

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE BOARD OF DIRECTORS
OPEN SESSION

Tuesday, September 21, 2010

11:55 a.m.

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

BOARD MEMBERS PRESENT:

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

STAFF AND PUBLIC PRESENT:

Alice Dickerson, Director, Office of Human Resources

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

Laurie Tarantowicz, Assistant Inspector General and
Legal Counsel, Office of the Inspector General

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CLOSED SESSION

7. Consider and act on an employee benefits matter

Presentation by Alice Dickerson, Director of LSC'S Office of Human Resources ("OHR") and Linda Mullenbach, Senior Assistant General Counsel with LSC's Office of Legal Affairs ("OLA")

8. Briefing on internal personnel matters

Presentation by Alice Dickerson, Director of OHR, Linda Mullenbach, Senior Assistant General Counsel of OLA, and Laurie Tarantowicz, Assistant Inspector General and Counsel to LSC's Inspector General

9. Consider and act on adjournment of meeting

Motions: 5, 6, 22, 43, 56

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

2 (11:55 a.m.)

3 CHAIRMAN LEVI: I'm going to call the meeting
4 to order of the Board of Directors of the Legal
5 Services Corporation. I notice there's an agenda in
6 your board book, and I notice the date at the top,
7 which suggests that we're still in July.

8 That would place us in a very uncomfortable
9 month in D.C., and I'm awfully glad that it is not
10 July. But I believe that it is in fact September 20th.
11 21st? September 21st. And so I'd like to make that
12 correction on the agenda page.

13 But could I have a motion to approve the
14 agenda?

15 M O T I O N

16 MR. FUENTES: Move.

17 DEAN MINOW: Martha Minow. Motion to approve
18 the corrected agenda.

19 CHAIRMAN LEVI: Okay. A second? Is there a
20 second?

21 MR. FUENTES: Second.

22 CHAIRMAN LEVI: All in favor?

1 (A chorus of ayes.)

2 CHAIRMAN LEVI: Now I need a motion to approve
3 the minutes of the Board's open session meeting of July
4 31 that also was in the board book and was e-mailed to
5 those who were not here.

6 MR. FUENTES: Mr. Chairman?

7 CHAIRMAN LEVI: Yes, sir?

8 MR. FUENTES: The Pledge of Allegiance, sir.

9 CHAIRMAN LEVI: Oh, let's -- can we
10 get -- just get the minutes approved and then we'll do
11 the pledge.

12 M O T I O N

13 MR. FUENTES: So move.

14 CHAIRMAN LEVI: Second?

15 DEAN MINOW: Correct the spelling of the name
16 of Dean Minow, please.

17 CHAIRMAN LEVI: I'm sorry?

18 DEAN MINOW: Correct the spelling of the name
19 of Dean Minow on page 5.

20 CHAIRMAN LEVI: Oh, yes. Let's look
21 at -- okay.

22 DEAN MINOW: The top line of page 5 spelled it

1 two different ways.

2 CHAIRMAN LEVI: Yes, I see. There's a double
3 N. That is so noted.

4 Any other corrections?

5 (No response.)

6 CHAIRMAN LEVI: And now, before we proceed any
7 further, I should have opened with the Pledge of
8 Allegiance, and I apologize for that.

9 MR. FUENTES: Would you all please join me in
10 the salute to our nation and our flag.

11 (Pledge of Allegiance)

12 CHAIRMAN LEVI: On item 3, I have a brief
13 report.

14 First, so that no one is upset, I think the
15 meeting itself, we're on schedule. But we do have sort
16 of a 2:00 -- based on some people's flight schedules
17 and what I know from those of you on the phone and my
18 own meeting schedule, we have to stop by 2:00 today
19 wherever we are.

20 And if we're in the middle of a closed
21 briefing, we'll resume it in an appropriate fashion.
22 And I apologize in advance for that, but that seems to

1 be what happens with flight schedules and people's own
2 work lives. And we're trying our best, everyone here,
3 to juggle those things.

4 I'm happy to report that the search is moving
5 along, that in open session, I think about a week ago,
6 we approved the position description. It is now out,
7 and I am told that the search firm is receiving numbers
8 of applications for the position.

9 And so the applications are open to be
10 received until October 15th. And again, we encourage
11 all who are interested to apply, and hopefully we'll
12 get to a good place on behalf of the Corporation.

13 A few weeks ago, I got your permission to
14 appoint a task force, a special task force on fiscal
15 oversight. And today I want to announce the number of
16 the -- all but -- there are one or two people I'm still
17 waiting to hear from. But I wanted to, in the
18 interests of moving this along, to announce to you the
19 membership as it's currently constituted, and a little
20 of my thinking behind it.

21 Of course, Robert Grey and Vic Maddox will be
22 co-chairing it. Then Chris Campbell, who is from

1 Louisville, Kentucky, and is the senior vice president,
2 general counsel, and chief of franchise policy officer
3 for Yum Brands -- that includes Kentucky Fried
4 Chicken -- a graduate of the Harvard Law School.

5 Jane Curren, who is the executive director of
6 the Florida Bar Foundation and has been a commissioner
7 for IOLTA for many years.

8 Christine DeVita, who is the president of the
9 Wallace Foundation, who is an expert on innovative
10 philanthropic practices, a graduate of the Fordham
11 University law school.

12 Terry Fraser, who's a principal of
13 LarsonAllen, LLP. She's a certified public accountant
14 with experience advising more than 100 nonprofit
15 organizations across the nation.

16 Ronald Shaich. He's the co-founder of Panera
17 Bread and executive chairman of the company's board.
18 Received widespread recognition for leadership, and
19 holds a master's degree, MBA, from Harvard Business
20 School.

21 Paul Snyder, who's a retired Midwest area
22 managing partner at KPMG, and was a member of the board

1 of directors of the firm; a certified public accountant
2 widely recognized as an expert on internal financial
3 controls.

4 Nicki Tinsley, now a project management
5 consultant. She served as the inspector general for
6 the EPA from 1998 to 2006. She oversaw the nationwide
7 audits while at EPA.

8 Douglas Varley, who is a lawyer at Caplin &
9 Drysdale, a partner in the Washington office of Caplin
10 & Drysdale. His practice focuses on advising exempt
11 organizations, including private foundations. He
12 previously administered the grantmaking programs at the
13 National Endowment for the Humanities, and is a
14 graduate of the University of Virginia law school.

15 Michele Warman, who is the general counsel and
16 security of the Andrew Mellon Foundation. Before
17 joining the Mellon Foundation, she was in law practice
18 in New York. She is a former Rhodes Scholar and a
19 graduate of the Harvard law school.

20 Finally, Allan Tannenbaum, who is a very
21 active member in Atlanta of the ABA and currently
22 chairs the Atlanta Bar Foundation.

1 So I believe that this group brings expertise
2 from the franchisor/franchisee world, from the
3 accounting world, from the grants oversight world, from
4 the foundation world. And I look forward to their
5 helping LSC take a good, hard look at how we conduct
6 our fiscal oversight and reach for the gold standard.
7 Maybe we already have it and don't know it, but I'm
8 sure we can learn fro this group, and look forward to
9 getting started.

10 Then, as you may also have heard me mention,
11 it will be my intention to appoint a second task force
12 in the coming weeks to take a look at how we can
13 incentivize -- increase pro bono participation among
14 the nation's lawyers. In large part, what we have here
15 is a hodgepodge. And you've heard many folks discuss
16 this, and I won't go on long today.

17 LSC is the cornerstone. But what it is the
18 cornerstone of is a sort of haphazardly put together
19 but actually fairly remarkable private/public
20 partnership that exists across the country among the
21 states, the federal government, and the private bar.

22 But one of the responsibilities that we have

1 is also the promotion of pro bono, and so I think it's
2 time. I understand the prior board had an initiative.

3 But I want to take a hard look at how we, in the
4 nation's bar -- because I have this sense.

5 I have this sense that the nation's bar,
6 outside of those of us who are in the field or related
7 to the field, are not fully aware of the gravity of the
8 situation that really threatens our justice system, its
9 orderly functioning, and our own commitment to having a
10 free society with equal justice under law, irrespective
11 of your means.

12 And it's our opportunity to educate the rest
13 of the bar, the rest of our colleagues, and see what we
14 can do to dramatically increase the participation by
15 the private bar in assisting our grantees and other
16 legal aid clinics around the country. So look for that
17 task force also to be put together in the coming weeks.

18 And with that, I will now turn over to -- is
19 it John Constance? Are you going to present the
20 protocol and self-evaluation tool?

21 DEAN MINOW: John, may I, as chair of the
22 committee --

1 CHAIRMAN LEVI: Yes?

2 DEAN MINOW: This is a recommendation of the
3 governance and performance review committee.

4 CHAIRMAN LEVI: Yes.

5 MR. CONSTANCE: Thank you. Thank you, Dean
6 Minow. Let me just direct everyone's attention to page
7 75 of the board book that you hopefully have in front
8 of you. This is the version of the protocol and
9 self-evaluation tool that was approved by the
10 governance committee on August 26, 2010 in a telephone
11 meeting.

12 If you'll recall, in the Milwaukee meeting, as
13 part of the governance committee report, we brought
14 forward the fact that in our recommendation received
15 from GAO, our recommendations regarding governance, we
16 had already implemented a board self-evaluation and a
17 board evaluation protocol, but had not yet done so for
18 committees and a committee protocol.

19 We had brought forward three possible avenues
20 for that committee self-evaluation. One of them had
21 included a very, very detailed kind of self-evaluation
22 that would have involved interviews and a much longer

1 process.

2 The two that seemed to be of the greatest
3 interest to the governance committee were one was an
4 example from the American Red Cross board that had
5 involved laying out what the protocols are for
6 committee activity, committee action, and essentially
7 setting them down as rules of engagement for the
8 committees of that particular board.

9 And second of all, a self-evaluation
10 instrument that could be completed on an annual basis t
11 determine whether goals of that committee, the support
12 for the committee, time and location of meetings, and
13 other factors were being met to the satisfaction of the
14 committees themselves. The committees would then
15 report that to the Governance Committee, and the
16 Governance Committee in turn to the board on an annual
17 basis.

18 So what you have before you and what had been
19 previously distributed was the protocol and -- were the
20 protocol and the instrument, self-evaluation
21 instrument, that had been approved by the governance
22 committee and is sent forward for the approval of this

1 board.

2 We had wanted to do it in this timing so that
3 we could distribute the self-evaluation tools and
4 instructions at the October meeting, and hopefully then
5 have this process completed for this year by the end of
6 the calendar year.

7 So that is my report at this point. And would
8 be happy to answer any questions, as I'm sure Chairman
9 Minow would be as well.

10 CHAIRMAN LEVI: Any comments or questions from
11 board members?

12 (No response.)

13 CHAIRMAN LEVI: Can I have a motion to adopt
14 the protocol?

15 DEAN MINOW: It's a recommendation of a
16 committee. I don't know if you need a motion. But
17 [audio blip] it is in the form of a motion.

18 CHAIRMAN LEVI: We don't technically need one?
19 All right.

20 DEAN MINOW: The vote is just a board
21 member -- a board vote.

22 CHAIRMAN LEVI: We just vote on the

1 resolution. So that's what we do. I'll call for a
2 vote. All in favor?

3 (A chorus of ayes.)

4 CHAIRMAN LEVI: Any opposed?

5 (No response.)

6 CHAIRMAN LEVI: It's adopted.

7 DEAN MINOW: May I say thank you to John
8 Constance for your very thorough help on this matter.

9 MR. CONSTANCE: Thank you, Dean Minow. I
10 appreciate it.

11 CHAIRMAN LEVI: Okay. We are now considering
12 and acting on Resolution 2010-016, a resolution
13 adopting LSC's fiscal year 2012 budget request to
14 Congress.

15 David Richardson, are you going to -- and
16 Robert Grey, you want to present the --

17 MR. GREY: Mr. Chairman, the resolution is
18 before you. I'd defer to Dave for his comments on
19 behalf of the staff.

20 CHAIRMAN LEVI: But it's the recommendation of
21 the Finance Committee?

22 MR. GREY: The recommendation of the committee

1 is to adopt the resolution.

2 Dave?

3 MR. RICHARDSON: Thank you again. For the
4 record, I'm David Richardson, the treasurer of the
5 Corporation.

6 At the Finance Committee meeting this morning,
7 we heard testimony from, of course, NLADA, the ABA, and
8 management in regards to our budget submission or our
9 budget mark.

10 On page 62 of the board book you were
11 provided, we have a resolution that the committee
12 approved. Mr. Grey read it this morning, and all of
13 you were present during that particular meeting.

14 So basically, to summarize, it is a four-year
15 plan to reach \$750 million, which is the
16 reauthorization bills in both the Senate and House.
17 This year, the increase that we're looking for takes us
18 to \$525 million, and that is the budget that is before
19 you at this time.

20 I'd be glad to answer any additional questions
21 that you may have.

22 CHAIRMAN LEVI: Are there any questions?

1 MS. BROWNE: This is Sharon. I do have a
2 question. This is a four-year plan, and we are really
3 unsure about what the future holds, especially with
4 regard to the government and tax dollars available.

5 Do we need to have the four-year plan in this
6 resolution?

7 MR. RICHARDSON: No, ma'am, it is not
8 necessary. It is mainly a request for this year, which
9 we would again adjust next year based on the
10 circumstance of that time.

11 MS. BROWNE: Well, I would then like to
12 eliminate the four-year period only because we are in
13 such dire economic time.

14 DEAN MINOW: This is Martha Minow. I
15 understand and respect the comment just made. But I
16 also think that Congress proceeds with this kind of
17 multi-year planning, especially [audio blip] about the
18 relationship between an appropriation and authorizing.

19 And therefore, I recommend that we keep it,
20 with the understanding that we will make a different
21 recommendation next year and the Congress will also
22 make a different decision next year in light of the

1 facts that exist at that time.

2 MS. BROWNE: Well, then, is it also possible
3 to add to the resolution some language to ensure that
4 the taxpayer dollars are being used effectively? And
5 that seems to be a theme that is coming out from
6 several of the letters from Senator Grassley and
7 Congressman Issa.

8 DEAN MINOW: That seems like an appropriate
9 addition, in my view.

10 CHAIRMAN LEVI: Sharon, do you have --

11 MS. BROWNE: I'm sorry -- oh, I'm sorry. Yes?

12 MR. GREY: I was just going to say did you
13 have a statement that you have that you'd like
14 included?

15 CHAIRMAN LEVI: Well, can I just say that Vic
16 is pointing out that is our statutory obligation in any
17 event. And I'm not sure in the resolution that we need
18 to reflect our statutory obligation. That would seem
19 to trump the resolution in any event.

20 MS. BROWNE: Oh, I recognize that there's a
21 statutory obligation. But I'm just wondering if it's
22 worthwhile to reemphasize that we are the stewards and

1 that --

2 CHAIRMAN LEVI: I have no objection --

3 MS. BROWNE: -- we are cognizant of our
4 taxpayer dollars that are being spent, to the best of
5 our ability.

6 CHAIRMAN LEVI: I have no objection to that,
7 to including that in the "WHEREAS."

8 JUDGE SINGLETON: Mr. Chairman, this is Sarah
9 Singleton talking.

10 CHAIRMAN LEVI: Yes?

11 JUDGE SINGLETON: In consideration of the last
12 comment, I'm wondering whether there was a request for
13 an increase in proportion of the budget that deals with
14 grants management this year. And I cannot track
15 everything that's been sent to me electronically to
16 figure that out.

17 CHAIRMAN LEVI: Yes, there was.

18 JUDGE SINGLETON: Well, it would seem to me it
19 would be particularly appropriate to add a "WHEREAS"
20 clause that Ms. Browne mentioned because it would, in
21 part, justify that increased request.

22 MR. FUENTES: Mr. Chairman? I'm wondering if,

1 as close as our next meeting is to incorporate these
2 comments, if we couldn't just defer this until that
3 meeting.

4 CHAIRMAN LEVI: I don't think --

5 DEAN MINOW: I would object to that. My
6 understanding is that the time for this is right now
7 and we should do it right now. The Congress asked for
8 it, the staff is asking for it, and we should not wait.

9 MR. GREY: Yes. I think that -- my
10 recommendation is, Mr. Chairman, that we have the -- we
11 understand the nature of the request. And I think it
12 would be appropriate to have our staff do that and
13 circulate it to the board. And without objection, that
14 would be the language.

15 CHAIRMAN LEVI: Is that acceptable?

16 DEAN MINOW: I don't even know we need to do
17 that. I think that the proposals, as we reiterate in
18 this resolution, are statutory obligations. And we
19 just used the language from the statute to say, we make
20 this request with due mindfulness of our obligation
21 here. And that seems to me it doesn't require any
22 further work.

1 MS. BROWNE: Well, I would agree with you that
2 we are complying with our statutory obligation. It's
3 just in the unusual circumstances the country is
4 finding itself in with regards to the economic down.

5 And I think some simple language on the
6 "WHEREAS" to say something like, "and to ensure that
7 tax dollars are being used to effectively carry out
8 LSC's mission in compliance with all applicable laws,"
9 it would not be inappropriate.

10 M O T I O N

11 MR. GREY: I would move we adopt that
12 language, Mr. Chairman.

13 DEAN MINOW: I would second that language as
14 well.

15 CHAIRMAN LEVI: Any -- and Sarah Singleton had
16 wanted to add something about grants oversight in that.

17 Is that -- can we add something?

18 JUDGE SINGLETON: Mr. Chairman, I'm satisfied
19 with the language that was --

20 CHAIRMAN LEVI: Okay. Then we've heard the
21 proposal. It's been seconded. And I'm not sure
22 this -- I think there was a pending --

1 MR. FUENTES: No.

2 CHAIRMAN LEVI: No, there wasn't. That's
3 right. So all of --

4 MR. FUENTES: Mr. Chairman?

5 CHAIRMAN LEVI: Yes?

6 MR. FUENTES: It is my intent, of course, to
7 case a no vote on this resolution. And for the record,
8 because we're now in the Board of Directors meeting, I
9 wish to put on the record that I enunciated my reasons
10 during the Finance Committee meeting and my support for
11 the budget amounts of the Office of the Inspector
12 General, my opposition to the overall budget, and I
13 want to have it on the record here that should there be
14 any question about the purpose of my no vote, that they
15 may refer to the minutes of the Finance Committee
16 meeting. Thank you.

17 CHAIRMAN LEVI: Thank you very much.

18 PROFESSOR KECKLER: Mr. Chairman, Charles
19 Keckler.

20 CHAIRMAN LEVI: Yes?

21 PROFESSOR KECKLER: Yes. And I'd like to add
22 also a thought here regarding this, which is that if

1 you look at the different line items, the Office of the
2 Inspector General has requested an increase in the 3 to
3 4 percent range there, a little bit over 3 percent.
4 And I think it's a bit more -- in my thinking about
5 what's going to be reasonable and be perceived as
6 reasonable, that falls in line with that.

7 But the increase in the 25 percent range of
8 the others is -- I don't think it's going to certainly
9 be perceived as reasonable, and I think it is
10 reasonable, because as was mentioned during the Finance
11 Committee meeting, we have a domestic discretionary
12 freeze going in throughout the government, including
13 many services for the poor that just as critical.

14 And I'm little uncomfortable with saying that
15 our services, as valuable as they are, must necessarily
16 trump all of these other services that are under the
17 freeze. And that's why I'm uncomfortable with that
18 level of increase.

19 CHAIRMAN LEVI: Well, I think if you were here
20 for the finance -- I'm not sure whether you were on the
21 call or not --

22 PROFESSOR KECKLER: I was.

1 CHAIRMAN LEVI: -- I believe that there was an
2 explanation regarding the Inspector General having gone
3 from 3 to 4.2 million in the prior year.

4 PROFESSOR KECKLER: Right.

5 CHAIRMAN LEVI: So that was an enormous leap.

6 Any other comments? Laurie Mikva and then Vic
7 Maddox.

8 MS. MIKVA: This is Laurie Mikva. I support
9 this budget. But I continue to believe that the NLADA
10 suggestion for a separate appropriation for training is
11 good and we should continue to look at it.

12 And I think it's in the same vein as the ones
13 we do have. It's something that the grantees can't
14 themselves provide for adequately, and a separate grant
15 would assist the grantees in providing this. And it's
16 a necessary service.

17 So I continue to think that perhaps for future
18 budget year, this would be a very good idea.

19 MR. MADDOX: Thank you, Mr. Chairman. I
20 reluctantly will vote against the resolution. I think
21 that the amount of increase is inconsistent with the
22 President's directive. I guess I am told that I should

1 take that directive as rhetoric rather than as reality.

2 But nevertheless, it is, I think, common sense and
3 good policy.

4 The suggestion that our budget increase of 25
5 percent from last year's request, and that a \$525
6 million is a rounding error in the context of a \$3.5
7 trillion budget is no different than saying that a \$750
8 million budget request is a rounding error in that same
9 \$3.5 trillion budget.

10 So if we really believe that the need is 750,
11 and if our role is to advocate for the need rather than
12 to worry about the realities, then we ought to be
13 asking for \$750 million. I don't think we're prepared
14 to do that.

15 I noted in the President's memo concerning the
16 resolution that he said that one of the reasons for the
17 increase was that legal aid offices will likely see
18 rising requests for assistance with Medicaid
19 applications and eligibility.

20 And I was led to ponder why it is that the
21 Legal Services Corporation is dedicating its resources
22 to providing what amounts to assistance with

1 applications for income assistance programs.

2 Could someone who's close to the phone back
3 away from the phone, please? Thank you.

4 And so I went to the fact book, and I noticed
5 that for 2009, LSC had a total of 60,000 cases under
6 counsel and advice, which basically is very short-term
7 or minor assistance to people with questions. Among
8 those were quite a few for earned income tax credit
9 questions, Medicaid questions, Medicare questions, and
10 then a panoply of income assistance questions. Of the
11 total cases closed, it looks like nearly 15 percent
12 were dedicated to counseling and advice regarding
13 applications.

14 The President's memo also pointed out that
15 in -- that legal aid programs need to be flexible and
16 capable of responding quickly to changing demands for
17 services. I question whether legal aid organizations
18 around the country have been flexible and have
19 adequately reengineered their services and offerings to
20 reflect the realities of the current climate, the
21 economic realities, and the like.

22 I noted that in the President's memo, he was

1 referring to the Brennan Center for Justice Statistics,
2 showing that in Stark County, Ohio, 91 percent of
3 foreclosure defendants did not have counseling. This
4 presumably was to suggest that greater LSC funding
5 would provide a substantial percentage of those
6 foreclosure defendants with counsel.

7 I grew up in Stark County, Ohio. I would be
8 very surprised if the bulk of those foreclosure
9 defendants were eligible for LSC funding. And so the
10 reference to 91 percent of foreclosure not having
11 counsel, or 84 percent in Queens County, New York,
12 suggests to me that the statistics are being used much
13 in the same way that Mark Twain thought about
14 statistics.

15 My own sister lost her house to foreclosure in
16 the last several years, and it wasn't because she
17 didn't have a lawyer, and it wasn't because she was not
18 able to get an LSC lawyer. There are thousands and
19 thousands of people who are never going to be eligible
20 for LSC funding who are in these statistics.

21 So I think it is inappropriate for us to raise
22 the specter of a marching onslaught of foreclosures and

1 the like, and to suggest that increasing LSC funding is
2 going to somehow eliminate that problem.

3 I really wonder if we ought not to look to
4 ways to reengineer the LSC's operations so that we look
5 for ways to increase the efficiency of its operations,
6 its services, whether we really ought to be in the
7 business of providing application assistance to people
8 who don't really have a legal problem but who
9 apparently have a problem with applying for government
10 benefits, which I don't believe is what animated the
11 creation of the Legal Services Corporation or ought to
12 animate its future.

13 Having said that, I agree completely that we
14 ought to be looking for ways to increase funding. I
15 would support a resolution that was more in line with
16 the recent increases -- in fact, the 2009 increase in
17 funding was 11.3 percent.

18 If you look back to increases in the last
19 Democratic Congress and Democratic administration under
20 Bill Clinton, increases in '93 were 2 percent,
21 increases in '94 were 12 percent, increases in '95 zero
22 percent. Presumably those Congresses had the same

1 reference pointed of \$750 million for the 1980 apex.

2 So I don't think it's realistic or appropriate
3 for this board to draw on a statistic from 30 years ago
4 and ask the American taxpayer to disregard the current
5 economic realities. I wish we had a resolution that
6 was more in line with the 11 percent increase from last
7 year. If we did, I would support it. But as it is, I
8 have to vote no.

9 MR. GREY: Mr. Chairman, it occurs to me as we
10 look at this, and I appreciate my colleague's reference
11 to various indices regarding a different expectation or
12 different appropriation, in this case, request, but I
13 always try to appreciate the fact that numbers in the
14 past are a reference. And when you're in a time of
15 surplus, you can ask for less if your appropriation is
16 supported by the facts.

17 We, as has been mentioned, are probably in the
18 worst financial condition this country has seen in
19 years. And I think that there is, as John Constance
20 said, a new poor in the population.

21 And just because we want to be consistent with
22 percentages of the past, I think, is not mindful

1 necessarily of the reality of the present. And it's
2 our responsibility not to be tied to metrics that look
3 even and appear consistent, but rather to be, as Vic
4 mentioned, flexible and adaptable to a changing society
5 and a changing demographics of changing population
6 need.

7 I kind of like his idea, however, of our
8 examination. I think that's very appropriate. And I
9 concur with the fact that we ought to be about the
10 business of doing that which we are chartered to do.
11 And it is not uncommon, I think, for organizations of
12 this size to grow at the edges when in fact we could be
13 more focused on priorities that are important to the
14 general mission of the organization.

15 I think that's the board's responsibility, is
16 to ensure that we stay focused and that we
17 maintain -- but that we maintain a degree of
18 flexibility that understand the changing needs of our
19 client base.

20 So I like that idea of continuing to review
21 with a critical eye what our responsibilities are so
22 that in the next budget cycle, which I would like to be

1 able to say, we have done that.

2 And that's exactly why we're asking for what
3 we're asking for. But we're a sort of mid-cycle board,
4 and we are trying to, I think, be adaptable to our
5 present condition of knowledge and experience and
6 relying on what I think is a very experienced staff to
7 give us guidance in this case. And I think, all in
8 all, I think we're doing a pretty good job of balancing
9 our needs.

10 And so I would ask that the board support the
11 resolution, considering all the factors involved. And
12 Mr. Chairman, I'm going to cast my vote in support of
13 the budget resolution.

14 CHAIRMAN LEVI: Thank you. And let me say
15 that that kind of an examination is part of, it would
16 seem to me, appropriately part of any good-quality
17 strategic plan, and that when we have a new head, we
18 should be embarking on such a thing. But I am not
19 going to appoint yet another task force.

20 (Laughter.)

21 DEAN MINOW: Mr. Chair, it's Martha Minow.

22 CHAIRMAN LEVI: Yes.

1 DEAN MINOW: May I say that I would endorse
2 the recent comments, and also say that I respect this
3 very genuine conversation and consideration of the very
4 difficult issue before us, how to appropriately take
5 into account this challenging economic time in the
6 request that we make to the Congress, and at the same
7 time how to acknowledge the fact, alluded to in John
8 Constance's earlier statements to us, that the level of
9 poverty reached in this country and hence of the
10 eligible individuals for our services, has reached an
11 all-time historic high.

12 And it is in that context that I think that
13 our decision to make a request that is higher than a
14 past request, but is lower than some of the
15 recommendations of our supporting groups, is absolutely
16 appropriate. And that's why I will cast my vote in
17 favor.

18 MS. BROWNE: This is Sharon Browne. I have to
19 agree with Martha, with many things that she said. But
20 like others, I am concerned with the increase in the
21 budget by 25 percent for all of the line items except
22 for the Office of the Inspector General. And I think

1 we have a very, very important mission that we have to
2 accomplish, but we have to accomplish it with the
3 understanding that we are dealing with the tax dollars,
4 which are very, very slim this year.

5 So I am going to, unfortunately, cast my vote
6 no because of the tremendous increase in the amount of
7 the budget being requested.

8 MR. FUENTES: Call the question.

9 CHAIRMAN LEVI: Yes. So all in favor of the
10 reason?

11 MR. FUENTES: Roll call, Mr. Chairman.

12 CHAIRMAN LEVI: And it's a yes, Sarah?

13 JUDGE SINGLETON: No. I was -- I didn't know
14 there was going to be a roll call voted. I already
15 voted.

16 CHAIRMAN LEVI: Okay. A roll call. So would,
17 Mr. President, you read the names?

18 PRESIDENT FORTUNO: Chairman Levi?

19 CHAIRMAN LEVI: Yes.

20 PRESIDENT FORTUNO: Vice Chair Minow?

21 DEAN MINOW: Yes.

22 CHAIRMAN LEVI: Mr. Grey?

1 MR. GREY: Yes.

2 PRESIDENT FORTUNO: Mr. Fuentes?

3 MR. FUENTES: No.

4 PRESIDENT FORTUNO: Ms. Mikva?

5 MS. MIKVA: Yes.

6 PRESIDENT FORTUNO: Mr. Maddox?

7 MR. MADDOX: No.

8 PRESIDENT FORTUNO: Ms. Singleton?

9 JUDGE SINGLETON: Yes.

10 PRESIDENT FORTUNO: Ms. Browne?

11 MS. BROWNE: No.

12 PRESIDENT FORTUNO: Mr. Keckler? Mr. Keckler?

13 PROFESSOR KECKLER: No.

14 CHAIRMAN LEVI: Anyone else on the phone?

15 MS. CHILES: Jonann Chiles. I found the
16 comments of Mr. Fuentes and Professor Keckler and Mr.
17 Maddox to be persuasive. And for those reasons, I vote
18 no.

19 PRESIDENT FORTUNO: And Mr. Meites is not
20 present here to vote. Five to five, the motion fails.

21 CHAIRMAN LEVI: Okay.

22 DEAN MINOW: Is Mr. Meites within reaching

1 distance? Can we reach him on his --

2 CHAIRMAN LEVI: We'll just recess temporarily
3 and see where we can get him.

4 MR. FUENTES: Excuse me, but point of
5 parliamentary procedure. Has Mr. Meites participated
6 in the dialogue and discussion? Has he been on the
7 phone to listen to all that has transpired?

8 CHAIRMAN LEVI: We don't know.

9 DEAN MINOW: I think that's what we need to
10 find out.

11 CHAIRMAN LEVI: We'll take a short break.

12 (A brief recess was taken.)

13 CHAIRMAN LEVI: I understand you want to join
14 the board meeting, which we're now resuming. And I
15 understand you wanted to make -- you want to make your
16 statement about your vote?

17 MR. MEITES: Yes. Let me -- I read the
18 materials, but I obviously didn't participate in the
19 debate.

20 I understand that there are reasoned arguments
21 on both sides, and I really would hope that we could
22 take some time to digest them and perhaps come up with

1 a proposal that would command a strong majority of the
2 Board.

3 So my preference is just to defer this to the
4 next meeting and have more chance for us all to
5 consider what's been said, and for me to read the
6 transcript, and so on.

7 MR. GREY: Mr. Chairman, I appreciate the
8 first half of Mr. Meites's statement, that we ought to
9 have a strong majority of the Board in support of
10 whatever funding request that we make. I would hope
11 that we would try to do that at this meeting.

12 For that reason, and I hope my colleagues will
13 support this, that we modify our request to the
14 Board -- I mean, to the Congress -- in line with some
15 of what has been said with regard to level funding from
16 the request of the previous administration of this
17 organization, so that rather than 525, we would request
18 516.

19 That would give us the -- it would show that
20 we're not in retreat, but we are mindful of the
21 concerns that have been expressed by the members of
22 this Board about the increased funding and the question

1 of reasonableness.

2 And I think it is important that we send a
3 very strong signal of our unity in support of this
4 organization. So I would modify the request, that
5 instead of 525, that we submit a budget request of \$516
6 million.

7 CHAIRMAN LEVI: Which was the same -- what
8 you're doing is holding the number --

9 MR. GREY: Constant.

10 CHAIRMAN LEVI: -- at what LSC requested last
11 year?

12 MR. GREY: That's correct.

13 CHAIRMAN LEVI: Which was the Bush board. Is
14 that correct?

15 MS. MIKVA: Clarification. It's 516-550.

16 CHAIRMAN LEVI: You've got to have a mike in
17 front of you.

18 MS. MIKVA: Looking at the materials, is
19 516-550, is that your proposal?

20 MR. GREY: Yes. It's level funding from the
21 previous request of the Board. Yes.

22 CHAIRMAN LEVI: Discussion?

1 DEAN MINOW: Could I ask a question, too?

2 It's Martha.

3 CHAIRMAN LEVI: Yes.

4 DEAN MINOW: How would that be allocated as to
5 basic field, TIG grants, loan repayment, and so forth?

6 MR. GREY: Martha, we would have to
7 re-allocate it and give the staff the opportunity to do
8 that. But we're going to have --

9 DEAN MINOW: Just do it in proportion. The
10 same proportion, a cut for each?

11 CHAIRMAN LEVI: Yes.

12 DEAN MINOW: So with that, I would --

13 CHAIRMAN LEVI: Not for the Inspector General.

14 DEAN MINOW: I'm sorry?

15 CHAIRMAN LEVI: Not for the Inspector General
16 because his level --

17 DEAN MINOW: But that's held constant?

18 CHAIRMAN LEVI: Yes. Because he basically
19 held his number constant.

20 DEAN MINOW: But then that's a subtraction.
21 You understand? That would be a subtraction from the
22 other request --

1 CHAIRMAN LEVI: No. He only went up -- he
2 only went up \$150,000.

3 DEAN MINOW: I understand. But if we're
4 asking for something level with last year and he's
5 asking for an increase, we're asking for less than last
6 year. Is that correct?

7 MR. GREY: But it's level -- it's a level
8 funding request by the IG, yes.

9 CHAIRMAN LEVI: So I don't think his number
10 changes because it was a level funding request. But I
11 could be wrong.

12 MR. DAVID MADDOX: If I could clarify just for
13 one second?

14 CHAIRMAN LEVI: All right.

15 MR. DAVID MADDOX: In terms of the fiscal year
16 2011 request, that would be the same amount. So it
17 would not be --

18 MR. GREY: Okay. That's what we want to do.
19 Martha, it's level.

20 DEAN MINOW: I see. So it's identical to last
21 year?

22 MR. GREY: Right.

1 MR. DAVID MADDOX: If I could make --

2 DEAN MINOW: Then I'm in --

3 CHAIRMAN LEVI: Yes?

4 MS. BROWNE: I have a question with regard to
5 last year. Now, that's what we requested, LSC
6 requested. But what is the House and the Senate
7 currently looking at?

8 CHAIRMAN LEVI: One's at 435 and the other's
9 at 440.

10 MS. BROWNE: And so this would be really a
11 substantial increase over what is anticipated for the
12 2011 budget?

13 CHAIRMAN LEVI: Correct.

14 MR. RICHARDSON: One other comment, if I could
15 make. The request for the 516-550 include a
16 \$19,500,000 for MGO. If you look at both the House and
17 Senate, both of them have shown levels of funding for
18 MGO this year at \$20 million. So we would be asking
19 for less than what it looks like we're going to be
20 getting this 2011 appropriations cycle.

21 CHAIRMAN LEVI: No. I think the suggestion
22 here was that if you took the 9 million that we just

1 took out of the 525, that you proportionately reduce
2 everything. That would be field grants all across. So
3 the 21 would only go -- see?

4 MR. GREY: I gotcha. I gotcha for it.

5 CHAIRMAN LEVI: Does that work?

6 MR. RICHARDSON: Except the IG, which you
7 would freeze. It would be with the others.

8 CHAIRMAN LEVI: Well, because he gave a label
9 number. So yours would still be above 20. You still
10 would be above 20.

11 MR. MEITES: Is there a second to --

12 MS. BROWNE: Okay. When I look at the
13 management's recommendation that has a really nice
14 chart and it's dated September 15th from Victor, and it
15 has the House and the Senate where they're currently
16 at. And they have, on the basic field, instead of what
17 LSC requested at 484 million, down to 407 million for
18 the House and 401 million for the Senate. And I'm just
19 wondering if that is a -- if we should be reflecting
20 that concern as well in the budget.

21 MR. FUENTES: Mr. Chairman, we have had a
22 request from an esteemed and senior member of this

1 Board, a member whose wisdom and participation has been
2 incredible through the years. His interest in us
3 coming to the right resolution I think is very genuine.

4 We get these timetables put upon us that rush
5 us through things. I hear confusion around this table.

6 I hear confusion in information being presented. I
7 heard \$10 million decisions being made at the drop of a
8 hat.

9 The appropriate action for this Board to do is
10 to refer this resolution back to management, take it up
11 at the next meeting with thoughtful correction of what
12 are the issues.

13 M O T I O N

14 MR. FUENTES: And I move to refer the
15 resolution to management to bring it back to us at the
16 next meeting, as suggested by Director Meites.

17 MS. MIKVA: I have a question. Could one of
18 you --

19 DEAN MINOW: With respect to both you and Tom
20 Meites, Tom, may I say that the management has given us
21 their thorough, detailed memoranda of recommendations.

22 The Board has not been able to vote in favor of it.

1 It is now a board decision. It is not a management
2 decision. We're having a meeting. That's what we do
3 at meetings --

4 MR. FUENTES: Dean, we have the input of
5 management. They continue to work for us, the Board --

6 DEAN MINOW: The merits. I'm really
7 interested in hearing your suggestion on the merits.
8 That's what I think we're here to talk about. And if
9 you don't have a suggestion on the merits, then let's
10 proceed with that discussion with others.

11 MR. FUENTES: Well, thank you very much for
12 your having the opportunity to speak. I shall have the
13 opportunity to speak.

14 We've had input from management. The Board
15 has had a serious discussion. We do not -- we are not
16 in agreement. They still work for us. We call upon
17 them now, by referring this back to them, to take into
18 consideration what has been debated and stated at this
19 Board by members on both sides of the fence of this
20 issue, and to bring us back a best effort that we might
21 move forward with it.

22 CHAIRMAN LEVI: Is there a timing issue, Mr.

1 Constance?

2 MR. CONSTANCE: For the record, John
3 Constance, director of Government Relations and Public
4 Affairs.

5 In the sense, yes, that all federal entities
6 have already submitted their numbers to the White
7 House, to OMB. And we had hoped to be able to follow
8 suit likewise so that the reflection of this discussion
9 and this Board's input could be reflected at least in
10 the discussion leading up to the President's request.

11 So we're already past due in terms of our
12 deadline with OMB at this point.

13 MR. GREY: Mr. Chairman, I think, before Tom
14 spoke, I think I had requested that the board
15 consider --

16 CHAIRMAN LEVI: Yes. You have a motion and we
17 need a second. I believe that's the question.

18 MS. MIKVA: This is Laurie Mikva. I would
19 second the motion. I think what I find most compelling
20 is Mr. Grey's statement that we really don't want to
21 show retreat from 2011, given the increase in need. So
22 this would be the bare minimum.

1 CHAIRMAN LEVI: Thank you. Second. More
2 comment?

3 MR. MADDOX: My comment is, has Mr. Meites
4 withdrawn his request for a motion?

5 CHAIRMAN LEVI: Yes.

6 MR. MEITES: Correct.

7 JUDGE SINGLETON: Mr. Chairman, this is --

8 MS. CHILES: This is Jonann Chiles. What is
9 the motion on the floor? What are we voting on now?

10 CHAIRMAN LEVI: The motion on the floor now is
11 to adopt a budget of \$516,550,000, which was a renewal
12 of freezing our budget request at the prior Board's
13 last budget request.

14 Sarah Singleton.

15 JUDGE SINGLETON: Mr. Chairman, I do believe
16 it's important to discuss how that is going to be
17 broken out. I would not like to see us submit a budget
18 that had a decrease in our request for basic field
19 services.

20 CHAIRMAN LEVI: It will not.

21 JUDGE SINGLETON: So I believe -- well, I'm
22 have -- it will if we are going to do what Congress

1 told us to do about the TIG grants, to make -- to
2 request money for that. And it will if management
3 thinks it needs more money to improve grants oversight.

4 So if we're going to keep the total budget
5 number constant, then I think we should keep all of the
6 numbers within the budget constant, within the budget
7 mark constant.

8 CHAIRMAN LEVI: Right. And isn't that what
9 would happen?

10 MR. GREY: We would do that if we directed the
11 staff to do that.

12 JUDGE SINGLETON: Well, that's not what I
13 heard. I heard people talk about proportionate
14 reductions. I heard other things being talked about,
15 and I would refer it, if we just -- if we're going to
16 go with this approach, that we just use exactly what
17 was proposed to Congress last year and not change any
18 of the numbers.

19 CHAIRMAN LEVI: Yes, mco?

20 MR. CONSTANCE: Mr. Chairman just to clarify a
21 couple of things, first of all, the 2011 request did in
22 fact request a doubling of the TIG funds. So that is

1 at 6.8, which is what the Congress has would through
2 on. LRAP was flat funding at one million dollars. The
3 MGO again is at 19-5 for the 2011 request. House and
4 Senate are at 20 million at that point.

5 So basically, a 2011 request for basic field
6 would reflect an increase from, you know, basically the
7 2011 House and Senate are in the 4-7/401 range there.
8 So that would be clearly a significant increase for
9 basic field. So just to clarify where TIG and LRAP are
10 in those.

11 DEAN MINOW: So John, do you mind just reading
12 to us what was the specific breakdown of the request
13 last year?

14 MR. CONSTANCE: For 2011, the request was
15 484.9 for basic field, 6.8 for TIG, one million for
16 LRAP, 19.5 for MGO, and 4.350 for the IG.

17 DEAN MINOW: And I take it that Robert Grey's
18 motion that has been seconded is to reinstate this
19 exact same request for the coming fiscal year?

20 MR. GREY: It would be.

21 DEAN MINOW: And that has been succeeded?

22 MR. GREY: It has.

1 DEAN MINOW: By Laurie Mikva. So that is the
2 motion on the table.

3 CHAIRMAN LEVI: Yes. Now --

4 MR. MEITES: This is Tom Meites. It seems to
5 me that although I always want more time to think about
6 things, if that approach makes sense to the Board, as
7 clarified, I think we probably have enough information
8 to go ahead now.

9 DEAN MINOW: It seems to me it would be quite
10 astonishing to give a request that's less than last
11 year when the poverty level is at the highest is has
12 ever been in the United States. For this Board to say
13 therefore we should request less is, I think, a bad
14 statement of a failure of belief in the mission of the
15 organization. So I hope we can proceed to a vote on
16 this.

17 MR. MADDOX: Mr. Chairman, I am prepared to
18 vote in favor of this new resolution.

19 CHAIRMAN LEVI: Thank you, Mr. Maddox.

20 Any other comments?

21 MS. BROWNE: Yes. This is Sharon Browne. And
22 I will go with the curren suggestion for

1 appropriations.

2 CHAIRMAN LEVI: Thank you, Sharon.

3 Any further comments? Questions?

4 MR. MADDOX: Can I just clarify? I'm prepared
5 to vote in favor of the request, but not necessarily
6 with the language of the resolution as it stands
7 because there are things I take exception to.

8 MR. GREY: We can have the resolution
9 circulated with comments, and have that --

10 CHAIRMAN LEVI: You mean with the comments,
11 the addition that we were going to make in the prior
12 resolution?

13 MR. GREY: RIGHT.

14 CHAIRMAN LEVI: Yes. So we're going to add to
15 the --

16 JUDGE SINGLETON: But I'm sorry, Mr. Chairman.
17 What is it that Mr. Maddox --

18 CHAIRMAN LEVI: Mr. Maddox, I think, wants to
19 add in -- is that what you want to do, is add in that?

20 MR. MADDOX: At least that. I'm not
21 necessarily prepared to adopt the language that says
22 that we as a board are recommending a funding level of

1 \$750 million over the next four years. And I think in
2 line with Ms. Browne's comments, that she would like
3 that the four-year element of the resolution be
4 removed. Is that correct, Sharon?

5 MR. GREY: Yes, ma'am?

6 MS. BROWNE: Yes. That was my comment. And I
7 also had suggested that we add the additional language
8 in the "WHEREAS" to ensure that we are using taxpayer
9 dollars effectively.

10 JUDGE SINGLETON: Well, Mr. Chairman, it seems
11 to me the board has now retreated from the theoretical
12 posture that required that we include that language
13 about the four years and the 750 million. And so
14 there's no point in putting that "WHEREAS" clause in
15 there. Our request is inconsistent with that "WHEREAS"
16 clause.

17 MS. MIKVA: Well, I guess I would wonder if
18 the people who are opposed who would adopt something in
19 the middle, which is to get out of a -- take off the
20 four years and to just say that we hope to move
21 eventually to this number that the Congress, not us,
22 has come up with.

1 MR. MADDOX: Yes. I'm prepared to look at a
2 resolution and to work up what I think is acceptable
3 language. I just don't think that I'm prepared to vote
4 for that language today, especially in light of
5 Sharon's comments that I largely agree with.

6 DEAN MINOW: So may I suggest we take a vote
7 simply on Robert Grey's proposal with regard to the
8 amount to request, and that we wait for a vote on the
9 language pending the chance for people to circulate and
10 work on the actual language.

11 JUDGE SINGLETON: Is the number all that you
12 would need to get OMB, Mr. Constance?

13 CHAIRMAN LEVI: John?

14 MR. CONSTANCE: That's correct.

15 JUDGE SINGLETON: Okay. Thank you.

16 MR. GREY: The number in the breakdown.

17 MR. CONSTANCE: I would say this, that
18 obviously the rationale behind this decision for the
19 Board certain informs the number. So that would be
20 provided as well.

21 CHAIRMAN LEVI: Well --

22 MR. GREY: Mr. Chairman, I would like -- I

1 think the staff has heard the concerns expressed by the
2 members of the board. I think a suitable resolution
3 can be crafted to this Board's acceptance.

4 And so what I would like to do is to move the
5 number pending the actual wording of the resolution.

6 CHAIRMAN LEVI: Wording of the resolution and
7 the breakdown.

8 MR. FUENTES: Mr. Chairman, my understanding
9 of the definition of insanity is doing the same thing
10 over and over again and expecting a different result.
11 This Board has sent this number to the Congress and the
12 Congress has rejected this number. And that has
13 happened several years running.

14 This Board needs to send a budget which is
15 realistic. This board needs to send a budget which is
16 differently defined. This board needs to send a
17 message that our priorities are different, that is to
18 say specifically the greatest focus on pro bono and not
19 just commitment to the growth of government with
20 Beltway mentality. And for that reason, I will case a
21 no vote.

22 MR. GREY: Call the question.

1 CHAIRMAN LEVI: So we have the question. And
2 Robert Grey, have you rephrased your motion somewhat?

3 MR. GREY: I have.

4 CHAIRMAN LEVI: Okay. So let's make it clear
5 for everybody.

6 MR. GREY: The motion before the board --

7 CHAIRMAN LEVI: Just a global number.

8 MR. GREY: -- is for the adoption of a budget
9 number of \$516,550,000 that will be broken down as it
10 was in the previous casting of that number in 2011; and
11 that there will be language forthcoming that supports
12 why we are requesting that number that the Board can
13 review and agree upon.

14 But today, the motion is to adopt \$516,550,000
15 as the budget request for 2012.

16 MR. MADDOX: And just for clarity, the number
17 we've proposed now reflects a freeze of the request in
18 funding that this board has previously made.

19 MR. GREY: That's correct.

20 CHAIRMAN LEVI: Your second remains?

21 MS. MIKVA: Yes.

22 CHAIRMAN LEVI: Any further discussion?

1 (No response.)

2 CHAIRMAN LEVI: All those in favor?

3 MR. GREY: Why don't you call the roll.

4 CHAIRMAN LEVI: Do you want me to have a roll
5 call?

6 MR. MEITES: Yes. Go ahead.

7 PRESIDENT FORTUNO: Chairman Levi?

8 CHAIRMAN LEVI: Yes.

9 PRESIDENT FORTUNO: Mr. Grey?

10 MR. GREY: Aye.

11 PRESIDENT FORTUNO: Vice Chair Minow?

12 DEAN MINOW: Yes.

13 PRESIDENT FORTUNO: Sarah Singleton?

14 JUDGE SINGLETON: Yes.

15 PRESIDENT FORTUNO: Thomas Fuentes?

16 MR. FUENTES: No.

17 PRESIDENT FORTUNO: Thomas Meites?

18 MR. MEITES: Yes.

19 PRESIDENT FORTUNO: Jonann Chiles?

20 MS. CHILES: No.

21 PRESIDENT FORTUNO: Charles Keckler?

22 PROFESSOR KECKLER: No.

1 PRESIDENT FORTUNO: Sharon Browne?

2 MS. BROWNE: Yes.

3 PRESIDENT FORTUNO: Vic Maddox?

4 MR. MADDOX: Yes.

5 PRESIDENT FORTUNO: Laurie Mikva?

6 MS. MIKVA: Yes.

7 CHAIRMAN LEVI: Thank you.

8 We now have to adjourn. Do I have a motion to
9 adjourn to a -- is there public comment, any -- do I
10 have that on? Let me see. No, it doesn't.

11 All right. So now we have to consider and act
12 on whether to authorize an executive session of the
13 board to address items listed in the closed session.

14 M O T I O N

15 MR. MADDOX: Move we go to executive session.

16 CHAIRMAN LEVI: Second?

17 MR. FUENTES: Second.

18 CHAIRMAN LEVI: All in favor?

19 (A chorus of ayes.)

20 CHAIRMAN LEVI: Those of you on the open line
21 now have to dial into the closed line.

22 //

1 (Whereupon, at 1:12 p.m., the open session of
2 the Board of Directors meeting was adjourned to
3 executive session.)

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