

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
DELIVERY OF LEGAL SERVICES COMMITTEE
OPEN SESSION

Monday, April 13, 2015

9:34 a.m.

Legal Services Corporation
3333 K Street, N.W.
Third Floor
F. William McCalpin Conference Center
Washington, D.C. 20007

COMMITTEE MEMBERS PRESENT:

Father Pius Pietrzyk, O.P., Co-Chair
Gloria Valencia-Weber, Co-Chair
Victor B. Maddox
Julie A. Reiskin
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

Charles N.W. Keckler
Harry J.F. Korrell, III
Laurie Mikva
Martha L. Minow

STAFF AND PUBLIC PRESENT:

James J. Sandman, President

Rebecca Fertig Cohen, Special Assistant to the
President

Lynn Jennings, Vice President for Grants Management

Patrick Malloy, Grants Management/Legislative Fellow,
Executive Office

Wendy Rhein, Chief Development Officer

Ronald S. Flagg, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary

Carol A. Bergman, Director, Office of Government
Relations and Public Affairs

Marcos Navarro, Office of Government Relations and
Public Affairs

Jeffrey E. Schanz, Inspector General

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

John Seeba, Assistant Inspector General for Audit,
Office of the Inspector General

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

Daniel O'Rourke, Assistant Inspector General for
Investigations, Office of the Inspector General

Magali Khalkho, Director of Management Operations,
Office of the Inspector General

Roxanne Caruso, Office of the Inspector General

Lora M. Rath, Deputy Director, Office of Compliance
and Enforcement

STAFF AND PUBLIC PRESENT (Cont'd):

Sheila Mashhadishafie, Program Counsel, Office of
Compliance and Enforcement

Janet LaBella, Director, Office of Program
Performance

John Eidleman, Senior Program Counsel, Office of
Program Performance

Nancy Glickman, Program Counsel, Office of Program
Performance

Evora Thomas, Program Counsel, Office of Program
Performance

Jane Ribadeneyra, Program Analyst, Office of Program
Performance

Traci Higgins, Director, Office of Human Resources

Eric Jones, Network Engineer, Office of Information
Technology

Herbert S. Garten, Non-Director Member, Institutional
Advancement Committee

Thomas Smegal, Non-Director Member, Institutional
Advancement Committee

Frank B. Strickland, Non-Director Member,
Institutional Advancement Committee

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

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

2 (9:34 a.m.)

3 CO-CHAIR FATHER PIUS: Father Pius Pietrzyk,
4 co-chair of the Delivery of Legal Services Committee,
5 opening this Committee. It's a duly noticed Committee
6 meeting.

7 So first if we have a motion for the approval
8 of the agenda?

9 M O T I O N

10 MS. REISKIN: So moved.

11 CO-CHAIR FATHER PIUS: Is there a second?

12 CO-CHAIR VALENCIA-WEBER: Second.

13 CO-CHAIR FATHER PIUS: All in favor?

14 (A chorus of ayes.)

15 CO-CHAIR FATHER PIUS: Any against?

16 (No response.)

17 CO-CHAIR FATHER PIUS: And that is passed,
18 then.

19 The second item is the approval of the minutes
20 from the January 23rd Board meeting. Do I --

21 M O T I O N

22 CO-CHAIR VALENCIA-WEBER: Move approval.

1 CO-CHAIR FATHER PIUS: Is there a second?

2 MR. MADDOX: Second.

3 CO-CHAIR FATHER PIUS: All those in favor?

4 (A chorus of ayes.)

5 CO-CHAIR FATHER PIUS: Any opposed?

6 (No response.)

7 CO-CHAIR FATHER PIUS: The motion carries.

8 The minutes are approved.

9 So we're going to the main focus of the
10 business of this. Part of our work as Board members is
11 the oversight, and in some ways when you're the head of
12 a for-profit board, your goal is pretty easy. The
13 purpose of a for-profit entity is to make profit, and
14 so your primary duty is to make sure that the
15 corporation maximizes its profits.

16 Obviously, we are a nonprofit corporation.
17 Our goal is not to maximize profits. That includes
18 federal funds, even though it's an important part of
19 what we do. Our goal is to assist poor people in
20 getting quality legal services.

21 I think that means that it's part of our
22 oversight of the Board. It's not just simply financial

1 accounting or accounting to make sure that we follow
2 the rules and regulations, as important as those are.
3 To fill that out, we must make sure that the primary
4 goal of this Corporation -- that is, to provide quality
5 legal services to the poor -- is also followed.

6 I think part of the motivation for the reform
7 of this Committee and the new direction that we
8 approved about a year or a year and a half ago was to
9 make sure that there is more information given to the
10 Board so the Board can fulfill its proper and, I think,
11 statutory obligation to oversee the quality of legal
12 services being provided through the funds that come
13 through this organization.

14 So I'm glad that we are beginning these series
15 of briefings from Management to begin to communicate to
16 the Board the Corporation's own review and oversight of
17 the grantees to see that that work is being done.

18 We talked about this in the past. My idea is
19 that this is the beginning of these briefings, and that
20 as a Board, we should also discuss if we're getting the
21 level of information that we want, the degree of
22 information that we need, to do our oversight so that

1 we can communicate with Management as the other
2 Committees, the Audit Committee or the Finance
3 Committee, have done to make sure that we're getting
4 this information as a Board that we are comfortable
5 with to provide our oversight.

6 So this is, as I said, the beginning of it.
7 And so we'll turn it over to Management to provide the
8 beginning of this briefing. So thank you very much.

9 MS. JENNINGS: Great. Thank you, Father Pius.
10 For the record, I'm Lynn Jennings, Vice President for
11 Grants Management, and I'm joined by Janet LaBella,
12 who's the Director of the Office of Program
13 Performance. And we appreciate this opportunity to
14 tell you about the grant work that the Office of
15 Program Performance does as it relates to grantee
16 oversight.

17 Getting started, what we're going to do today
18 is we're going to talk about what the competition
19 process looks like and what type of information we ask
20 for and how in depth it is so that we have a pulse on
21 what's going on with regard to the programs. And then
22 Janet is going to take over, and she will talk about

1 what we do during the performance period of the grant.

2 As many of you know, we don't really have
3 competition in the full sense of the word. So as we
4 fashioned a way to review what the grantees were doing,
5 about a third of our grantees are up for competition
6 every year, and we do this by service area.

7 This briefing relates to basic field, Native
8 American, and migrant grants, but not to Pro Bono
9 Innovation Fund and TIG and disaster. They have
10 somewhat of a different cycle. So one-third is up for
11 full competition every year. The others are up for
12 renewal. And so that's how it looks.

13 So there are three elements, three components,
14 to competition. One is programmatic. Two is
15 regulatory compliance. And three is fiscal compliance,
16 which is a new addition since 2012. And we're in our
17 third cycle of having a full fiscal application. I
18 want to talk a little bit about what the programmatic
19 review looks like, what the regulatory compliance
20 review looks like, and fiscal review looks like.

21 So the program liaisons in the Office of
22 Program Performance, they are divided into regional

1 teams, and whatever cycle they're in, they review the
2 programs for which they're responsible. The process
3 begins in the spring with the notice of intent to
4 compete. Those notices of intent to compete come in,
5 and then they submit full applications in the late
6 spring or early summer. So it's quite an extensive
7 timeline for the application process.

8 Over the summer, that's when the program
9 counsel evaluate and score each of the grant
10 applications. And they're very involved. They follow
11 the performance criteria, each of the four performance
12 criteria.

13 Since 2013, we have had outside reviewers
14 score the applications to ensure that there is -- it's
15 another layer of oversight to ensure that there is no
16 bias on the score of the program liaison.

17 So the next slide shows you how we norm those
18 scores. So this is just a snapshot of what it looks
19 like. And if there is a grant variation between the
20 score of the external reviewer and the OPP staff, that
21 receives additional scrutiny as to why that might be.
22 If there's a variation of 1.5 points or greater, then

1 we will discuss that in a meeting.

2 So once the program counsel score their
3 applications, then they write up a report about that
4 and that is given a staff-level review by Janet, by the
5 director of program performance, as well as Reginald
6 Haley, who runs the competition process.

7 Once that is done, simultaneous with that is
8 the director of the Office of Compliance and
9 Enforcement is also doing a regulatory compliance
10 review. So she has a broad spreadsheet and looks to
11 see if there have been any compliance issues that have
12 arisen since the last time in competition or the
13 renewal.

14 Additionally, the fiscal compliance analyst
15 scores the fiscal application on a score of 1 to 100,
16 and then Lora Rath meets with each of the fiscal
17 compliance analysts individually to see what they
18 found, if they're recommending special grant conditions
19 and the like. And then all of that information is put
20 together on the computer in EasyGrants, which we're
21 replacing soon, thank goodness. And then it is time
22 for executive review.

1 So Jim and I will sit in meetings. A great
2 deal of our time is dedicated in the fall to reviewing
3 all of the grants in competition, and we discuss them
4 in depth, and then our recommendation. So really, the
5 OCE director signs off, the OPP director signs off, and
6 then it is our turn to review them and then make
7 recommendations.

8 MS. REISKIN: Did you say that the external
9 review you do 25 percent? And is that random?

10 MS. JENNINGS: Yes. It's random.

11 So generally, the vast majority, about 80 to
12 85 percent of our grantees, or 75 to 80 percent of our
13 grantees, who are in competition receive the full
14 three-year grant. However, it's generally a high of 30
15 to a low of 16 percent have received less than the full
16 three years.

17 Generally, if they have less than a full
18 three-year grant term, they will have special grant
19 conditions attached to it. Sometimes if it's less than
20 three years, it's to get them in a cycle where if
21 there's a problem that has both a migrant and a basic
22 field, we want them to be on the same cycle so that

1 they're not off cycle.

2 So that would be a reason for not imposing
3 special grant conditions. But as you can see, it's
4 generally about 20 to 23 percent of our grantees would
5 have less than the full three-year term.

6 We've also in the last few years imposed
7 greater special grant conditions. I think in 2012 we
8 had nine programs that were subject to special grant
9 conditions. In 2013 we had about 20 to 24 programs
10 that were subject to special grant conditions. And
11 this year we had 27 programs subject to special grant
12 conditions. Yes?

13 MS. REISKIN: What do you attribute that to?
14 And I also noticed the slide before, there was a
15 distinct change. What --

16 MS. JENNINGS: Well, I think a lot of it is
17 the fiscal application. As you can see, in 2014 there
18 were eleven programs that had fiscally-related special
19 grant conditions, and I think that that has a lot to do
20 with it.

21 I do think that there's greater scrutiny in
22 terms of performance, basically, both on the

1 programmatic side and on the fiscal and compliance
2 side. So if we see something where -- for example,
3 this year, though, we do give them a chance to improve
4 before we impose special grant conditions.

5 Some of them in the fiscal review may be
6 missing a policy or two. And so we did reach out to
7 some of the programs that needed to put those in place
8 before we would sign off on the grant. And many of
9 them delivered and got the policy or two approved by
10 their board of directors.

11 However, if they were not able to do that,
12 then we imposed the special grant condition. And we do
13 meet monthly to track the special grant conditions, if
14 the grantees are making progress or not. So we follow
15 up on that very closely.

16 So that, in a nutshell, is the competition
17 process, which is -- that's much briefer than it is
18 because it's quite a long process. And I think that
19 there are probably some efficiencies we can work in the
20 system moving forward, but I would be --

21 CO-CHAIR FATHER PIUS: The web program will
22 probably help with the efficiencies, the new --

1 MS. JENNINGS: I think so, yes. Absolutely.

2 CO-CHAIR FATHER PIUS: And just a rough
3 guess -- I know you haven't calculated -- but when
4 receiving the new application for the renewal of the
5 grants to the final approval, about how long is that
6 process usually?

7 MS. JENNINGS: It's about six months.

8 CO-CHAIR FATHER PIUS: And then it would take
9 effect, what, about six months after?

10 MS. JENNINGS: Well, the process is they
11 submit in June, usually, and we make final decisions by
12 the end of the calendar year. So they have funding for
13 the new calendar year.

14 CO-CHAIR FATHER PIUS: So the funding starts
15 at the beginning of the calendar year?

16 MS. JENNINGS: Yes. It starts in January. So
17 there's a lag because we're on the fiscal year, the
18 government fiscal year, but our grantees, how we give
19 out the money, is based on the calendar year.

20 Yes, Julie?

21 MS. REISKIN: Can you explain the -- they're
22 approved for three years, but we're still doing

1 something every year?

2 MS. JENNINGS: Right. Just so that we
3 continue to conduct oversight, we want to see if
4 anything has changed with the program. So a renewal
5 application is much shorter than a full-blown
6 application. But we want to see, have there been any
7 major changes in the program? Are there any management
8 changes?

9 MS. REISKIN: So akin to like an interim
10 report with a private foundation?

11 MS. JENNINGS: Something like that. A little
12 more formal than that, probably, but something like
13 that.

14 MS. REISKIN: And I know when we first came on
15 the Board, we were given a report that said there was
16 almost no actual competition; very rarely were there
17 two people competing for the same money. Is that
18 still --

19 MS. JENNINGS: Right. That continues to be
20 the case. We might have one per year where there's
21 actual competition, and I think part of that is it
22 takes a lot of know-how and expertise and

1 sophistication to run an LSC-funded program. And so
2 there's not a lot of competition out there for that.
3 We have had some mergers, just a couple in the last few
4 years, but that's about the extent of it.

5 Martha had her hand up.

6 CO-CHAIR FATHER PIUS: I'm sorry, Martha.

7 DEAN MINOW: It's really great to see the
8 implementation of the system. I'm just wondering about
9 how much you are able to get feedback from grantees
10 about how transparent, how clear, how user-friendly
11 this is. And how do you tweak it? How do you get
12 feedback on the process?

13 MS. JENNINGS: I'll let Janet handle that one.

14 (Laughter.)

15 MS. LABELLA: This is, for the record, Janet
16 LaBella, the director of the Office of Program
17 Performance.

18 We get feedback in a variety of ways. At the
19 beginning of the cycle every year, we have what we call
20 an applicant information session, which is a webinar
21 for anyone. It includes those that are in renewal, if
22 they're interested, and we particularly reach out to

1 those that are in competition.

2 As part of that process, we do a survey at the
3 end, and we also invite questions. So we get feedback
4 at that point. We have a special email address for the
5 competition's help desk, and they can submit questions
6 at any time. Those questions are answered promptly.

7 So we get feedback, I would say, in a fairly
8 consistent level throughout the year. We also have
9 regular contact with the programs. And we invite them
10 to give us comments and questions and suggestions for
11 improvement throughout the year as well.

12 MS. JENNINGS: And we also have a debrief here
13 internally at the end of the session to see what we
14 could do to improve the process.

15 Father Pius?

16 CO-CHAIR FATHER PIUS: I've got two questions.

17 First, in terms of the grant conditions, what are the
18 typical grant conditions or the reasons for the grant
19 conditions to pop up? Is it usually because we see
20 failures in financial oversight, or what's the -- are
21 there typical grant conditions that we apply, or is it
22 just so very specific that we don't --

1 MS. LABELLA: Well, from OPP's perspective, I
2 would say they fall into a variety of categories.
3 Sometimes we'll have new grantees. As Lynn mentioned,
4 there were a couple mergers. We had a couple of
5 grantees who had not been LSC grantees previously.

6 So there is a series of special grant
7 conditions that are tailored to them but also are
8 generally with respect to someone who's a new grantee.

9 We want to see, if it's a merger of two service areas,
10 how they are integrating all of the different aspects
11 of management and service delivery. So there's a
12 couple of those if we have new grantees.

13 We also last year, or this year, had three
14 that were follow-ups from not having completed
15 implementation to our satisfaction of tier 1
16 recommendations in our program quality visit reports.

17 Then we have one-offs, those that we have a
18 particular concern about a particular aspect of
19 programmatic work and service delivery. And there will
20 be special grant conditions with respect to that.

21 MS. JENNINGS: And on the compliance and
22 fiscal side, I would say there are probably three

1 sources. On the fiscal side, it would be from the OIG,
2 any recommendations we've gotten from the OIG where
3 we're doing followup investigation -- not followup
4 investigation; I take that back -- but where we're
5 doing followup based on their referral to us, and we
6 want to keep a close eye on that grantee.

7 It could be something found after the fiscal
8 application, where there might be many of those eleven,
9 I would say, probably about half, or certain policies
10 weren't in place and we want to make sure that those
11 policies are in place.

12 Then again on the compliance side, it would be
13 something that we found onsite, and we want to make
14 sure that those corrective actions are being followed
15 up on.

16 CO-CHAIR FATHER PIUS: And I just want a
17 little bit of an idea on the scoring. What exactly do
18 we use that scoring information for? Could you go back
19 to that? I'm just trying to get my -- back to the
20 scoring slide. So this is an example, for example, of
21 one grantee.

22 MS. JENNINGS: Right.

1 CO-CHAIR FATHER PIUS: And this is in the
2 application process?

3 MS. JENNINGS: Yes.

4 CO-CHAIR FATHER PIUS: And does this determine
5 some of the special conditions or the grant conditions
6 that we might impose on it? Or precisely what is this
7 used for?

8 MS. LABELLA: It does not determine special
9 grant conditions or funding term directly. But I'm
10 sure that there is a correlation between overall low
11 scores and whether or not a program is getting a
12 limited funding term or special grant conditions. But
13 it is not a mathematical formula. However, I would
14 expect a correlation.

15 This particular slide that you see up there is
16 what we call a score compare. And that is a comparison
17 when we have an outside reviewer. But the scoring is
18 done regardless of whether there's an outside reviewer
19 or not.

20 CO-CHAIR FATHER PIUS: Yes. Do we ever
21 amalgamate this data, the scoring data, to see if there
22 are trends in the way in which they match up? Because

1 this is all keyed off the performance criteria.

2 MS. LABELLA: Correct.

3 CO-CHAIR FATHER PIUS: So do we look at this
4 to see whether or not there are trends where maybe
5 we're not providing sufficient information on the
6 performance criteria, that sort of thing? Do we ever
7 do that with this data?

8 MS. LABELLA: We haven't. You mean to see if
9 there's a particular trend of lower scores in a
10 particular performance area?

11 CO-CHAIR FATHER PIUS: Yes. If everybody's
12 getting -- for example, board governance -- a lot score
13 on board governance, it would suggest to us that
14 there's something wrong with our communication on what
15 the requirements are for board governance. And the
16 question is whether we do that to see if there are
17 trends in these scores to improve the way in which we
18 communicate our expectations.

19 MS. LABELLA: I think that's a good
20 suggestion. I would just mention that since we're on
21 this three-year cycle, you're evaluating different
22 entities each year. So that has an effect on what the

1 relative scorings might be.

2 MS. JENNINGS: And I would say we use the
3 score as an indicator of, is this a program we want to
4 fund for three years? Do we need to go out there and
5 see if there are some issues? And so that's what we
6 use it for internally in terms of a decision-making
7 tool.

8 CO-CHAIR FATHER PIUS: Because my thought
9 might be, just internally in terms of guidance that we
10 provide grantees, if we're seeing consistently low
11 scores in one of these performance criteria, that might
12 be a suggestion to us --

13 MS. JENNINGS: Yes. Absolutely.

14 CO-CHAIR FATHER PIUS: -- this is something we
15 need to do a webinar or a survey. This should be one
16 of our goals in terms of our communications with our
17 grantees in the future. And it seems that it's a
18 useful -- at least it's collection of data that could
19 be useful.

20 MS. LABELLA: I think that's a great
21 suggestion.

22 MR. MADDOX: Janet, I have a question about

1 this process. It's a very detailed analysis. The
2 financial administration, for instance, is, it seems to
3 me, an opportunity for your office to look at a grantee
4 at least every three years. Right?

5 MS. LABELLA: Correct.

6 MR. MADDOX: So there have been a number of
7 grantees since we've been on the Board who, through OIG
8 investigations or whistleblowers or otherwise, we've
9 learned have had really bad financial
10 administration -- bad internal controls, fraudulent
11 schemes going on, and the like. Have -- I'm sorry?
12 Yes.

13 CO-CHAIR FATHER PIUS: Just a few.

14 MR. MADDOX: Just a few. Well, really, I
15 mean, out of 135 it really isn't that many. But it
16 seems like that this would be an opportunity for LSC to
17 take a detailed look at every grantee's operation,
18 whereas the OIG might come along every ten years on a
19 grantee, or there might be some specific fraud
20 investigation on a random basis.

21 In this process, have you found instances
22 where you have said, this grantee's operations are

1 wholly inadequate and therefore, in essence, debarred
2 them or otherwise sanctioned them? Because it seems
3 like otherwise, the practical consequences of this
4 process seem like they're not being fully utilized.

5 MS. LABELLA: There have been a few instances
6 where, based on the proposal submitted as well as other
7 information that we have, which typically at that
8 juncture would include a visit, a capability assessment
9 visit, we have not provided funding.

10 Now, sometimes in that situation we would
11 recompete the service area. We might provide what we
12 call bridge funding to provide services until we can
13 transition to a new provider. So that has been the
14 most serious consequence of having a grantee or an
15 applicant who has not submitted a sufficient proposal,
16 which is indicative of not providing adequate services
17 in the service area.

18 But as Lynn mentioned, in addition to that as
19 the most serious consequence, there are special grant
20 conditions and there's limited term funding. We have
21 had limited term funding as month-to-month funding, as
22 each month they have to submit reports indicating that

1 they are working on whatever the deficiencies are so
2 that they can receive the next month funding.

3 We have provided a single one-month funding.
4 On occasion, we've provided six-month funding, again
5 with a required demonstration of correction of certain
6 deficiencies before the next six months can be granted.

7 So there's a variety of tools that are employed.

8 MR. MADDUX: Just another question and then
9 I'll let you go, Julie.

10 For instance, we've got this Dakota Plains
11 Legal Services case, where the OIG -- this is public.
12 Right? Yes -- the OIG found that from 2009 to 2013,
13 almost \$100,000 in extra overtime and other pay was
14 made to an exempt employee.

15 Did your review process in the grant awarding
16 mechanism, did that identify any of the problems that
17 apparently went back to 2009? So I assume that this
18 process took place some time as recently as, what,
19 2012.

20 MS. LABELLA: That level of fiscal analysis is
21 usually under the Office of Compliance and Enforcement
22 and not under OPP.

1 MS. JENNINGS: That's correct. And Lora will
2 say that really, since this Board has been in place and
3 the Fiscal Oversight Task Force, the level of oversight
4 on fiscal matters and other compliance matters has
5 really ramped up. So prior to that time, it probably
6 would not have come about.

7 In terms of knowing that an employee was
8 misclassified or classified themselves as exempt or
9 non-exempt when they're exempt, I don't think that that
10 would have come out even in a fiscal application.

11 But I think, as we look at risk overall, we
12 know that some of our smaller programs, because of the
13 lack of segregation of duties because they don't have
14 that many fiscal people onsite if they have fiscal
15 people at all, are a greater risk than some larger
16 programs that can segregate duties. And so that goes
17 into our risk analysis.

18 CO-CHAIR FATHER PIUS: Gloria?

19 CO-CHAIR VALENCIA-WEBER: Well, in response to
20 the Fiscal Oversight Task Force and all, you have put
21 in some new procedures like this template over here on
22 the board. Have you looked comparing what kind of

1 review results you got before the Task Force report and
2 now that you have this, including external reviewer
3 scores that we did not have before?

4 Are you tracking what's happening overall in
5 terms of how many of the grantees are having, for
6 instance, special conditions attached and for what
7 purpose among the fiscal, the management, and whatever?

8 I hope that we're tracking that information as we've
9 revised and improved our means of assessment tools.

10 MS. JENNINGS: I would say we're tracking 2013
11 forward. But I don't think that we've gone back and
12 tracked prior to that. There was no fiscal application
13 prior to 2012, and it was my understanding -- and Lora,
14 correct me if I'm wrong -- that Lora's review was not
15 in the grants system prior to that. I don't think the
16 OCE director did that as a formalized basis as we do
17 now.

18 MS. LABELLA: That's correct.

19 PROFESSOR VALENCIA-WEBER: So it's really
20 since 2013 that we can start collecting data that not
21 only informs your operation but also sort of a report
22 card that we and the Board can look at and have some

1 idea of the reliability of what's before us?

2 MS. JENNINGS: Right.

3 MS. LABELLA: Well, what we do track, Gloria,
4 and we have slides that demonstrate that, are the
5 number of special grant conditions and the topic of the
6 special grant condition, whether it was fiscal or
7 programmatic. And we can drill down more deeply on
8 that if there's an interest. And we also track, again,
9 the grant award term and can show the variations in
10 that.

11 PRESIDENT SANDMAN: Gloria, this slide that's
12 showing here is the best illustration of that. That
13 shows a very clear difference between 2014 and 2012.

14 MR. LEVI: So do you think the word will get
15 out in such a way that some -- our hope would be that
16 this would float back down. Would it?

17 MS. LABELLA: Oh, I think it does. Right. I
18 would be expecting to see that, I would say, after the
19 next cycle is completed. In other words, since you
20 have the three-year cycle, it's when you're into the
21 third year, which means you're having a repeat of the
22 applicants for the time that's demonstrated up there,

1 that you would see a real decline, hopefully, in those
2 bars.

3 MR. LEVI: Well, we're confirmed till 2017.

4 (Laughter.)

5 MS. LABELLA: So we'll be looking forward to
6 that for sure.

7 MS. JENNINGS: And we will continue.

8 CO-CHAIR FATHER PIUS: I think Julie had a
9 question.

10 MS. REISKIN: Yes, two. One is, first of all,
11 do you track the really good stuff for best practices,
12 and how is that communicated elsewhere?

13 Then second, do you ever see cases where
14 grantees are really good on one and really problematic
15 on another, or is it pretty much if they're not
16 complying with fiscal, then their programs aren't good,
17 or are they really separate?

18 MS. JENNINGS: I think that's an all depends.
19 There is definitely some times. If the program is
20 administratively a mess, chances are that it is not
21 maximizing its efficiency in delivering quality legal
22 services. We do see that a lot.

1 But I think it's a continuum in terms of how
2 it pans out in the field. But I can think of some two
3 or three programs where they're administratively a mess
4 and they are not maximizing the delivery of legal
5 services. But then I can think of another one that
6 we've been dealing with for a long, long time where
7 their delivery of legal services has improved but yet
8 administratively they have been challenged.

9 MS. LABELLA: So I think there's a spectrum,
10 Julie. And you'll find some programs that hit it at
11 the top level for all of the performance areas, and
12 including the fiscal review.

13 Then you'll have others that may be much too
14 focused on the delivery of legal services to the
15 expense of the administration, management, and fiscal.
16 And so hopefully we're able to assess that through the
17 competition process.

18 MS. JENNINGS: And in terms of the best
19 practices question that you asked, we just hired a new
20 researcher/writer. And with the revamp of the website,
21 we hope to get more best practices out there.

22 There is great room for improvement there.

1 It's just a question of resources. I think we need to
2 definitely devote more to that. Jim and I have had
3 some conversations about that recently, and so we're
4 going to try a new tack and we'll attack it that way.

5 PRESIDENT SANDMAN: One thing we're aiming to
6 do is to increase our use of webinars to propagate
7 information about best practices. My own view is that
8 a website is not an effective means to communicate best
9 practices inform to our grantees. It's by its nature
10 passive. It requires that people go to it to retrieve
11 the information. I think we need to be much more
12 proactive in getting information out there.

13 MS. REISKIN: I agree. But I would hope that
14 it would be stored there after it's given so that
15 people can refer to it.

16 MS. JENNINGS: Yes. Correct.

17 MS. LABELLA: Right.

18 PRESIDENT SANDMAN: Yes.

19 MS. JENNINGS: Janet, do you want to go? So
20 during the performance period, we also do quite a bit
21 of oversight, mostly through our site visits. And
22 Janet's going to talk about that.

1 MS. LABELLA: The site visits and the
2 competition process are really quite integrated, and
3 they have become moreso in the last few years. So for
4 example, the site selection, visitation and selection,
5 actually takes place during the competition process.

6 The risk criteria and assessment is done
7 through LSC Grants. So at the time of competition,
8 each individual grantee is assessed in terms of risk.
9 So the two primary risks, key risks, are the date of
10 the last OPP visit and whether there's summarized here
11 an indication of significant programmatic concerns that
12 can come from a variety of sources.

13 What you see now up on the screen --

14 CO-CHAIR FATHER PIUS: What are the primary
15 sources for those programmatic concerns? Is it through
16 the scoring or is it through previous visits?

17 MS. LABELLA: It can be through the scoring.
18 It can be through previous visits. It can be from
19 other information that has come to our attention, such
20 as, for example, from the OIG, OCE, or other funders.
21 So those are the primary.

22 Then up on the screen now you see all the

1 other factors. And so those are assessed each year,
2 and they're put into LSC Grants. And then we
3 essentially score those. They are scored, and then we
4 put them into a spreadsheet and analyze the programs
5 that have the greatest risk. And that informs our
6 visit selection process.

7 MS. REISKIN: Could you put that back for one
8 second?

9 CO-CHAIR FATHER PIUS: And Janet, I assume
10 you'll be sending this slide show to us?

11 MS. LABELLA: Yes. Yes. Absolutely.

12 So I think you're quite familiar now with the
13 OPP visits. The primary one that we do is called the
14 program quality visit, fondly known as the PQV. And
15 that is typically one week duration, performed by a
16 team of staff and typically one or two temporary
17 employees.

18 Now, when I say typically, there is really no
19 typical because it depends on the size and the
20 geographic size. So it's both the number of personnel
21 and the geographic size of the service area that
22 determines the size of the OPP visit team. When there

1 are really, really big service areas, either in terms
2 of personnel or geography, we may be there for two
3 weeks in order to do it most efficiently.

4 The program engagement visit is typically two
5 to three days, and most often by the liaison for the
6 program, although occasionally we'll have someone else
7 go if there's a particular area we're following up with
8 that we think merits more than one person going.

9 So this slide shows -- oh, I'm sorry.

10 PROFESSOR VALENCIA-WEBER: When you visit a
11 large grantee with multiple offices geographically
12 spread out, do you do any visits to the non-central
13 offices?

14 MS. LABELLA: Yes, we do. We don't
15 necessarily visit every single office. In some of our
16 grantees, they are really quite far-flung, and some of
17 them have only one or two staff people. So we do look
18 at what is the cost/benefit analysis of going to those.

19 However, one of the things we've learned is,
20 in a program that is really geographically dispersed,
21 that it's useful to go to at least one or two of those
22 so that you can get a sense of how is the service

1 delivery in that rural area from a very small office.

2 Sometimes what we'll do is instead of us going
3 to the office, we'll actually ask them to come to a
4 more central office, and so that we'll interview them
5 in person as opposed to telephonically. But we just
6 won't be at their particular office.

7 MS. REISKIN: Do you ever use Skype or
8 something so that you can see the office but without
9 the expense of someone going?

10 MS. LABELLA: Yes. We have used that as well.
11 And sometimes what we do is we disperse the team. So
12 if it's a large geographical area, we'll drop the team
13 in the western part of the state, and the main office
14 may be in the eastern part of the state, for what we
15 call the entrance conference. They can be connected in
16 by videoconferencing or Skype or some other means to
17 the entrance conference, so that we have done that as
18 well..

19 So this slide just shows the number of OPP
20 visits per year. We stayed fairly constant last year
21 in 2014. We dropped a tad for PQVs, and that was
22 mainly based on the staff transitions that we had.

1 Now, there you'll see the green. And you had
2 asked before about the number of multi-applicant
3 competitions. So the green are the capability
4 assessment visits. They're very much like a program
5 quality visit, but they occur if there are multi
6 applicants for a service area.

7 On occasion -- well, and also if there is a
8 new entity that's going to be an LSC grantee that has
9 not been previously, and on occasion, if there is
10 someone who has not really made the mark in the
11 competition process and we want to do a visit to inform
12 us about the decision. And those are the green ones up
13 there. So we typically have between one and three a
14 year of capability assessment visits.

15 Now, starting in 2012 --

16 MR. LEVI: Wait. Can we go back to that chart
17 thought showed -- no, the one before that. No, there
18 was one that showed that temporary employees go. Where
19 was that?

20 MS. JENNINGS: Temporary employees? This?

21 MR. LEVI: Right. Are those the people that
22 are the outsiders?

1 MS. LABELLA: Now, when you say the outsiders,
2 our temporary employees are not employees of an LSC
3 grantee. They're frequently former executive directors
4 or they are in management at a non-LSC grantee.

5 MR. LEVI: No. But when you did your scoring
6 thing, you showed --

7 MS. LABELLA: Yes. That's right.

8 MR. LEVI: So I'm trying to match that up with
9 this.

10 MS. LABELLA: Some of them may be the same
11 people. But there's a much larger group that go on
12 visits than do the scoring. We've typically had about
13 three people who have done the scoring. And often,
14 they have been former LSC employees, who are more
15 familiar with the process, but not always recent former
16 LSC employees. But this is a much larger group that
17 goes on the visits.

18 MS. REISKIN: And this is the group that we're
19 going to be adding clients to. Right?

20 MS. LABELLA: That's correct.

21 MS. JENNINGS: Yes.

22 MS. LABELLA: So back in 2012, we started with

1 what we called the post-PQV RFP. And this was an
2 effort to do two things. It was an effort to
3 streamline the application and to make it more relevant
4 because we had grantees who we had just visited, and
5 now we're asking them to throw back at us what we just
6 sent them in a report.

7 So we thought, well, this is not the most
8 effective way to follow up with them on how they're
9 improving their services. So we also wanted to do a
10 more systemic followup on the recommendations.

11 So at that time we designated certain
12 recommendations as tier 1, which are the most
13 significant recommendations. And so now that is what
14 their proposal in competition is. It is a response to
15 what they have done in terms of those recommendations.

16 Now, these are the number of tier 1
17 recommendations for each grant term cycle. Now, the
18 first grant cycle, April 10 to March 11, we had to go
19 back to the PQV reports and identify recommendations as
20 tier 1 because they had not been coded as that at that
21 time.

22 Subsequent to that, we have been coding the

1 recommendations as either tier 1 or not tier 1. And
2 the grantee is informed at the time of the visit, and
3 it's in the report, that they will need to follow up on
4 all of the recommendations that are designated as tier
5 1.

6 MS. REISKIN: When you're deciding how many
7 tier 1 and the extent, does the percentage of their
8 budget that's LSC have anything to do with that?

9 MS. LABELLA: No.

10 MS. JENNINGS: No, it does not.

11 MS. REISKIN: So we're going to do just as
12 much whether we're funding 5 percent than if we're
13 funding 80 percent?

14 MS. JENNINGS: That's right. That's correct.

15 MS. LABELLA: That's right. However, having
16 said that, we don't have anyone that extreme. But if
17 there is a very specialized funding source that they
18 have, we will not be looking into that as thoroughly
19 when we're onsite.

20 So let's say they have some of these abused
21 and neglected children grants. We won't be
22 interviewing all of their staff and reviewing all of

1 the document if it's something that is not reportable
2 to LSC. So in that sense, we're not looking into that
3 in as much depth.

4 Now, one of the nice things that we can do now
5 that we've coded all of these tier 1 recommendations
6 and they are part of the application is we can drill
7 down and see, well, are there any trends and how do
8 they look?

9 So these are grantees with tier 1
10 recommendations per topic in performance area 1. So
11 they had, for example, needs assessment or
12 recommendations regarding strategic plan, priorities
13 goals, and outcomes. And the colors demonstrate, for
14 the competition cycles, how many there were.

15 CO-CHAIR FATHER PIUS: So, for example, the
16 one that says strategic plan, is it that they didn't
17 have a strategic plan, or it was deficient, or they
18 weren't following it, or all of the three?

19 MS. LABELLA: It could be any of those things.
20 And in fact, I think you hit on the three primary
21 ones. It can be that they haven't done one for a long
22 time and they are clearly in need of a strategic plan,

1 or that they have shelved it and they really need to
2 take it off the shelf and dust it off, or that they're
3 not following it at all. So it's all of those with
4 regard to the strategic plan.

5 CO-CHAIR FATHER PIUS: So for example, if I
6 might working with our grantees, that's pretty
7 consistent. We have a pretty consistent number of
8 people who have strategic plan problem -- ten, nine,
9 ten, pretty constant.

10 MS. LABELLA: Right.

11 CO-CHAIR FATHER PIUS: So it looks like it's
12 something that we should consider addressing in the
13 future with our grantees to make sure in the future we
14 can get that number down.

15 MS. LABELLA: Right. Right. And I think
16 there's been an increased emphasis on strategic
17 planning in the last three or four years. And so that
18 fits in with that as well. To some extent, one of the
19 interests with strategic planning has been as the
20 funding issues developed, and some grantees were
21 receiving a lot less funding, both LSC and non-LSC.
22 Strategic planning was essential in terms of how they

1 were going to go forward with reduced funding.

2 The next series of slides show this with
3 respect to the other performance areas. So you will
4 see the spike with intake. Intake is a very, very
5 difficult thing to do very well because the demand is
6 absolutely overwhelming. It could take all your
7 resources to do intake, and then what would you do?

8 So it's a very critical aspect of both the
9 relationship with the clients -- it's the first time
10 the applicants interact with the program -- and it sets
11 the stage for the service delivery. So it's very
12 critical, but it is very difficult. And it so
13 resource-intensive.

14 CO-CHAIR FATHER PIUS: This is clear that the
15 biggest problem that they have is intake.

16 MS. LABELLA: Well, this is now with respect
17 to performance area 2.

18 CO-CHAIR FATHER PIUS: Yes. Right, right; and
19 we have ongoing programs to help them deal with intake,
20 or to consider? I know we've talked about it a lot, at
21 least with the technology side -- it's been very, very
22 important on this.

1 MS. LABELLA: Right. I think there's a lot of
2 crossovers. With TIG, one of the things we've done in
3 the last several years is emphasize online intake,
4 which can really provide some major savings of
5 resources and efficiencies. So that's one approach.

6 We typically have sessions at both NLADA and
7 Equal Justice conference regarding intake, and so
8 that's something that we emphasize there. And we
9 provide technical assistance when necessary.

10 We've assisted some grantees with developing
11 what we call intake playbooks or intake manuals, and
12 we've gone onsite to help them with that and follow up
13 with that; and also provided technical assistance in
14 terms of the technology that's very helpful with having
15 an efficient intake system.

16 Julie?

17 MS. REISKIN: That just seems like an area
18 that's ripe for some best practice stuff, where you
19 could have those playbooks available online and have
20 some webinars.

21 MS. LABELLA: Yes. Absolutely. Yes. That's
22 right.

1 MS. REISKIN: I remember seeing the Bay Area
2 intake, and that's a phenomenal system.

3 MS. JENNINGS: Yes. It's great.

4 MS. LABELLA: Yes.

5 MS. REISKIN: And it's something -- I saw it
6 years ago now and I remember it, that's how impressive
7 it was.

8 MS. LABELLA: Right.

9 MS. REISKIN: And it took them a long time to
10 develop it.

11 MS. LABELLA: Then we move on to performance
12 area 3, and legal work management is consistently the
13 one --

14 MR. LEVI: What is LEP?

15 DEAN MINOW: Could we ask what was LEP?

16 MS. LABELLA: Oh, I'm sorry. Limited English
17 proficiency.

18 MR. LEVI: And maybe you just said this, but
19 on intake, how many webinars do we do on that?

20 MS. LABELLA: Specifically on intake? We have
21 not done any recently specifically on intake, although,
22 as I said, we've done sessions on intake specifically.

1 MR. LEVI: It just seems like there's so much
2 we are hearing.

3 MS. LABELLA: No, I think that is something
4 that we're focusing on, and also with the web resources
5 as well. We have been gathering materials to really
6 emphasize intake.

7 MR. LEVI: But in a helpful way. As we go out
8 in the field and do our field, we've heard of some
9 wonderful intake programs.

10 MS. LABELLA: That's right.

11 MR. LEVI: You'd love to be able to share them
12 more broadly. Maybe it would help here.

13 MS. LABELLA: Right. And for example, with
14 some of these that have issues, we recommend that they
15 connect with some other program that does do intake
16 efficiently, and we usually connect them up so that
17 they can contact them.

18 We have also facilitated sometimes visits
19 where the program that is in dire need of improving
20 their intake can visit someone who has done a good job.

21 DEAN MINOW: So there's another place where I
22 wonder about feedback. Is there a specific feedback

1 question that says, were you connected with resources
2 to address a problem?

3 MS. LABELLA: I'm sorry. I didn't catch the
4 first part?

5 MS. JENNINGS: Were you connected.

6 DEAN MINOW: I'm wondering, in the feedback
7 from grantees, do we ask specifically, were you
8 connected with resources to help you address the
9 problems that were identified? Because it would be
10 nice to know, even if we think we're connecting them,
11 do they think we're connecting them?

12 MS. LABELLA: Right. I think that's good.
13 Now, the ones that we do connect we follow up with. So
14 we do know if they followed through or not. But in
15 terms of other grantees who we have not visited, we
16 don't know, really, the extent to which they have
17 connected with others.

18 MR. MADDOX: Janet, the limited English
19 proficiency number has doubled every year for four
20 years.

21 MS. LABELLA: No. It has gone up -- I'm not
22 sure that it's -- I guess it actually is pretty

1 symmetrical, isn't it?

2 MR. MADDOX: So next year, is it 16?

3 MS. LABELLA: I tend to think not. A lot of
4 that depends on which program you're visiting. But
5 also, as you know, there has been a trend up in terms
6 of the variety and extent of languages that are spoken.
7 And so that impacts our grantees. And so this is
8 reflective, I think, of that as well.

9 MR. MADDOX: Well, right. That's my point.
10 It seems like this process is helpful in identifying
11 troublesome trends that grantees are facing. For
12 instance, I know in Louisville, Kentucky, even without
13 actually being in the community where people with
14 limited English proficiency typically live and work,
15 you can see people who obviously are having trouble
16 with English. And that's not just Mexican or Central
17 American. It's all over the world.

18 MS. LABELLA: Right. It's a whole variety of
19 languages. Right.

20 MR. MADDOX: Yes. And I know our school
21 system has just reported last week that they're having
22 to open an entirely new middle school for people who

1 really don't speak English at all.

2 Is this something that LSC Management is
3 focused on as a way of talking to Congress about?
4 Since Congress has made clear, or the Executive Branch
5 has made clear, that it's responsible for our
6 immigration system, not the states, and certainly not
7 the cities and counties. It just seems like that's a
8 trend that's troublesome.

9 MS. LABELLA: It's definitely a trend that's
10 an eye-opener. It's a wakeup call to programs out
11 there that while they may not have many applicants and
12 clients now in their service area that have other
13 languages as their primary language, that they may be
14 looking at that very soon.

15 We do have actually a nice map on the website
16 that shows the increases in persons who have limited
17 English proficiency throughout the country as well as
18 the percentages. So it shows what the trend is in
19 terms of the uptick of the number of people in the
20 service area as well as the total number as an
21 indicator of what the trend is.

22 MS. JENNINGS: Right. And I think that point

1 is well taken, Vic. The issue is, are the programs
2 doing their needs assessment in a timely manner?
3 Because if the community of clients is changing and
4 having such a demographic shift, are they aware of
5 that? Are they keeping up with that? Are they doing
6 the outreach to the community that they need to do?

7 I don't think we've cross-tabulated the
8 increase in LEP and lack of doing a needs assessment,
9 or maybe it has been. So that is a point well taken.

10 DEAN MINOW: Can I just chime in here and say
11 the data that I've seen indicate big shifts to
12 secondary and tertiary cities instead of major cities
13 of the immigrants' pattern, so that communities that
14 didn't used to see large immigration are seeing it.

15 MS. LABELLA: Right.

16 DEAN MINOW: But I'd echo Vic's comment about
17 looking to other federal agencies that actually are
18 entrusted, particular with language assistance. And
19 DOE is certainly one. HHS is one. Homeland Security
20 is one. If the federal government is spending any time
21 on language elsewhere, we should be getting some help
22 on that front as well.

1 MS. LABELLA: No, that's an excellent point.

2 So I guess we can move to performance area 3.

3 And here --

4 CO-CHAIR FATHER PIUS: Let's see 2 again.

5 MS. LABELLA: Oh, you want to see 2 again?

6 I'm sorry.

7 CO-CHAIR FATHER PIUS: Yes. Now we can go to

8 3.

9 MS. LABELLA: Oh, Gloria?

10 CO-CHAIR FATHER PIUS: Oh, I'm sorry, Gloria.

11 PROFESSOR VALENCIA-WEBER: This shift in
12 limited English proficiency populations is frequently a
13 concern because of undocumented immigrants. But you
14 need to be aware of the lawfully entered, legally
15 present, documented immigrant that's happening now.
16 And this is in the latest report coming out of the
17 divisions in Department of Homeland Security.

18 There's a shift to more Asian and African
19 immigrants. And as Martha has mentioned, they do not
20 necessarily go to the primary big cities. And so the
21 impact of people who may have thought they have to
22 prepare for Spanish-speaking or other kinds of

1 populations are going to be faced with a whole set of
2 populations.

3 It does raise the issue about what had been
4 the traditional pre-1980s, late 1980s, provisions of
5 services in what was the old Immigration and
6 Naturalization Services, which had programs funding
7 English language instruction, all kinds of adjustment
8 programs for newly arrived, legally present, authorized
9 immigrants.

10 That money has shrunk, and so has the grants,
11 say, to community colleges to do that. And so it means
12 that our legal services providers will encounter people
13 who are here, and when they face a legal issue, will
14 not have had access to language competency kinds of
15 services that existed in the past.

16 It may mean that our grantees will have to
17 seek out more locally funded, locally operated programs
18 to fill this gap that's happened in the cuts in
19 federally funded budgets.

20 MS. LABELLA: Right.

21 MS. JENNINGS: Thank you.

22 MS. LABELLA: With respect to performance area

1 3, legal work management, which also includes
2 supervision, it is the highest area with actually quite
3 a bit in PAI, private attorney involvement, and
4 advocacy as well.

5 MS. REISKIN: Can you explain the difference
6 between advocacy and legal work?

7 MS. LABELLA: Management? Sure. Well, legal
8 work management and supervision.

9 MS. REISKIN: Oh, okay.

10 MS. LABELLA: So it's really the supervision,
11 and do they have appropriate protocols in place? Do
12 they have standards of practice? Do they have tickler
13 systems and things like that? That will be in the
14 legal work management and supervision.

15 Advocacy is more, do they have a breadth of
16 advocacy? What is the quality of the advocacy? We
17 review writing samples from every advocate before we go
18 on a visit, and so if there are concerns related to
19 that, both in terms of the breadth and the quality,
20 that will be something that will show up in the
21 advocacy area.

22 Moving on to performance -- oh, I'm sorry?

1 MS. REISKIN: So what the advocacy is, is it
2 in certain topic areas? That's really concerning.
3 Both of those are really -- because that's like the
4 heart and soul of what we do. And so what trends are
5 you seeing? Has it always been this high?

6 MS. LABELLA: I would think, although we can't
7 track it back before that, I would say that this is
8 probably generally reflective. You don't see a real
9 trend line there. If anything, you see advocacy going
10 down, indicating an improvement. But you don't see any
11 real clear trend lines there.

12 So I don't think that this is a new area of
13 great concern. Sometimes, again, when you have the
14 dislocations that are occasioned by loss of funding,
15 it's going to put stressors on both your advocacy and
16 your legal work management.

17 For example, some of the advocacy is
18 coordination of the legal work and the advocacy in the
19 program. And sometimes that has been occasioned by if
20 an advocacy director or litigation director has left
21 the program, that as a cost-saving measure, they have
22 not hired anyone to replace that person.

1 What happens then is you end up having siloed
2 advocacy, and they're not coordinating it as well. So
3 those are some of the things that come under the
4 advocacy, as well as sometimes there's a trend or a
5 tendency to focus on one particular practice area and
6 not really be as responsive to the needs assessment.

7 Sometimes that is reflective as well of
8 specialized funding sources. And so we'll be concerned
9 about making sure that there's a breadth of advocacy
10 that matches what the needs assessments are, and that
11 will show up often under advocacy as well.

12 Now, this is performance area 4, and the
13 indications below are the specific criteria for each of
14 them. And you can see that board governance there has
15 had numerically the highest number of tier 1
16 recommendations in the last four cycles. And I think
17 that is reflective of the concerns about board
18 governance and, overall, with the engagement of the
19 board and the oversight of the board.

20 CO-CHAIR FATHER PIUS: And certainly this
21 committee has talked about having that as a topic in
22 the future. I think we're aware that's an important

1 issue.

2 DEAN MINOW: And that has been quite explicit
3 also in dealing with fraud.

4 MS. LABELLA: Now, I find this slide
5 particularly interesting. When a grantee has a program
6 quality visit, they get two years of doing this
7 post-PQV RFP, and that is whether it is in competition
8 or in renewal.

9 So this is a significant departure from the
10 typical renewal application. They actually do a
11 full-blown -- it's almost identical to the competition
12 process when it is someone who is in post-PQV status.
13 Okay?

14 So since they are in this status for two
15 years, this shows the number of recommendations that
16 were implemented. Now, this is conflated. This is
17 taking all the cycles and mushing them together so you
18 can see the trend.

19 But you can see, for example, for implemented,
20 the number goes up significantly in the second year of
21 the reporting, of the implementation. And being
22 implemented goes down a little bit because some of

1 those then became implemented.

2 But overall, if you look at implemented, being
3 implemented, implemented in part, that is significantly
4 the vast majority of the recommendations are being
5 dealt with in a positive way.

6 I think that's it. So any other questions?

7 CO-CHAIR FATHER PIUS: That's the end of the
8 whole report from you both?

9 MS. LABELLA: Yes.

10 CO-CHAIR FATHER PIUS: So I'll give you my
11 thoughts and comments first, and then we'll see if
12 anybody has any questions.

13 First, just thank you. I think this is, for
14 the first time that I've been aboard, the most thorough
15 discussion of program quality that we've seen, based on
16 the grantee visits. And I think it's a good start, and
17 we can talk a little bit more, too, about the way that
18 it needs to be improved. I'll jump into that.

19 Then a couple things that come to mind. First
20 is, we do need this in writing beforehand. It's hard
21 to come up with thoughtful questions on the spot. So
22 from my personal view, this information really needs to

1 be provided -- whether it's in the confidential section
2 or wherever you want to put it, I don't care -- but it
3 needs to be in writing to us so that I can look at the
4 numbers and give you more intelligent questions about
5 the response.

6 MS. LABELLA: Certainly.

7 CO-CHAIR FATHER PIUS: And especially those
8 graphs on the performance criteria that you have at the
9 end. Those are absolutely crucial because it just
10 shows us where the trends are and it shows us where we
11 have to focus.

12 I would like a little bit more on the scoring
13 and to look at the relationship between the scoring and
14 the visits just to see that they track a little bit.
15 If we could have more of an amalgamation of some of
16 those scoring numbers to give us an idea of what we're
17 looking at when we're looking at the grants, that will
18 help give us, I think -- and again, by pulling that
19 scoring out, it's like metadata. It's not
20 grantee-specific, so we can still provide some
21 confidentiality to the grantees. And I think that
22 would help as well.

1 I think just a list, too, in the future of the
2 grantee visits that you've made -- where have you been?

3 Where were you in 2014? '13? '12? Which grantees
4 have you seen, especially the performance visits? Just
5 so we know which grantees you're visiting.

6 Again, I don't want to make public things that
7 are private in terms of confidentiality. So you don't
8 have to exactly tie all the performance evaluations.
9 But I think it's just a good idea so that the Committee
10 knows where these are going on and what's going on.

11 MS. JENNINGS: We'll put a comprehensive list
12 together for both the Audit Committee and DLS Committee
13 of all the visits that we've done in the last three
14 years.

15 CO-CHAIR FATHER PIUS: I think that would be
16 great. And every year when we do this, we just update
17 it so we can get a sense of where we're going, how
18 we're going, because I think it's just part of our
19 oversight process.

20 The other one is a broader comment --

21 MR. LEVI: So you mean this to be done every
22 year?

1 CO-CHAIR FATHER PIUS: Yes. This should be
2 done every year. We're doing this every year, yes.
3 And I do want --

4 MR. LEVI: We've got to start thinking about
5 what happens after us. We want to set the --

6 MS. REISKIN: Exactly.

7 CO-CHAIR FATHER PIUS: Yes. And this needs to
8 be -- I think it's good for the Management to be able
9 to come up with the summaries, and it's going to help
10 in the future on what you do programmatically. It also
11 is going to help us.

12 We're going to be doing the strategic plan
13 pretty soon. And this kind of data is helpful to us, I
14 think, in understanding how we're going to formulate
15 that strategic plan and in the future when we do
16 strategic plans.

17 So that's why I think this is a first step,
18 and it's important. And the more data that we get to
19 help us understand what the trends are in this, I think
20 it'll be better for us.

21 My second comment, and I know I'm going to
22 sound like a broken record on this: All of this, all

1 of this, is keyed off performance criteria.
2 Everything, just about everything, that we have is
3 keyed off performance criteria, which has not been
4 significantly and thoroughly reviewed in about ten
5 years.

6 We've gone through the PAI stuff. We've gone
7 through fiscal oversight. We've gone through the 40th
8 anniversary. I think the Board and Management
9 seriously need to think about whether a comprehensive
10 review of the performance criteria is appropriate. I
11 think it is.

12 The only question, I think, is the timing and
13 the staffing to be able to do a comprehensive -- I know
14 we've started some aspects of performance criteria
15 review based on some deficiencies the Board has seen.
16 I think every time we do this, we see deficiencies in
17 the performance criteria.

18 Since those performance criteria key off
19 everything that we do, that if we're not up to date on
20 that and we're now reviewing that, then we're not
21 getting the right information about the trends and the
22 deficiencies and what else is going on.

1 So those are my thoughts on the reports going
2 on in the future and the way in which the reports
3 themselves can be made better by doing the performance
4 criteria. I don't think the Board should be writing
5 the performance criteria, but I think the Board does
6 have a role in encouraging Management to do that.

7 So those are my thoughts on it, and if anybody
8 else has any questions -- Gloria?

9 PROFESSOR VALENCIA-WEBER: Along with the
10 report on performance criteria, on the Audit Committee
11 we have really been also working on the Office of
12 Compliance with OIG.

13 When we do have a report on who you visited in
14 each of the years, I would like as much as possible a
15 coordinated memo with the Office of Compliance of which
16 of the grantees they have been looking at and that
17 we're studying in the Audit Committee are part of the
18 same group so that we have some idea to connect both
19 ends of the evaluation process.

20 MS. JENNINGS: Yes.

21 PROFESSOR VALENCIA-WEBER: This is very much
22 pointing to what the Fiscal Oversight Task Force and

1 others pointed out. We're still unconnected in siloed
2 forms of information that make it hard to get the total
3 picture of particular grantee performances and what's
4 happening.

5 MS. JENNINGS: Yes. We're trying to break
6 down those silos and integrate them more. I think
7 we've made progress on that, but we want to formalize
8 that as well. And so we'll be moving forward with
9 that.

10 I think one thing that will be very helpful
11 with that is all of the work that Peter Campbell has
12 been spearheading in OIT. Part of the problem with
13 siloing is where the information is housed, and we're
14 going to do something radical and file things under
15 grantees instead of just by function.

16 So I think that will be a huge improvement in
17 accessing information for anybody who wants to get any
18 information on any of our grantees internally.

19 CO-CHAIR FATHER PIUS: I just want to follow
20 up on that very quickly. One question, and this is
21 maybe for the Committee: One thing we have not had
22 here is any grantee-specific information, whether there

1 are troubles or particulars with program quality
2 specifically with any grantees.

3 That's just something that I struggle with
4 because I don't want every single problem of the
5 grantees to come up into a public forum because I don't
6 think that's necessarily fair for them, but whether
7 there should be more grantee-specific information about
8 some of the visits, and especially if there are
9 problems that the Board should know.

10 PRESIDENT SANDMAN: Father Pius, we do post on
11 our website all reports of grantee visits, at least the
12 program quality visits, the larger visits. They're on
13 the website and publicly available, and we've been
14 doing that since 2011. they go back to 2008. So any
15 report is available for the public. That's readily
16 available.

17 MS. JENNINGS: One thing that we have also
18 been doing is in the competition process and the
19 post-PQV tier 1, if they are not following through on
20 the recommendations, we've been holding their feet to
21 the fire with pretty comprehensive special grant
22 conditions as well in the last few years. They've been

1 quite prescriptive in how we've been dealing with them.

2 CO-CHAIR FATHER PIUS: Julie, you had
3 something?

4 MS. REISKIN: Yes. I agree with everything
5 Father Pius said. This is really good information.
6 I'd also like to start getting regular reports on how
7 it's going with integrating the client piece into the
8 PQVs because I really want to make sure that that
9 happens and provide any support.

10 At some point I'd be interested in knowing the
11 people that do the reviews, particularly the outside
12 people, how are we matching their expertise so that
13 when we're judging the advocacy, the people that are
14 judging it have some experience in those particular
15 fields?

16 You don't have to answer right now. But at
17 some point I'd like to know, if we're judging someone
18 who's doing Social Security cases, the person who's
19 judging it, do they do this work, and recently?
20 Because doing this work today is very different than
21 doing this work 15 years ago.

22 MS. LABELLA: Right. I should just clarify

1 here that when we evaluate program quality, we do not
2 second-guess the advocacy in a particular case. When
3 we review the writing samples, we're looking at,
4 generally, is it well-presented, the facts and the
5 legal argument? As I said, we're looking at the
6 breadth of the advocacy and that kind of thing.

7 We want to hear about individual cases. We
8 typically ask, what is the most significant or
9 important work they've been involved in in the last
10 year, to hear, well, what's their high points, to look
11 at that. Typically, that will match the writing
12 sample.

13 So we want to hear what are the results
14 achieved for the clients in those situations. But we
15 do not delve into each individual case and
16 second-guess, like I said, the advocacy.

17 MS. REISKIN: Do you look at case loads?
18 Trends? Win/loss?

19 MS. LABELLA: Yes. We look at case loads and
20 trends. So now you're getting into outcomes, and a lot
21 of our programs actually do collect outcome data, which
22 is commonly referred to as main benefit.

1 That will show, for example, how many
2 evictions were prevented, how much was obtained by a
3 client in an SSI appeal, both in terms of the retro and
4 the monthly. And you get that as an aggregate. And
5 you can obviously look at it individually as well,
6 depending on how you run the report.

7 So we request that in our document production
8 before we go on visit, and we review that when we're
9 out there. And we're definitely interested in what
10 they get. What is the outcome overall as well as what
11 are the outcomes in the individual cases that we're
12 discussing.

13 MR. LEVI: So the other information that you
14 requested, Father Pius, when would we be seeing that?
15 A year from --

16 CO-CHAIR FATHER PIUS: Well, we can do it more
17 often. But my thought would be, at a minimum, that
18 this April meeting should be --

19 MR. LEVI: I agree with that. But this year
20 we haven't gotten the extra pieces that you asked.

21 MS. LABELLA: We can certainly provide the
22 list of all the visits, to whom that OPP has done for

1 the last three years. That's very easy.

2 MR. LEVI: Yes. Right.

3 MS. JENNINGS: Right. And we're going to
4 couple that with the OCE visits as well. And so I
5 would imagine within a week we can --

6 MR. LEVI: You could just send that out to us.

7 MS. JENNINGS: Yes. We will. Absolutely.

8 MR. LEVI: And then I thought there was one
9 other compilation, though, that you asked about.

10 CO-CHAIR FATHER PIUS: The scoring.

11 MR. LEVI: The scoring. Couldn't that be
12 included? Is that too bulky?

13 MS. LABELLA: I think, with that -- in fact, I
14 may want to talk to Father Pius offline to see exactly
15 what he's looking for, to see what we can put together.

16 We have the scoring, and as you saw from the scoring
17 slide, even though that's the score compare, we have
18 that for all of the staff reviews.

19 MR. LEVI: Well, we don't want to review --

20 CO-CHAIR FATHER PIUS: Yes. I want some
21 averages, summaries.

22 MS. LABELLA: Right. So we can go back with a

1 few years for that, too, if you're interested in what
2 was the average score for each performance area or each
3 of the ways we've broken it down.

4 CO-CHAIR FATHER PIUS: I am.

5 MS. LABELLA: Yes. That shouldn't be that
6 difficult. But we can certainly get you the visits
7 more easily than we can generate that report.

8 MR. LEVI: Then finally, I was going to say
9 I'm sure that most of us -- I speak for myself. I
10 don't know when a program visit is posted. And I think
11 that one of the things you might do is hit some of the
12 high points from visits. Now, maybe that's a closed
13 session. I don't know.

14 MS. LABELLA: Sure.

15 MR. LEVI: But we'll trust you to say, we were
16 at these six that this happened.

17 MS. LABELLA: We could definitely do that.

18 CO-CHAIR FATHER PIUS: For those reports, is
19 there an executive summary at the beginning of those
20 reports?

21 MS. JENNINGS: There is a summary at the
22 beginning.

1 CO-CHAIR FATHER PIUS: Then what I would
2 suggest is that next time, those executive summaries
3 for the past year are collected together and put into a
4 document and made part of our Board book.

5 MS. JENNINGS: Okay.

6 MR. LEVI: That's good.

7 CO-CHAIR FATHER PIUS: I'm sorry. Harry?

8 MR. KORRELL: This is very helpful, and after
9 a couple of years of looking at financial reporting and
10 hearing reports in the Audit Committee about what we're
11 doing in the event of an earthquake or a monster eats
12 our computer -- it's all important. But this is
13 actually really helpful, and it just makes you feel
14 like we're paying attention to the right things, and
15 we're working on improving quality, and I really
16 appreciate that.

17 I am a little worried that when we have a
18 Board meeting, Management sits there and just thanks,
19 oh, my God, what are they going to ask for next?

20 (Laughter.)

21 MR. KORRELL: Because as we go around the
22 table, everybody wants a report. Everybody wants a

1 summary. And I'm a little worried, not with any
2 specific request here, but I do hope that Management
3 and staff are willing to say back to us or up through
4 Jim, please don't have us do six more things because we
5 never take them back.

6 I'd like one of those, and I'd like one of
7 those. And we just keep piling on. Do the requests
8 sunset? As a Board, I think we need to be careful what
9 we ask for. And I hope that you are willing to say up
10 through Jim, hey, we've got enough to do on our plate.

11 MR. LEVI: On our plate. Well, they do. They
12 already have that.

13 MR. KORRELL: They do. I just notice, as we
14 go around the table, everybody who opens his mouth asks
15 for a different report and some more summaries and
16 analysis. So we need to be careful, and I hope you'll
17 tell us when we're asking for too much.

18 PRESIDENT SANDMAN: I speak for all of our
19 staff in saying God bless you, Harry.

20 (Laughter.)

21 CO-CHAIR FATHER PIUS: No. It is a good
22 point. I think there's a basic level of information

1 that we do need. But I am sensitive to Harry's point,
2 that the staff isn't there just to carry out whatever
3 the peculiar needs of any particular Board member is.

4 It should be something that is really good
5 data that's useful for us and that's important in a
6 sense only to our role in oversight. And I think the
7 information that we get about program quality is an
8 essential part of our oversight. So I do want to make
9 sure we get at least the minimum information that we
10 need.

11 I'm sorry. Martha?

12 DEAN MINOW: Well, I just think back to your
13 prior comment. When you are producing material anyway,
14 it's just sharing it with us in advance of the meeting
15 would be great. So I think, if I can just call this
16 the Harry principle --

17 MS. JENNINGS: Any other questions?

18 (No response.)

19 CO-CHAIR FATHER PIUS: Oh, I don't think we
20 have any other questions.

21 MR. LEVI: On that point, if there are reports
22 we've been asking for that we don't seem to want, for

1 gosh sakes, tell us to stop doing them.

2 MR. KORRELL: I think they rely on the fact
3 that we're probably not going to remember between now
4 and the next meeting.

5 (Laughter.)

6 CO-CHAIR FATHER PIUS: All right. Any other
7 questions or comments on this?

8 (No response.)

9 CO-CHAIR FATHER PIUS: I just want to give my
10 thanks to Lynn and Janet for this very excellent
11 report. This is the first time we've done this, and I
12 think it was a great first start, a very great first
13 start.

14 I think we'll refine it as we go through to
15 get the information that I think that we need. But
16 this has been wonderful. And I know it's new for you,
17 and I'm sure it was a lot of time and effort. And we
18 very much appreciate all that was put into it. So
19 thank you both very much, and thank your staffs as
20 well. I'm sure you weren't at the computer, just the
21 two of you by yourselves, doing all that stuff.

22 MS. LABELLA: I should absolutely emphasize

1 that. We could not do this without OPP's star staff.

2 CO-CHAIR FATHER PIUS: Yes. Please do thank
3 them for me. This has been very, very helpful.

4 Is there any public comment that's of
5 relevance to the Delivery of Legal Services Committee?

6 Any public comment?

7 (No response.)

8 CO-CHAIR FATHER PIUS: Seeing no public
9 comment, is there any other business that the Committee
10 needs to act upon?

11 (No response.)

12 CO-CHAIR FATHER PIUS: Seeing none, I
13 entertain a motion to adjourn.

14 M O T I O N

15 CO-CHAIR VALENCIA-WEBER: So moved.

16 CO-CHAIR FATHER PIUS: So moved. Is there a
17 second?

18 MR. MADDOX: Second.

19 CO-CHAIR FATHER PIUS: All those in favor?

20 (A chorus of ayes.)

21 CO-CHAIR FATHER PIUS: Any opposed?

22 (No response.)

1 CO-CHAIR FATHER PIUS: And this meeting of the
2 Delivery of Legal Services Committee is adjourned.
3 Thank you.

4 (Whereupon, at 10:53 a.m., the Committee was
5 adjourned.)

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