
15 Chairman. I have a quick question. I just received  
16 this resolution, although we did discuss the substance  
17 of the issue earlier in committee. Did the directors  
18 on the phone have access to this resolution?

19 MR. MEITES: They do not. It was just  
20 prepared. I am prepared, in light of Charles' comment,  
21 to take a vote, but subject to reconsideration if any  
22 of the directors not present ask for it.



1           Is that satisfactory, Charles?

2           PROFESSOR KECKLER:   Yes.

3           MR. MEITES:   On that condition, I ask for my  
4 motion to be put to a vote.

5           CHAIRMAN LEVI:   Well, let me ask any of the  
6 directors on the phone whether they wish to hold this  
7 up until we can circulate to them the motion.

8           MS. CHILES:   Yes.  I'm sorry.  I've not seen  
9 the resolution.  Can you -- I'm sorry.  What exactly  
10 does the -- what's the effect of the resolution, Tom?

11          MR. MEITES:   Well, the effect, Jonann, is to  
12 provide non-ERISA benefits -- sick leave, shared leave,  
13 bereavement leave, parental leave, family medical  
14 leave, and so on -- to all employees and their same-sex  
15 spouses and same-sex and opposite-sex domestic  
16 partners.

17          The handbook further will be amended to set  
18 out what those terms mean under District of Columbia  
19 law, and will be a substantive change in our present  
20 benefit policy in that at present, we do not offer  
21 partners and dependents of partners these benefits.

22          MR. GREY:   Mr. Chairman, in lieu of

1 passing -- I mean, I'm sensitive to Charles' point.  
2 And, I mean, just as a way of advancing this, it might  
3 be that we could read this into the record, the  
4 resolution, so that those on the phone would have  
5 verbatim --

6 CHAIRMAN LEVI: Well, we're trying to get it  
7 to them --

8 MR. GREY: Well, you could do both, is what  
9 I'm saying.

10 CHAIRMAN LEVI: -- right now as well. And  
11 maybe what we can do is hold it to the end of the  
12 agenda and see --

13 MR. MEITES: Let's try that.

14 CHAIRMAN LEVI: Can we do that?

15 MR. MEITES: Okay. So just my motion will be  
16 tabled until further consideration.

17 CHAIRMAN LEVI: Yes.

18 MR. MEITES: And I believe that completes the  
19 report of the Ops and Regs Committee.

20 CHAIRMAN LEVI: I am told that with respect to  
21 the Finance Committee's adoption or motion regarding  
22 the salary increase, that I should have indicated for

1 the record that there were two no votes, but that the  
2 balance of the votes were yes and that the motion  
3 carried.

4 Now, for the item 15, the governance, this is,  
5 Martha, your report.

6 DEAN MINOW: Yes. So the Governance and  
7 Performance Review Committee met yesterday. We have  
8 one formal action item, which regards the committee's  
9 self-evaluation forms.

10 We had a good discussion about three different  
11 kinds of self-evaluation forms, with staff's help, and  
12 we came up with the conclusion that we will develop  
13 forms to be used for self-evaluation by all the  
14 committees that will combine the features of two of  
15 these models.

16 And in consultation with staff, I am assured  
17 that we will have a form of this to share with the  
18 committee by the end of August, and we will set up a  
19 telephonic meeting and be able to vote on this.

20 There's no other action item that we voted on.

21 I would note that the committee has authorized me to  
22 continue to pursue the research agenda topic, and I

1 will do so and report back at the next committee  
2 meeting.

3 CHAIRMAN LEVI: Anything else from your  
4 committee?

5 DEAN MINOW: That completes our committee  
6 report, Mr. Chairman.

7 CHAIRMAN LEVI: Now we have a consideration of  
8 a resolution recognizing the late Edna  
9 Fairbanks-Williams, who was a client representative and  
10 board member of the Legal Services Corporation Board.  
11 And I've asked Vic Fortuno just to say a few words  
12 about this, and then we can move the resolution.

13 PRESIDENT FORTUNO: Edna, as she was  
14 affectionately known to all of us, served on the Board.  
15 She was appointed by President Clinton, served on the  
16 Board with Tom Smegal started in 1993, served until  
17 2003. So she served for a full ten years.

18 She was a very much engaged client-eligible  
19 board member. She never missed a meeting, no matter  
20 what the circumstances, the weather or her health. She  
21 was there for every meeting during those ten years.

22 We learned of her passing in an automobile

1 accident. Everyone who knew her was saddened. And  
2 what you have before you, and it appears at page 275  
3 and 276 of the board book, is a resolution expressing  
4 the Corporation's and the Board of Directors' formal  
5 expression of gratitude for her many years of service  
6 on the LSC Board and her contributions to the efforts  
7 to provide equal justice to all.

8 CHAIRMAN LEVI: I do note that there must be a  
9 date issue. Turn to page 1. Those dates of 2003 to  
10 2006 do not look correct.

11 MR. MEITES: No. It's 1993.

12 PRESIDENT FORTUNO: No. '93.

13 CHAIRMAN LEVI: And so I think it should be  
14 modified to correct --

15 PRESIDENT FORTUNO: '93 to '03.

16 CHAIRMAN LEVI: Ten years.

17 MR. MEITES: As the only board member who  
18 served with Edna --

19 CHAIRMAN LEVI: Active member. Tom's in the  
20 room.

21 MR. MEITES: Right. And Tom can join me.

22 Although she had substantial health problems, she was

1 on top of the issues that our Board faced, and as a  
2 client representative should, she gave us a unique  
3 perspective on what we were trying to do.

4 M O T I O N

5 MR. MEITES: So I move the resolution.

6 CHAIRMAN LEVI: As amended.

7 MR. FUENTES: It's my pleasure to second the  
8 resolution. Tom Fuentes. And I would just like to add  
9 to that that there was never an issue that came before  
10 the Board that Edna did not remind us to give thought  
11 first to our clients. And she made a very significant  
12 contribution.

13 JUDGE SINGLETON: Mr. Chairman, this is Sarah  
14 Singleton. I believe the correct end date for her term  
15 is 2006 because I replaced her.

16 CHAIRMAN LEVI: Okay. Thank you very much.

17 PRESIDENT FORTUNO: We'll correct that.

18 CHAIRMAN LEVI: We'll correct that.

19 MR. MEITES: Call my motion for a vote,  
20 please.

21 CHAIRMAN LEVI: Yes. Is there a second?

22 MR. GREY: Second.

1 CHAIRMAN LEVI: All in favor?

2 (A chorus of ayes.)

3 CHAIRMAN LEVI: Opposed?

4 (No response.)

5 CHAIRMAN LEVI: Thank you.

6 Is there a staff report, then, on the  
7 Strategic Directions performance?

8 MR. JEFFRESS: We did that at the Ops and  
9 Regs.

10 CHAIRMAN LEVI: Oh, I'm sorry. It's the  
11 Development Committee. It's No. 17. And that's a  
12 resolution to establish a Development Committee.

13 I think that, as I've discussed with the Board  
14 in the last few months, there, I think, are  
15 opportunities for doing some development work. We are  
16 a 501(c)(3). But we need a proper place to begin to  
17 understand that work and what we might be able to do.  
18 And I'm eager to get started.

19 And I don't want to over-committee us, but  
20 think that in the interests of advancing other funding  
21 sources and taking some baby steps, even, in that  
22 direction, that we begin the process by empaneling a

1 committee. So that's the resolution.

2 DEAN MINOW: It's Martha Minow. I think it's  
3 an inspired idea, and I support it. I would like to  
4 propose it in the charter on item 5, paragraph 6, that  
5 the "required" be changed to "request" to parallel the  
6 similar change in the charter of --

7 CHAIRMAN LEVI: Yes.

8 MR. FUENTES: Mr. Chairman, Tom Fuentes here.  
9 I'd direct you to the last paragraph of the  
10 resolution.

11 CHAIRMAN LEVI: Wait, wait.

12 MR. FUENTES: It says it's creating a "Search  
13 Committee." I think we just have a typo there.

14 CHAIRMAN LEVI: I think we do. Just a second,  
15 Tom.

16 It's No. 5, Martha?

17 DEAN MINOW: Paragraph 5, then little  
18 paragraph (vi). So "may request" rather than  
19 "require," to just parallel --

20 CHAIRMAN LEVI: Okay. I understand. Yes.

21 So did people on the phone understand that  
22 change? It's on page 280. In No. 6, the word



1 "require" will be changed to "request." Was there  
2 another change? And then Mr. Fuentes caught the  
3 typo -- where was that, now?

4 MR. MADDOX: The last paragraph.

5 CHAIRMAN LEVI: In the last paragraph. What  
6 was it? Oh, "delegated."

7 MR. MADDOX: "Herein establish a Search  
8 Committee."

9 MR. GREY: Be it resolved.

10 MR. MADDOX: It should be Development  
11 Committee.

12 CHAIRMAN LEVI: Oh. Development Committee.  
13 That's correct.

14 MS. CHILES: Yes. I understand. Thank you.

15 CHAIRMAN LEVI: Any other changes?

16 (No response.)

17 CHAIRMAN LEVI: Can we have a motion?

18 M O T I O N

19 DEAN MINOW: I so move.

20 CHAIRMAN LEVI: Second?

21 MR. MADDOX: Second.

22 CHAIRMAN LEVI: All in favor?

1 (A chorus of ayes.)

2 CHAIRMAN LEVI: Opposition?

3 (No response.)

4 CHAIRMAN LEVI: And there is no further staff  
5 report? I have to find my agenda. Where are we?

6 DEAN MINOW: This is item 18, about Strategic  
7 Direction performance measures.

8 CHAIRMAN LEVI: That we've deferred.

9 DEAN MINOW: We've deferred. We've deferred  
10 19.

11 MR. MADDOX: Nineteen is the ethics officer?

12 DEAN MINOW: Ethics officer, deferred.

13 So is there a staff report on civil legal  
14 services to veterans?

15 CHAIRMAN LEVI: Yes. No, we just adopted the  
16 charter for the Development Committee. So I don't --

17 DEAN MINOW: Charter?

18 CHAIRMAN LEVI: Well, I think we only adopted  
19 the charter. Wasn't that -- that was, I thought, the  
20 motion.

21 PRESIDENT FORTUNO: That was the resolution  
22 establishing it.

1           CHAIRMAN LEVI: Oh, we need to do both.

2                           M O T I O N

3           DEAN MINOW: I actually meant the resolution.

4       But I'll be happy to move that we resolve to create  
5 the committee itself, the Development Committee.

6           MR. MEITES: Second.

7           CHAIRMAN LEVI: All in favor say aye.

8           (A chorus of ayes.)

9           CHAIRMAN LEVI: Thank you, Mr. President.

10          DEAN MINOW: So I think you're on staff report  
11 for civil legal services to veterans.

12          CHAIRMAN LEVI: We are. No. 20.

13          MR. HARDIN: Hello. My name is Bristow  
14 Hardin, program analyst with the Office of Program  
15 Performance. With me is Nan Heald, director of Pine  
16 Tree Legal Assistance from Maine, who will report on  
17 one of the projects funded by LSC through the TIG  
18 program. Given the time, I shall try to be as  
19 expedited as possible.

20          CHAIRMAN LEVI: That's right.

21          MR. HARDIN: First of all, the way we  
22 discussed this is we highlight that it's services not

1 merely to veterans -- you needn't look up there; I'm  
2 dispensing with my PowerPoint in the interests of your  
3 necks and such -- but we highlight that it's not merely  
4 veterans, but rather whom we called the individuals  
5 with military connections because it includes  
6 Reservists, National Guard, active duty, all of whom  
7 have significant legal issues that will affect their  
8 future and current legal rights, benefits, et cetera.  
9 And so we highlight that it's not merely low-income  
10 veterans, but individuals with a military connection.

11           And so, also, what LSC does, very briefly, is  
12 of years we've administered a veterans' pro bono  
13 program, which is funded through the Department of  
14 Veterans Affairs line item through the U.S. Court of  
15 Appeals for veterans' claims.

16           We've administered that plus, as I'll note, we  
17 fund projects, new projects, through the TIG program,  
18 and also field programs, in addition to representation  
19 of veterans and households that have veterans or  
20 individuals with a military connection within them.  
21 Some programs have special programs targeted toward the  
22 needs of these populations.

1           And in addition to securing the veterans'  
2 benefits, some of the major legal challenges  
3 confronting this population are that they enjoy or have  
4 special privileges and rights in different areas of  
5 substantive law that provide them protections that are  
6 not otherwise available to the general population. And  
7 these are very critical in terms of areas of consumer,  
8 mortgage, foreclosure, et cetera.

9           Also, there are a wide range of areas in  
10 which -- that we miss sometimes that this population  
11 needs assistance on a wide range of traditional poverty  
12 law issues, as I mentioned.

13           And I shall skip over the veterans' benefits  
14 part of the situation except to say that the legal  
15 services program's services that have been provided to  
16 veterans on initial applications for veterans' benefits  
17 has not been as high as otherwise for the simple reason  
18 that there are a wide range of other resources  
19 available to this population.

20           In terms of veterans' service organizations,  
21 you have the JAG Corps, other military services'  
22 organizations that can provide these services.

1           Also, where it does become important, is at  
2 the appeals stage.

3           CHAIRMAN LEVI: Let me just stop you and tell  
4 you that the Justice Department representative the  
5 other day told me that the JAG Corps says that they are  
6 overwhelmed and that they can't handle it all, and are  
7 trying to figure out whether there's some way we can  
8 help them or that the private bar can help them; but  
9 that they are quite overwhelmed. So I don't know --

10          MR. HARDIN: I concur fully. I'm talking  
11 about historically what has been the case.

12          CHAIRMAN LEVI: I see.

13          MR. HARDIN: And I think that Nan will be able  
14 to provide you more information about that.

15                 And so I'll also just briefly highlight that  
16 one of the key things that people oftentimes miss,  
17 especially for low-income folks that go in the Service  
18 in many ways to enhance, because they have no  
19 economic -- or employment services that are lacking,  
20 where they hope to improve them, is one of the things  
21 that happens is if there is a problem in their  
22 services, the type of discharge they have is of

1 critical importance about whether they get future VA  
2 benefits.

3           And one of the things that's especially  
4 important is that if they get less than honorable, what  
5 they have are non-honorable. And this is especially  
6 important with factors having to do with PTSD and  
7 sexual harassment. And under those circumstances, many  
8 times people just waive their rights because they want  
9 to get out as soon as possible.

10           And again, the details I'll provide you in a  
11 follow up. So we won't need to go through there.

12           Also, I should highlight that historically,  
13 with respect to representing veterans at the first  
14 level and throughout the process of providing  
15 representation for veterans, there has been an  
16 historical, as you probably know, resistance to having  
17 lawyers involved in this process both in terms of  
18 taking part of the veterans' benefits, both in  
19 terms -- taking their cut, as it were.

20           Veterans' service organizations many times  
21 have felt that it really encroaches on their territory.

22           This has been changed where -- this has been opened up

1 through recent where lawyers can now represent veterans  
2 for a fee in this process once there has been an  
3 adverse action they receive, so once they have their  
4 initial application turned down.

5           What I should say, however, is just with  
6 respect to the JAGs, the availability of veterans'  
7 service organizations varies widely across the country.

8       Also, their caseloads can number in the hundreds for  
9 an individual case officer.

10           The full extent of our grantees' work for this  
11 population, for the individuals with a military  
12 connection, is not really known because, on the one  
13 hand, as you perhaps know, our case services report  
14 data, the only checkoff there is for veterans'  
15 benefits. And also, there is no consistent data  
16 nationally for the assistance provided to households  
17 with individuals with a military connection on other  
18 issues. So we do not know that.

19           Also, we do not know if a household with a  
20 veteran or an individual that has some military  
21 connection, if they're helping that household with one  
22 of those members, we do not know anything about that



1 since there's no national data regarding that. Okay?

2           What we do do, however, the veterans' pro bono  
3 program, I'll just note that it was established -- it  
4 represents folks before the U.S. Court of Appeals for  
5 Veterans' Claims. Historically, there was no redress  
6 for veterans who were denied benefits until this court  
7 was established because the Bureau of Veterans' Appeals  
8 were the last arbiter.

9           And so this court was established, and this  
10 pro bono program was established in the early '90s  
11 because upwards of 80 -- 75 to 80 percent of appellants  
12 were pro se. And so given LSC's experience in these  
13 areas, Congress charged LSC with administering the  
14 program, which we do. And I can provide you more  
15 details on that later in the interest of moving  
16 forward.

17           The one thing I would -- I can also provide  
18 you more information, actually, on the special projects  
19 that grantees around the country have done. What I will  
20 just note at this point is in 2009, through the TIG  
21 program, we funded four projects that are specifically  
22 focused on the needs of individuals with a military

1 connection, and that was an area of focus for the grant  
2 program then.

3           One of them was to Wisconsin Judicare to  
4 provide them some upgrades in their systems as well as  
5 some support to develop their expertise to have a  
6 partnership with veterans' county services  
7 organizations to do sort of circuit-riding  
8 throughout -- you've heard about the rural area -- to  
9 do circuit-riding throughout the area to provide  
10 services to veterans.

11           Another program, another grant, was to  
12 Colorado Legal Services, which is to develop web-based  
13 resources combined with live chat. And what that is is  
14 they have web-based resources and the publicity of  
15 them.

16           Then when people go to the website and try to  
17 seek their information, if they have trouble getting  
18 the legal information that they want, they can  
19 connection to a pro bono attorney who has been trained  
20 by the program and the resources have been set up, so  
21 they get sent to a pro bono attorney who can help them,  
22 online, find what they -- the resources they need.

1           Next, Legal Aid of Louisville has developed a  
2 resource that we funded to -- they're developing  
3 website resources, automated forms for applications.  
4 Also, they developed a -- they're in the process of  
5 developing a very interesting online intake triage tool  
6 that we help determine eligibility and focus people,  
7 send them to the appropriate program or staff  
8 attorneys.

9           Lastly, Pine Tree Legal Assistance is  
10 establishing, developing, a national website for  
11 resources for low-income vets and for their advocates.

12           And with that, unless there are any questions,  
13 I'll turn it over to Nan.

14           MS. HEALD: Thank you very much, Bristow. And  
15 I will be quick.

16           Two years ago, Congressman Mike Michaud from  
17 the 2nd District in Maine asked me to pay more  
18 attention to the needs of veterans in our state. He  
19 happens to chair a subcommittee on health issues for  
20 veterans.

21           We knew we were serving some vets in our  
22 client population, but it's not a question that we ask.

1     It's not always something that people volunteer. And  
2     what we learned when I talked to staff was that we were  
3     aware that there were a lot of special laws and  
4     programs out there both for veterans and for current  
5     service members. We really didn't know much about  
6     those laws.

7             And it's not easy to find out that information  
8     if you have not grown up in the military system, and  
9     you don't recognize the acronyms and the ways of  
10    characterizing this information. And I found, when I  
11    went and looked, that there are literally thousands of  
12    websites out there with information, and not all of it  
13    is accurate.

14            So we talked to the TIG office, and we were  
15    really honored to be chosen to create this national  
16    website. Our current grant is a two-year grant. It  
17    contemplates having the public launch of this website  
18    this November, Veterans Day.

19            But we also agreed to a soft launch of the  
20    website because it was a priority for the management  
21    staff of LSC and the TIG office to get this information  
22    out there as quickly as we could. So we went live on

1 June 14th, on Flag Day.

2           And we have -- I think in the first five  
3 weeks, we already had recorded over 8,000 page views of  
4 information without any publicity at all, which I think  
5 is both a tribute to the great advisors we have helping  
6 us, and to the fact that LSC now has a link to the  
7 website from their home page.

8           And so I'm just going to kind of quickly take  
9 you through this. I hope that all of you will take the  
10 time to look at the website on your own, and then to  
11 share with us how we can improve it.

12           So it is StatesideLegal.org. We are trying to  
13 really make this the website that contains legal  
14 information, only legal information, not other  
15 resources. Pine Tree, as I learned after I talked to  
16 Congressman Michaud, we have the third highest  
17 percentage of our state population that are veterans.  
18 I think that's true of a lot of rural states. We're  
19 hardly unique in that.

20           So this is the home page of the website. And  
21 you can see that we have a search engine functionality  
22 that allows people to enter a problem that they might

1 have.

2           We have an "About You" button because we have  
3 come to appreciate that there are important differences  
4 between someone who is an active duty service member  
5 and someone who's a veteran of the Coast Guard. And so  
6 we try to contain -- gather that information in order  
7 to give people good results when they do a search.

8           We have a Military News section which we  
9 update on a regular basis, because we think again  
10 that's a way to help people appreciate the range of  
11 issues. And we have a Top Search button to give people  
12 some clues on things that are important.

13           Our goal is to create original content. There  
14 are websites out there that simply link to the  
15 Department of Defense or the VA. We believe that it's  
16 important to write this information in plain English.  
17 Our goal is an eighth-grade reading level.

18           We don't always succeed, but that's our goal,  
19 to provide local referral resources, links to the other  
20 LSC grantees around the country that may be a resource  
21 for clients, and to provide self-help tools for  
22 clients, including videos and interactive charts.

1           If you go to the Helpful Information tab, this  
2    is the library of information. I don't want to suggest  
3    that we have information under all of these categories  
4    yet, but that is our goal. We have created about 80, 85  
5    new client education materials in these different  
6    topics, and we have tried to prioritize the ones that  
7    are most important to low-income people.

8           This is the About You button that I  
9    referenced. You fill in the state that you live in,  
10   whether you think you are low income, gender, branch of  
11   service, military status, relation to servicemember.

12           Some of these tabs are not so important for  
13   the content, but one of the LSC goals was to understand  
14   who needs this information and who is using it. And  
15   having this search engine allows us to understand that  
16   a little better.

17           You probably couldn't tell on the screen, but  
18   I filled it out as though I was a low-income person  
19   living in Wisconsin needing help with a divorce. And  
20   the return shows that it gives you information to the  
21   Coast Guard Legal Assistance office for Wisconsin,  
22   which happens to be in Ohio, as well as the two LSC

1 grantees that are here in Wisconsin, and the phone  
2 numbers and the addresses for all of them.

3           One of the important tools, and Glenn talked  
4 about it in his earlier presentation on TIGs, are  
5 interactive videos that just allow you to listen and  
6 watch as someone talks about -- in this particular  
7 case, our partner from Arkansas, legal services  
8 partnership from Arkansas, is creating videos that are  
9 on the Service Members Civil Relief Act, a very, very  
10 important consumer benefit for servicemembers.

11           And that program has also created some of the  
12 interactive self-help documents that Glenn also  
13 referenced -- early termination of a lease, for  
14 instance, a really important benefit for someone that  
15 is about to deploy.

16           We created an interactive Hot Docs that picks  
17 up on Bristow's point about the condition of discharge.

18           And although you can't see it because the screen  
19 doesn't capture it, when you go and look on your own  
20 you'll see this is a huge, long list of benefits, some  
21 of which provide interactive links to other content on  
22 the website that identifies which ones you remain



1 eligible for if you are discharged with one of  
2 the -- depending on your category of discharge, which  
3 we have come to believe is a very important resource.

4           Our own sense also, and I mention this in  
5 particular because two weeks ago I went to a meeting  
6 that the American Bar Association's Legal Assistance on  
7 Military Personnel Committee organized, the LAMP  
8 committee, organized in Boston with the JAG officers,  
9 the veterans' service officers, legal aid, and several  
10 representatives from the Pentagon and all four  
11 branches, to talk about the tremendous need for legal  
12 assistance in this client community.

13           We all agreed that we need to work together  
14 and continue this dialogue across all the different  
15 groups that are involved. It is very important that we  
16 commit to providing accurate information.

17           One of the issues we talked about is that two  
18 years ago, Congress changed the law for servicemembers  
19 whose homes are in foreclosure to give them additional  
20 protection in that situation. The HUD website does not  
21 have the current, accurate information about that  
22 benefit, and yet the HUD website is the one that you

1 most often find if you do a Google search on this  
2 issue.

3           So our hope is that -- and my promise to you  
4 is that our information -- we may not have as much  
5 information as we'd like, but what will be there will  
6 be the current, act information.

7           We have -- as I said, the public launch is in  
8 November. We are looking at the traffic. I think,  
9 obviously, once we have a public launch, we'll have a  
10 much better sense of what that means in terms of client  
11 needs.

12           We do have a TIG request pending in order to  
13 add content for advocates. Right now our focus is on  
14 client needs.

15           CHAIRMAN LEVI: That was very impressive. One  
16 thing before -- I wanted to -- well, congressmen on  
17 both sides of the aisle have talked to me about the  
18 establishment, I guess, that's happening of vet  
19 centers.

20           These vet centers are being -- I think the  
21 goal is to have 250 of them around the country because  
22 the veterans community, the stigma of going to a VA

1 hospital, that -- if they need counseling, that they  
2 can go to a vet center.

3           And I'm told that from those early vet  
4 centers, there are -- it is clear to those folks that  
5 are running them that the veterans coming in there have  
6 a lot of legal problems. They would love for us to  
7 figure out a way to have lawyer office hours, whether  
8 it's through the pro bono community or through our  
9 grantees.

10           Clearly, this would be a big boon to any of  
11 those vet centers, if people were trained and knew this  
12 existed and how to point the veterans there. But I  
13 just wanted to throw that out there because I know  
14 that -- in fact, I think John Constance went up saw one  
15 of these.

16           And he's left. But are we going to include  
17 that kind of -- and the JAG program wanting assistance,  
18 too. I think we should take a view of the whole  
19 situation here, see how we can best pull it together.

20           And I don't know whether you have a vet  
21 working group or how you're doing this.

22           PRESIDENT FORTUNO: We talked about

1 establishing one.

2 CHAIRMAN LEVI: There couldn't be anything  
3 more important. I feel like we have, if nothing else,  
4 a moral obligation to help this community.

5 Yes?

6 MR. GREY: I would note, too, that there are  
7 significant pro bono efforts in the country.

8 CHAIRMAN LEVI: Yes. Yes.

9 MR. GREY: And I think finding a way -- I  
10 mean, this all of a sudden can grow into a big  
11 elephant. But I do think that finding a way to connect  
12 with that, I mean, I know it's -- because I'm vice  
13 chair of the firm's pro bono committee, we had  
14 significant hours contributed to the appellate process.

15 But it would also -- so I think trying to  
16 figure out that coordinating effort might be very  
17 helpful. And when you start thinking about intake,  
18 this is were lawyers who volunteer can be very helpful,  
19 too, to relative staff of some of the administrative  
20 responsibility in administering these offices. I'm  
21 glad to hear about that.

22 And then the last thing is, with the HUD

1 website, it seems to me a very small step would be for  
2 us to create a link on their site back to us, although  
3 maybe that's too simple an idea. But if we can help in  
4 that regard, clearing some of the hedges, if you will,  
5 to get there, we'd be happy to do that.

6 MS. HEALD: Well, I actually talked to Colonel  
7 Shoemaker, I believe is the head of the Office of Legal  
8 Policy in the Pentagon, about the HUD website. And I'm  
9 somewhat optimistic that that may get taken care of.

10 MR. GREY: Oh, good.

11 DEAN MINOW: So I just commend this work. I  
12 think it's superb. Just two points.

13 One, Larry Tribe at the Department of Justice  
14 has put this topic very high on his agenda; it's one of  
15 his top three issues, and so I know that he means to be  
16 helpful. And so I pass that on.

17 And secondly, Nan and I talked briefly about  
18 this: I think law schools can be helpful. Many law  
19 schools have veterans' organizations. Many law schools  
20 are very interested in being of assistance to people  
21 with military connections right now.

22 So if there's a way that we could talk about

1 training for law students to do some of the  
2 walk-through with people who use the website, or other  
3 kinds of research, I think that we could -- I could try  
4 to facilitate that if that's helpful.

5 MR. HARDIN: Yes. From what we know, the  
6 resources are really exploding in terms of what's  
7 available -- or "exploding" is a bad term in this  
8 context. I apologize. But they're expanding markedly.

9 And the question -- the issues are, as you've  
10 talked about, is how our grantees fit into this process  
11 in the appropriate ways to offer the services that they  
12 are the specialists in providing, and to provide the  
13 services that no one else is so well-equipped to  
14 provide.

15 And that's one of the things that the JAGs  
16 have talked about. That's one of the things that I  
17 think that Steve Barr and John found out, and the local  
18 legal aid programs found out, when they talked to the  
19 community centers for vets up in Bucks County. So what  
20 you're talking about is something -- a great  
21 opportunity that we're trying to sort through.

22 CHAIRMAN LEVI: Any other comments or

1 questions from anybody on the phone?

2 MS. CHILES: No questions. Thank you.

3 CHAIRMAN LEVI: Thank you very much. That was  
4 a very, very compelling report.

5 So at this point, we're on the meeting  
6 calendar. Let me just take a quick second on that  
7 because we need to start to make some arrangements.  
8 The annual meeting, you know that we have a September  
9 meeting of the Finance Committee. We may add a couple  
10 of others. And we have an October meeting already  
11 scheduled.

12 The September -- sorry, just distracted  
13 here -- the January meeting will be in Washington, and  
14 I suggest that we hold an extra day -- January 26 to 29  
15 is the period, of 2011 -- hold an extra day because,  
16 hopefully, by that point we have a new president. And  
17 we will have an opportunity to have a longer meeting  
18 with him or her. And so just hold that on your  
19 calendar. We may not need it, but I thought people  
20 should know that.

21 Then on March 31 is when the task force is to  
22 return with its report. And it seems to me very likely

1 that we will want to have a meeting again in Washington  
2 on March 31 to hear what the task force has to say on  
3 oversight.

4           And then the question is, what do we do after  
5 that? Well, in April, we have been asked -- if we  
6 don't do it before the end of the year, visit the Gulf,  
7 we may do it then. At some point we're going to try to  
8 help see what we can do in the Gulf states.

9           And the question is where and how. And we  
10 don't want to make trouble, but we also want to focus  
11 on the issue. And so there's been some suggestion that  
12 we actually go down this fall and hold -- look into how  
13 the community is being served, and identify it's being  
14 well-served, and if there are issues that we can work  
15 with Feinberg on.

16           But we're going to keep an eye on that because  
17 I don't want to -- I also don't want us to be in the  
18 way. So that's why I haven't figured out if we're  
19 going to the Gulf in April, if we've already been or  
20 not. And then the thought would be we would probably  
21 go out West in July, and very likely in October go out  
22 to Iowa.



1           But maybe you all should be thinking about  
2 this with me. I've just taken you out to March 31.  
3 Hopefully that helps Pat Batie with room reservations  
4 and things like that.

5           Now, any other -- yes, sir?

6           MR. MEITES: I would like to reconvene my  
7 report.

8           CHAIRMAN LEVI: Oh, yes. You've got your  
9 report.

10          MR. MEITES: Sarah, Tom, and Jonann, are you  
11 still on the phone?

12          MS. CHILES: Yes.

13          JUDGE SINGLETON: I am, but I couldn't open  
14 the attachment, so I still haven't read the resolution.

15          MR. MEITES: All right.

16          DEAN MINOW: Can we read it aloud?

17          MS. CHILES: Tom, this is Jonann Chiles. I  
18 was able to open the attachment, and I read it, and I'm  
19 fine with it.

20          MR. MEITES: Sarah, if I read it to you, would  
21 that be satisfactory?

22          DEAN MINOW: Well, let's read it and see if

1 it's --

2 JUDGE SINGLETON: I thought that it had  
3 already been summarized sufficient for my purposes.

4 MR. MEITES: Okay. If you're in a position  
5 to -- you feel you're on top of the issue, then I will  
6 call for a vote.

7 PROFESSOR KECKLER: Second.

8 MR. FUENTES: Mr. Chairman, this is Tom  
9 Fuentes. I had the opportunity to receive that, but I  
10 had some thoughts about that. And so just call for  
11 abstentions when you get to the vote. Thank you.

12 MR. MEITES: I'm sorry. We should have had a  
13 discussion first. I apologize for rushing that.

14 MR. MADDOX: My question is -- and forgive me  
15 if this seems unformed. But I don't know what an  
16 opposite-sex domestic partner is.

17 MR. MEITES: I have an answer to that. The  
18 District of Columbia statutes --

19 CHAIRMAN LEVI: You'd better speak into the  
20 mike.

21 MR. MEITES: The District of Columbia statutes  
22 define the terms that are used there. And the handbook

1 is going to include in that section those essentially  
2 definitional terms.

3 DEAN MINOW: If I can help, Victor, people who  
4 choose not to marry, but they are -- a heterosexual  
5 couple can register the same way that a same-sex couple  
6 can.

7 MR. MADDUX: Okay. So these are people who  
8 choose not to marry even though that option is  
9 available in the District to both same-sex and to  
10 opposite-sex couples?

11 DEAN MINOW: No. The option of marriage --

12 MS. MULLENBACH: That is correct. That is  
13 correct.

14 MR. MADDUX: Is available.

15 MS. MULLENBACH: And we will include in the  
16 revision to the handbook the definitions that are  
17 included in the statutory provisions in D.C. But for  
18 terms -- just for the shot version of what the terms  
19 require, it's a committed relationship between two  
20 individuals characterized by mutual caring and the  
21 sharing of a mutual residence.

22 There are certain requirements that have to be

1 met. It has to be a committed relationship. At least  
2 18 years old. Be the sole domestic partner. Not be  
3 married. And then there are some other indicia that  
4 you have to show that you have the relationship, such  
5 as title to the car. Possibly a lease. Home  
6 ownership.

7           There are a number of indicia that are  
8 required in order to qualify to meet this requirement  
9 of being considered a domestic partner. And this is  
10 Linda Mullenbach. I'm senior assistant general counsel  
11 in OLA.

12           MR. MADDOX: Yes. So just to clarify and make  
13 sure I understand it --

14           MS. MULLENBACH: Correct.

15           MR. MADDOX: -- this commitment needn't  
16 be -- what you just told me is a function -- this is a  
17 reflect of D.C. law.

18           MS. MULLENBACH: Correct. The D.C. law.

19           MR. MADDOX: So the D.C. law recognizes that a  
20 couple of whatever sex or combination can be recognized  
21 as committed even though that commitment doesn't have  
22 the imprimatur of the District in any respect. It

1 doesn't have a civil proceeding? A civil union? A  
2 registration at the city hall? None of that?

3 MS. MULLENBACH: Yes. There is a registration  
4 that is -- that takes place. It can be registered.  
5 They can be registered in other jurisdictions; those  
6 are also recognized in the District of Columbia. If  
7 there isn't a registration, there's an affidavit that  
8 can be provided that would contain the same indicia  
9 that would support the obligations that we're talking  
10 about that would be required by the District of  
11 Columbia law.

12 CHAIRMAN LEVI: Does that help, Victor?

13 MR. MADDOX: It helps, Tom. I just -- I would  
14 like to understand better the nuances of the law. And  
15 frankly, my only observation here is that it strikes me  
16 as peculiar that if the option of demonstrating a  
17 commitment in a relationship is available both civilly  
18 or religiously for every combination of people, that we  
19 ought to be extending benefits to people who, for  
20 whatever reason, choose not to take that somewhat minor  
21 step.

22 And it just -- personally, I think it's the

1 wrong thing to do for our society. It has nothing to  
2 do with sexual orientation or sexual proclivities.  
3 It's just a matter of what's right for a modern,  
4 ongoing society.

5           So that's my observation. Thank you for that  
6 briefing.

7           MS. MULLENBACH: Right. We're following the  
8 District of Columbia law. I don't think anyone is  
9 making a statement regarding a personal opinion or an  
10 LSC opinion. We're advancing what the law is and what  
11 the law permits --

12           MR. MADDOX: And I appreciate that.

13           MS. MULLENBACH: -- and what we need to abide  
14 by as a D.C. corporation and a D.C. employer.

15           MR. MEITES: Just to make sure that we're  
16 clear is that if someone, one of our employees, comes  
17 to us and says, I'm now eligible for this, Alice's  
18 office will insist that those indicia be demonstrated.  
19 Isn't that correct?

20           MS. MULLENBACH: That is correct.

21           PROFESSOR KECKLER: So just to clarify with  
22 regard to this resolution, it's counsel's opinion that,

1 based on D.C. law regarding same-sex couples and  
2 domestic partnership that these benefits are required  
3 under the D.C. law?

4 MS. MULLENBACH: That's correct. They're  
5 required -- these non-ERISA are required, and we are  
6 asking Board approval to clarify the handbook to ensure  
7 that the items that are identified in this resolution  
8 are correctly presented and provided to our employees  
9 so that we are consistent with D.C. requirements and  
10 not committing discrimination for which we could  
11 subject the company to potential charges and actions.

12 PROFESSOR KECKLER: Thank you.

13 CHAIRMAN LEVI: Can we have -- you've made the  
14 motion and there was a second, I believe, from Martha.

15 Is that correct? Any further discussion?

16 (No response.)

17 CHAIRMAN LEVI: All in favor?

18 (A chorus of ayes.)

19 CHAIRMAN LEVI: Opposed?

20 (No response.)

21 DEAN MINOW: Ask for abstentions.

22 CHAIRMAN LEVI: I'm sorry?

1           DEAN MINOW:  You're supposed to ask for  
2  abstentions.

3           CHAIRMAN LEVI:  Are there abstentions?

4           MR. FUENTES:  Abstain.

5           CHAIRMAN LEVI:  Okay.  There was one  
6  abstention.

7           We are now at the public comment for this  
8  meeting.  And Don Saunders is coming up with Linda  
9  Perle.  And I hope they are going to be brief.

10          MR. MEITES:  They told me they have about an  
11  hour and a half.

12          MR. SAUNDERS:  Mr. Chairman, we are going to  
13  be extraordinarily brief.  Thank you.

14          CHAIRMAN LEVI:  At least the microphone is  
15  working in this location.

16          MR. SAUNDERS:  That's an inside joke we  
17  enjoyed in Chicago last week.

18          I'm Don Saunders with NLADA, joined by Linda  
19  Perle.  Just for the record of this meeting, we'd like  
20  to make two brief points.

21          One is to thank you for recognizing the  
22  extraordinary services of Edna Fairbanks-Williams.  She



1 was an extraordinary client representative, both across  
2 the state of Vermont and certainly during her decade on  
3 this Board.

4           We also very much appreciate your president's  
5 recognition and your recognition of the extraordinary  
6 service of Karen Sarjeant and Charles Jeffress to this  
7 Board and to the entire legal aid community. Both were  
8 deeply and are deeply committed to the cause of equal  
9 justice in this country. They served our community  
10 with great distinction.

11           We are -- Linda and I both have had the  
12 privilege of enjoying their commitment, their  
13 professionalism, and the great talents they bring to  
14 this work. Charles was part of a team that really led  
15 the community to 25 percent increase in funding over  
16 his tenure here. And Karen Sarjeant, to many of us,  
17 came to define really the commitment of this Board and  
18 this community to quality in the delivery of legal  
19 services.

20           So on behalf of NLADA's thousands of member  
21 programs and clients, I just wanted to thank you for  
22 recognizing their talents, and particularly to thank

1 both of them for all they have meant to the cause of  
2 equal justice.

3 MS. PERLE: And I really have nothing to add  
4 other than to say that I am totally in agreement with  
5 everything that Don said, and that both Karen and  
6 Charles have been wonderful colleagues and just great  
7 leaders of the staff at LSC. And we're going to miss  
8 them, both on a personal and a professional level.

9 MR. SAUNDERS: Thank you.

10 (Applause)

11 CHAIRMAN LEVI: Any other comment?

12 (No response.)

13 CHAIRMAN LEVI: Any other business?

14 (No response.)

15 CHAIRMAN LEVI: Can we consider and act on  
16 whether to authorize an executive session of the Board  
17 to address items on the agenda in a closed session,  
18 after lunch?

19 DEAN MINOW: Do you want a motion?

20 CHAIRMAN LEVI: Yes.

21 M O T I O N

22 DEAN MINOW: I move that we adjourn for lunch

1 and resume in a closed session, after which time we can  
2 close without coming back to an open session.

3 MR. MEITES: So moved -- seconded.

4 CHAIRMAN LEVI: All in favor?

5 (A chorus of ayes.)

6 CHAIRMAN LEVI: Thank you.

7 (Whereupon, at 1:42 p.m., the Board was  
8 adjourned, to reconvene in closed session after the  
9 luncheon recess.)

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