

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

TELEPHONIC MEETING OF THE  
BOARD OF DIRECTORS

OPEN SESSION

Friday, August 31, 2012

11:05 a.m.

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

BOARD MEMBERS PRESENT:

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

## STAFF AND PUBLIC PRESENT IN THE CORPORATION'S OFFICES:

James J. Sandman, President  
Richard L. Sloane, Chief of Staff and Special Assistant  
to the President  
Rebecca Fertig, Special Assistant to the President  
Kathleen McNamara, Executive Assistant to the  
President  
Victor M. Fortuno, Vice President for Legal Affairs,  
General Counsel, and Corporate Secretary  
Atitaya Rok, Staff Attorney, Office of Legal Affairs  
David L. Richardson, Comptroller and Treasurer, Office  
of Financial and Administrative Services  
Jeffrey E. Schanz, Inspector General  
David Maddox, Assistant Inspector General for  
Management and Evaluation, Office of the  
Inspector General  
Magali Khalkho, Resource Management Specialist, Office  
of the Inspector General  
Carl Rauscher, Director of Media Relations, Office of  
Government Relations and Public Affairs  
Treefa Aziz, Government Affairs Representative, Office  
of Government Relations and Public Affairs  
John Meyer, Director, Office of Information Management  
Evora Thomas, Office of Program Performance  
Lisa Buffalo, Office of Program Performance  
Allan J. Tanenbaum, Non-Director member, Finance  
Committee (by telephone)

Chuck Greenfield, National Legal Aid and Defender  
Association (NLADA)  
Terry Brooks, American Bar Association Standing  
Committee on Legal Aid and Indigent Defendants  
(SCLAID)

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

2 (11:05 a.m.)

3 CHAIRMAN LEVI: I'll call the meeting to  
4 order, duly noticed in the Federal Register. This is  
5 the telephonic board meeting of the Legal Services  
6 Corporation. And we are today having kind of a back  
7 and forth. We're having an open session, then a brief  
8 closed session, and back to an open session. I'm sorry  
9 for the way in which that's configured, but that's how  
10 it had to be.

11 And before we get started, I want Becky to  
12 explain how that's going to work so that --

13 (Someone joins teleconference.)

14 CHAIRMAN LEVI: Father Pius?

15 MR. TANENBAUM: No. This is Allan.

16 CHAIRMAN LEVI: Becky, will you explain what  
17 we do in terms of the open/closed/open for the board  
18 members?

19 MS. FERTIG: Sure. So I sent to everyone this  
20 morning on the Board the open and the closed dial-in  
21 numbers. They're separate. So the Board -- we  
22 apologize for the inconvenience -- but you're going to

1 have to hang up when you go into closed session and  
2 dial into the separate number that we gave you.

3 Those who are online from the public are  
4 welcome to just stay online on this phone call. We're  
5 not going to disconnect it. And you can just mute it,  
6 do work, and when you hear everyone dial back in and  
7 begin talking, you'll know we've gone back into open  
8 session.

9 For the board members, once you're concluding  
10 with the closed section of the meeting, hang up and  
11 dial back into the number that you're on now. And I  
12 sent both of those in a single email for you.

13 Any questions?

14 (No response.)

15 MS. FERTIG: Great.

16 CHAIRMAN LEVI: All right. With that, could  
17 we have a motion to approve the agenda?

18 M O T I O N

19 MR. GREY: Move it.

20 CHAIRMAN LEVI: Second?

21 MS. REISKIN: Second. Julie Reiskin.

22 CHAIRMAN LEVI: All in favor?

1 (A chorus of ayes.)

2 CHAIRMAN LEVI: Then there were attached  
3 minutes from the board meeting. Can I have a motion to  
4 approve them?

5 M O T I O N

6 MR. GREY: Move it.

7 PROFESSOR KECKLER: Second.

8 CHAIRMAN LEVI: All in favor?

9 (A chorus of ayes.)

10 CHAIRMAN LEVI: All right. Now, Robert, I'm  
11 going to turn it over to you for the Finance Committee  
12 report and recommendation.

13 MR. GREY: Mr. Chairman, thank you. The  
14 Finance Committee met on August 20th at 4:00 p.m. to  
15 discuss information that had been requested overdraft  
16 the staff from its previous meeting of July 27th. That  
17 information, we thought, was important and would inform  
18 us about a recommendation that we could make to the  
19 Board regarding the LSC's fiscal year 2014 budget  
20 request.

21 After a presentation by Jim Sandman, the  
22 President of LSC, we were given information that helped

1 us, I think, appreciate the challenges facing the  
2 grantees, a part as they are trying to fulfill their  
3 obligation to serve the population eligible for LSC  
4 legal services.

5           In doing so, Jim had the staff go back and  
6 do some financial analysis that related to a to the  
7 benchmark that was chosen in 2007, which was the last  
8 year before the recession and before the eligible  
9 population started to increase on a regular basis from  
10 that year forward.

11           And as we look at that, we were given  
12 information and concluded that the eligible population  
13 increased by about 32 percent while there had been a  
14 decrease in the number of lawyers serving that same  
15 population. We started with about 4,300 full-time  
16 equivalents in 2007, and we're down to about 4,025 by  
17 the end of 2012. In looking at these in which  
18 to -- oh, and at the same time, funding on an overall  
19 basis to grantees from other sources had declined as  
20 well.

21           We also took some measure of what other  
22 agencies were doing, and looked at the relationship of

1 their funding to their request to try to get some idea  
2 of the environment in which we were operating, but also  
3 tried to make sure that we were being good stewards of  
4 not only the LSC funds that we had, but how and under  
5 what circumstances we would make this request in light  
6 of all the information that we had and of other  
7 organizations' request as well.

8           We had a good discussion, Mr. Chairman, as you  
9 recall. And we are always mindful, I think, and by way  
10 of discussion, we wanted to be sure that we were not  
11 being inconsiderate of all the issues related to  
12 funding going forward that the federal government has  
13 to consider, but also recognizing the importance of  
14 providing a reasonable expectation of funding for the  
15 work that grantees are obligated to perform in support  
16 of the population they are to serve.

17           So after all the analysis and all of the  
18 discussion, the Committee concluded that a request  
19 of \$481 million, with about -- let me see what the  
20 resolution says -- 451 of that going to services in  
21 the field would be an appropriate request under the  
22 circumstances, under the severe circumstances that we

1 are experiencing.

2 And, Mr. Chairman, the Board (sic) had further  
3 discussion, received outside comment, and proposes the  
4 resolution attached as the request for the fiscal year  
5 2014 for the Board's consideration.

6 CHAIRMAN LEVI: That was your Committee's  
7 unanimous recommendation, as I recall.

8 MR. GREY: It was.

9 CHAIRMAN LEVI: And so this resolution is in  
10 front of us. I don't think it needs a second. I think  
11 simply we have to have discussion and then a vote.

12 So I want to see whether Martha or Father Pius  
13 have joined us in the intervening period here. Have  
14 either of them?

15 (No response.)

16 CHAIRMAN LEVI: Well, that's unfortunate. But  
17 I guess that's where we're at.

18 So any discussion? Further discussion?

19 PROFESSOR KECKLER: Mr. Chairman, this is  
20 Charles.

21 CHAIRMAN LEVI: Yes.

22 PROFESSOR KECKLER: Well, I want to start by

1 commending the much-improved budget process which  
2 Robert has conducted. And in the Finance Committee  
3 meeting and in previous meetings, I've expressed my  
4 view that we would be advised to be using current  
5 services, or current appropriations, as our baseline.  
6 Since the Board's familiar with that view, I won't  
7 reiterate it.

8           That said, I think that, on reflection and  
9 considering the improvements that the Corporation has  
10 made and is making under your leadership and Jim's  
11 leadership of the Corporation, that I think it would be  
12 fair, even from my view, to consider a baseline of 404  
13 instead of 348, and then adjust that up for the poverty  
14 population.

15           And that produces a level of around 420 that,  
16 you know, is a substantial increase over 348, but I  
17 would be still comfortable supporting that in a way  
18 that I wouldn't feel comfortable supporting the 481  
19 figure.

20           And I guess my final point is that  
21 realistically, we're very unlikely to get 481. We may  
22 not even get something like 420. But I don't think

1 that asking for something like 420 would result in any  
2 less money for us in 2014, and I think it would produce  
3 a gain in credibility.

4 So that's my view of it. Thank you.

5 CHAIRMAN LEVI: Any other comments?

6 PROFESSOR VALENCIA-WEBER: This is Gloria. I  
7 just want to comment on the two reports that we did get  
8 from Jim Sandman on July 24 and then on August 16.

9 Using the 2007 baseline, I thought that just  
10 simply in presenting the information and the  
11 consequences as we now are experiencing them from the  
12 cuts and can foretell, I found the information  
13 well-presented, quite informative, and I appreciated  
14 the illustrations on the graphs.

15 And just because I've tried -- from what we're  
16 voting on today, they fill in the information for us as  
17 directors in a very useful way.

18 MR. MADDOX: John, it's Victor Maddox. I also  
19 want to compliment Jim Sandman on the analysis of that  
20 email pair, and I think the memoranda are extremely  
21 well done and extremely informative.

22 I find the unanimous recommendation of the

1 Finance Committee to be a powerful endorsement for the  
2 recommendation. I also, however, agree with Charles  
3 Keckler that the budgeting process really needs to be  
4 grounded in the score principles that I think are  
5 appropriate for any agency.

6 I agree with Charles Keckler's analysis and I  
7 would be comfortable with the 420 number that he  
8 suggested, or perhaps even a slightly larger number,  
9 representing a \$100 million increase over the most  
10 recent appropriation.

11 But I'd want to compliment both the Management  
12 and the Finance Committee for the work that they did,  
13 which I find, as I say, powerful, but in my case not  
14 entirely persuasive.

15 MR. KORRELL: This is Harry. I had two  
16 questions for the Finance Committee, and probably best  
17 directed -- well, I guess I'd let anybody, but to the  
18 chair of the Committee.

19 One, am I right that the current request is  
20 based on the 2007 appropriation? And then two, what is  
21 your thought as to Charles's point, that it doesn't  
22 really matter what number we come up with, that this is

1 either symbolic to the field or it's symbolic to  
2 Congress one way or the other, but it's unlikely to  
3 change the actual number?

4           That seems to be the case to me, whether we  
5 send a message to the field that we support them and  
6 want to continue trying to get resources; or do we send  
7 a message to Congress that we appreciate the financial  
8 difficulties everybody's facing and we're being  
9 responsible and serious?

10           MR. GREY: This is Robert, Harry. You know  
11 what? I think you have -- that was very insightful,  
12 your question. And I think we're trying to do both.  
13 There's probably a lot to what Charles has said in  
14 terms of Congress and OMB and the President are going  
15 to operate on their own level of perception and of what  
16 they think needs to be done.

17           Here's where I think we have tried to come  
18 out. I think we have been -- I think the number is a  
19 reflection of the fact that we probably are asking for  
20 more than either of the three organizations or entities  
21 I've described are going to probably provide us.

22           But there's also, I think, as you have

1 identified, a responsibility as a trustee, as a board  
2 member, to provide as accurate a reflection of the need  
3 that this organization serves as possible, and to put  
4 that in front of those who not only fund it but those  
5 who have to carry out the responsibility.

6           And I think therein lies a measure of balance  
7 and of compromise that shows an understanding of both  
8 sides, or all sides, of that equation. And I think our  
9 debate within the Committee reflected that.

10           But at the end of the day, the sense was that  
11 these are unusual circumstances for the population this  
12 organization is set up to find resources for. And if  
13 we are being mindful of that, then providing the  
14 analysis behind the number -- which I think, as all  
15 have said, is remarkably better, more clear, and  
16 defensible than we've ever had before.

17           So just from the chair's perspective, having  
18 considered all of the discussion, and all of it being  
19 extremely thoughtful, this, I think, Harry, represents  
20 a responsible position based on all of the  
21 constituencies and audiences we would have to talk to  
22 and defend this number with.

1           CHAIRMAN LEVI:  And I also say that during the  
2  finance meeting, we had a discussion of sort of the  
3  competing interests and how -- competing considerations  
4  and how to come up with a number, and being very much  
5  aware of Charles analysis.

6           But in my own view, something else has  
7  occurred in our two and a half years in this position  
8  which I feel very, very deeply and I know you all do,  
9  too.  Because we're here closest to the situation and  
10 we've had the advantage of so much information coming  
11 our way over the past couple of years, that other  
12 lawyers, even congressional staff, don't have the  
13 opportunity to hear and understand, it's dawned on me  
14 that in many respects, we are one -- I don't know that  
15 those that established us recognize this.

16           But in many respects, our little Board has a  
17 lot to do with the orderly functioning of the civil  
18 justice system in this country.  And if we are in one  
19 of those positions that actually puts on us a  
20 stewardship role, and if we don't speak up and  
21 articulate for those that don't know as much as we  
22 know -- but I've been talking about the cracks -- who

1 else is going to do it?

2           So this is not as much money, obviously, as we  
3 would need to put those cracks -- you know, to handle  
4 all of that. In fact, it's far less, and it's far less  
5 than many of us wish we could say. But we are really  
6 aware of -- I mean, this is a number that is, by my  
7 math, 35 million below the last number recommended by  
8 Frank Strickland's board, and that was before the full  
9 impact of this crisis hit.

10           So I hope we all understand. We're privileged  
11 to be on this Board. But that privilege, to me, also  
12 carries a responsibility which I know you all feel and  
13 I know you're all wrestling with. But it's this sort  
14 of stewardship thing, and the sense that I have that  
15 what we turn over to the next generation is in jeopardy  
16 here, and we need to get on with that and make sure we  
17 have an orderly functioning system.

18           And I know that Jim, under his leadership and  
19 all the many initiatives that we've undertaken as a  
20 group to extend the dollars even further, to make sure  
21 the fiscal house is in order, to make sure the  
22 technology is where it ought to be, to really work on

1 the placebo front -- we're trying to do all of it.

2 But I believe a unanimous recommendation after  
3 this much deliberation of the Finance Committee, plus  
4 the fact that it is the recommendation of our  
5 Management, a management team that we went out and  
6 worked hard to bring to LSC, and our role as board  
7 members ought to resonate loudly with us, and that's  
8 why I feel we ought to be supporting this number.  
9 Thank you.

10 Any other --

11 DEAN MINOW: So this is Martha. Hi. It's a  
12 really good discussion, and as always, I feel like this  
13 is such a serious and thoughtful group, wrestling with  
14 exactly the right questions.

15 As I've thought about this issue, and  
16 particularly the question are we trying to signal  
17 something with our request and with which audiences,  
18 what I've concluded is rather than thinking about  
19 signaling, we need an analysis.

20 And that's why I'm so grateful to Jim for  
21 the analysis that he did, and to be able to explain  
22 precisely what are the escalating needs, and not

1 pretend that we're going to close the justice gap.

2 We're not talking about that.

3 But the risk of the closure of offices,  
4 meaning it's not just a linear reduction, it's big  
5 jumps in the reduction of access to justice that are at  
6 stake right now --

7 FATHER PIUS: This is Father Pius. I'm on.

8 DEAN MINOW: Excuse me?

9 CHAIRMAN LEVI: I think Father Pius was saying  
10 he's on now.

11 DEAN MINOW: Oh, okay. So it's because of the  
12 jeopardy to the infrastructure of the civil justice  
13 system that's at stake right now, precisely when  
14 there's an escalating group of eligible individuals  
15 with really crisis needs, that this number reflects,  
16 actually, the hard analysis.

17 And it's not about, well, if we -- you know,  
18 some kind of bargaining game: If we say some big  
19 number, then maybe we'll get something else. If we say  
20 a small number, then people will see that we're this or  
21 that.

22 I just concluded that I couldn't figure that

1 game out, and so going with the actual substantive  
2 analysis is the only way to do it; and that as a Board,  
3 we are the ones who are in touch with the data and the  
4 field, and to be able to say, this is what we believe  
5 is necessary just to continue to exist. We're not  
6 talking about some major leap forward.

7           That's how I understand the number. And  
8 really, again, I'm grateful to everybody who worked  
9 hard on the Committee and the staff to come up with a  
10 much better foundation for a number than I think that  
11 we've ever had before.

12           CHAIRMAN LEVI: Other comments?

13           MS. REISKIN: This is Julie, and I agree  
14 particularly with what Martha and John said, but with  
15 everyone. And the document was just fantastic.

16           CHAIRMAN LEVI: Well, hearing -- if anyone  
17 else --

18           MR. MADDOX: John, it's Victor Maddox. I just  
19 want to say that I think that Robert Grey's comments as  
20 chairman this morning of the Committee are very  
21 helpful. Ideally, I would like to have a number that  
22 we could recommend as the need, one that is not a great

1 leap forward, as Martha suggests, at least, but  
2 maintains something like the status quo, as well as a  
3 number that reflects the sort of budgeting process  
4 principles that I think Charles has articulated, both  
5 today and in previous meetings and committee meetings.

6 I understand that we don't have that and we  
7 don't have that because there is one resolution. I  
8 also appreciate your comments, John, and your concept  
9 of stewardship.

10 I think that this number that we have before  
11 us today is actually less than the number we approved  
12 for recommendation maybe two years ago. And so it's  
13 not by any means a reversion to some unprincipled or  
14 undisciplined budget process.

15 And I think that, as others have said, the  
16 analysis that Jim Sandman has done is as effective and  
17 insightful as I think you would find in any office  
18 anywhere in Washington, D.C. I mean, it is absolutely  
19 outstanding, and I am highly appreciative of that.

20 I continue to believe that Charles's approach  
21 is the appropriate approach. But to the extent that my  
22 vote signals some dissension within the Corporation's

1 Board about the quality of analysis or the extent to  
2 which maintaining the existence of the grantees and the  
3 Corporation's mission, as Martha suggests, is at stake,  
4 I don't want to send that signal.

5 And so, John, I'm going to support the number  
6 even though I've previously suggested I think it's too  
7 high. But I will be voting in favor of the resolution.

8 Charles, if that leaves you out there alone, I  
9 apologize for that. I continue to agree with your  
10 analysis, but I think that there is, in light of Robert  
11 Grey's response to Harry, adequate basis for supporting  
12 this resolution, and I intend to do so.

13 PROFESSOR KECKLER: Mr. Chairman? And Vic, I  
14 agree with almost everything you said -- everything  
15 that you said that speaks well of Martha's point and  
16 our duties and the excellent analysis that the Finance  
17 Committee has conducted and that Jim has done, and his  
18 staff. For the reasons I've articulated, I will  
19 maintain my position, though.

20 CHAIRMAN LEVI: Any other comments before I  
21 call the question here?

22 PROFESSOR VALENCIA-WEBER: John, this is

1 Gloria. I appreciate the comments that have been made,  
2 and understand the position that Charles presents to  
3 us. But I think the binding principle that connections  
4 what John said, what Martha has said, is that we are in  
5 an extraordinary time of circumstances.

6           And yet, regardless of what happens in the  
7 next four years or whatever you want to look at, we  
8 have to have some foundation upon which we measure not  
9 only what we're asking for but also how we determine  
10 how best to carry out that critical mission that we do  
11 have that is relatively unique in terms of our role in  
12 making the justice system work.

13           This kind of analysis and this kind of data  
14 will be there, will help guide us, as to whatever the  
15 circumstances of budgeting that face us in the next  
16 five years, to figure out how we can best stay true to  
17 what LSC was set to accomplish. And I think we are at  
18 a place where we have not been before in having that  
19 foundation so clearly demonstrated to us.

20           CHAIRMAN LEVI: Any other comments?

21           (No response.)

22           CHAIRMAN LEVI: Okay. Well, then, let me ask

1 for a vote. All in favor of approving the resolution  
2 offered by the Finance Committee, please say aye.

3 (A chorus of ayes.)

4 CHAIRMAN LEVI: Opposed?

5 PROFESSOR KECKLER: No, John.

6 CHAIRMAN LEVI: And the resolution carries.

7 And thank you to the Finance Committee.

8 DEAN MINOW: It's a really, really impressive  
9 discussion, and I just commend everybody, including  
10 Charles. I really do think that -- I just have  
11 enormous regard for the kind of conversation that we're  
12 able to have about these hard issues.

13 CHAIRMAN LEVI: And I want to congratulate Jim  
14 Sandman and Robert Grey for really bringing our board  
15 process on to discussing a very difficult topic,  
16 probably the most difficult for this Board or previous  
17 boards, to a level that I think we can all be proud of.

18 And that's really important in terms of our own  
19 functioning as a Board. And I want to thank the  
20 Committee and Jim for putting us in that position.

21 So next we turn to the strategic plan, another  
22 document that has been through a lot of work courtesy

1 of our colleagues, Father Pius and Martha and Jim. And  
2 today we have in front of us a new draft, a revised  
3 draft -- that really attempted to synthesize as best it  
4 could be done the public comment and the Board's  
5 comments from the Ann Arbor meeting.

6 It would be my intention here not to actually  
7 finally vote it because the public has just seen it for  
8 the past few days. We ourselves have just had it for a  
9 week. But it would be my hope that we as a Board feel  
10 comfortable that it's where it is -- we'll open it for  
11 discussion here in a second -- where we would like it  
12 to be, and with maybe -- I don't know if anybody has a  
13 tweak here or there, but so that we could either move  
14 it to a final vote before or at North Carolina.

15 So with that, let me open it up and ask for  
16 comments on the draft, the Board's sense of it. Jim,  
17 do you want a presentation of any kind, or Father Pius  
18 or Martha, about the work that was done in the last  
19 couple of weeks? I'm happy to let any of you, or all  
20 of you, speak for a minute.

21 PRESIDENT SANDMAN: Jim, it's Father Pius. Do  
22 you want to say anything? I'm sorry. Did I say that

1 backwards?

2 (Laughter.)

3 PRESIDENT SANDMAN: Father Pius, it's Jim. Do  
4 you want to say anything? I'm still reeling from the  
5 compliments.

6 (No response.)

7 CHAIRMAN LEVI: Well, are there --

8 PRESIDENT SANDMAN: This is Jim. I would just  
9 point out, for the benefits of the members of the  
10 public who have seen this for only a couple of days,  
11 that in terms of the biggest number of changes, they  
12 are in part 2, and pages 6 through 8 had more changes,  
13 I think, than any other single section of the draft  
14 plan.

15 There are, of course, other changes in it.  
16 But if people are looking to get a quick sense of where  
17 they might focus their attention, that's what I'd  
18 recommend.

19 CHAIRMAN LEVI: And maybe you should just  
20 describe those, just briefly, in a sentence or two,  
21 Jim, if you can.

22 PRESIDENT SANDMAN: Those changes have to do

1 with the development of performance standards and  
2 metrics. And I think the changes were intended to  
3 reflect a number of the comments we received about the  
4 variety of service models among the programs that LSC  
5 funds and about the sensitivity with which that  
6 exercise needs to be approached.

7 DEAN MINOW: Let me underscore -- it's  
8 Martha -- that this process of responding to comments  
9 was careful and thoughtful. And there's no intention  
10 here of retreating from the commitment to performance  
11 metrics.

12 But there is an acknowledgment that both the  
13 science is not perfect and the variety of contexts to  
14 which it would be applied are serious. And so we've  
15 adjusted the language to maintain the commitment to  
16 develop the best standards that we can without  
17 imagining that we already have them.

18 MS. REISKIN: This is Julie Reiskin, and I'm  
19 incredibly impressed. I really appreciate the tone of  
20 the way it came out, and I feel that it was very  
21 responsive to the concerns, which I believe -- I don't  
22 think there was ever really a big difference between

1 our intention and the bulk of the concerns or comments  
2 raised.

3           But I think, clearly, it wasn't communicated  
4 right or we wouldn't have gotten those comments. And I  
5 think that this -- I hope that this will make it clear  
6 what our intentions are, and that it's to support our  
7 grantees and make everything better for everyone -- you  
8 know, make legal services better and stronger in the  
9 whole country for everyone, and to do our part in that.  
10 And that's what it reflects.

11           There's one tiny thing on page 6, on the first  
12 little bullet point, and it says, "Increase access to  
13 funds in our project generated through LSC's own  
14 advancement efforts." And I just didn't know if that  
15 was supposed to say "institutionally advancement  
16 efforts." And if it doesn't, that's fine. I just  
17 didn't know if that was your intent. But again, I'm  
18 very impressed and grateful.

19           CHAIRMAN LEVI: Where was that?

20           MS. REISKIN: It's on page 6, I believe. And  
21 it's under "Performance Incentives and Corrective  
22 Measures," which starts on page 5. And then there are

1 little bullet points, and it's the third bullet point.

2 It's under "Rewards for Grantees."

3 DEAN MINOW: Well, if the term "advancement  
4 efforts" is ambiguous -- I'm not sure "institutional"  
5 helps to clarify it particularly, but it's a point --

6 MS. REISKIN: Oh, I just didn't --

7 DEAN MINOW: It's the outside fundraising.

8 MS. REISKIN: Yes.

9 DEAN MINOW: It's the outside fundraising, is  
10 the idea there.

11 MS. REISKIN: Maybe you might want to just say  
12 "outside fundraising efforts"? But it doesn't matter.

13 Maybe everyone else got it. But overall -- I know  
14 it's just a little, tiny thing -- I thought it was  
15 fantastic.

16 CHAIRMAN LEVI: Any other comments from the  
17 Board?

18 (No response.)

19 CHAIRMAN LEVI: Okay. Well --

20 M O T I O N

21 DEAN MINOW: You know, John -- it's

22 Martha -- we have now been through a round of comments

1 and a revision. I'm not sure when is the proper time  
2 to move its adoption, but I offer a motion.

3 CHAIRMAN LEVI: Is there a second?

4 PROFESSOR KECKLER: I second. Charles  
5 Keckler.

6 CHAIRMAN LEVI: And I guess the concern is in  
7 terms of public comment and an opportunity, if there is  
8 further comment, to hear it. And maybe I should offer  
9 that opportunity right now. I will at this juncture,  
10 and let Jim, if you have a feeling about this --

11 PRESIDENT SANDMAN: I would be interested in  
12 public reaction, both to the revised plan and to the  
13 suggestion that action be taken now. This has only  
14 been available on the website, I think, for the past  
15 two days, so that's been the first opportunity for  
16 members of the public to see how the Board responded to  
17 the comments that we'd received previously.

18 DEAN MINOW: Right. But I'm just thinking  
19 about analogy to rulemaking. At some point, you stop.  
20 You got your comments, you write your response. I'm  
21 fine with waiting more time. I'm just wondering at  
22 what point do we say -- this is simply a plan. This is

1 not a rule.

2 MR. GREENFIELD: John, this is Chuck  
3 Greenfield from NLADA. May I comment?

4 CHAIRMAN LEVI: Yes.

5 MR. GREENFIELD: I would recommend that there  
6 be a period of time -- it doesn't have to be Federal  
7 Register notice -- but there be a period of time that  
8 programs and those interested public members that have  
9 commented or are following this effort by the Board to  
10 be able to respond to the changes that have been made.

11 I just found it now on the website. It's not  
12 listed under the "Matters for Comment" section where  
13 all the other strategic planning documents are. It's  
14 listed under the non-confidential documents for this  
15 meeting. So I suspect others would have had the  
16 problem locating it as well before now.

17 So I just think it makes more sense, unless  
18 there's a particular rush, that the Board feels like it  
19 has to act within some time-limited manner, that a  
20 matter of a few weeks would not dramatically affect the  
21 process, and actually would enhance the integrity of  
22 the process by making sure that the public is aware of

1 the changes being made before a final vote. Thank you.

2 DEAN MINOW: Well, that's an incredibly  
3 helpful comment. I didn't know it was not so obviously  
4 labeled, and I wonder if we can remedy that.

5 PRESIDENT SANDMAN: We can.

6 CHAIRMAN LEVI: Can we make it so that it's  
7 not so difficult to find?

8 MS. FERTIG: Yes.

9 PRESIDENT SANDMAN: Yes. We can do that.

10 CHAIRMAN LEVI: Okay. Well, I --

11 MR. BROOKS: Excuse me. This is Terry Brooks  
12 with the American Bar Association Standing Committee on  
13 Legal Aid, and I would like to echo Chuck's comments.  
14 I have not had an opportunity to share this with the  
15 members of the ABA committee.

16 Having said that, however, and having reviewed  
17 the changes, I should say that I think it's very  
18 unlikely that the committee would have any further  
19 concerns. And I think that the changes that were made  
20 were extremely responsive to the ABA's comments and  
21 concerns, and commend Father Pius and the staff and the  
22 Board for its work on this.

1           CHAIRMAN LEVI: Well, could we change your  
2 motion, then, Martha, to actually a sense of the Board  
3 that it would -- that it is comfortable with this  
4 draft, and that it would proceed to adopt it in a  
5 couple of weeks following --

6                           M O T I O N

7           DEAN MINOW: No. I think based on what we've  
8 just heard, it's better to table it until that time  
9 because if it's not obvious where it is on the website,  
10 then this is not a good time to get a sense of the  
11 Board.

12           PROFESSOR VALENCIA-WEBER: Martha, are you  
13 thinking about the meeting in North Carolina as the  
14 time to formally adopt it?

15           DEAN MINOW: Either then, or if we have a  
16 phone meeting before then.

17           PROFESSOR VALENCIA-WEBER: Okay.

18           CHAIRMAN LEVI: Do we have to have a --

19           PROFESSOR KECKLER: This is Harry. I'd second  
20 Martha's motion to table.

21           CHAIRMAN LEVI: Yes. All in favor on that?

22                           (A chorus of ayes.)

1           CHAIRMAN LEVI: But I also guess that the  
2 Board has had an opportunity to see this. And it is  
3 helpful to know that it does reflect the sense of the  
4 Board. And so if there are folks on the call that are  
5 concerned about anything, it would be great.  
6 Otherwise, I would love to know that you're all on  
7 board with this.

8           (No response.)

9           CHAIRMAN LEVI: Great. Well, then, I think  
10 we'll move on from the strategic plan to -- and again,  
11 with the congratulations to all who've worked so hard  
12 on it. I think it's a document that we can be very  
13 proud of, and continues to set the standard high for  
14 us.

15           So the next item on the agenda is an outgrowth  
16 of the work of a task force and its recommendations, I  
17 guess made a year ago, that we actually now are in the  
18 position to formally abolish one officer office at the  
19 Corporation and establish the position recommended by  
20 the task force report.

21           This resolution is, I guess, not being offered  
22 by any one of our committees. It probably should be

1 said that it was one of the recommendations of the task  
2 force.

3 So I think maybe we need to have it actually  
4 moved, but I don't know procedurally, and somebody can  
5 educate me on that who's sitting in Washington there.

6 MR. FORTUNO: Yes. I think, since it hasn't  
7 been subject to a committee vote and isn't coming to  
8 the Board as a recommendation of a committee, I think  
9 it would be appropriate to have a motion and a second  
10 before there's a vote.

11 M O T I O N

12 DEAN MINOW: I so move.

13 CHAIRMAN LEVI: Is there a second?

14 PROFESSOR VALENCIA-WEBER: I'll second.

15 CHAIRMAN LEVI: Any discussion?

16 (No response.)

17 CHAIRMAN LEVI: All in favor?

18 (A chorus of ayes.)

19 CHAIRMAN LEVI: Opposed?

20 (No response.)

21 CHAIRMAN LEVI: Can we now have a vote to go  
22 into the executive session? And then please, board

1 members, hang up and dial the other number.

2 M O T I O N

3 DEAN MINOW: I move that we go into executive  
4 session.

5 CHAIRMAN LEVI: Second?

6 PROFESSOR VALENCIA-WEBER: I'll second.

7 CHAIRMAN LEVI: All in favor?

8 (A chorus of ayes.)

9 CHAIRMAN LEVI: We'll see you in a minute.

10 (Whereupon, the Board adjourned to executive  
11 session.)

12 CHAIRMAN LEVI: We've established the position  
13 in the open session. That was item 5 on the agenda.  
14 So now we're actually putting in the name and  
15 appointing the individual.

16 DEAN MINOW: Would you like a motion?

17 CHAIRMAN LEVI: Yes.

18 M O T I O N

19 DEAN MINOW: I so move.

20 FATHER PIUS: This is Father Pius. Second.

21 CHAIRMAN LEVI: And Jim, do you want to say  
22 anything for the public here?

1           PRESIDENT SANDMAN: I think it would be good  
2 if the motion -- before the Board acts, that we specify  
3 the name of the person to fill the position. It is  
4 Lynn Jennings. And the resolution would be that the  
5 Board approve the appointment of Lynn Jennings to the  
6 office of Vice President for Grants Management,  
7 contingent upon her acceptance of the office.

8           CHAIRMAN LEVI: And if you want to say a  
9 little something about the search and the person that  
10 you found for the public record, that, I think, would  
11 also be good. And then we'll vote.

12           PRESIDENT SANDMAN: Certainly. We conducted  
13 an extensive search for candidates for the office of  
14 Vice President for Grants Management. We received more  
15 than 100 applications and reviewed them very carefully.

16           Lynn, I think, is an exceptional candidate for  
17 the position. She has broad experience in Washington.

18           She's worked in the White House, on Capitol Hill, in  
19 senior positions at the Department of Labor, as General  
20 Counsel of the Merit Systems Protection Board, with a  
21 nonprofit, and is a management consultant.

22           She has experience in grant-making,

1 reorganizations, and change management. I think she  
2 has an unusually good combination of experience and  
3 skills for the work that we need done in this position.

4 She came very highly recommended.

5 Her grant experience is both on the  
6 grant-making side as a grant recipient. She has  
7 experience with the monitoring requirements and  
8 reporting obligations for foundations like the Ford  
9 Foundation, the Alfred P. Sloan Foundation, the William  
10 T. Grant Foundation, the John D. and Catherine T.  
11 MacArthur Foundation, and the Bill and Melinda Gates  
12 Foundation. She also has fiscal experience.

13 So I think that this combination of skills  
14 and experience makes her very well-qualified for the  
15 position, and she has informed me that she will accept  
16 it if it's offered. .

17 CHAIRMAN LEVI: Any other comments?

18 (No response.)

19 CHAIRMAN LEVI: Thank you very much, Jim.

20 All in favor?

21 (A chorus of ayes.)

22 CHAIRMAN LEVI: Opposed?

1 (No response.)

2 CHAIRMAN LEVI: Public comment?

3 (No response.)

4 MR. GREY: Hey, John?

5 CHAIRMAN LEVI: Yes?

6 MR. GREY: This is Robert. I want to say  
7 something before everybody signs off. But I don't want  
8 to impact the public comment on this.

9 CHAIRMAN LEVI: The siren indicates that it's  
10 your --

11 MR. GREY: John, I just wanted to -- is it  
12 okay if I talk?

13 CHAIRMAN LEVI: Yes.

14 MR. GREY: This is a really nice announcement  
15 I have to make, and that is that at the ABA annual  
16 meeting before the House of Delegates, some 550 lawyers  
17 from around the country, John Levi delivered what I  
18 thought was an exceptional description and offer to  
19 partner with the professional in advancing the mission  
20 of Legal Services.

21 John, just on my part, I received a number of  
22 comments from my colleagues, or our colleagues,

1 throughout the day about the importance of what you  
2 said and how you said it. And it was not only  
3 extremely well-received, but I think it caused everyone  
4 to reflect on the importance of access to justice.

5 And so I just wanted to let you know how  
6 absolutely proud I was to have you do that, but also to  
7 let you know that it was just extremely well-received.

8 So congratulations.

9 CHAIRMAN LEVI: Thank you very much, Robert.  
10 It was an honor to be there, and I hope I represented  
11 our Board well. And I'm glad to hear that at least  
12 some folks thought I did.

13 And any other comments?

14 (No response.)

15 CHAIRMAN LEVI: Well, okay. Consider and act  
16 on other business? Any other business?

17 (No response.)

18 CHAIRMAN LEVI: Can I hear a motion to  
19 adjourn? And before we do, just again thank our Board  
20 for all of its hard work. Each one of you has played a  
21 role in the things that we did today. You all know  
22 that.

1           You also that you've been working harder than  
2 you probably ever imagined you would as it relates to  
3 this. But I think that's what we inherited. But in  
4 moving what we did today, we have really taken some  
5 large steps on behalf of the Corporation and on moving  
6 our own agenda forward.

7           So thank you very much from at least where I  
8 sit. I couldn't be more proud of the Board.

9           MR. GREY: Hear, hear.

10          DEAN MINOW: Wonderful.

11          CHAIRMAN LEVI: Could I have a motion to  
12 adjourn?

13                                   M O T I O N

14          DEAN MINOW: So moved.

15          MR. GREY: Move it.

16          CHAIRMAN LEVI: Thanks very much. All in  
17 favor?

18                   (A chorus of ayes.)

19          CHAIRMAN LEVI: I guess it needed to be  
20 seconded, but you all -- thanks so much.

21                   (Whereupon, at 12:16 p.m., the board meeting  
22 was adjourned.)           \* \* \* \* \*