

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

MEETING OF THE PROMOTION AND PROVISION  
FOR THE DELIVERY OF LEGAL SERVICES COMMITTEE

OPEN SESSION

Friday, January 28, 2011

8:56 a.m.

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

COMMITTEE MEMBERS PRESENT:

Laurie I. Mikva, Chairperson  
Sharon L. Browne  
Victor B. Maddox  
The Reverend Joseph Pius Pietrzyk, O.P.  
Julie A. Reiskin  
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

Robert J. Grey, Jr.  
Charles N.W. Keckler  
Harry J.F. Korrell, III  
Martha L. Minow  
Gloria Valencia-Weber

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

Victor M. Fortuno, Interim President and General Counsel  
Janet LaBella, Director OPP  
Elizabeth Arledge, Analyst/Coordinator, Legal Services Corporation  
Stephen Barr, Director, Media Relations  
James ("Jim") Sandman, Incoming LSC President  
Jane Ribadeneyra, Program Analyst III, OPP  
Rebecca Weir, Special Counsel to the President  
Terry Brooks, American Bar Association Standing Committee on Legal Aid and Indigent Defendants  
Robert Horowitz, Director, ABA  
John Carmichael, American Bar Association  
Jeffrey E. Schanz, Inspector General  
Katherine Ward, Executive Assistant, Office of Legal Affairs  
Atein Riggins, Computer Support Technician, OIT  
Eric R. Jones, Network/Systems Engineer, OIT  
Matilde "Tillie" Lacayo, Program Counsel III, OPP  
Julie Strandlie, ABA  
Laurie Tarantowicz, Assistant Inspector General and Legal Counsel  
Ronald "Dutch" Merryman, Assistant Inspector General for Audits  
Christy Fisher, OPP  
Stephanie Edelstein, Program Counsel III, OPP  
Cynthia Schneider, Deputy Director, OPP  
Michael Ganz, Program Counsel, OPP  
Mattie Cohan, Senior Assistant General Counsel, Office of Legal Affairs  
Jack Rives, American Bar Association  
Juliet Choi, American Red Cross  
Mary Ellen Martinet, FEMA  
Mark O'Brien, Pro Bono Net  
Don Saunders, National Legal Aid and Defenders Association (NLADA)  
John Idleman, Senior Program Counsel, OPP  
Linda Perle, Center for Law and Social Policy (CLASP)  
John Meyer, Director, Office of Information Management (OIM)

## C O N T E N T S

OPEN SESSION	PAGE
1. Approval of Agenda	4
2. Approval of the Minutes of the Committee's meeting of October 18, 2010	5
3. Staff report on LSSC's Initiates Regarding Disaster Response	5
4. Consider and act on client board members support initiatives	71
5. Public comment	86
6. Consider and act on other business	86
7. Consider and act on adjournment of meeting	86

Motions: 4, 5, 87

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

2 (8:56 a.m.)

3 CHAIRPERSON MIKVA: I would call to order the  
4 duly noticed meeting for the Committee for the  
5 Promotion and Provision for the Delivery of Legal  
6 Services. Could the members of the Committee please  
7 introduce themselves. I'm Laurie Mikva.

8 FATHER PIETRZYK: Pius Pietrzyk.

9 MR. MADDOX: Victor Maddox.

10 MS. REISKIN: Julie Reiskin.

11 MS. BROWNE: Sharon Browne.

12 CHAIRPERSON MIKVA: Thank you. And Ms.  
13 Browne, do you mind taking over for me before the Board  
14 tomorrow because I will not be present.

15 MS. BROWNE: I'll be happy to.

16 CHAIRPERSON MIKVA: The first item is Approval  
17 of the Agenda. Do I have a motion to approve.

18 M O T I O N

19 FATHER PIETRZYK: I so move.

20 MS. BROWNE: I second.

21 CHAIRPERSON MIKVA: All in favor?

22 (Chorus of ayes.)

1           CHAIRPERSON MIKVA: And the motion to approve  
2 the minutes of the Committee's meeting on October 18,  
3 2010.

4                           M O T I O N

5           MS. BROWNE: So moved.

6           MR. MADDOX: Second.

7           CHAIRPERSON MIKVA: All in favor?

8                   (Chorus of ayes.)

9           CHAIRPERSON MIKVA: Actually, having done  
10 that, we're going to defer the discussion of the  
11 Committee charter. We have a great panel here, and we  
12 want to give them as much time as we can. And so that  
13 is actually our first item of business. It's Report on  
14 LSC's Initiatives Regarding Disaster Response. And I  
15 will turn it over to Mr. Eidleman.

16           MR. EIDLEMAN: Chair, thank you very much.  
17 John Eidleman, program counsel with the Office of  
18 Program Performance. We really appreciate this  
19 opportunity to tell you the efforts the Corporation has  
20 engaged in concerning the disaster preparedness  
21 response and recovery. And we have guests with us  
22 today because really they are our partners. Without

1    them, we could not have the effort that we are able to  
2    engage in.

3                   And what I'm going to do is introduce the  
4    panelists just very, very briefly. I can't do justice  
5    to their background, but I know we want to move forward  
6    in the time in which we have allotted. And now I'll  
7    just say a few things about what we do at LSC, and then  
8    I'm going to ask the guests to talk about our  
9    relationship and how we partner together.

10                   So immediately to your right is Jack Rives,  
11    and Jack is the executive director of the American Bar  
12    Association. He's been there since May of 2010. Jack  
13    is a former judge advocate general of the United States  
14    Air Force and was involved in the reorganization of the  
15    Delivery of Legal Services at the Pentagon  
16    headquarters.

17                   Mary Ellen Martinet is to Jack's right, and  
18    Mary Ellen is associate chief counsel for the Response  
19    and Recovery Law Division at FEMA. And so her job  
20    really, as I understand it, is to work along people in  
21    the field, the lawyers in the field of different  
22    offices, and make sure that they get timing and

1 accurate information, legal information. And if you  
2 have more to add, Mary Ellen, when you speak, you can  
3 correct me.

4 Mark O'Brien I think you met yesterday. Mark  
5 is the cofounder and executive director of Pro Bono  
6 Net.

7 And Don Saunders is the vice president for the  
8 Civil Legal Services Division of NLADA. And I think  
9 you know Don.

10 Juliet Choi is not here. Is she on her way  
11 here?

12 MS. MARTINET: Yeah. She will be here in  
13 about two or three minutes.

14 MR. EIDLEMAN: Okay. But Juliet is the senior  
15 director of Disaster and Partnerships of the American  
16 National Red Cross. And she is in charge of overseeing  
17 international strategy for private sector partnerships.

18 And Juliet is the person that helped us put together  
19 an MOU with the Red Cross.

20 So we've given you a lot of materials in your  
21 board book. And I'm not going to go over all of those  
22 materials. If you look at page 31 in your book, that's

1 where the materials start. We've tried to give you a  
2 history of our actions here since 2005 when Hurricane  
3 Katrina hit.

4           We have a copy of the MOU, and that's on page  
5 51. We have a copy of the agreement between FEMA and  
6 the ABA; that's at page 44. And if you don't know,  
7 that's -- there is an agreement between the American  
8 Bar Association and FEMA that if there is a  
9 presidential disaster declared and the disaster of  
10 Legal Services is initiated, then the ABA will move in,  
11 set up a hotline and will delivery advice and counsel  
12 to victims, or survivors, of the disaster. I will talk  
13 a little bit more about that, about how are we now  
14 working closely with the American Bar Association.

15           So we've given you those materials. And the  
16 basic things we do in the house at this point, I would  
17 say, is we're really a resource for our programs. And  
18 we're a resource in a number of different ways. We all  
19 help them try to prepare for a disaster. We've asked  
20 all our programs to have continuity of operation plans  
21 in place, everything I've read, in the case that any  
22 business that has a plan in place will recover from a



1 disaster much more quickly if there was no plan in  
2 place. You cannot avoid a disaster, obviously, by  
3 having a plan, but you can get up and running again  
4 more quickly. So 80 percent of LSC funded programs  
5 have these plans in place.

6 We also have reached out to our programs and  
7 told them who are the district directors of the Young  
8 Lawyer Division of the ABA that they should know about,  
9 in case there is a disaster and work with them ahead of  
10 time, and the local offices of the American Red Cross  
11 because we firmly believe that if you know the  
12 stakeholders before the disaster occurs, you're -- then  
13 you're going to be able to react more quickly.

14 Juliet Choi has just come in.

15 MS. CHOI: Good morning. I apologize for the  
16 tardiness here.

17 MR. LEVI: We just started. We just started.

18 MR. EIDLEMAN: We haven't gotten to the  
19 speakers yet, Juliet.

20 So we do firmly believe that you need to know  
21 who your stakeholders are before you get started. But  
22 also if there is a disaster, we reach out to our

1 programs and contacts. And if they haven't made those  
2 connections, we get them in contact with the ABA and  
3 with the Red Cross. And we also let them know that  
4 there is a small, limited amount of funding available  
5 from the Corporation for disasters, and we try to hook  
6 them up with other programs who may have had disasters,  
7 had systems in place.

8           And we lead them to things like manuals that  
9 have been created, say in California and other states,  
10 that are pretty robust documents that will help them.  
11 We lead them to experts in dealing with disasters with  
12 specific legal issues that their clients are going to  
13 face. And one of the main issues that they have and  
14 questions that they have is dealing with the FEMA  
15 system because that's a -- it's a brand new system  
16 through most of our programs if they haven't faced a  
17 disaster.

18           So those are some of the things we do. We,  
19 along with our other partners, Pro Bono Net, NLADA and  
20 the ABA, we set up a website right after Katrina and  
21 that website now manifested itself into a national  
22 disaster website, which we still try to put content on.

1 One of our projects for the future is to keep putting  
2 in more content because we -- it needs more recent  
3 information.

4 So those are some of the things that we do.  
5 And I think what we've really been able to accomplish  
6 with our partners is we've created a place at the table  
7 for not only us at a national level, but for our  
8 programs. So if there is a disaster, preparing for the  
9 disaster and responding to the disaster, our programs  
10 now have a seat that they didn't have before.

11 And we found out when Hurricane Katrina hit,  
12 that we have a lot of entities who are very interested  
13 in helping each other. We had the Red Cross, we had  
14 FEMA, we had the ABA, we had Legal Services lawyers,  
15 pro bono lawyers, but we weren't coordinated. And I  
16 think now we have that coordination.

17 So I'll let it go at that, and I'm going to  
18 ask Don Saunders to start off and talk a little bit  
19 about our relationship with NLADA and with what our  
20 recipient programs think about all of it.

21 MR. SAUNDERS: Thank you, John. Good morning  
22 and thank you for the opportunity to join so many

1 distinguished colleagues in talking to you this  
2 morning.

3           The difficult days following the devastation  
4 of Hurricane Katrina in September of 2005 exposed many  
5 things in our society, not the least of which was a  
6 justice system ill-suited to respond to the explosion  
7 of legal needs created by the disaster. The variety of  
8 players with a stake in ensuring that people's legal  
9 rights were protected were really unprepared for the  
10 landscape they faced.

11           The criminal justice system, as many -- most  
12 of you probably know, was totally dysfunctional for  
13 months throughout the Gulf, particularly in Louisiana.  
14 On the civil side, confusion and even internal  
15 bickering among the key components was the norm in the  
16 immediately aftermath of the disaster.

17           Thousands of lawyers and law students, for  
18 example, from across the nation rushed to offer their  
19 help only to find a court system ill-suited to allow  
20 out of state practice, a system that was not able to  
21 accept the wide array of volunteer resources who rushed  
22 to the scene. And the response from law schools was

1   incredible.  The outpouring from the community was  
2   really enormous, but the system was not prepared, at  
3   that point in time, to accept that sort of offer.

4           The Young Lawyers Division of the ABA long has  
5   been designated as the lead ABA unit to respond to  
6   disasters.  At the time it was laboring under an  
7   agreement with FEMA that, at least in my view, failed  
8   to maximize the potential of that relationship.  And  
9   both the operation and disaster sides, in its approach  
10  to certain critical issues, FEMA was not always, it  
11  appeared to the legal aid community, to be concerned  
12  with maximizing the availability of legal resources,  
13  though certainly there were many, many issues with  
14  significant need for legal assistance.

15           FEMA was, in many instances, in a situation  
16  where they seemed not to welcome the opportunity for  
17  lawyers to get involved.  And very often, of course,  
18  FEMA was potentially involved in some of the claims  
19  that might be proceeding from that -- from their  
20  disaster centers.

21           Clearly, our experience has shown, and  
22  certainly did in the aftermath of Katrina, that one of

1 the most important second line need for thousands and  
2 thousands of people, particularly low income people, is  
3 the need for legal assistance. Obviously, housing,  
4 medical care, nutrition, those are the first line of  
5 needs after a disaster, but the need for legal  
6 assistance and a whole array of issues has been well  
7 demonstrated.

8           And at the time of Katrina, we were really  
9 not, as John said, organized as a community to respond  
10 in any kind of coordinated fashion. Many of the  
11 critical responders on the ground, such as the Red  
12 Cross, were really not aware of what resources might be  
13 available to address the many people facing legal  
14 needs.

15           One of the things I learned from Juliet during  
16 the time was the enormous language and cultural  
17 diversity challenges. There was a huge Vietnamese  
18 populations affected. And the ability to get legal  
19 assistance to those folks was even more extreme and  
20 more difficult. The challenges, needless to say, were  
21 enormous. Your grantees and the entire legal aid  
22 system, really throughout the nation, as the word

1 spread to Minnesota, to California, we were seeing  
2 people calling offering assistance from every legal aid  
3 program in the country.

4 But particularly the programs in the Gulf, as  
5 you are seeing today, that is one of the most resource  
6 poor regions in the United States in terms of legal  
7 aid, and they were inundated with requests. And there  
8 was very little financial support, additional financial  
9 support, available to them to respond to the need. And  
10 indeed, their ability to interact at disaster centers,  
11 to work with the Young Lawyers and FEMA, it was really  
12 non-existent at that point in time.

13 I remember very well, almost two days  
14 afterwards, sitting with Helaine Barnett, your  
15 president, and others at LSC, with Mark and the ABA,  
16 and realizing we really needed to get our hands around  
17 this disaster. And really, the leadership of LSC, the  
18 creation of the website, some of the things you'll hear  
19 about today, were really critical pieces in turning  
20 around our ability not only to deal with the  
21 devastation of Katrina and shortly thereafter Rita, but  
22 from that time forward, we really took those lessons

1 with the leadership of the Corporation and really  
2 developed a system much more coordinated, much more  
3 prepared to deal with disasters, either natural in  
4 nature, or manmade.

5           The interagency cooperation has led to a  
6 system much more capable of an effective response. I  
7 do applaud the Corporation, particularly under John's  
8 leadership, for continuing to put resources into this  
9 effort. That is so critical to have someone in the  
10 Legal Services community who looks at these issues in a  
11 serious way, which coordinates a variety of activities,  
12 which communicates the availability of help and  
13 resources in the field.

14           There are so many, unfortunately, so many  
15 experts now in Florida, for example. If you want to  
16 deal with a hurricane response, they have done it so  
17 many times in Florida. And the networks and  
18 connections that have been made through LSC's  
19 communication network allows us very quickly not only  
20 to share resources, but to put people in touch with  
21 others.

22           I know the folks in California who have gone



1 through earthquakes and every imaginable disasters were  
2 really willing to fly into the Gulf and help their  
3 colleagues out and share their expertise. The other  
4 organizations at the table, I really cannot tell you  
5 how important it has been for the leadership of the  
6 ABA, the Red Cross and FEMA, to work with LSC, to  
7 hammer out the relationships you'll hear about. That  
8 has made such a difference.

9           So now when we have a disaster, we're able to  
10 connect the FEMA operation with the legal aid programs  
11 in the area, the volunteer resources, the American Bar.  
12 And it's just really an extraordinary system that has  
13 developed since 2005.

14           And the last point I wanted to make about my  
15 colleagues here and Mark, the way that Pro Bono Net  
16 stepped up in time of crisis and created, I think, the  
17 quickest turnaround I've ever seen for a website. It  
18 was kind of a stressful bit for a moment, but that has  
19 grown into a resource that is widely available and  
20 very, very valuable. NLADA is very proud to be a small  
21 partner in cooperation with the groups here and, again,  
22 would like to congratulate LSC for its leadership in

1 the area.

2           There is one point that I have raised that I  
3 would raise again, I generally raised it in terms of  
4 the Corporation's appropriations initiative. One thing  
5 that has happened in the past, it's been approached in  
6 several ways in the Congress, and that is usually in  
7 terms of a major disaster, there are supplemental  
8 appropriations that are provided, I think through FEMA  
9 now, for a variety of assistance needs within that  
10 community. And it has not been recognized for a number  
11 of years now. The importance of legal assistance in a  
12 recovery effort has not been a priority services in  
13 terms of the focus of those supplemental  
14 appropriations.

15           So to the extent, through these partnerships,  
16 you can continue to interact with the folks who are  
17 developing emergency responses and share with them the  
18 importance of legal services in those instances, I  
19 think that would be -- would help the situation  
20 enormously. So thank you.

21           MR. EIDLEMAN: Well, Mark, since Don mentioned  
22 the website, do you want to go next?

1           MR. O'BRIEN: Sure. I want to thank you for  
2     inviting me to join this distinguished panel. I'm Mark  
3     O'Brien. I'm the cofounder and executive director of  
4     Pro Bono Net, a national non-profit that works to  
5     increase access to justice through innovative uses of  
6     technology in the promotion of collaboration and  
7     increased volunteer participation.

8           Pro Bono Net, as Don and John have said, has  
9     been working closely with Legal Service Corporation and  
10    its grantees for about 10 years now on the creation of  
11    Law Help, which is a national system of robust, content  
12    rich statewide websites that are in place in about 30  
13    states reaching roughly two-thirds of the poverty  
14    population in the country and the advocates who serve  
15    them.

16           Additionally, we've partnered with Ohio State  
17    Legal Services Association to operate Law Help  
18    Interactive, which is a national online document  
19    assembly project, that assists pro se litigants and  
20    advocates assisting low income clients to use an  
21    interweb-based interviews to produce forms to file in  
22    court and other documents that they need.

1           In September 2005, when we watched the  
2 devastation that was wrought in the Gulf by Hurricane  
3 Katrina, our thoughts were with our Legal Services  
4 partners in Louisiana, Mississippi, Texas, Alabama,  
5 Florida, and Georgia, all of whom we've been working  
6 with for over four years, at that point, on their  
7 statewide website initiatives.

8           Within a few days, we began hearing from folks  
9 there that they were okay, but they were quickly  
10 looking to see how they could mobilize to reestablish  
11 effective service delivery and meet the needs of the  
12 communities in the face of such a major disaster.

13           Pro Bono Net, at that time, actually had a  
14 track record of coordinating pro bono legal relief  
15 efforts in the wake of disasters. We are a New York  
16 City based organization and in the aftermath of  
17 September 11th, were part of the coalition of private  
18 bar and legal aid and groups that came together to  
19 create powerful new service delivery models that were  
20 supported by our Pro Bono Net website to address the  
21 overwhelming legal aids and to match the equally  
22 overwhelming outpouring of private attorney who wanted

1 to help in the aftermath of September 11th.

2           With this experience of working  
3 collaboratively with partners to build and support  
4 technology-based systems to respond, we were very  
5 pleased to work with LSC, NLADA, and the ABA to launch  
6 Katrina legal aid in late September 2005. Katrina  
7 legal aid served as a clearing house for legal  
8 information and resources for persons affected directly  
9 by the disaster, as well as for advocates and pro bono  
10 attorneys seeking to help.

11           Over the next two years, there were more than  
12 a hundred and sixty-three thousand visits to the  
13 websites and more than three hundred and seventy-six  
14 thousand resource downloads. Katrina legal aid,  
15 really, it was the public face and a central organizing  
16 point for a huge amount of very disbursed efforts that  
17 were happening by LSC grantees and others in the  
18 country. So I just want to be clear that I -- it was  
19 really just a face, rather than the driver for the  
20 response that happened.

21           One of the things that was unique about  
22 Katrina legal aid was that it was built on the same

1 integrated web platform that supports the statewide  
2 website initiatives, which meant that for our partners  
3 in the Gulf states who were able to very easily create  
4 resources and post them both on the central website and  
5 on their local websites to share them with their local  
6 advocates and to really leverage the availability of  
7 resources in both areas.

8 Building on that work and the success of  
9 Katrina legal aid, in September 2008, the four partners  
10 decided to launch a more general needs disaster  
11 website, [www.disasterlegalaid.org](http://www.disasterlegalaid.org), the goal of which is  
12 to have a permanent online repository that could serve  
13 as a centralized resource for legal aid and pro bono  
14 attorneys around the country to share best practices  
15 and knowledge on the delivery of legal services in the  
16 wake of disasters, to provide a platform that could be  
17 used for the recruitment and mobilization of pro bono  
18 attorneys in the aftermath of a disaster, and to  
19 provide accurate and timely information on legal issues  
20 to the public and those working to help them.

21 I think the four partners have learned some  
22 lessons about what it takes to build a national

1 integrated structure for delivering information and  
2 supporting collaboration, one of which is that the, you  
3 know, the technology is a very small component of this.  
4 Strong, up-to-date content is vitally important. The  
5 four national partner organizations have donated their  
6 in-kind expertise and staffing to coordinate these  
7 efforts, but there are still huge, untapped expertise  
8 within both LSC and non-LSC funded programs around the  
9 country that have experience, as Don mentioned,  
10 representing victims of natural disasters in all sorts  
11 of contexts.

12           And more could be done to enable those  
13 programs to meaningfully participate in sharing their  
14 knowledge and expertise and creating models that could  
15 be used to support their colleagues around the country.

16       New efforts could include creating resources  
17 specifically for community-based organizations and  
18 partners such as the Red Cross that are the first  
19 responders to a disaster and serve as case manager for  
20 those affected.

21           LSC has made tremendous inroads through its  
22 partnerships with FEMA and the Red Cross, and yet many

1 first responders still struggle to identify issues that  
2 have legal components and to understand how to make  
3 effective legal referrals. Disaster legal aid could  
4 serve as a critical component for delivering model  
5 materials and training resources to support effective  
6 local partnerships with community-based organizations  
7 before disasters occur.

8 I guess I'll just say that Pro Bono Net has  
9 been very honored to have been able to work, over the  
10 past five years, with LSC, the NLADA, and the ABA on  
11 these efforts. I want to thank John Eidleman for his  
12 leadership on these issues, and Pro Bono Net looks  
13 forward to continuing to provide and play a role that  
14 we can in providing in more effective disaster response  
15 infrastructure.

16 MR. EIDLEMAN: Thanks, Mark.

17 Mary Ellen?

18 MS. MARTINET: Thank you for having me.

19 First, I want to talk a little bit about our Disaster  
20 Legal Services program, and then our interaction and  
21 growing cooperation with Legal Services Corporation  
22 through John Eidleman.



1           Disaster Legal Services is one of our disaster  
2 programs, it's authorized in the Stafford Act, and when  
3 a major disaster is declared and individual assistance  
4 is authorized, this is one of the programs that may be  
5 triggered. And under this program, free legal services  
6 may be provided to low income disaster survivors with  
7 disaster related legal needs.

8           So our definition of low income is very  
9 flexible. It is essentially that the person does not  
10 have the means to obtain legal services. So it's not  
11 based on any particular income tables and such.

12           MS. REISKIN: If a person does not have the  
13 means?

14           MS. MARTINET: Right. If a person does not  
15 have the means to procure private legal representation.

16           We have interpreted this program as falling  
17 under the Emergency In-Kind Non-Cash Disaster Type  
18 Relief that does not fall under the Welfare Reform Act  
19 restrictions on federal public benefits to non-  
20 citizens. So we do not have citizenship or qualified  
21 alien requirements under this program. So this program  
22 is quite flexible, and it can reach a wide array of

1 disaster survivors.

2           Prior to our newest memorandum of agreement  
3 with the ABA, however, we did have some restrictions in  
4 our agreement. We provide Disaster Legal Services  
5 through an agreement with the American Bar Association,  
6 Young Lawyers Division, and they help coordinate the  
7 free legal services through various entities that will  
8 actually provide the attorneys. And under our  
9 agreements prior to 2007, we had a restriction in there  
10 that services would not be provided for initiating suit  
11 against the government, be it the federal, state, or  
12 local governments. So that was written into the  
13 agreement.

14           MS. REISKIN: That started in 2007 or stopped  
15 in 2007?

16           MS. MARTINET: That stopped in 2007 when we  
17 entered into a new agreement with the ABA Wilde, and  
18 actually in negotiations for this new agreement, Legal  
19 Services Corporation was involved, and this was also in  
20 light of a lawsuit dealing with allowing legal aid  
21 groups into our service centers. So this was all kind  
22 of happening at the same time.

1           So with the advent of the new agreement, this  
2 actually allowed for greater cooperation by legal aid  
3 groups that in the past would not be bound by our  
4 requirements with reference to not providing assistance  
5 relating to suits against the government. So this kind  
6 of removed a major restriction.

7           Within our agreement, we also acknowledge that  
8 the Young Lawyers Division would, in fact, partner with  
9 groups, with Legal Services Corporation and legal aid  
10 providers to provide the volunteer attorneys that would  
11 help provide disaster legal services. So that was  
12 really a springboard to really opening up the program,  
13 both as it relates to those who would work under the  
14 program, the attorneys.

15           This allowed for the incredible expertise of  
16 legal aid providers who really are the experts on many  
17 of the issues confronting disaster survivors in the  
18 aftermath of a disaster. So they had the, for example,  
19 a consumer law expertise that perhaps a private bar  
20 would not necessarily have. And so this helped create  
21 just a wider pool of volunteer attorneys who would be  
22 willing to provide assistance.

1           Under this program, we generally fund \$5,000  
2 per disaster. It doesn't seem like a lot of money, but  
3 really, the attorneys are providing their assistance,  
4 their advice, for free. And the \$5,000 is really for  
5 administrative costs, maintaining a hotline, if there  
6 is a need to hire administrative staff to help with the  
7 calls and such. For this very small investment,  
8 hundreds and hundreds of hours of free legal services  
9 are provided. It wouldn't surprise me if this was one  
10 of the most efficient programs in the government,  
11 actually.

12           In a large-scale disaster, such as Hurricane  
13 Katrina, the funding was actually in the hundreds of  
14 thousands of dollars for disaster legal services. So  
15 the 5,000 is just kind of, we -- again, that's initial  
16 funding. If there is a need for additional funding, we  
17 work with the ABA Wilde on that.

18           Just quickly a little bit on our outreach and  
19 our interaction with Legal Services. I was hired by  
20 FEMA in 1995. I had been working for Bed Tzedek Legal  
21 Services in Los Angeles. That program was ending and  
22 Office of Chief Counsel offered me a job and another

1 person from Bed Tzedek Legal Services because they had  
2 recognized that they wanted to have a wider pool of  
3 attorneys and with their backgrounds and such to work  
4 for Office of Chief Counsel.

5           So I came onboard as a field attorney as  
6 disaster assistance employee, which is it's part of  
7 FEMA's search capacity where they have intermittent  
8 employed staff that when there is a disaster, they are  
9 called up and sent to the disasters. It's funny  
10 because I once explained my job to a United Farm Worker  
11 representative. And they said, "You're a migrant  
12 worker."

13           (Laughter.)

14           MS. MARTINET: You follow a season. There is  
15 floods, there is mudslides, you know, hurricanes and,  
16 you know, and you're just kind of following the  
17 circuit. And she was right.

18           I would, because of my background of having  
19 worked for legal aid groups and immigrants rights  
20 groups, I always took it upon myself when I would go  
21 out on a disaster, and this was encouraged by my  
22 superiors and headquarters, to actually send out a

1 letter of outreach to the local legal aid group in  
2 whatever area I was going. I would introduce myself, I  
3 would explain a little bit about the programs that we  
4 were providing, and I would offer to go and talk with  
5 them on specific programs.

6           It was really funny. One time I was in West  
7 Virginia and I went to a legal aid group, and they were  
8 surprised that someone from the government would  
9 actually do that kind of outreach. When immigration  
10 restrictions were placed on some of our assistance  
11 beginning in 1996 and really culminating in 1998 with  
12 the Welfare Reform Act, we -- I tried to do extensive  
13 outreach to the legal aid groups to let them know what  
14 the eligibility criteria was for FEMA assistance.

15           In 2001, in New York, after 9-11, we worked  
16 very closely with immigrants rights groups and legal  
17 aid groups to ensure that folks would get the word out  
18 on what kind of assistance we were providing. We  
19 actually invited some legal service providers and  
20 immigrants rights groups to attend our trainings on how  
21 we were processing claims so that there would really be  
22 a transparency there.

1           In 2006, I was hired to come up to  
2 headquarters. I had been out in the field prior to  
3 that constantly. And that's when the chief counsel  
4 asked that I work with Legal Services Corporation,  
5 primarily with John Eidleman, and we started having  
6 kind of a greater interaction. And this really was  
7 triggered by Legal Services Corporation and John  
8 Eidleman wanting to dialogue more with us.

9           And what we have done since is we have had  
10 various meetings, we talk on the phone, and when there  
11 are issues that come up from the field that John is  
12 made aware of, he lets me know and we try to work them.

13          It's very important to us to catch issues as soon as  
14 possible because if we don't, disaster survivors are  
15 not necessarily getting the assistance that they should  
16 be getting as quickly as possible.

17          So if there are glitches, if there are  
18 clarifications that need to be made, we want to do them  
19 immediately. It really doesn't do anyone any good if  
20 there is a lawsuit and several years down the line  
21 there is a resolution because that really -- is that  
22 really helping that disaster survivor. So we want to

1 catch issues early on and we want to have a very -- a  
2 clear, transparent dialogue.

3           So we do participate on some of the legal  
4 service provider calls when invited to do so. And when  
5 we have large initiatives that are going to go out, we  
6 -- one of the first things we do is reach out to Legal  
7 Services Corporation. We try to get the word out. We  
8 have, in our -- we conduct trainings for our own  
9 attorneys, four-day trainings, on the Stafford Act and  
10 our disaster programs. And we have opened up those  
11 trainings.

12           So on our last one that we did in June, John  
13 attended the training. And we've also opened this up  
14 to other federal agencies and to the ABA Wilde and to  
15 state attorneys again, so we can all kind of have a  
16 common understanding of our programs.

17           We are -- we've really grown, Office of Chief  
18 Counsel. When I started in 1995, there were, I think,  
19 less than 40 full-time attorneys. I was part of --  
20 actually, not one of those full-time attorneys, but  
21 part of an intermittent cadre. We now have over a  
22 hundred and thirty attorneys for the Office of Chief



1 Counsel, and that includes attorneys in each of our  
2 regions. So we hope to expand our outreach with Legal  
3 Services Corporation and with the providers through the  
4 fact that we now have Office of Chief Counsel attorneys  
5 in each of our regions.

6           We are hiring an attorney to be the primary  
7 attorney for our national processing service centers.  
8 And that is where there is a lot of interaction between  
9 legal aid attorneys, and FEMA is at our NPSE. That is  
10 where the applications are taken and a lot of the  
11 processing is done. So we're going to -- we hope that  
12 will also help expand with our cooperation.

13           We are hiring an attorney who is going to be  
14 responsible for liaising with other federal agencies,  
15 voluntary agencies, tribal entities. And we also hope  
16 to have that person also help liaison with again the  
17 ABA Wilde and also assist in legal services. So again,  
18 just trying to provide more resources, more conduits.

19           So we have found this interaction to be very  
20 helpful because again, not knowing about issues until  
21 there is an actual lawsuit doesn't help someone. We  
22 would like to stay that. We would like to, again, work

1 with the legal service providers to ensure that  
2 disaster survivors get the assistance to which they are  
3 entitled to as quickly as possible. Thank you.

4 MR. EIDLEMAN: Thanks.

5 Juliet?

6 MS. CHOI: Great. Thank you. Good morning.

7 Well, it's certainly a wonderful privilege and  
8 opportunity to be here with you this morning on behalf  
9 of the American Red Cross. So thank you again for the  
10 invitation and for the opportunity to have this  
11 dialogue. And it's good to see good friends and  
12 colleagues. John, it's especially great to see you,  
13 and John, we need to see each other more frequently.

14 So there has been a lot of rich information  
15 and context shared here. And Red Cross, as you know,  
16 is a humanitarian organization. So we're a little bit  
17 different with this in terms of the roles that we play,  
18 in terms of the organizations that are represented here  
19 on today's panel.

20 So I wanted to keep my remarks and comments  
21 brief. And hopefully, this will set the stage for  
22 future discussions and questions and comments and

1 continued collaboration, and, of course, hopefully,  
2 this is not the first and only opportunity where we  
3 have this kind of more formalized discussion around  
4 disaster, but this will help set the stage for us  
5 moving forward collectively.

6           So generally, when I get this opportunity, I  
7 like to set sort of a different context, if you will,  
8 going back to the tragedy of September 11th. And then  
9 as attorneys, we can certainly appreciate and  
10 understand how we do our work better. The better we  
11 know the systems, the agencies, the partners with whom  
12 we're working. And if we don't want to know one  
13 another, it makes it incredibly challenging.

14           So certain post 9-11 was the national event  
15 that set the stage, the precursor for the establishment  
16 of the Department of Homeland Security. And I think  
17 that really changed sort of the roles, expectations.  
18 How are we all going to play together and get to know  
19 each other, whether it's a small level disaster event  
20 or a large-scale event. So just imagine what the  
21 impact was of creating Homeland Security moving  
22 forward. And certainly, we all have some kind of

1 affiliation, experience with the tragedy and  
2 devastation of Katrina, Rita and Wilson.

3           And then moving forward, I think in terms of  
4 what we're all trying to accomplish here today at its  
5 core is how do we better effectively and holistically  
6 meet our client needs, whether you interface and  
7 connect with them in your local community, through your  
8 law firm, through a legal aid office, through our  
9 federal partners and offices or through a Red Cross  
10 chapter. Basically at the local level, we're talking  
11 about community-based organizations.

12           So when I take a look at -- try to think about  
13 what we're trying to accomplish at the end of the day,  
14 taking into account our clients and communities who  
15 have unmet needs -- and put disasters aside for a  
16 moment. As diverse as we are in terms of our  
17 membership and representation here as organizations,  
18 the nice thing, the encouraging, the inspirational  
19 thing I can say is that we actually do collectively  
20 have a shared mission.

21           And then looking at it from Legal Services  
22 Corporation's point of view and mission is really

1 serving individuals' families who have very, very  
2 limited means or very, very vulnerable in your day-to-  
3 day life. So now imagine a disaster event. And for  
4 the Red Cross, we share that we respond -- how we  
5 define it, we respond to over 70,000 disaster events a  
6 year. And that ranges anywhere from that community  
7 family fire where an apartment building burns down, a  
8 neighborhood burns down, to the catastrophic  
9 incidences: the earthquakes, the tornadoes, the floods,  
10 and the hurricanes.

11           So taking it -- when we examine that  
12 perspective and framework, you're talking about a  
13 crisis situation. So if we already know each other,  
14 and some of us do, trying to meet client needs in a  
15 crisis disaster scenario is challenging to say the  
16 least. Everyone's intentions are the best, we're  
17 trying to meet the client needs, but it's a crisis  
18 situation nonetheless.

19           So then if you take a step back, if we don't  
20 know each other prior to an event, imagine how we are  
21 going to collaborate, coordinate and navigate multiple  
22 service delivery systems in the mission of serving our

1 client needs. And again, in the context of unmet  
2 needs, day-to-day life, you know, housing issues, food  
3 issues, healthcare issues, and it's that much more  
4 traumatic, complex in a disaster environment.

5           And I'm really glad our federal partners are  
6 here today from FEMA. You know, these major events --  
7 we talk about a federal framework, the Stafford Act, a  
8 regulatory framework -- trigger certain services,  
9 additional services. But I think the work that we also  
10 do, definitely from the Red Cross perspective, is we're  
11 working through disaster scenarios, especially --  
12 including scenarios where the federal framework is not  
13 triggered.

14           So many of you have heard how federal  
15 declarations will open up, trigger the Stafford Act in  
16 different provisions, which is good and it's also  
17 complicated. But again, from Red Cross, our  
18 perspective and sort of our Red Cross speak, the  
19 smaller community level events, we call them level one  
20 or level two events, or the onesies or the twosies, if  
21 you ever get to visit with our disaster volunteers.

22           And I think, again, the context of 70,000

1 disaster events a year. I can highlight our greater  
2 New York City chapter, as an example, our Chicago  
3 chapter. They respond to fire scenarios two to five  
4 times a day. Two to five times a day. If you have a  
5 big apartment building that burns down, just imagine  
6 what would it take to mobilize our local partners and  
7 colleagues, your local legal aid attorneys, the Red  
8 Cross, immigrant groups, disability organizations,  
9 faith-based organizations. So many people want to  
10 help, which is great, but imagine, how do you best go  
11 about coordinating all those good offers and amazing  
12 range of expertise.

13           Part of my job is trying to facilitate  
14 national organizations to have that discussion, best  
15 case scenario, before the disaster event occurs. That  
16 would be the best case scenario. And I see folks  
17 nodding their head. So I think we have a general  
18 consensus there, which is always good. And you do have  
19 a copy of the LSC-Red Cross MOU in your materials, I  
20 know. And thanks to the good work of LSC and our other  
21 legal partners, the promotion of that MOU very, very  
22 broadly.

1           I want to underscore even though -- I had a  
2 professional working relationship with LSC and the ABA  
3 and the NLADA prior to my joining the Red Cross four-  
4 and-a-half years ago. I was with the Asian-American  
5 Justice Center here in Washington, D.C., one of the  
6 civil rights organizations here. And as an example, I  
7 mean, I think it's a really wonderful illustration that  
8 highlights the opportunities, but also the challenges,  
9 of how do you bring about a working partnership to have  
10 impact, meet people's expectations, client and  
11 community expectations, in the context of disaster.

12           I did bring a one-page executive summary that  
13 I wanted to leave with you today that sort of shares  
14 different highlights. But we had our first formal  
15 dialogue October 2006, and that was a proud month for  
16 me because it was my one month anniversary with the Red  
17 Cross. And you fast forward and together, jointly, LSC  
18 and Red Cross, we signed our first MOU in the fall of  
19 2008.

20           So if you look at it from a time line  
21 perspective, it took us two years to execute the  
22 signing of the piece of paper. And that's all it is,



1 unless we exercise, continue to reference that  
2 document, improve it, have candid discussions of what  
3 goes well, what is still incredibly challenging. And I  
4 think that's been the foundation for ensuring that this  
5 partnership, exemplified through a written document  
6 called our MOU, really does have a sustained foundation  
7 for partnership.

8           We executed the discussions, began the  
9 discussions at the national level. Sometimes that is  
10 the easier starting point. And that's what we did with  
11 this joint partnership. We did, as best as we could,  
12 to survey informally, without imposing on the LSC  
13 grantees or the Red Cross chapters, formal surveys,  
14 because we know the administrative burden to that.

15           But I think we've taken a sincere effort to  
16 capture community examples and illustrations of where  
17 the challenges have been in the last few years, as well  
18 as the models of success when it comes to  
19 collaboration. Capturing those points, highlighting  
20 some key factors, what were some successful indicators  
21 that hopefully we can highlight and replicate moving  
22 forward again on that local disaster event, the fire

1 scenario, ranging and scaling all the way up to the  
2 large-scale events.

3           Let's see. So we executed the MOU in 2008.  
4 Intentionally, through our shared discussions, we  
5 thought, you know what, let's put a two-year time stamp  
6 on the MOU with an eye towards renewal. I think we  
7 were very confident that the MOU would be renewed. I  
8 need to share, as a general practice from the Red  
9 Cross, the MOUs and partnerships I help to steward, we  
10 generally take a five-year view with most of our MOUs.

11

12           And the unique characteristic of putting a  
13 two-year time line on this MOU was we acknowledged and  
14 recognized that at the national level in the context of  
15 bridging a disaster community and a legal community, as  
16 easy as it may sound on certain days, you're talking  
17 about trying to integrate two industries, if I can use  
18 that word, or two very, very different cultures.

19           You know how we operate in the legal  
20 community, how we operate in the disaster community.  
21 Just imagine what that means bridging that dialogue.  
22 Ensuring that my political leadership within the Red

1 Cross can understand and appreciate what that means.  
2 Trying to have that shared discussion with our chapters  
3 and LSC grantees at the local level of why do we want  
4 to integrate these two disparate or very diverse  
5 organizations.

6           And for those of you that know me know that I  
7 love challenges and I love building relationships and  
8 partnerships. So this has just been a wonderful  
9 opportunity for our organization. I think it's been  
10 the right thing to do. I do have to share, like others  
11 have stated, John has just been the continuity to  
12 stewarding this partnership. I cannot underscore that  
13 enough.

14           We can appreciate if you have political  
15 leadership changes, then you walk into new sets of  
16 dynamics. And whether it's 11:00 at night or 2:00 in  
17 the morning -- I think John has gotten better at his  
18 Blackberry than I have. But whether it's a family fire  
19 situation where Neil McDevitt and his folks at  
20 Neighborhood Legal Services were coalescing a community  
21 response, we connected John and he helped us steward  
22 the behind the scenes dialogue.

1           Large-scale events. Floods are messy  
2 scenarios. A lot of us have some familiarity with the  
3 Tennessee floods last year. The water starts and it  
4 just continues. It just continues over weeks and  
5 weeks. We had some good collaboration with FEMA. I  
6 know we were fatigued by the disaster event because it  
7 impacted so many clients and communities across the  
8 state in a scenario with very limited resources.

9           So I just wanted to share those comments, give  
10 a little bit more community context on what we're  
11 really talking about here this morning, and again, just  
12 thank you very much.

13           MR. EIDLEMAN: Thank you, Juliet.

14           Jack?

15           MR. RIVES: Thank you. Well, it is a  
16 privilege to be here with you this morning. I look  
17 forward to getting to know you better as time goes on.

18           As some of the panelists have mentioned, it's really  
19 important that we get to know each other before we have  
20 a crisis and that we have a way of dealing with  
21 situations and we're comfortable with each other.

22           It's a privilege for me to point out that we

1 do have three of the leading members of the ABA staff  
2 with me here today: Terry Brooks, Bob Horowitz, and  
3 Anne Carmichael are in the room. They've worked with  
4 many of you through the years, and I know we have some  
5 of the leaders of the American Bar Association on your  
6 board of directors. It's a privilege to be with you.  
7 You certainly understand the ABA and our history of  
8 providing pro bono legal services to help low income  
9 disaster survivors.

10           The other panelists have mentioned Hurricane  
11 Katrina in a cataclysmic event in more ways in than  
12 one. People have described it as a perfect storm, but  
13 I look at it also as a perfect sunrise. It gives us  
14 the opportunity, after getting through the Katrina  
15 problems, to look back and to have after action reports  
16 to study, to understand some lessons learned, to make  
17 some positive changes for the future.

18           I'm very pleased with the fact that we have  
19 learned some of those good lessons. We have helped  
20 turn the aftermath of Katrina into something very  
21 positive. Before Katrina, I'll say that the legal  
22 profession's disaster response was not nearly as good

1 as it should be, primarily because it was not as  
2 coordinated as it should be. Post-Katrina, both the  
3 ABA and the LSC are much more engaged.

4           From the ABA perspective, as during Katrina  
5 and in the aftermath, we set up a legal task force to  
6 help the lawyers, the justice system victims, and pro  
7 bono lawyers all understand the issues that we're  
8 dealing with. The American Bar Association now has a  
9 special committee on disaster response and  
10 preparedness.

11           John has been a very active liaison from LSC  
12 on that committee. He has really helped us understand  
13 the issues, focus on the important things, and move  
14 forward. So John, I join the amen chorus of thanking  
15 you for your work.

16           The American Bar Association House of  
17 Delegates has adopted a model of Katrina court rule.  
18 And this is to enable the out of state lawyers who are  
19 willing and able to volunteer very good services to  
20 come into states where they're not licensed to practice  
21 and come up with a scheme where we can provide the  
22 needed legal services to the degree they're necessary.

1 We have supervision by a local non-profit legal entity  
2 as the primary mechanism we use.

3 The ABA also has a comprehensive disaster  
4 response web resources. And in today's world, of  
5 course, that's critical. The ABA has had an MOU with  
6 FEMA for more than 30 years to provide disaster  
7 response legal hotlines and deliver legal information  
8 and lawyer referrals to victims; pre-Katrina, the  
9 program like resources and connections to important  
10 service delivery streams, such as the LSC.

11 In 2007, we came out with major changes to the  
12 FEMA-ABA agreement. As John mentioned in his  
13 introductory remarks, those begin on page 44. Mary  
14 Ellen has also discussed it. Before the 2007  
15 agreement, the MOU barred lawyers from advising  
16 disaster victims of their rights against FEMA. That  
17 was a significant limitation. Now we have an agreement  
18 that enables us to give that sort of advice. We also  
19 require the American Bar Association Young Lawyer  
20 Division to give their best efforts to coordinate the  
21 legal services delivery with others, specifically  
22 including LSC and its grantees.

1           The LSC and ABA have had a long historical  
2 collaboratively working relationship, but pre-Katrina,  
3 there was no organized collaboration with LSC in the  
4 area of disaster relief. Now we do have a close  
5 partnership on the ground with local legal services  
6 lawyers often providing subject matter expertise for  
7 the hotlines and disaster response centers. The legal  
8 services' role is critical to disaster legal responses.

9           Our disaster hotline volunteer lawyers will  
10 either answer a victim's question or conduct an intake  
11 for referral to a pro bono lawyer, legal services or  
12 other non-profit law program. If it's a fee generating  
13 case, then we'll refer to a local lawyer referral  
14 program or use another mechanism.

15           Some of the statistics, I'm sure, are of  
16 interest. And I believe that they're probably under  
17 reported because we depend on our Young Lawyer district  
18 representatives to give us their best information.  
19 Their guidance says don't inflate their numbers. So  
20 they err on the side of under reporting, I'm sure. But  
21 since September 2005, the ABA disaster legal services  
22 hotlines have fielded at least ninety-five thousand



1 calls and they've helped more than a hundred thousand  
2 victims.

3           Using the value criteria that's been approved  
4 by FEMA, we have delivered some \$85 million worth of  
5 free legal services in just the last five years. Since  
6 the revised MOU of 2007, the ABA has responded to 62  
7 declared disasters in 30 states and territories. I'm  
8 pleased to report that our collaboration with LSC is  
9 working well.

10           The ABA staff regularly participates in  
11 conference calls with the legal services and public  
12 interest law groups to discuss disaster response. We  
13 partnered with the fellow panelists here and others to  
14 talk -- to devise some of the web-based responses and  
15 resources for the victims and also for the lawyers who  
16 help. For example, [disasterlegalaid.org](http://disasterlegalaid.org) is a superb  
17 resource online.

18           In 2009, the ABA House of Delegates urged  
19 federal, state, and local governments to address the  
20 unmet legal aid legal needs of disaster victims. At  
21 the local level, almost every time we set up a disaster  
22 hotline, we have a legal services partner. The

1 situation following the massive floods in Tennessee  
2 last year provide a great example of the collaboration  
3 that you've heard about this morning.

4           The Young Lawyer Division had a hotline that  
5 was staffed by the Tennessee Alliance for Legal  
6 Services. The hotline staff conducted intake if -- and  
7 if they could handle the call, they did so. Otherwise,  
8 they would refer the call to the Legal Aid Society of  
9 Middle Tennessee and the Cumberland, which is an LSC  
10 grantee.

11           The Legal Aid Society, in turn, would match  
12 the disaster survivor to a volunteer attorney. The  
13 Tennessee Bar Association developed a database, which  
14 was used by legal aid services, that identified  
15 volunteer attorneys in the area who had the expertise.

16       The hotline was created in May of 2010 and it is still  
17 open and active. They're still getting a couple of  
18 calls a week from that disaster. And that demonstrates  
19 that long after the disaster is off the front pages and  
20 is no longer newsworthy, we continue to have people who  
21 have unmet legal needs and we need to be aware of that  
22 and diligent about providing the services.

1           Since the inception of the hotline, they've  
2 handled more than 600 calls, and it has involved the  
3 services of more than 200 volunteer attorneys. The  
4 most frequently addressed issues from the Tennessee  
5 flooding has been landlord-tenant relations, insurance  
6 matters, consumer protection, FEMA claims, and mortgage  
7 and foreclosure.

8           There are, of course, opportunities for  
9 additional lines of assistance, coordination and  
10 cooperation. Our Young Lawyers program is a short-term  
11 volunteer-based response. Both the ABA and the LSC can  
12 reach out more to pro bono networks. There is a large  
13 infrastructure of local pro bono programs. Many of  
14 them are completely independent of LSC programs.

15           In cooperation with the American Bar  
16 Association and Pro Bono Net, we have a web-based  
17 volunteer opportunities guide to link potential lawyer  
18 volunteers with pro bono opportunities in this area.  
19 The ABA will continue our efforts to encourage pro bono  
20 services to aid disaster victims. We're a national  
21 support center. We have a network of more than a  
22 thousand local bar-sponsored pro bono programs through

1 the ABA center for pro bono.

2 My bottom line message to you is, we are  
3 continuing to refine that perfect sunrise. We want to  
4 cooperate, to collaborate, and to make sure that we're  
5 providing those services in the most effective manner.

6 MR. EIDLEMAN: Thank you, Jack.

7 Well, in conclusion, I would just like to say  
8 that I see the money I paid to say nice things about me  
9 paid off.

10 (Laughter.)

11 MR. EIDLEMAN: But I would be remiss not to  
12 recognize my colleagues in OCE and OPP and Vic  
13 Fortuno's support, Janet LaBella, Mike Ganz, Chuck  
14 Greenfield, Willie Abrams, they're all on a committee  
15 with me, and really, a tremendous amount of work is  
16 done by the staff. So it's just not me. So if you  
17 have any questions, we would be happy to try to answer  
18 them.

19 MR. RIVES: I just have one. What are your  
20 biggest challenges as you go to the future. We have a  
21 great foundation that's already been set up, but what  
22 are you looking forward to achieving in the future?

1 What's your short-term and your long-term goals?

2 MR. EIDLEMAN: Would you like any one of us in  
3 particular to answer?

4 MR. RIVES: Anyone can answer.

5 MR. EIDLEMAN: Well, I think within the  
6 Corporation, we have certain things we're trying to  
7 work on. We're trying to improve the website. We've  
8 thought for a while, along with our colleagues, about  
9 having a rapid response team, experts who could either  
10 go to the area, if there is a disaster, or at least be  
11 on call, and have certain individuals who would serve  
12 for maybe a year. And you would know that if there is  
13 a disaster or if there is a need, you could call those  
14 individuals up. And they could be experts in legal  
15 matters, they could be administration.

16 We found out what happened in the Gulf is that  
17 programs were overwhelmed and they needed  
18 administrative help. So we're thinking about those  
19 things. I figure our greatest challenge is just not  
20 having the resources and the fund to put these things  
21 together.

22 MR. RIVES: Yeah. One of the more important

1 things to me would be having the model Katrina rule  
2 adopted universally. That would be very nice because  
3 when we're anticipating a problem, sometimes we do have  
4 a little bit of notice, or like with the Gulf oil  
5 spill, we saw it becoming a worsening situation. And  
6 we had lawyers from around the country who were willing  
7 to provide pro bono services, but they weren't members  
8 of the bar and there was a limit to what they could do.

9           And we had -- we found that in that situation,  
10 we had people reinventing a wheel that would have been  
11 resolved if we had had the Katrina rule adopted. So  
12 the more of that we can get done, the better off it  
13 would be. It's a lesson that we have learned in  
14 concept, but it's not yet a reality.

15           MR. MADDOX: Thank you. For Ms. Martinet, I  
16 wasn't quite sure I followed the chronology. You  
17 mentioned that -- something about suits against the  
18 government. Is there now a restriction on suits  
19 against the government or not?

20           MS. MARTINET: No. We had a restriction until  
21 2007.

22           MR. MADDOX: Okay. And how was that

1 restriction eliminated?

2 MS. MARTINET: Under our new MOU with the ABA  
3 Wilde, we removed that. It was in the prior agreement.

4 And so when we negotiated our new agreement, we  
5 removed that.

6 MR. MADDOX: So now FEMA funds can be used to  
7 fund lawsuits against the government?

8 MS. MARTINET: Well, understand, the legal  
9 services are provided by the attorneys for free. What  
10 FEMA funds is \$5,000 per disaster generally, and that's  
11 for administrative costs. So --

12 MR. MADDOX: So the FEMA funds are used to  
13 facilitate lawsuits against the government.

14 MS. MARTINET: The FEMA funds are used to  
15 facilitate disaster survivors obtaining legal  
16 assistance relating to their disaster related needs.  
17 So if that includes claims against the government, then  
18 it may.

19 MR. MADDOX: Is there any restriction on the  
20 nature of the claims, the release sought in those  
21 claims, or is it just here is \$5,000, do what you want?

22 MR. LEVI: So you're going to use \$5,000 to

1 lock up the country, huh?

2 (Laughter.)

3 MS. MARTINET: Again, the \$5,000 is for the  
4 program overall.

5 MR. LEVI: I would say that \$5,000 is so that  
6 people get their grievances erred, not that they -- and  
7 I wonder if that's another way of putting it, Mr.  
8 Maddox.

9 MS. MARTINET: The \$5,000 really is primarily  
10 funding the hotline so that people can call if they  
11 have legal questions. And the volunteer attorneys, if  
12 they can just quickly respond, will do so or they will  
13 refer the case if it requires additional attention. So  
14 yes, it may entail people wanting assistance with  
15 appeals on disaster relief. And so again, the goal is,  
16 we do want to ensure that people do get all the  
17 disaster assistance to which they are all entitled, if  
18 it's relating to claims against us.

19 MS. MINOW: Have you seen a spike? Have you  
20 seen a surge in lawsuits filed against the government  
21 subsequent to the change in this policy?

22 MS. MARTINET: No, because, I mean, we



1 certainly -- Hurricane Katrina generated class action  
2 lawsuits, but those weren't really related to disaster  
3 legal services. I mean, those were with advocacy  
4 groups and such. So they weren't -- that wasn't at all  
5 encouraged by the changes. And in fact, we had our  
6 restrictions in place on that.

7 MS. BROWNE: Yes, I just had a real quick  
8 question for John. Mary Ellen mentioned that who is  
9 eligible for FEMA assistance is very flexible, whereas  
10 LSC has some very strict guidelines on the type of  
11 client that it is assisting. Is there a conflict  
12 between the coordination between FEMA and LSC regarding  
13 the clients that are assisted? For example, I think  
14 Mary Ellen mentioned that citizenship is not strictly  
15 enforced, whereas, here we have district citizen --  
16 well, not citizenship, but legal status is required.  
17 So how do we resolve that?

18 MR. EIDLEMAN: Well, I think that's the beauty  
19 of the system. If it is someone who has -- is  
20 ineligible for legal services because of their income  
21 or because of the type of case, they go to the private  
22 lawyers so that we're working in coordination with each

1 other.

2 MS. BROWNE: So if somebody comes into a  
3 hotline --

4 MR. EIDLEMAN: Yeah, hotline call.

5 MS. BROWNE: -- then the person who is  
6 answering the phone is going to be able to provide the  
7 person with the right resource.

8 MR. EIDLEMAN: Right.

9 MS. BROWNE: Okay.

10 MR. EIDLEMAN: And the hotline, the person on  
11 the hotline might be legal services, might be a private  
12 lawyer that is volunteering.

13 FATHER PIETRZYK: And isn't it the case that  
14 in the past we've had some flexibility to lift some of  
15 the restrictions on a temporary basis? For example,  
16 citizenship in terms of providing -- I think Helaine  
17 Barnett, at least in one of the letters on Katrina,  
18 there was a -- they weren't checking citizenships or  
19 legal status.

20 MR. EIDLEMAN: Right. I see Vic nodding his  
21 head.

22 MR. FORTUNO: That's right. There was some

1 flexibility built into the system because in the case  
2 of disasters, oftentimes, the documentation necessary  
3 is unavailable as a result of the disaster, whether it  
4 be flooding, being displaced.

5 FATHER PIETRZYK: And does that allow them to  
6 lift restrictions both in terms of legal -- and sort of  
7 checking legal status and in terms of financial  
8 requirements as well? The only thing I think I saw  
9 mentioned was legal status.

10 MR. FORTUNO: We've not -- I don't recall that  
11 we've addressed the financial eligibility, although --  
12 and what we have done is the legal status, but I  
13 suspect that with financial eligibility, we simply have  
14 to take their word for it. And the disaster may impact  
15 on their finances. I mean, if they lose their home,  
16 their place of work, we have to be flexible because  
17 they may suddenly be rendered financially eligible.

18 MS. MINOW: So thank you all for being here.  
19 The one thing that we know about thinking in an  
20 emergency is that you can't very well. And so thinking  
21 in advance is absolutely essential. And so I commend  
22 the planning and collaboration that your organizations,

1 collectively and separately, have brought to bear.

2 I have a question about the relationship  
3 that's ongoing between, particularly Red Cross and  
4 Legal Services, but all of them. So just to take the  
5 MOU signed in 2008 with a plan for subsequent review  
6 renewed in 2010, I wonder about the lessons learned. I  
7 wonder also if there is an ongoing process to continue  
8 to have updates and follow the theme that Sharon asked.

9 Is there any new change or challenge that you've  
10 learned that we, as the board of Legal Services, should  
11 take into account?

12 Just one I would put on the table is that, as  
13 I read it, the memorandum of understanding suggests  
14 that Legal Services encourage the participation by  
15 grantees. Is that sufficient, simply encouraging the  
16 participation? Should there be more effort? Are we  
17 targeting home what the percentage -- I think you said  
18 80 percent of the Legal Services grantees have some  
19 kind of planning participation. Is there more that we  
20 should be doing or anything else in that spirit from  
21 the lessons learned?

22 MS. CHOI: Well, thank you for that question.

1     So there are some really good questions that you've  
2     helped to highlight. We can always do more. I think  
3     some of the lessons learned include, and I've learned  
4     from it as well, is at that local level, trying to get  
5     disaster folks, whether they're Red Cross or other  
6     responders, and lawyers together, just from a generic  
7     standpoint, has been a cultural challenge.

8             So whatever preconceived notions folks have  
9     about attorneys, and I'm a proud attorney myself,  
10    sharing simple, informal descriptions like -- just like  
11    not all Red Cross chapters are alike -- we have close  
12    to 700 chapters -- not all attorneys are created alike.

13    From a disaster emergency response perspective, folks  
14    are very protective of their clients. Attorneys are  
15    protective of their clients. And trying to convey this  
16    notion that we're actually -- we have a shared mission,  
17    that and bridging that culture and at the local level,  
18    I think that was a pretty tough challenge. But we're  
19    making inroads into that.

20             There is one provision in the MOU that was  
21    really a novel provision for us as Red Cross. And it  
22    took our attorneys, actually, and our disaster services

1 folks quite a bit of time to negotiate the provision,  
2 which was sharing and inviting access to LSC members  
3 into our disaster shelters. That took months of  
4 negotiation.

5 I get it, I see the benefit of it, but the  
6 criticalness here is ensuring that our thousands of  
7 disaster volunteers who are deployed on the ground -- I  
8 don't have an expectation that they will be able to  
9 understand what legal aid attorneys can do for clients.  
10 The best description that has resonated for our  
11 volunteers and other emergency responders, if you get  
12 it, then I don't have to facilitate that conversation.

13 But when they don't and they're fearful, and  
14 I'm empathetic as to why they may be, I try to explain  
15 and state, whatever disaster case workers we have, I  
16 view legal attorneys as the uber case workers. So if  
17 there are social service regs, medical emergency needs,  
18 housing needs, unemployment benefits navigating all of  
19 that in a 24-, 48-, 72-hour time line, this is what  
20 legal aid attorneys thrive on, train on, and that's the  
21 kind of service they provide every day. With that,  
22 trying to change the perception, it sounds simple, but

1 it is really, really very challenging to change that  
2 basic perception.

3           The same thing, our interaction partnership  
4 with the disability community. We have a relatively  
5 new MOU with the National Disability Rights Network.  
6 This MOU set the foundation for us to allow the  
7 provision of inviting the attorneys and advocates from  
8 the P&A's across the country, in a coordinated fashion,  
9 access into our shelters, not for the provision or  
10 purpose of trying to point fingers, but jointly with  
11 our individual expertise from disaster or a legal  
12 standpoint or a disability standpoint, an immigrant  
13 standpoint, a language standpoint. It requires some  
14 expertise to meet those needs in an efficient and  
15 effective manner. And again, in the context of  
16 disaster, timing is everything.

17           If I can go back and just share one  
18 supplemental commentary around the provision of the ABA  
19 Wilde being able to provide legal assistance and the  
20 revision through the FEMA MOU. That's an MOU I had  
21 studied prior to my joining the Red Cross. And some of  
22 our clients out there, they really do need -- they

1 could probably get certain things done and navigate  
2 service delivery systems without an attorney. It's not  
3 a mandate or a requirement.

4           But when you are talking about a Gustaf Ike  
5 situation and you may end up being displaced from a  
6 county across state lines, with the different federal  
7 declarations that come down -- there are sometimes  
8 timing provisions, in terms of getting your FEMA  
9 application in, your SBA application in -- if you have  
10 public housing assistance, how do you transfer that  
11 assistance from one county to another, let alone across  
12 state lines.

13           And so that's where I would say the most  
14 effective and one of the best services we can provide  
15 as a legal community is through what our legal aid  
16 attorneys can do and our colleagues through the ABA  
17 Wilde as well as our networks at the NLADA. And that  
18 partnership with FEMA, in that context, is absolutely  
19 critical. You can talk -- I could talk about this for  
20 hours.

21           MR. FORTUNO: I can add two things, and that  
22 is, and John can attest to this, that we labor long and



1 hard over provisions like whether it would be  
2 encouraging local grantees to cooperate with. And in  
3 part, it has -- a lot of things went into that, but in  
4 part, it's the local entities knowing best what's best  
5 for them.

6           And what this was, was essentially  
7 aspirational for the leadership in Washington to send  
8 the word out that we're cooperating, we're working  
9 together, and we would like for you, at the local  
10 level, to do so. They are all independent, the Red  
11 Cross chapters.

12           And the agreement, you know, in some ways is a  
13 non-agreement. I mean, it says it's not binding on the  
14 party, not enforceable. You know, we spent some time  
15 going over that as well, and it took a while to hammer  
16 out, but we're, frankly, delighted with the results.  
17 And we're glad to renew the agreement, and we've seen  
18 only positive things from it.

19           MR. EIDLEMAN: Right. And I think if I may  
20 just add that, you know, very often the last thing you  
21 want to do is tell a lawyer what to do because then  
22 you'll have an argument with him.

1 (Laughter.)

2 MR. FORTUNO: That's not so, John.

3 MR. EIDLEMAN: And we encourage our programs  
4 and we tell the good stories and what's happening with  
5 the Red Cross and just nurture them along.

6 CHAIRPERSON MIKVA: You guys, I think this is  
7 going to have to be it, the last question.

8 FATHER PIETRZYK: I just want to follow up.  
9 Has there been, on the LSC's side, you know, going to  
10 some of these disasters that have occurred, talking  
11 with our grantees, reviewing with them their  
12 interaction with FEMA and the American Red Cross and to  
13 see whether the agreements and memorandums we have in  
14 place are sufficient or whether they need to be  
15 tinkered with? How much have we reviewed the work of  
16 our grantees in these disasters to evaluate these  
17 agreements?

18 These are wonderful agreements. I think there  
19 is great work that has been done in the last three  
20 years, but to see how we might be able to tweak them  
21 going forward.

22 MR. EIDLEMAN: We've had conversations with

1 different programs. I haven't gone myself personally  
2 on the ground. We've also had conferences with  
3 programs in the Red Cross to talk about what they see.

4 We've had some success. We've had a tremendous number  
5 of success with Juliet, but a number of programs have  
6 worked very closely with the Red Cross.

7 CHAIRPERSON MIKVA: And do we have any data?

8 MR. EIDLEMAN: We have data.

9 CHAIRPERSON MIKVA: Hard data?

10 MR. EIDLEMAN: We could probably pull some  
11 things together.

12 MS. CHOI: Yeah, for the Red Cross, our MOU  
13 process, we do have our annual review evaluation  
14 process. It's relatively simple because the issue is  
15 here, for our chapters and at the state and local  
16 level, to be able to implement a review process as  
17 well. So we do have an annual review process where we  
18 do capture highlights from disaster relief operations.

19 I try to include some of those examples in the  
20 one-page handout. Tennessee, I think, is a really good  
21 example. John may not necessarily deploy, and candidly  
22 I don't want him to deploy, so that he is available for

1 all of us to be able to contact him because there is a  
2 lot of coordination in the background from Washington,  
3 D.C., but a general expectation that continues to grow  
4 is that our state and local Red Crossers will look up,  
5 figure out who are the LSC grantees within that state.

6 So take Tennessee as an example. And most  
7 often than not, it's growing. This is a lot of work.  
8 This is a new expectation and framework. There are  
9 connections between the pro bono directors, executive  
10 directors. And from there, Tennessee as an example,  
11 the conversation and dialogue continues.

12 And I think it's a lady out of Nashville has -  
13 - she stood up the disaster unmet long-term recovery  
14 committee. And the qualitative comments that comes  
15 back from the disaster volunteers is they've stated a  
16 year ago they would have been hesitant to call a lawyer  
17 or a legal aid organization. And now referrals are  
18 being made across the counties, across the state,  
19 without hesitation. So that's what I would offer you  
20 in the meantime.

21 FATHER PIETRZYK: Mine wasn't just a question  
22 for my personal edification, but it was really more of

1 a statement, that it seems to me that if you have these  
2 agreements in place, there should be some mechanism to  
3 evaluate their effectiveness. And it's just renewing  
4 them every two years that -- to make changes that  
5 individual grantees may be necessary. Or if there are  
6 problems in regions and not systemic, then those  
7 particular regions maybe should be addressed.

8 MR. EIDLEMAN: Well, we hear you and it will  
9 be on our list, on our list of things to look at.

10 MR. FORTUNO: One interesting --

11 FATHER PIETRZYK: That's Jim's job. I'm just  
12 making suggestions.

13 MR. FORTUNO: One interesting thing we learned  
14 was that it is easier to encourage and facilitate  
15 relationships than it is to require them.

16 MS. MINOW: Well, it's an important lesson  
17 there for all of us. And I'm going to encourage that  
18 we move along since we're now late in this committee.  
19 But thank you all.

20 CHAIRPERSON MIKVA: Thank you so much  
21 panelists.

22 MS. MINOW: Thank you very much.

1                   CHAIRPERSON MIKVA: Thank you everyone.

2                   (Applause.)

3                   CHAIRPERSON MIKVA: The second thing on our  
4 agenda is client board members support initiatives.  
5 Ms. Reiskin and Father Pius, you guys want to talk to  
6 this?

7                   MS. REISKIN: Yes. Can you guys hear?

8                   CHAIRPERSON MIKVA: There is still a meeting  
9 here. Keep it down out there. Thank you.

10                  FATHER PIETRZYK: But I think we're good. We  
11 can hear.

12                  CHAIRPERSON MIKVA: Okay.

13                  MS. REISKIN: Okay. Father Pius and I have  
14 been working on an initiative to reinvigorate the  
15 client voice. There needs to be a --

16                  FATHER PIETRZYK: I can't hear. Ladies and  
17 gentlemen, ladies and gentlemen, ladies and gentlemen.

18                  MS. MINOW: Okay. Could people who are no  
19 longer going to stay in the meeting, if you could move  
20 out to the outside. Thanks very much.

21                  FATHER PIETRZYK: Thank you.

22                  CHAIRPERSON MIKVA: Thank you.

1           MS. REISKIN: Thank you. Father Pius and I  
2 have been working on a proposal that is -- it is in  
3 your board book, but I know people didn't necessarily  
4 get it ahead of time. And in the LSC, our job includes  
5 protecting the integrity and mission of Legal Services  
6 and to do our best to both model and promote excellent  
7 governance. And also part of our job is to empower  
8 poor people, the proverbial giving the fishing lesson  
9 instead of the fish.

10           In the LSC Act, there is a provision to  
11 include client eligible board members, both on our  
12 board, which is Father Pius and I, and on the grantee  
13 boards. And by statute, client eligible is people  
14 living in poverty, which is a huge, diverse cross  
15 section. There is some, like Father Pius and I, that  
16 are highly educated and have been in these -- some kind  
17 of element of these circles, and there are others that  
18 come from generational poverty, or other circumstances  
19 and like, that cause disempowerment that -- including  
20 lack of education.

21           And poverty does change your perspective. And  
22 that perspective can be valuable in a reality check.

1 But it also affects people in other ways that aren't as  
2 helpful. And these are the circumstances that lead  
3 people to need us, these are the circumstances that  
4 lead people to be victims of foreclosure scams,  
5 domestic violence.

6 And that dynamic is also what causes people to  
7 not question anyone they feel to be superior to them.  
8 And that disempowering aura creates affirmative steps  
9 to undo it, which is why I feel like an affirmative --  
10 and Father Pius and I both feel like we need an  
11 affirmative step to make sure that this is done  
12 properly.

13 It has become more vogue now for non-profit  
14 orgs to have client members, but in so, there is more  
15 knowledge now about how to do it right and how not to  
16 do it right. And what is demonstrated all the time is  
17 that if there is not affirmative steps taken, it just  
18 becomes a tokenistic thing. And that's not because  
19 lawyers or professionals are bad or want that to  
20 happen. It's just a sociological dynamic that happens.

21 And so what we're proposing is a head start  
22 for -- you know like the Head Start Program before



1 school, it's like a head start for client eligible  
2 board members, and to be more intentional in including  
3 that segment. So that involves a couple of things.  
4 Start with a survey. There is already a database of  
5 these folks. There is a draft survey in your book.  
6 And if you approve this, we would like comments,  
7 hopefully within a week, and we'll run it by everyone  
8 again if there are changes.

9           We want to find out what their needs and --  
10 what their needs are, if they want training. If they  
11 also, "Leave us alone; go away," fine, but I don't  
12 think that's what is going to happen. And so the  
13 survey will then inform further actions. So what we're  
14 asking is that this committee make a favorable  
15 recommendation to the Board to support a proposal to  
16 reinvigorate this voice, and it will be a standing  
17 agenda item on this committee.

18           Part of the affirmative step will be that  
19 whenever it is that we have a policy of intentional  
20 client inclusion, so that means whenever we have a  
21 panel for anything, we invite a client, so whoever is a  
22 client of some service. So for example, a panel like

1 this would have included someone who had been a  
2 disaster survivor themselves and maybe had needed a  
3 legal service. And again, there might be times when it  
4 can't happen, or doesn't, but the policy is that we  
5 will make the effort to have it happen. And that will  
6 include those receptions and all of that.

7 Our hope is that it will make governments  
8 better long-term because the clients will be -- the  
9 client voice can really be a long-term community  
10 ambassador for Legal Services. So Father Pius?

11 FATHER PIETRZYK: Yeah, and I sort of -- you  
12 know, my background is corporate law and corporate  
13 governance issues. And I sort of take this issue,  
14 especially in terms of corporate governance. I had the  
15 opportunity to be at the board meeting for one of our  
16 grantees in Ohio. And there were -- they have a number  
17 of client grantees. And I made a presentation and  
18 asked if there were questions. And one of them raised  
19 the question and asked, "Well, how can I get a  
20 scholarship for my college?"

21 Well, somebody who is not -- she doesn't quite  
22 understand why we're here. And, you know, we can pat

1 ourselves on the back and say how wonderful it is that  
2 we have these client representatives on the board, but  
3 if -- you know, I mean, if we don't do the follow-up so  
4 that they're actually, you know, contributing members  
5 and understand what they're doing, you cannot treat a  
6 client member of the board the same way you do the head  
7 of the local bar association who is on the board. They  
8 need far more training and far more assistance to be  
9 able to effectively engage and, you know, talk.

10           You know, if you think about corporate  
11 governance issues, especially these days, is that one  
12 of the great important -- one of the most important  
13 things is to have independent directors. And if these  
14 -- if client -- if we think these are -- these client  
15 members are independent, yet they don't have any of the  
16 training or even self-confidence to be able to be truly  
17 independent, then they're not serving as independent.  
18 Again, they're just a token member of the Board that  
19 we've patted ourselves on the back, yeah, we've got  
20 client members. But we really don't.

21           So I think there is some need out there. I  
22 think in some sense, what we need to -- I mean, we're

1 in the middle of a transition. So I do think we do  
2 have to give some deference to the new president that's  
3 coming in. We have to sort of work together on that  
4 and see, you know, what his vision is and incorporate  
5 that. I don't, you know, I don't -- it's not our job  
6 to be micro managing the LSC.

7           So I'm attentive to that. But I think it's  
8 something that is important. It's something that  
9 should be, at least in terms of -- if we're serious  
10 about corporate governance issues for our grantees,  
11 then I think this is something that we really ought to  
12 consider simple ways that we can do to make sure that  
13 our grantees board members are effective. And then  
14 they can see problems and address them and meet -- and  
15 train to be effective members of the Board.

16           CHAIRPERSON MIKVA: I had a question maybe for  
17 Vic. Is there a policy about having client  
18 participation? I know some grantees have had them when  
19 we go to visit. Some don't. Do we tell them we want  
20 them to?

21           MR. FORTUNO: I guess the ABA standards touch  
22 on this, but it's also -- I think the reason why

1 clients serve on the Board is because they have a  
2 perspective to offer. And unless they are in a  
3 position to express that, their participation is  
4 largely, you know --

5 MS. MINOW: Are they required? Do our  
6 grantees have a requirement?

7 MR. FORTUNO: Yes. Yes, they do, on Board  
8 composition.

9 FATHER PIETRZYK: I mean, client association.  
10 Bringing clients -- when we go to visit, have their  
11 clients address this Board rather than just a few Board  
12 members.

13 MS. MINOW: But do they have a requirement --

14 MR. FORTUNO: No. No. They are required to  
15 have client eligible persons serve on the Board.  
16 They're not required when we're there for a meeting --

17 FATHER PIETRZYK: Do we make an effort to  
18 encourage them?

19 MR. FORTUNO: I think that sometimes we do. I  
20 don't know that it's a, you know, it's at every -- for  
21 every visit that the grantee is contacted and  
22 encouraged to have what -- the grantee is encouraged to

1 meet with us, to make a presentation. And we don't  
2 exercise a lot of control over how they make that  
3 presentation and who they have participate. But many  
4 do have. You know, there are some programs that make a  
5 very strong effort at having clients there and speaking  
6 at the presentation.

7 MS. MINOW: So this is, of course, a very  
8 important point. This is about trying to serve better  
9 the people that we're trying to serve and that our  
10 grantees are trying to serve. I'm unclear myself about  
11 the details of the proposal, though, and I know that  
12 John Levi has some views, and he's not here.

13 What I'm not clear about, is the proposal  
14 specifically simply to do a survey of existing  
15 eligible, client eligible board members to see whether  
16 they would find it helpful to have training or it looks  
17 as though some of the steps, like on page 23, go  
18 further to call for inviting clients, not simply client  
19 eligible board members, to join all program  
20 presentations.

21 So at that point, there is a level of micro  
22 management that I appreciate very much what Father Pius

1 said. I think that that is not necessarily what this  
2 board, as a board, should be doing. So I just was  
3 unclear about the nature of the proposal and also  
4 wonder whether this is something that is going to be  
5 voted on by this committee or it's for discussion by  
6 the Board when we meet tomorrow.

7 MS. REISKIN: Well, Laurie and I and Janet  
8 LaBella met and discussed this, and then I discussed it  
9 -- Father Pius and I also discussed it. I -- we don't  
10 envision a mandate. I think that's not helpful or  
11 appropriate. So what we wanted was A) permission to do  
12 the survey, to see what the need is and what the  
13 interest is because, again, if everyone responds saying  
14 we're fine, we have everything we need, we don't want  
15 anything, then I think it would be silly for -- to  
16 proceed. But to get a sense of what the interest is.

17 I don't think that's what is going to happen.

18 I think that there will be an interest, but again, I  
19 mean, just from what I've heard since being around.  
20 But so what we would like is permission to do a survey.

21 Initially, the survey, the idea was broader because,  
22 again, we didn't want to really move without the new

1 president being involved, but also to take -- and  
2 again, I don't think we want to say you have to bring a  
3 client, or else, or anything like that, but to have a  
4 policy. Again, it's almost like an inclusion policy of  
5 we will ask, we will make the ask. And if they don't,  
6 they don't.

7 MS. MINOW: Well, again, I appreciate it. I  
8 just couldn't tell whether this was a proposal to go  
9 beyond the permission to do a survey, to actually adopt  
10 a policy. And if it's the latter, I don't think we're  
11 ready. I don't think we're there. I think we need  
12 more work unless we're missing something.

13 MS. REISKIN: Well, what we were thinking is  
14 that I think that's something that we need to discuss  
15 but also the, I guess the bigger thing is that this  
16 committee be empowered to have this as a standing issue  
17 so that we can continue to discuss it. Because again,  
18 I think if it's not intentional, it will be something  
19 that just doesn't happen.

20 CHAIRPERSON MIKVA: My feeling is we don't  
21 need to be empowered. We can certainly leave it on. I  
22 do think the one thing that perhaps needs action by the



1 committee is the survey. And I guess would somebody  
2 like to make a motion that we seek approval from the  
3 Board to do a client survey?

4 FATHER PIETRZYK: I'll move so that -- for the  
5 provision in here about the survey be approved by this  
6 committee and forwarded to the Board for the action.

7 MR. MADDOX: Can I just interject here,  
8 Chairman. I -- there is a lot in here. This is a very  
9 thoughtful and detailed memorandum and effort. And I'm  
10 troubled that I didn't know anything about it until  
11 last night when I looked at the book for the first  
12 time. So I'm not prepared to vote on anything  
13 involving this proposition right now.

14 I agree with Vice Chairman Minow's comments,  
15 that I think that there is a lot of good stuff here and  
16 I think it probably requires some more thought. I  
17 don't think we have an emergency on this proposition.  
18 So what I would like to do is table the motion that  
19 Father Pius is prepared to make and put this on the  
20 agenda for our next meeting so that those on the  
21 Committee have a chance to discuss it and review the  
22 proposal and get a better sense for where the proposal

1 might lead.

2 I certainly, you know, am not going to stop a  
3 vote, if that's what the Committee thinks we need to  
4 do, but I just -- I think that when we bring something  
5 of this magnitude and significance to the Committee, we  
6 ought to at least discuss it and have a chance to look  
7 at a draft proposition before it comes up for a vote.

8 MS. MINOW: I think a motion to table doesn't  
9 need to be voted on and it does table. So that just  
10 happens to be --

11 FATHER PIETRZYK: Well, let me just withdraw  
12 the motion that I just made on the floor and let's just  
13 discuss it for a second. I mean, I agree, this isn't  
14 an emergency. This isn't like Katrina coming along,  
15 right. This is about an issue that's existed for a  
16 while. I think it's an important issue. I do.

17 I think issues of corporate governance is  
18 required. And, you know, if we're going to have this  
19 requirement, you know, make it something. But I'm  
20 happy to let people think about this more. I mean, I  
21 don't see a problem in tabling this if people think  
22 this needs to be tabled. Julie, if you want to talk

1 about this.

2           If the consensus of the Committee is to table  
3 this to give some time to think about it, and  
4 especially to give Jim some time to get into office and  
5 to deal with some of these issues, I mean, I'm not  
6 opposed to some delay.

7           MS. BROWNE: And I would just like to have a  
8 little bit more time and discussion because there seems  
9 to be two different aspects to this proposal.

10           FATHER PIETRZYK: There are.

11           MS. BROWNE: And the survey is also unclear to  
12 me as whether or not it only goes to the client  
13 perspective board members or to the entire local  
14 board's of the grantees.

15           FATHER PIETRZYK: Just the client. Just the  
16 client.

17           MS. BROWNE: Because looking at the survey  
18 itself, there are items on there that all the board  
19 members would benefit from training on, not just the  
20 client ones, much like what we've had that experience  
21 with in the past. And I'm a little hesitant to carve  
22 out anybody from a training opportunity.

1           And so I think that needs to be further  
2 discussed, whether or not we have a client's --  
3 encourage the grantees to invite clients to local  
4 presentations, to the LSC board, I think is really  
5 important, but I don't want to get into the position of  
6 micro managing.

7           Certainly, I think it's up to the grantees to  
8 put the best face forward. And they know what -- and  
9 certainly, they are in the best position to make the  
10 determination. So I see two different directions and a  
11 lot of smaller tracks to go down. And I would just  
12 like an opportunity to have further discussion on this  
13 before we take action.

14           MR. KECKLER: If you don't mind, I just -- I  
15 agree with that, and I would be interested to sort of  
16 raise -- to get management comments on it before doing  
17 that. I mean, I think that one of the things that was  
18 raised that I particularly noticed and I'll certainly  
19 be thinking about, and but management may wish to  
20 comment on this as well, is the very serious issue that  
21 Father Pius raised, that we do have a requirement for  
22 client directors and we have an overall responsibility

1 for those directors to be independent. And how can we,  
2 you know, how can we assure, as best as possible, that  
3 both of those things are being fulfilled.

4 CHAIRPERSON MIKVA: Do you want to respond?

5 MS. REISKIN: No. I appreciate the response.

6 And the survey is a draft. So if -- when people are  
7 thinking about this, if you could also look at the  
8 survey and see how it could be made better, that would  
9 be really helpful I think. And so, no, I -- it's not  
10 an emergency and I apologize that I didn't get this to  
11 people. I wasn't sure how to do it. I mean, I wasn't  
12 sure if that wasn't appropriate or if it should come  
13 through the Board book. So I totally hear that.

14 MR. MADDOX: I just think it would be helpful  
15 to get a look at something like this in advance  
16 because, you know, to make a recommendation to the  
17 Board, I feel like I need to be better informed about  
18 it. But I appreciate, you know, all the work that went  
19 into it.

20 MS. MINOW: I think it's a great start on a  
21 very important subject, and I think we have a process  
22 to go forward. So getting management comments and

1 Board comments, and I would expect that this will  
2 reappear on the next committee meeting agenda.

3 CHAIRPERSON MIKVA: So the motion was  
4 withdrawn. So this would be deferred unless anyone  
5 says otherwise.

6 MS. BROWNE: Can we make sure that it is put  
7 on the next Board agenda?

8 CHAIRPERSON MIKVA: The Committee you mean?

9 MS. BROWNE: The next Committee.

10 CHAIRPERSON MIKVA: The agenda, yes.  
11 Absolutely.

12 MS. BROWNE: Okay.

13 CHAIRPERSON MIKVA: So I think it would be  
14 time for public comment.

15 MS. BROWNE: We've still got the Charter.

16 CHAIRPERSON MIKVA: That's being deferred as  
17 well. So another -- to another meeting.

18 Any other business?

19 (No response.)

20 CHAIRPERSON MIKVA: Then I would entertain a  
21 motion to adjourn.

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M O T I O N

FATHER PIETRZYK: So moved.

MR. MADDOX: Second.

CHAIRPERSON MIKVA: All in favor?

(Chorus of ayes.)

CHAIRPERSON MIKVA: We're adjourned.

(Whereupon, at 10:35 a.m., the committee was  
adjourned.)

\* \* \* \* \*