

1                   LEGAL SERVICES CORPORATION  
2                   BOARD OF DIRECTORS

3                   MEETING OF THE PROVISION FOR THE  
4                   DELIVERY OF LEGAL SERVICES COMMITTEE  
5                   OPEN SESSION

6                   Friday, January 29, 2010

7                   1:35 p.m.

8                   Legal Services Corporation  
9                   3333 K Street, N.W.  
10                  3rd Floor Conference Center  
11                  Washington, D.C. 20007

12                  COMMITTEE MEMBERS PRESENT:

13                  Laurie Mikva, Chairman  
14                  Thomas A. Fuentes  
15                  Bernice Phillips-Jackson  
16                  Frank B. Strickland, ex officio

17                  OTHER BOARD MEMBERS PRESENT:

18                  Jonann C. Chiles  
19                  Herbert S. Garten  
20                  Michael D. McKay  
21                  Thomas R. Meites

22                  STAFF AND PUBLIC PRESENT:

                  Victor M. Fortuno, Interim President and General  
                  Counsel

                  Karen M. Dozier, Executive Assistant to the President

                  Wendy Long, Executive Assistant, Executive Office

1 STAFF AND PUBLIC PRESENT (Continued):  
Katherine Ward, Executive Assistant, Office of Legal  
2 Affairs  
3 Mattie Cohan, Senior Assistant General Counsel, Office  
of Legal Affairs  
4  
Mark Freedman, Senior Assistant General Counsel, Office  
5 of Legal Affairs  
6 Karen J. Sarjeant, Vice President for Programs and  
Compliance  
7  
Charles Jeffress, Chief Administrative Officer  
8  
Jeffrey E. Schanz, Inspector General  
9  
Joel Gallay, Special Counsel to the Inspector General,  
10 Office of the Inspector General  
11 Laurie Tarantowicz, Assistant Inspector General and  
Legal Counsel, Office of the Inspector General  
12  
Thomas Coogan, Assistant Inspector General for  
13 Inspections, Office of the Inspector General  
14 Daniel Sheahan, Program Evaluation Analyst, Office of  
the Inspector General  
15  
Charles Tong, Program Evaluation Associate, Office of  
16 the Inspector General  
17 David de la Tour, Program Counsel III, Office of  
Compliance and Enforcement  
18  
Stephanie Edelstein, Program Counsel III, Office of  
19 Program Performance  
20 Charles Greenfield, Program Counsel III, Office of  
Program Performance  
21  
Evora A. Thomas, Program Counsel III, Office of Program  
22 Performance

1 STAFF AND PUBLIC PRESENT (Continued):

2 John Constance, Director, Government Relations and  
3 Public Affairs Office

4 Sean Driscoll, Special Assistant, Government Relations  
5 and Public Affairs Office

6 Stephen Barr, Media Relations Director, Government  
7 Relations and Public Affairs Office

8 Kathleen Connors, Executive Assistant, Government  
9 Relations and Public Affairs Office

10 Treefa Aziz, Government Affairs Representative,  
11 Government Relations and Public Affairs Office

12 John C. Meyer, Director, Office of Information  
13 Management

14 Atitaya Pratoomtong, Law Clerk, Office of Legal Affairs

15 Lauren Hersey, Law Clerk, Office of Legal Affairs

16 John G. Levi, Board Nominee

17 Sharon L. Browne, Board Nominee

18 Charles N.W. Keckler, Board Nominee

19 Julie A. Reiskin, Board Nominee

20 Gloria Valencia-Weber, Board Nominee

21 Richard Zorza, Zorza Associates

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

Julie Strandlie, Standing Committee on Legal Aid &  
Indigent Defendants (SCLAID), American Bar  
Association

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

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

(1:35 p.m.)

CHAIRMAN MIKVA: I'm going to call to order the meeting for the Provision for the Delivery of Legal Services Committee.

The first thing I need is a motion to approve the agenda.

## M O T I O N

MR. FUENTES: Move approval.

CHAIRMAN MIKVA: Second?

MS. PHILLIPS-JACKSON: Second.

CHAIRMAN MIKVA: All right. The agenda is approved.

I need a motion to approve the minutes from October 30, 2009.

## M O T I O N

MR. FUENTES: Move approval.

CHAIRMAN MIKVA: Second?

MS. PHILLIPS-JACKSON: Second.

CHAIRMAN MIKVA: All in favor?

(A chorus of ayes.)

CHAIRMAN MIKVA: The minutes have been

1 approved.

2 No. 3 is staff status report on proposed  
3 provisions committee agenda items for 2010 committee  
4 meetings. Ms. Sarjeant.

5 MS. SARJEANT: Thank you. Karen Sarjeant,  
6 vice president of programs and compliance.

7 This meeting is usually the one at which the  
8 committee considers what its agenda ought to be for the  
9 year. And so this afternoon, I will be giving you a  
10 brief status report on several activities that are  
11 underway, and then also just putting out some new  
12 issues that are coming up that the committee may want  
13 to consider also.

14 And I wanted to start by just making sure the  
15 committee was clear. There's no particular action  
16 that's needed on any of these.

17 So the provisions committee charter gives you  
18 a very broad mandate to promote continuous and ongoing  
19 improvement in the provision of legal services to the  
20 poor, and to make recommendations to the board when  
21 appropriate. In recent years, this committee has led a  
22 significant focus on several broad legal services

1 delivery issues, including private attorney  
2 involvement, recruitment and retention challenges,  
3 Native American delivery and funding, technology  
4 criteria for grantee programs, and at the New Jersey  
5 meeting we began a discussion about training.

6           The committee's focus over several years has  
7 been very useful in heightening the attention given to  
8 a number of issues in the legal services community.  
9 And I think the committee has focused on issues of  
10 broad impact.

11           With that said, let me just give you a brief  
12 update on what we have been doing that the committee  
13 has been tracking over the last year.

14           Private attorney involvement: As you will  
15 recall, our staff continues to implement the action  
16 plan that this board approved, "Help Close the Justice  
17 Gap: Unleash the Power of Pro Bono." And in fact, the  
18 action plan is in your board book at page 90.

19           That plan had specific tasks for both the LSC  
20 board and for the LSC staff. And for the board, the  
21 items that have been achieved were the board wanted to  
22 find ways to promote recognition of private attorneys

1 in the delivery of legal services; and in addition to  
2 the work the individual board members have done in  
3 their communities, the board as a whole also would  
4 recognize pro bono accomplishments each time you would  
5 visit a program around the country.

6 The board also did a model resolution on  
7 private attorney involvement that was used as a model  
8 for our grantee programs to do their own resolutions.  
9 And the board also was instrumental in initiating the  
10 discussions about a national pro bono celebration.

11 The staff then had tasks of doing a program  
12 letter to share information on private attorney  
13 involvement in different projects that were underway.  
14 We have in our grantee oversight visits focused on what  
15 programs are doing to engage private attorneys. We  
16 have substantially improved the PAI component of our  
17 LRI online best practices site, and we continue to work  
18 with other organizations publicizing pro bono  
19 activities in updates and other media.

20 109 of our grantee programs actually did  
21 resolutions, and they continue to use those board  
22 resolutions at the local level to reengage private



1 attorneys in the delivery of legal services. The  
2 program letter, even though it went out in 2007, did  
3 have some very useful guidance on the types of projects  
4 that programs could engage in.

5 But I think one of the most significant  
6 activities that the staff undertook in 2009 was the  
7 development of an advisory committee with  
8 representatives of grantee programs sitting on a  
9 committee with LSC staff. And that was just a very  
10 useful process and has led to some additional  
11 activities that I'm going to tell you about.

12 One other thing that was done by the staff in  
13 implementing the PAI action plan was to release a  
14 compilation of legal services and law school programs  
15 activities, which was released in December of 2009.

16 Now back to the advisory committee. That was  
17 created to discuss, really, the challenges of our  
18 existing regulation, and if there were ways in which  
19 LSC guidance could be improved on Regulation 1614.

20 The advisory group met for several months by  
21 phone, and as I said, there were representatives from  
22 our grantee programs on the advisory committee. And

1 after many months of discussion, we came to, as a  
2 group, the recognition that we have a very old  
3 regulation.

4 And it was created at a time in which the  
5 environment was different, when there was really not  
6 the kind of acceptance of private attorney involvement  
7 with legal services programs as there is now, and that  
8 in fact there were very limited delivery models at the  
9 time the regulation was created.

10 This led to an interesting session at the  
11 November conference, NLADA conference, in which we  
12 asked grantees -- and we had a session in which the  
13 advisory committee members participated, and LSC staff.  
14 And we really asked them to envision a new world of  
15 private attorney involvement, and what would that look  
16 like, and what would they want to be able to do.

17 And so what we are going to do, because a lot  
18 of really good information came out of that session,  
19 we're going to compile that. We're in the process of  
20 compiling that, compiling the work of the advisory  
21 committee. And we're going to share that with all of  
22 our grantee programs.

1           At the same time, we are going to have a  
2 session at the equal justice conference in May with a  
3 different group, which will be primarily private  
4 attorney involvement coordinators in programs. And we  
5 will get their input on the regulation, the private  
6 attorney involvement projects they're doing. What are  
7 the opportunities? What are the obstacles they're  
8 facing?

9           We think gathering this information will be  
10 useful to share back with the board through the  
11 provisions committee, and possibly jointly with the ops  
12 and regs committee, if at some point during the year  
13 there is a desire to take a look at that regulation  
14 because we will then have some information, based on  
15 gathering that information from our programs, about,  
16 you know, what are the challenges with the reg? If you  
17 had the opportunity to step back and redesign private  
18 attorney involvement and, in fact, the regulation now,  
19 what would it look like? So that's what we've done  
20 with that.

21           CHAIRMAN MIKVA: Any questions? A question:  
22 The advisory committee that created, is that now -- its

1 work is over?

2 MS. SARJEANT: No. Actually, the advisory  
3 committee still exists. And we will be working with  
4 them to develop the session that's done at the equal  
5 justice conference. And, you know, at that point we'll  
6 see whether that committee continues, or whether  
7 there's another group put together, or what the next  
8 step would be.

9 CHAIRMAN MIKVA: And I'm not sure I understood  
10 the difference between the composition of the two  
11 different committees, the existing committee and the  
12 one you're going to put together.

13 MS. SARJEANT: Oh, no, no. We're not -- right  
14 now we're not planning to put together another one.  
15 There is an advisory committee that exists. We will,  
16 after we have this next session, be meeting with them  
17 in determining are there next steps that they see as a  
18 committee we should do? Or should we, you know,  
19 declare that we've done what we needed to do --

20 CHAIRMAN MIKVA: Victory.

21 MS. SARJEANT: -- and then share the  
22 information with the board to do with, you know, to

1 consider in its decision on what it wants to do around  
2 looking at 1614 or not.

3 CHAIRMAN MIKVA: Mr. Fuentes?

4 MR. FUENTES: Madam Chairman, I take great  
5 encouragement from this report, Karen. I think that it  
6 reflects a new energy in the board's focus and the  
7 concern of staff on the issue of pro bono. I like it  
8 that we are seeing greater emphasis, greater attention  
9 to. I think it's been long in coming and is very  
10 appropriate.

11 We had earlier discussion in sessions this  
12 morning on this topic, reflecting the reality that  
13 LSC's chunk of the pie is perhaps 40 or 45 percent, and  
14 that there's a lot out there that isn't necessarily our  
15 dollars but, rather, a broader effort across this  
16 country to deliver legal services to the poor.

17 And we have to be about promoting that.  
18 Promoting it is part of our charter, part of our  
19 mission, part of our first agenda to promote and  
20 provide access to legal services, to equal justice.

21 I would like to do something rather  
22 fundamental, possibly modest in action, but might put

1 on the record for the long run that we recognize this  
2 need to promote and encourage others, especially  
3 private attorney involvement, in the big picture. I  
4 think we ought to change the name of this committee.

5 I think this committee ought to be the  
6 Promotion and Provision for the Delivery of Legal  
7 Services Committee. I think that it should say -- we  
8 should say to the world that we're not just a Beltway  
9 organization, that there is a nation out there that has  
10 need, that there are others across this country who  
11 share with us in the role of providing equal access to  
12 justice for the poor of our nation.

13 M O T I O N

14 MR. FUENTES: So I would like to move at this  
15 time that this committee recommend to the board the  
16 change of the name of this committee to the Promotion  
17 and Provision for the Delivery of Legal Services  
18 Committee. I so move.

19 MS. PHILLIPS-JACKSON: Second.

20 CHAIRMAN MIKVA: Is there any discussion?

21 (No response.)

22 MR. FUENTES: Call the question.

1           CHAIRMAN MIKVA: I'm just trying to figure out  
2 what "Promotion for the Delivery of Legal Services"  
3 means.

4           MR. FUENTES: It means that --

5           CHAIRMAN MIKVA: I understand what you're  
6 saying. I'm just wondering if it says that.

7           MR. GARTEN: I think we should do some further  
8 study on the renaming of the committee, and that we  
9 suggest to staff that they report back to us. On  
10 principle, I agree with you, what you're saying. But  
11 I'm not sure I like the word "promotion" in the name  
12 change.

13           So I'd like to suggest deferring it and  
14 getting some feedback from staff on this. And there  
15 may be some other committees and other organizations  
16 involved in pro bono that have a better way of  
17 expressing this.

18           MR. FUENTES: Well, Madam Chairman, as a  
19 matter of parliamentary directive, we have a committee.  
20 A committee can vote to make that recommendation to the  
21 board. And if a board member wishes at board level to  
22 continue the study of this recommendation of the

1 committee, they may do so. I call the question.

2 CHAIRMAN MIKVA: Is there any further  
3 discussion?

4 (No response.)

5 CHAIRMAN MIKVA: All right. Can we take --

6 MR. STRICKLAND: Do you need me for a quorum  
7 on this?

8 MR. FUENTES: We have a quorum.

9 CHAIRMAN MIKVA: We have a quorum.

10 MR. STRICKLAND: But in terms of -- do we need  
11 four of us for a quorum, or just three?

12 MR. FUENTES: Three. There are three members  
13 of the committee plus an ex officio member.

14 MR. STRICKLAND: Okay. Got it.

15 CHAIRMAN MIKVA: We have one missing member,  
16 Sarah Singleton. But we still have a quorum  
17 without -- yes.

18 MR. FUENTES: But there's a quorum. There's a  
19 quorum voting at this time.

20 CHAIRMAN MIKVA: Yes. Yes. So --

21 MR. STRICKLAND: I was just trying to make  
22 sure whether or not I was needed for a quorum, not



1 suggesting the absence of one.

2 MR. FUENTES: Right. Right.

3 CHAIRMAN MIKVA: All in favor of the renaming  
4 of the committee to the Promotion and Provision for the  
5 Delivery of Legal Services Committee say aye.

6 MR. FUENTES: I would restate that.

7 CHAIRMAN MIKVA: Okay.

8 MR. FUENTES: A motion -- I will restate it as  
9 I stated it. A motion to recommend to the board the  
10 renaming of this committee as the Promotion and  
11 Provision for the Delivery of Legal Services Committee.  
12 It's the board's decision. We can only recommend.

13 CHAIRMAN MIKVA: I understand. I understand  
14 All in favor?

15 (A chorus of ayes.)

16 CHAIRMAN MIKVA: Opposed? Nay. The motion  
17 carries.

18 Garten loan repayment?

19 MS. SARJEANT: Yes. The Herbert S. Garten  
20 Loan Repayment Assistance Program. As the committee  
21 will recall, we have continued to request and receive  
22 funding for this LRAP program. The current status in

1 the 2010 appropriation was a million dollars.

2 We're currently reviewing over 400  
3 applications, and this includes about 80 or 81  
4 applications from attorneys entering their second year  
5 of the program. We expect to be able to make about 80  
6 new loans with this funding, and that process is  
7 underway.

8 As you will recall, the program provides \$5600  
9 for each of three years to grantee attorneys to help  
10 them make payments on their law school debt. And each  
11 year that they're with the program, they have a year of  
12 that forgiven.

13 CHAIRMAN MIKVA: Questions? Comments?

14 (No response.)

15 MS. SARJEANT: Now, it is likely that the  
16 issue of whether LSC should continue to request funding  
17 will come up this fall when the board is working on the  
18 2010 budget. As you will also recall, this committee  
19 had decided not to make a final decision on whether to  
20 continue the project.

21 CHAIRMAN MIKVA: Correct.

22 MS. SARJEANT: Okay?

1           CHAIRMAN MIKVA: Thank you.

2           MS. SARJEANT: Native American funding.

3           CHAIRMAN MIKVA: Yes.

4           MS. SARJEANT: This issue has been before the  
5 committee for some time. And if I can just give you a  
6 quick recap, the Native American programs, NAILS,  
7 organization approached LSC requesting an increase in  
8 funding. And this was a few years ago.

9           We indicated to them the need that we would  
10 want to have some demographic data to help us ascertain  
11 if significant changes have occurred in the Native  
12 American population in living conditions, and if those  
13 changes support a reconsideration of our current  
14 funding allocation to Native American programs.

15           In consultation with NAILS, we had a  
16 consultant last year who helped develop some data for  
17 us. NAILS and LSC have differing interpretations of  
18 that data, and so we're still working on that.

19           The work has not progressed at this time. And  
20 I would think that during this year, this is something  
21 that we will be continuing to work with NAILS on to try  
22 to resolve the issues that have come up around this.

1           And this is an area where we clearly want to  
2     have the involvement of the Native American programs in  
3     working through this issue with LSC. So that's why  
4     we're continuing to reach out to the organization.

5           Along those same lines, we have an internal  
6     staff group that will probably this year start looking  
7     at some of the migrant delivery issues in funding  
8     because with the census being done this year and  
9     probably new census information available by 2011 going  
10    into 2012, we will want to be on top of what that  
11    information is showing for LSC funding and some of the  
12    challenges in the special population funding.

13           So this is one of those issues that we haven't  
14    done a lot of work on up to this point. But I'm  
15    raising it because I think at some point during the  
16    year, this is an issue that may come to the provisions  
17    committee. And, you know, it's one, again, you would  
18    certainly want to have field program involvement in.

19           CHAIRMAN MIKVA: And is there -- can be a  
20    group, as NAILS, or is this a group that will have to  
21    be --

22           MS. SARJEANT: There is a group in our

1 programs out there that are -- they are already working  
2 on these issues. It's a matter of us getting involving  
3 with them at this point and doing some of our own  
4 background work.

5 An issue that came up during the orientation  
6 that was done the other day is the issue of veterans.  
7 And this would be, I think -- if the committee took a  
8 look at this issue of delivery of legal services to  
9 veterans, that would be a new issue for us to look at.

10 But the committee may want to hear more about  
11 what -- the question that was raised before is: What  
12 are our legal services programs doing? We could  
13 certainly share with you what we're doing with the TIG  
14 grants around access for veterans and, you know, what  
15 our Veterans Appeals grant is doing.

16 CHAIRMAN MIKVA: I think that would be a great  
17 idea, if you could come back next time with some  
18 information on this.

19 MS. SARJEANT: Okay. Then --

20 CHAIRMAN MIKVA: I'm sorry. I mean, one more  
21 question I have, which is how many -- and I don't know  
22 that there's a way to know -- but whether there's

1 really a large population of veterans that would  
2 qualify for services. I guess I'm not sure of that.

3 MS. SARJEANT: I think, anecdotally, we know  
4 that there are numbers of veterans that are being  
5 served by programs now. And so it's a matter of  
6 looking at how do we get those hard numbers? I think  
7 there are, and I certainly think there are, you know,  
8 family members that are eligible. So we'll take a look  
9 at that.

10 CHAIRMAN MIKVA: All right.

11 MS. SARJEANT: Grantee --

12 MR. FUENTES: Madam Chairman?

13 CHAIRMAN MIKVA: I'm sorry. Yes?

14 MR. FUENTES: Bernice first, please.

15 MS. PHILLIPS-JACKSON: I just wanted to ask:

16 Being a veteran would include the family members also?

17 MS. SARJEANT: If they're eligible --

18 MS. PHILLIPS-JACKSON: If they're -- let's say

19 we have someone that's a veteran, and the spouse came

20 in. Would she be considered a veteran, too?

21 MS. SARJEANT: Oh, no. She wouldn't be

22 considered a veteran. But if she's eligible and met

1 all the other eligibility criteria --

2 MS. PHILLIPS-JACKSON: She can qualify, then?

3 Okay.

4 MS. SARJEANT: Right. Right. No.

5 Unfortunately, we can't confer that status. Yes.

6 MR. FUENTES: Karen, when you raise the issue  
7 of migrants, there's always, of course, the specter of  
8 the illegal immigrant. That, I would say, generally  
9 I've come to have the perception that that issue is the  
10 responsibility of the local agency rendering the  
11 service as opposed to our having to deal with that. We  
12 take the word of a local agency.

13 Can you just give us, for information  
14 purposes, what safeguards are in place that we don't  
15 cross that line?

16 MS. SARJEANT: Yes. Our programs, there is a  
17 regulation that -- I believe it's titled Legal  
18 Assistance to Aliens, or something like that. It's  
19 1626. And it's very detailed about which categories of  
20 aliens, immigrants, are eligible for LSC-funded  
21 services.

22 And I think that our programs -- our

1 experience has been, with the visits that OCE does,  
2 that our programs are very careful about ensuring that  
3 they are delivering services only to -- I mean, they're  
4 doing that screening so that they are serving eligible  
5 clients.

6 Now, you know, from time to time there  
7 certainly are complaints that come to LSC from outside  
8 the organization, saying someone who was not eligible  
9 was served. And we do look into that when it happens.  
10 But each program has the responsibility of doing that  
11 screening prior to providing services.

12 CHAIRMAN MIKVA: If I could add, there is an  
13 attestation of citizenship that the client has to sign.  
14 And if the client cannot sign that, they have to bring  
15 in evidence of lawful status.

16 MR. FUENTES: I don't see the inspector  
17 general in the room. Is he here? Oh, he is. Good.  
18 How do you monitor that, or what is your check of that,  
19 regards illegal aliens?

20 MR. SCHANZ: Mr. Fuentes, this is Jeff Schanz,  
21 the inspector general. That would be more of a  
22 programmatic function. We can look into that,



1 depending on the scope of our field audits. But the  
2 scope of our field audits are generally financial in  
3 nature.

4 We also have a compliance element to that.  
5 But I would defer to the Office of Compliance and  
6 Enforcement for making sure that those things were  
7 done. I believe we could supplement in that area if it  
8 was the request of the board.

9 MS. SARJEANT: It's an area -- when we do our  
10 OCE visits, we very definitely do a review of  
11 eligibility and 1626 screening that is done.

12 MR. FUENTES: Thank you.

13 CHAIRMAN MIKVA: thank you.

14 MS. SARJEANT: So an issue that started last  
15 January that grew out of, I think, this board's  
16 experience with GAO and the work that it had to do, the  
17 board had to do ,in response to the GAO report, is a  
18 focus on grantee board governance.

19 And certainly it was our experience as an  
20 agency that for a handful of programs in which we had  
21 some significant issues, it was without question a  
22 situation where there was not an engaged board at the

1 time.

2 And so we have put together, and they worked  
3 all last year, a staff work group on grantee board  
4 governance. And as you will recall, they did a survey  
5 of all of the executive directors and board characters,  
6 and accumulated and acquired really quite a bit of  
7 information.

8 Midway through 2009, that committee was asked  
9 to redirect their focus to the issue of: Should  
10 grantee boards be required to have audit committees?  
11 And so they are -- they did that, and we made a  
12 recommendation to the board. And in fact, that issue  
13 is back before the board at the ops and regs committee  
14 meeting tomorrow.

15 But the staff continues to, and plans to  
16 continue its work this year, and has already been very  
17 active. And they're going to do some priority  
18 activities. One of the first things they're going to  
19 do is they want to report out the results of the survey  
20 to all of the programs and to the board because we gave  
21 you summary information from that survey and really did  
22 not go too deeply into it because, again, their focus

1 was redirected.

2 They also are working hard to develop a range  
3 of board training and best practice activities, and a  
4 number of ways in which that can be pushed out to our  
5 programs. They really want to focus on client board  
6 members and training.

7 As you will recall from last January, a number  
8 of the presenters at that panel indicated a problem  
9 with recruiting and retaining client board members. So  
10 we want to see what we can do on that issue.

11 They also want to -- in working with another  
12 staff committee and advisory group here on financial  
13 operations/oversight issues, there's a new accounting  
14 guide that's in the process of being developed, and  
15 will be in the Federal Register any day now for  
16 comment. And we want to be able to do training on that  
17 so that we are training not only boards but staff also  
18 on financial oversight.

19 I mentioned recruitment and retention of board  
20 members. And the work that this committee does around  
21 client board member issues is an area that is right  
22 for, again, developing an advisory committee that is

1 populated by client board members and, you know, other  
2 representatives of programs to help inform the work  
3 that is done in that committee on that issue.

4 So they're in the process of prioritizing what  
5 they're going to do. And I expect that at the April  
6 meeting, you will get a much fuller report on the  
7 activities that are underway at that time.

8 CHAIRMAN MIKVA: And so you believe that a  
9 client board member advisory committee is something  
10 that will happen? Something that --

11 MS. SARJEANT: I think it's something  
12 they're -- that they will be considering because it  
13 certainly would provide kind of realtime, you know,  
14 what are the issues? What works, you know? How can we  
15 reach into the communities and really be effective at  
16 what we're doing?

17 And, you know, I think we have found that  
18 bringing people from our programs or from our boards  
19 in, whether it's to talk to the committee or to work  
20 with staff, really makes a difference in the final  
21 product.

22 We talked about -- at the New Jersey meeting

1 we talked about the training initiative that was  
2 getting underway. And again, we will be doing a number  
3 of things.

4 You heard the Office of Compliance and  
5 Enforcement is doing new executive director training.  
6 They plan to do more CSR handbook training at several  
7 different levels. You know, there are new staff in  
8 programs. Some experienced staff need refresher  
9 courses.

10 We're going to do a lot of this through web  
11 training. One of the things we heard in the -- and  
12 learned from the board governance survey is that boards  
13 really need to know about our regulations, and they  
14 want training on that. And I know that there's some  
15 work underway to develop that regulations training.  
16 And again, as I just mentioned, there will be some  
17 training on financial best practices.

18 So that will be something that we'll be doing  
19 this year, leading into -- you know, we put in a  
20 request for a new training component in the 2011  
21 budget. And I think the issue of training in legal  
22 services programs, the capacity that's there, what is

1 actually needed, how is best delivered -- there are a  
2 lot of conversations that this committee could help  
3 direct to pull together both our TIG projects; our  
4 training that we want to do; you know, what the need is  
5 out in the field, what exists.

6 So I think that's really an issue looking at  
7 infrastructure because, you know, training helps to  
8 ensure compliance. It helps to ensure high quality.  
9 So it's a critical issue.

10 CHAIRMAN MIKVA: Is there any way -- talking  
11 to the grantees about the kind of training they think  
12 they need at this point? Is there any communication  
13 going on in that way?

14 MS. SARJEANT: We haven't undertaken that yet,  
15 but I think that's something we should do. I think  
16 that LSC can play an important role in kind of bringing  
17 people to the table to talk about training because  
18 there are pockets of training around our national  
19 community.

20 And I think, you know, there's kind of a  
21 coordinating role that's important to see who can best  
22 do what? How can it be done? And quite honestly, even

1       though there was an increase in LSC funding, as you  
2       heard, with the decrease in IOLTA funding, programs are  
3       really stressed in terms of being able to provide that  
4       capacity themselves.

5                It's our responsibility, I think, to try to  
6       figure out how to provide that support to programs  
7       because we know it's something that's needed. Some of  
8       them can do it. Some of them just, you know, can't.  
9       And so it's one of those areas where we could really  
10      make a difference, I think, if we approached it  
11      strategically and thoughtfully.

12              Then I just wanted to say to the committee  
13      that, you know, there may be a number of other issues  
14      that come up. We don't know what the year will bring.  
15      If there is -- you know, we're going through the very  
16      end of Strategic Directions. There may be new  
17      initiatives, new directions that the Corporation is  
18      going in.

19              So this committee needs to remain somewhat  
20      flexible to address some of those things that might  
21      come up, whether it's through reauthorization, trying  
22      to help and figure out how do we help programs deal

1 with the tension of the high demand for service and,  
2 you know, not increasing funds. How do they stay  
3 competitive?

4 How do we better report to Congress all of the  
5 work that our programs do? Because in the Justice Gap  
6 study, you know, we're focused on cases. But we know  
7 that our programs -- and an example this morning was  
8 the TIG grants. Using the websites, there's a lot of  
9 other work that goes on.

10 And we need to be able to report that in a way  
11 that translates to our appropriators so they can  
12 understand that when they give us the money, the  
13 millions of dollars that they do, that they are in fact  
14 getting a lot for that.

15 So we need to look at what should be the other  
16 data that we capture from our programs, have them  
17 report on, and how do we report that back out to the  
18 appropriators. So that's something this committee may  
19 want to look at.

20 You heard this morning in the presentation on  
21 the TIG project about limited English proficiency  
22 needs. And that's something that we are focusing on,



1 both in a workgroup here at the Corporation, and it's  
2 something that we need to look at, language access for  
3 all of our programs and all of our potential clients.

4 So those are the kinds of -- the range of  
5 issues that this committee may consider, all of which,  
6 you know, depending on how we approach them, could have  
7 a wide-ranging impact on field programs.

8 CHAIRMAN MIKVA: Thank you. Comment by the  
9 committee? Questions?

10 (No response.)

11 MS. SARJEANT: Any other ideas?

12 CHAIRMAN MIKVA: Other ideas?

13 (No response.)

14 MR. FUENTES: Are you down to (g), or within  
15 this item?

16 CHAIRMAN MIKVA: I think we're down to (g).

17 MR. FUENTES: Under (g), Madam Chairman, I  
18 think sometimes we need to look at our own back yard.  
19 And sometimes that's hard to do when we get caught up  
20 with responsibilities as broad as this board has.

21 The board includes -- supposedly,  
22 hopefully -- eleven members. And those members in some

1 cases have been very good voices for telling the LSC's  
2 work. I think particularly of our colleague David  
3 Hall, who has done splendid work in speaking on behalf  
4 of LSC in forums that have encouraged support for the  
5 work of the Corporation and, more importantly, for  
6 meeting the needs of the poor.

7 I would like to have management consider a  
8 biannual -- or semiannual, I guess that would be, once  
9 every six months -- effort to put together a group of  
10 talking points to provide to the board. If board  
11 members choose to speak in their communities or in  
12 outlying areas where they might be invited to speak to  
13 the bar, to the Kiwanis club, wherever there's an  
14 opportunity, I think it would be good if we had a  
15 consistent message that told the needs across this  
16 country for equal access to justice, the plight of the  
17 poor.

18 And then this would be a resource of updated  
19 talking points, thinking, perhaps, in the range of if a  
20 board member was to deliver a 20-minute or 30-minute  
21 talk before an audience, that they could use as  
22 foundational information. I don't think that would

1 take too great an effort. I know we could each go back  
2 and take apart the Justice Gap report and come up with  
3 that on our own.

4 But I think if you took -- if we directed the  
5 Office of the President and staff to have this  
6 available to the board, it could give a fine vehicle to  
7 encourage our hands-on greater work in community.

8 M O T I O N

9 MR. FUENTES: And so I would move that this  
10 board -- this committee recommend to the board  
11 direction to the Office of the President to provide, on  
12 a semiannual basis, talking points for board members.

13 MS. PHILLIPS-JACKSON: Second.

14 MS. SARJEANT: We can absolutely do that. The  
15 Office of Government Relations and Public Affairs often  
16 pulls together from the different offices program  
17 information that can be used in that way. And we'd be  
18 happy to do that. We'd be more than happy to do that  
19 on a regular basis. I'm sure -- yes.

20 CHAIRMAN MIKVA: Thank you.

21 MS. SARJEANT: Since I've now committed --

22 MR. CONSTANCE: I'm being tasked here. For

1 the record, John Constance, director of government  
2 relations and public affairs. Tom, I think that's a  
3 great suggestion.

4 I would only add to it that some of your  
5 colleagues, Mike McKay, among others, have reached out  
6 to us to go a step farther, which we're always willing  
7 to do, and that is, you know, actually prepare draft  
8 remarks based on a tailored approach to whatever the  
9 audience is going to be.

10 And we would be, you know, more than happy to  
11 engage with board members, going forward, to do that.  
12 Talking points is a great idea and, you know, again  
13 depending upon the kind of group, they can be  
14 downloaded and used. But we're more than willing to  
15 even go the next step and do, you know, informal  
16 remarks. Good suggestion, though.

17 CHAIRMAN MIKVA: Do you think this needs  
18 action, Mr. Fuentes, or simply a --

19 MR. FUENTES: Well, I don't know. Generally,  
20 the committees don't give direction to staff,  
21 so -- it's the board that gives direction to staff.  
22 That's why I framed it in that fashion.

1           MR. STRICKLAND: I'll second it -- or did you  
2 second it, Bernice?

3           MS. PHILLIPS-JACKSON: Yes.

4           MR. STRICKLAND: Okay. Fine.

5           CHAIRMAN MIKVA: All in favor?

6           (A chorus of ayes.)

7           CHAIRMAN MIKVA: All right.

8           MS. SARJEANT: So that's my report. I'm done.

9           CHAIRMAN MIKVA: Thank you.

10          MS. SARJEANT: Thank you.

11          CHAIRMAN MIKVA: Public comment? Mr. Levi,  
12 not to put you on the spot, but did you want to talk  
13 about your question earlier?

14          MR. LEVI: Which question? I have many.

15          CHAIRMAN MIKVA: Well, this one was directed  
16 to the provision for the delivery of legal services and  
17 how the Corporation is situated to learn about --

18          MR. LEVI: Okay. That's really more of the  
19 finance committee, I think a question for the -- but  
20 maybe this is the committee.

21          John Levi here. I'm a board nominee. I asked  
22 in an earlier meeting how the Corporation becomes aware

1 if any of the 136 grantees is encountering financial  
2 difficulty in this moment of time in terms of our  
3 country, and what kind of early warning the board might  
4 be receiving, or staff would be, that perhaps a grantee  
5 is maybe in financial difficulty, and that's something  
6 we ought to know before others know.

7 CHAIRMAN MIKVA: I agree. Now that you  
8 rephrase it, it does sound like a financial  
9 committee -- but since it's been --

10 MS. SARJEANT: Well, let me answer that in  
11 part, that our program and compliance staff, in doing  
12 their oversight work, will sometimes be aware of that,  
13 but not always. But very often -- I mean, we had a  
14 situation where programs have told us, you know, we're  
15 going to be -- because they have to if they're going to  
16 run a deficit.

17 But we could take a look at the questions that  
18 we're asking when we're doing our oversight and see if  
19 we're asking the questions that would surface that. I  
20 think generally we are, but we can always take a look  
21 and see.

22 And then I'm not sure what you want to have

1       happen once that is --

2                   MR. LEVI: Well, this does overlap the  
3       committees. It's really a question of, is a local  
4       grantee unable to provide the services we believe  
5       they're going to be providing due to the fact that  
6       other sources of funds -- we know what the federal  
7       grant is, but other sources of funds are not there as  
8       they anticipated.

9                   And if that is happening in this -- because if  
10       what we know to be going on elsewhere in the economy,  
11       and it's confronting the private bar as well, what  
12       system, what methods, or what things are in place to  
13       alert you that -- and I don't know that this is in fact  
14       happening.

15                   But I won't be surprised if it happens to one  
16       of your grantees, that they actually are not able to  
17       provide the service that they've signed up through  
18       whatever your bidding process is based on the fact that  
19       they have lost so many other funds.

20                   MS. SARJEANT: Right.

21                   MR. LEVI: And how does that come to your  
22       attention? Anyway, that was my -- because it'll

1 certainly come to the attention of the local folks, and  
2 then the congressmen will be calling us to say, what's  
3 going on?

4 CHAIRMAN MIKVA: Right.

5 MS. SARJEANT: Well, we can definitely -- one  
6 of the things we've done over the past year is we've  
7 done some more in-depth presentations to different  
8 committees -- provisions, ops and regs -- about how we  
9 do our work.

10 And we could certainly plan to do some more of  
11 that this year so that we could in fact answer those  
12 types of questions.

13 CHAIRMAN MIKVA: Thank you.

14 MR. LEVI: Thank you.

15 CHAIRMAN MIKVA: Any other public comment?

16 (No response.)

17 CHAIRMAN MIKVA: Motion to adjourn?

18 M O T I O N

19 MS. PHILLIPS-JACKSON: So move.

20 MR. FUENTES: So move.

21 CHAIRMAN MIKVA: Second?

22 MR. FUENTES: Second. She moved. I second



1 it.

2 CHAIRMAN MIKVA: All right. All in favor?

3 (A chorus of ayes.)

4 CHAIRMAN MIKVA: We are adjourned.

5 (Whereupon, at 2:24 p.m., the provisions  
6 committee was adjourned.)

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