

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
GOVERNANCE AND PERFORMANCE REVIEW COMMITTEE
OPEN SESSION

Sunday, April 15, 2012

4:27 p.m.

Legal Services Corporation
3333 K Street, N.W.
F. McCalpin Conference Center, 3rd Floor
Washington, D.C. 20007

COMMITTEE MEMBERS PRESENT:

Martha L. Minow, Chairperson
Sharon L. Browne
Charles N.W. Keckler
Julie A. Reiskin
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

Father Pius Pietrzyk, O.P.
Robert J. Grey Jr.
Laurie Mikva
Gloria Valencia-Weber

STAFF AND PUBLIC PRESENT:

James J. Sandman, President

Richard L. Sloane, Special Assistant to the President

Rebecca Fertig, Special Assistant to the President

Kathleen McNamara, Executive Assistant to the President

Victor M. Fortuno, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary

Katherine Ward, Executive Assistant, Office of Legal
Affairs

David L. Richardson, Comptroller and Treasurer, Office
of Financial and Administrative Services

Jeffrey E. Schanz, Inspector General

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

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

STAFF AND PUBLIC PRESENT:

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

Carl Rauscher, Director of Media Relations, Office of
Government Relations and Public Affairs

Elizabeth Arledge, Communications Manager, Office of
Government Relations and Public Affairs

Treefa Aziz, Government Affairs Representative, Office
of Government Relations and Public Affairs

John Constance, former Director, GRPA, LSC

Chuck Greenfield, National Legal Aid and Defender
Association (NLADA)

Robert Stein, American Bar Association, Standing
Committee on Legal Aid and Indigent Defendants

Terry Brooks, American Bar Association

Ann Carmichael, American Bar Association

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

2 (4:27 p.m.)

3 CHAIR MINOW: So I'd like to call to order the
4 meeting of the Governance and Performance Review
5 Committee. And I would entertain a motion to approve
6 the agenda.

7 M O T I O N

8 MS. REISKIN: So moved.

9 PROFESSOR KECKLER: Second.

10 CHAIR MINOW: Great. All in favor?

11 (A chorus of ayes.)

12 CHAIR MINOW: And how about a motion to
13 approve the minutes of the meeting of January 20, 2012?

14 M O T I O N

15 PROFESSOR KECKLER: So moved.

16 MS. REISKIN: Second.

17 CHAIR MINOW: All in favor?

18 (A chorus of ayes.)

19 CHAIR MINOW: And approval of the minutes of
20 the telephonic meeting we had February 15th?

21 M O T I O N

22 PROFESSOR KECKLER: So moved.

1 CHAIR MINOW: Anybody want to second?

2 MS. REISKIN: Second.

3 CHAIR MINOW: Thank you. All in favor?

4 (A chorus of ayes.)

5 CHAIR MINOW: Great. Wonderful.

6 So now we'd love to have a staff report on
7 progress on implementation of the GAO recommendations.
8 Treefa?

9 MS. AZIZ: Good afternoon. For the record,
10 I'm Treefa Aziz from the Office of Government Relations
11 and Public Affairs, and I will be providing you with a
12 status update on the GAO recommendations and where we
13 are today.

14 Just to start, I'd like to remind the
15 Committee that in January of last year, the GAO issued
16 final reports and determined that LSC had fully
17 implemented all the recommendations from the two
18 reports in 2007 regarding governance, accountability,
19 and internal controls on grantee oversight.

20 In 2011, I'd like to just state also that LSC
21 had completed the recommendations from eight selected
22 internal control audits from the Office of the

1 Inspector General. We hope to send a certification
2 letter up to the House and Senate Appropriations
3 Committees this week notifying them that LSC has
4 completed all action on the two 2007 GAO reports as
5 well as the IG reports, as required in the fiscal 2010
6 Appropriations Act.

7 The only remaining item that's open with
8 respect to GAO is the report in 2010 regarding the
9 Corporation's grant competition process and grantee
10 oversight responsibilities. As you know, they issued a
11 total of 17 recommendations; to date, the GAO has
12 closed or is in the process of closing nine of those
13 recommendations.

14 Of the eight open items, two of the
15 recommendations we recently provided additional
16 information on and have requested closeout, which we
17 are awaiting GAO's determination on.

18 Three of the recommendations that are
19 remaining open are contingent upon the Board's
20 development of the Corporation's new strategic plan. I
21 should let you know that we have communicated to the
22 GAO that that process will be completed in July of this

1 year. If that timeline is slipping or changed, we will
2 have to notify them of that.

3 And as the Board was briefed earlier today, I
4 just want to direct the Board's attention to two
5 recommendations. There's a GAO tracking document in
6 your board book regarding the status of all of the
7 recommendations. The two recommendations, No. 9 and
8 No. 10, relate directly to the strategic plan, and we
9 need to make sure that the final product that we do
10 finally approve addresses these two directly. So I'd
11 just like to remind the Board of that.

12 And I would just say that the last three
13 recommendations that are open, management is currently
14 working on completing those and providing that to the
15 GAO. And by way of reference, I'll let you know that
16 of the three, one of them is regarding a training
17 program for OPP and OCE on how they do the internal
18 controls for the competition process. We are working
19 on the employee appraisal performance system. And the
20 third is engaging an outside expert to do a full risk
21 assessment evaluation of the grant competition process.

22 I'll just say, to close, that we have good

1 working relations with the GAO, that they are
2 comfortable with the information that we have provided
3 them. They are comfortable with the timeline and the
4 time frame that we have communicated with respect to
5 the open items. And I'm happy to answer any questions
6 that you have.

7 CHAIR MINOW: Thank you.

8 Charles?

9 PROFESSOR KECKLER: Yes. Well, you can answer
10 this, and maybe Jim can also weigh in on this. And
11 this has to do with recommendation No. 11, which has to
12 do with the development of a strategic human capital
13 plan.

14 And the question is what GAO thinks and what
15 management thinks about the incorporation of some level
16 of a strategic human capital plan within the strategic
17 plan. During the comment process earlier, I actually
18 submitted the most embarrassed sort of strategic human
19 capital plan, or a suggestion of one being put in.

20 But does it need to be in the strategic plan?

21 Does management want it in the strategic plan?

22 PRESIDENT SANDMAN: I don't believe that it

1 needs to be in the strategic plan. It can be a
2 separate document, but it should be related to the
3 strategic plan. I would rather, I think, not have it
4 in the strategic plan because I just fear that adding
5 that will complicate the strategic planning process and
6 it might take us longer to get that document donee.

7 MS. AZIZ: I would agree with that.

8 PROFESSOR KECKLER: I totally understand that,
9 and that's my instinct as well. I guess the next
10 question, then, is do we need to say anything about
11 this follow-on document within the strategic plan, even
12 if we don't have one?

13 MS. AZIZ: I would say linking to the
14 strategic plan or referencing LSC's human capital plan
15 would be a good idea since the GAO is very keen on
16 using the strategic plan as a vehicle to address some
17 of these recommendations. So I think a reference in
18 there; the actual procedures and the policies that we
19 develop don't need to be in that document.

20 PROFESSOR KECKLER: Right. I guess the sense,
21 then, that I get is that this follow-on document, which
22 would be the strategic human capital plan, will have

1 lots of linkages back to how it's going to implement
2 the prior document, the strategic plan.

3 Within that prior document, I think the idea
4 here is that there will be some idea that we are
5 thinking about human capital, but there won't be any
6 description of the exact things we're going to do with
7 it.

8 PRESIDENT SANDMAN: Yes. That's what I have
9 in mind.

10 PROFESSOR KECKLER: Okay. Well, just tell
11 people I might make some comments, following our
12 previous discussions, along those lines when we're
13 sending in comments on the strategic plan.

14 CHAIR MINOW: That's very helpful, Charles.
15 And it does strike me that a general sentence or
16 paragraph in the strategic plan that refers to the
17 implementation and follow-on would be helpful.

18 Whether it breaks out the personnel dimension,
19 the work plan dimensions, the implementation of the
20 fiscal task force, I don't know if it has to get into
21 that level of specificity. But it is related also to
22 the question about how do we update and check in over

1 time. So that's helpful.

2 Any other questions on the GAO -- yes, Julie?

3 MS. REISKIN: Yes. On recommendation 16, it
4 says that -- first of all, I couldn't quite tell. Are
5 you developing training -- are we taking the training
6 or giving the training?

7 MS. AZIZ: We're developing a training program
8 specifically to what the GAO is requesting regarding
9 internal controls of the competition process. And
10 then, once we develop the plan, we will have to
11 implement it.

12 MS. REISKIN: So maybe I didn't state that
13 right. Is LSC going to be training like our grantees,
14 or are we training our own staff?

15 MS. AZIZ: Our own staff.

16 MS. REISKIN: Okay. And it says that this is
17 going to be submitted by April 30th. Is that still the
18 plan?

19 PRESIDENT SANDMAN: Yes, it is the plan. But
20 I understand this recommendation to go to the
21 development of procedures for training rather than the
22 rollout of a training plan itself. So you have

1 procedures in place to be sure that you're regularly
2 reviewing what you need to train on --

3 MS. REISKIN: Oh, okay.

4 PRESIDENT SANDMAN: -- and that you then
5 follow up and do that training.

6 MS. REISKIN: And then on recommendation No.
7 3, can you explain what risks you're -- I didn't
8 understand, really, what you meant by what risks you're
9 assessing for, and that there was an RFP. It sounds
10 like you're getting a consultant. But is this like
11 fraud or what?

12 MS. AZIZ: From the two earlier reports, they
13 required and we implemented a risk assessment program
14 here at LSC. We developed that procedures and
15 policies, and with this outside consultant, I think
16 what we'll do is do an evaluation of that as part of
17 the implementation process.

18 So we have a document that we can share with
19 you, if you like, of what the risks are at LSC.

20 MS. REISKIN: Yes.

21 MS. AZIZ: And so this is what the outside
22 consultant will come to do, is evaluate that program.

1 MS. REISKIN: Yes, I'd like to see that.

2 Thanks.

3 MS. AZIZ: Sure.

4 PRESIDENT SANDMAN: I think there are two
5 different types of risks at two different points in the
6 grant-making process that GAO was concerned about. The
7 first was risks in the grant-making process, to be sure
8 that the decisions that are made about what the amount
9 of the grant is, what the grant term is, what
10 conditions are attached to it, actually gets
11 implemented, and that what Dave Richardson's office
12 does is consistent with the grant-making decisions that
13 we made, for example.

14 And then there are also risks in the oversight
15 process, the grants management and oversight process,
16 to be sure that we have procedures in place to identify
17 the programs that should be the subject of reviews, and
18 we have developed a set of risk criteria, both for the
19 Office of Program Performance and the Office of
20 Compliance and Enforcement, to identify which programs
21 should rise to the top of the list for visits in any
22 particular year.

1 MS. REISKIN: Thanks.

2 PROFESSOR KECKLER: Thank you. Also, if it
3 would be possible, I'd like to get a brief update on
4 management's progress on recommendation No. 12 and how
5 we're doing.

6 PRESIDENT SANDMAN: Our new director of Human
7 Resources, Traci Higgins, and Richard Sloane, our chief
8 of staff and my special assistant, have developed a
9 calendar for this and are working with the union on an
10 expedited schedule for implementation of a new
11 performance system.

12 This is something we need to negotiate with
13 the union about if we're going to do anything
14 differently, and I think we have determined that we do
15 need to do some things differently. The union has been
16 very cooperative, and I believe shares the goal of
17 doing things on an expedited basis.

18 Management would like to try to have something
19 in place that would permit us to conduct evaluations
20 for at least a portion of the calendar year 2012, and
21 we're working with the union on that.

22 PROFESSOR KECKLER: Thank you.

1 CHAIR MINOW: Any further questions about the
2 GAO?

3 (No response.)

4 CHAIR MINOW: All right. Treefa, thank you so
5 much.

6 So our next item, we turn to performance
7 reviews that are conducted by this Committee. And, as
8 you know, this is a relatively new procedure we have
9 now undertaken, both with our President and with the
10 IG. And it is now our opportunity to talk with Vic
11 Fortuno and, in a little while, with David Richardson.

12 And we thank you all for putting up with a committee
13 that is still figuring out what we are doing as we do
14 this.

15 So Victor, thank you so much for participating
16 in this process and giving us statement of
17 self-assessment for 2011 and goals and objectives for
18 2012. We're getting towards past the first quarter of
19 2012, but that's our fault, not yours. So we thank
20 you.

21 You want to say something in general, and then
22 we can engage in a conversation?

1 MR. FORTUNO: For the record, Victor Fortuno,
2 General Counsel's Office. I think the memo dated March
3 18th pretty much covers the work of the office and I
4 think what we've accomplished during the year and what
5 I think our goals, at a minimum, should be for 2012.

6 I think I crafted those as proposed goals and
7 objectives because, of course, I look for the input of
8 the President and the Board and hope that, now that
9 we've had a little time working together, you've got
10 some suggestions as to what my and my office's goals
11 and objectives should be and how we can better serve
12 the Board as well as the various operating components
13 of the Corporation.

14 CHAIR MINOW: That's great. Thank you. So
15 I'll start us off and say it's really helpful to me to
16 see the description overall of the range of tasks and
17 functions that you perform, and they're comprehensive.

18 It's a very complicated, interesting job.

19 I know that you, Vic, have been also engaging
20 in an amazing transition from being the President
21 before we were able to find Jim as well as juggling
22 your current role, and you did that with finesse and

1 grace. And to that, we are all grateful to you for
2 that.

3 In addition, I know that you have used your
4 institutional knowledge and your understanding of this
5 place internally and its external relations incredibly
6 well in helping Jim understand the situations and
7 opportunities, as well as all of us on the Board. And
8 so I think we all want to commend you on that score.

9 Your knowledge of the LSC Act is also a great
10 resource, and of our appropriations legislation and the
11 regulations. Very useful.

12 For myself, I think that there are some ways
13 in which you could focus for the future that would be
14 very helpful. One is to help highlight, in a prompt
15 and timely fashion, what might be the problems with
16 anything that we are currently considering.

17 So we encountered some problems the last
18 couple of meetings, in fact, where we only found at the
19 last minute that there was a problem either with a D.C.
20 regulation or with a change in a particular norm. And
21 so I'm not sure how to help you figure out what we're
22 about to consider, but let us just say if something is

1 working its way onto our docket, we need to know if
2 there's a problem or some legal framework that we need
3 to understand.

4 MR. FORTUNO: And clearly, ind to be
5 anticipating those and getting ahead of that, and
6 making sure that you are advised well enough in advance
7 so that you can factor that into your deliberations.

8 CHAIR MINOW: That's great. That's great.

9 A second thought I have is -- again, we're all
10 new to this process, but I didn't see as much of a
11 difference in the way that your description of the 2011
12 activities proceed and the 2012 in this regard:
13 identifying specific objectives for the coming year.

14 So of course, for the general functions across
15 all of the different categories, you will perform them.

16 You expect to. But what are the specific goals that
17 may pertain to priorities in your own office and staff,
18 procedures that you hope to improve, a metric by which
19 we could know that you did something that we could
20 commend or know that you did something that was new?
21 So your thoughts about that?

22 MR. FORTUNO: I don't know about new, but

1 improve the -- I think if you assess your own weak
2 points, and I think we all have them and clearly I do,
3 I think I need to improve my management of the staff,
4 staff management, ensuring that things are -- that we
5 have firm deadlines; that we're meeting them; when we
6 don't, that there's good reason why it hasn't been met;
7 and that the alternative is one that's workable.

8 But I think that staff management, and I think
9 that ensuring FOIA -- again, it's an area where we're
10 doing well if you compare us to large agencies. But
11 the fact is, we just need to do well for an agency,
12 period. We can stay current. We have stayed current.
13 We're at a point now where we're current.

14 The fact that we've fallen behind twice is
15 something that needs to be addressed, and I think that
16 there should be no significant backlog. Clearly, there
17 are going to be open FOIA requests, but they should be
18 contemporary. They should be requests that are being
19 processed, and are processed timely.

20 So I think that FOIA -- I think that the
21 timeliness of work that's generated by the office -- I
22 understand we are a small office and we've got a great

1 deal of work, and I try to factor that into deadlines.

2 And I know we lost one staff member, and we've not
3 lost another but she's out on maternity leave.

4 So we've got to plan for that, adjust for it.

5 But those are things that are foreseeable for the most
6 part. And I need to do a better job of planning for
7 that and making sure that we've got full coverage all
8 the time so that we can ensure timely product. We're a
9 support operation.

10 CHAIR MINOW: Great.

11 MR. FORTUNO: So it'll also depend on
12 litigation.

13 But I think another area of improvement would
14 be when we do use outside counsel, either for advice in
15 a specialized area -- maybe employee benefits or tax
16 law or banking -- or we use litigation counsel because
17 we're involved in or anticipating litigation in other
18 jurisdictions, I think ensuring that we've got pro bono
19 counsel whenever and wherever possible.

20 CHAIR MINOW: Very good. I just have two
21 more, and then I'll open it up.

22 This is obviously a very general discussion.

1 And one very specific thing I would put to you is, does
2 the Sunshine Act require us to conduct this kind of
3 review on the open record? Which I know your office
4 told us that we do with regard to the IG's review. Is
5 that true with regard to all officers?

6 MR. FORTUNO: I think that the reviews done by
7 the Board of high-ranking officials -- I think that the
8 better thinking of the Sunshine Act, and the IG's legal
9 department, I know, has also done work in this area and
10 I suspect that they share that view, is that it should
11 be on the open record.

12 Whether you evaluate all officers is a
13 discretionary matter. That is, whether you do it or
14 whether you have the President do it is entirely up to
15 you. But to the extent that you evaluate high-ranking
16 officials of the Corporation, I think that since we're
17 funded with federal tax dollars, the public, the
18 taxpayer, has a right to know how we're performing in
19 our positions because this is how their money is being
20 used.

21 CHAIR MINOW: Very good. Well, that question
22 that you've just posed is my second-to-last point,

1 which is because the President also performs a
2 performance review of officers, there's a little bit of
3 a duplicative role for this Committee also to be doing
4 it.

5 And so I would like to look into whether we
6 need to do that as a committee and whether that's
7 advisable. I think in this particular year it's
8 useful. But I'm not confident that we will conduct the
9 exact same procedure next year.

10 And my final comment is -- I think it's simply
11 a typo -- on your page 4, you have goals and objectives
12 for 2008, which was a good year. But I believe that
13 we're actually looking ahead to 2012. And you might
14 engage in some further revisions here, and if you do, I
15 don't think it would be inappropriate to look ahead to
16 2013.

17 MR. FORTUNO: Certainly.

18 CHAIR MINOW: Because we're getting very close
19 there, and you might at least think about the first
20 quarter there or what is the coming year, as it were.

21 MR. FORTUNO: I think, looking forward to 2013
22 and also in consultation with the President, refine

1 goals and objectives.

2 CHAIR MINOW: Right.

3 MR. FORTUNO: Because the memo that you have
4 was prepared without the President's input. I think
5 now, with the President's input, it can be refined
6 further.

7 CHAIR MINOW: Excellent. So Charles, you have
8 a comment?

9 PROFESSOR KECKLER: Yes. I just want to thank
10 you for having this overview, and it certainly is
11 helpful to help understand. One thing you didn't put
12 in there was all of your help on strategic planning,
13 which thank you very much, and it was helpful.

14 One thing, though: Your comment about FOIA
15 highlights a little bit of something that Dean Minow
16 said, which is that FOIA, you have some measurable
17 items there that you can look at and you can say, okay.

18 This is where we were this year, perhaps versus the
19 previous year. This is where we'd like to be next year
20 in a variety of numerical ways in terms of days or open
21 requests and so on, things like that.

22 But I guess that's useful, but the issue is

1 and the challenge, I guess, is to find areas in the
2 many other responsibilities that you're overseeing
3 where you can do the same thing, about getting some
4 numerical issues in terms of timeliness and numbers of
5 requests, and how much you spend on outside counsel in
6 terms of budget, and setting up -- can I cut this by 3
7 percent or something.

8 Those are all just examples. And I just think
9 that it's more useful to us reviewing it, and maybe
10 will ultimately end up being more useful to you, is the
11 idea, if you could find those things to develop metrics
12 of the kind that FOIA provides you.

13 I guess that's my only comment about the
14 review. But otherwise, it's very helpful.

15 MR. FORTUNO: Identifying metrics that can be
16 used to judge the improvement from one year to the
17 next, and also to serve as objectives for improvement.

18 But we do have, and the litigation report does have,
19 some of the information in terms of use of outside
20 counsel.

21 It can be arranged a little differently, so
22 any suggestions would be very much appreciated. But we

1 try to, in the lit report, include that kind of
2 information -- that is, how much has been spent this
3 year, how much was spent last year, what the budget
4 was, how much under we are, and the different
5 categories in which we're expending so that you have a
6 sense, ongoing, a fairly real-time sense, of what's
7 happening.

8 It's called the consulting line. For us, it's
9 litigation budget. But it's called the consulting line
10 just because every office in the organization has that
11 line. For us, it may be outside counsel. For other
12 offices, it may be contractors that they use, whether
13 it's technology or for consulting on other things.

14 But I'd be happy to hear any suggestions for
15 how we can maybe improve upon that. I'll try to
16 identify some as well, of course.

17 PROFESSOR KECKLER: Thank you. It's just a
18 suggestion. Those litigation reports are also very
19 helpful.

20 CHAIR MINOW: They are very helpful. I do
21 know that this issue of monitoring outside counsel is
22 probably the hottest subject in the role of general

1 counsels in general. And there are some emerging good
2 practices, particularly that pertain to the degree to
3 which the general counsel is seeking and obtaining
4 information from associates and people other than the
5 partner, and so that there's a window into the actual
6 time management and therefore the billing.

7 So you might want to look into that. I'm not
8 sure if I'm telling you you have to look into that.
9 But I do know that in the private sector, that's a big,
10 big trend.

11 Father Pius?

12 FATHER PIUS: Two questions. One, his own
13 memo? Did that go to the whole Board or just to the
14 committee?

15 CHAIR MINOW: No. I think it's just the
16 committee.

17 FATHER PIUS: Just the committee. Okay.
18 That's why I don't have it.

19 And the other is just a thought. Obviously,
20 reviewing of individuals, especially the head of these
21 major departments, like you and the others -- it's not
22 just of you, of course; it's a review of the whole

1 department about which you're in charge to give us an
2 idea, not only of what you're doing, but how you're
3 leading the whole department in terms of the review.
4 That's my view.

5 MR. FORTUNO: I've got another copy here if
6 you'd like. I'm happy to give it to you after the
7 meeting. But I think it'll be revised; based on our
8 discussion today, there'll be a new and improved
9 version coming out shortly.

10 CHAIR MINOW: Sharon?

11 MS. BROWNE: Well, actually, Dean Minow
12 mentioned what I wanted to say. And I also want to
13 just caution in using a litigation budget as your
14 metric for evaluation because it's all going to be
15 dependent upon the future and what actually is filed
16 and what needs to be done. And so that's kind of an
17 iffy area to mark as your target for an evaluation.

18 MR. FORTUNO: If you can describe us as one or
19 the other, we're a defense practice. We seldom
20 initiate action, although we do on occasion; we've sued
21 insurance carriers and the like. But for the most
22 part, we're a defense practice, and it's going to

1 depend on other things. We react to what's filed.

2 But there should be ways that -- I think it's
3 important to identify metrics, where doing so is
4 possible. And so I'll be looking to see if there are
5 metrics that can be of value to you in getting a sense
6 for and overseeing how we're doing our work and how
7 we're expending the funds with which we're entrusted.

8 CHAIR MINOW: Thank you.

9 John?

10 MR. LEVI: Some boards like ours have a legal
11 affairs committee. This Board doesn't, probably
12 because we're all lawyers. But have you given any
13 thought to whether that would be helpful to you?

14 MR. FORTUNO: I think it would be. What we've
15 never done is we've never done the evaluations of
16 officers below -- in terms of Dean Minow's comment,
17 this is new practice -- officers below president and
18 Inspector General.

19 What we have done, however, is we have had a
20 litigation committee. It was short-lived, but we did
21 experiment with it. And frankly, I thought it was
22 helpful. It was three persons on the Board who have

1 extensive litigation backgrounds, and I thought that
2 their insights and observations were very helpful.

3 MR. LEVI: Well, it's because you mentioned
4 that about seeking --

5 MR. FORTUNO: Well, I think that --

6 MR. LEVI: Maybe it would be of some help to
7 you if there were such a committee. But I leave that
8 to you and Jim to think about, whether you'd like that.

9 CHAIR MINOW: Right. Let me suggest that
10 that's something for Jim and Vic to think about, in
11 consultation with John.

12 MR. FORTUNO: One of the things that Jim
13 mentioned was the fact that -- he and John are on the
14 Board -- their contacts and John's arm-twisting
15 ability. And I certainly intend to avail myself of
16 that as much as possible without becoming a nuisance.

17 MR. LEVI: Well, but you've been here a long
18 time, and there's clearly a lot of turnover in the
19 Board and in the senior management here. So we have to
20 make sure that there are structures in place that
21 protect the operation as best we can going forward.

22 So I'm delighted to be regarded as an

1 arm-twister. But I want to make sure we have
2 structures in place that provide for when we have those
3 and when we don't. And this is a topic for you to
4 think about. Don't let me put you on the spot --

5 MR. FORTUNO: John, I think you must have been
6 a Mafia don in a prior life because you've got the
7 knack.

8 MR. LEVI: Yes. Okay.

9 CHAIR MINOW: So we'll let you out of your
10 chair in just one second. Let me just say two closing
11 comments.

12 One, again, this is experimental. We'll see
13 whether we revisit this. Secondly is, as the keeper of
14 the memory and the institutional knowledge, it might be
15 worth your time to think about, particularly as new
16 senior staff come in, but also longer-term, what are
17 the features of the institutional knowledge that you
18 think can and should be preserved for purposes of
19 orientation, for purposes of reference. So that's a
20 great resource for the organization.

21 So thank you.

22 MR. FORTUNO: Thank you. Thank you very much.

1 CHAIR MINOW: And may we now turn to Dave
2 Richardson. Hi again.

3 MR. RICHARDSON: Hello.

4 CHAIR MINOW: Thank you also for participating
5 in this new procedure. And if you have an opening
6 statement -- you don't have to -- but if you want to
7 say anything first, you can.

8 MR. RICHARDSON: I always take the opportunity
9 to at least say something.

10 When you came on board, there was a lot of
11 excitement. And you continue to have a great deal of
12 enthusiasm in going forward, and I appreciate that.
13 We've not seen that in all of the boards that have
14 participated in my 25 years with the Legal Services.

15 So as Vic talks about his long history and the
16 things that he's seen, my long history and what I've
17 seen, I'd just like to say I appreciate the opportunity
18 to work with you and look forward to a future that we
19 can move things forward.

20 CHAIR MINOW: Well, that's excellent. I would
21 just like to say thank you for your statement of your
22 self-evaluation and your work plan and goals for 2012.

1 Your knowledge of the finances and operations of the
2 organization is excellent, and like Vic, you have an
3 institutional and historical knowledge that is a real
4 strength for the organization and for, let's just
5 acknowledge it, a board that comes in and out. And so
6 it's just incredibly helpful to have senior staff with
7 your kind of experience.

8 There's prudence and competence and integrity
9 in the way that you proceed. Your regular reports are
10 timely and accurate, and your questions seem
11 appropriate.

12 I would wonder about a couple of things. One,
13 in your statement -- and it's similar to something I
14 just said to Vic -- in your statement of your goals for
15 the future, other than the very last paragraph
16 identifying a manual, an administrative manual, I
17 didn't see anything pulled out from "this is what my
18 functions are" in terms of a goal for the coming year.

19 Maybe I missed it, and if so, I apologize.
20 But it did strike me that whether it's with regard to
21 finding a particular procedure that you want to improve
22 or a particular problem that you want to correct, it

1 was harder to pull that out as opposed to a description
2 of, "I do have to work in this area and this area and
3 this area." So at least for the future, I think that
4 might be helpful.

5 Secondly, I think that there's a question
6 about timeliness in responding to emails, is something
7 that I have heard from some people, that you might
8 focus on that for you personally.

9 And finally, I think that your own sense of
10 initiative around improving budgeting and financial
11 operations -- if that were a priority, if I were to
12 pick for you a priority for the coming year, that's
13 what I would pick because particularly as we seek the
14 implementation of the fiscal oversight panel, that
15 panel, as wonderful as it was, is not as immersed in
16 the day-to-day operations as you are.

17 And so to translate what those recommendations
18 were into specific practices for specific offices, I
19 think, would be a real priority for the coming year.

20 MR. RICHARDSON: I tried to state that in the
21 objectives when I was talking about getting directors
22 involved with their budgeting, going back to a point

1 where we can have the directors prepare their budget,
2 not only an annual budget but quarterly projections,
3 getting them involved with the software, being able to
4 go in and review the information that's available to
5 them; and then, if they need to change based on
6 emergencies, circumstances that arise, that they'd be
7 able to do that within the framework of the monies that
8 they have before them.

9 CHAIR MINOW: Any other comments from others?

10 Thank you. That's very helpful. I didn't understand
11 it, and now I do.

12 Yes, sir, Robert?

13 MR. GREY: Madam Chair, my colleagues are
14 around the table, but Dave serves as the principal
15 staff person to the Finance Committee. I would like to
16 say that he has been a great asset to us in
17 understanding our ability to analyze and report
18 accurately the financial status of the Corporation;
19 very willing to hold meetings whenever we think it
20 appropriate; very amenable to changes in the format,
21 which he's done on several occasions and is obviously
22 continuing to accept as an ongoing improvement

1 suggestion.

2 And for the first time, we actually had a lay
3 member of the committee participate, and Dave on
4 several occasions has been to Richmond to visit me and
5 that person, with conference calls with the committee,
6 to talk about some of the changes that we thought
7 needed to be made to the financial reporting mechanism.

8 So the long and short of it is, as you have
9 already stated, his institutional knowledge is very,
10 very important and helpful to us. His willingness to
11 accept suggestions for improvement have been fantastic.

12 And we would like to support a good report on David
13 Richardson.

14 CHAIR MINOW: Thank you. And can I just say
15 that you are a terrific team and it has, I think,
16 served this organization very, very well to have the
17 two of you helping the Board understand and provide
18 oversight for the financial integrity and health of
19 this organization.

20 Other comments? Charles?

21 PROFESSOR KECKLER: I just want to say that I
22 very much appreciated in format the idea of a work plan

1 that you put in there that makes a specific list. And
2 so that's something that next year we can go back and
3 look. You could go back and look at it. And it also
4 ties in with the strategic plan as it's emerging. I
5 know it's sort of bootstrapping there.

6 But that's something that we just heard
7 earlier is a GAO issue because here you're overseeing a
8 whole office. You're tying in the performance, your
9 performance and your office's performance, to the
10 strategic plan. You're putting that on a list. You're
11 putting some dates and specifics on that.

12 That's very helpful, and it will be doubly
13 helpful if then it can be a benchmark and reference for
14 the next year. Thank you.

15 MR. RICHARDSON: Thank you, sir. Just to go
16 back to that a minute, I have done that for every staff
17 member on my staff. So we've related it to not only
18 what they're supposed to do, but how it does support
19 the strategic goals, the objectives, and then how they
20 get there.

21 So I felt it was important to at least bring
22 them into the fold so that they understand what they do

1 does support the overall mission of the Corporation.

2 CHAIR MINOW: Well, I think that's very
3 positive. And Jim, maybe as you work with the union on
4 the issue of performance reviews, if you can draw some
5 lessons from this process that's worked within Dave's
6 shop. I think that would be very productive.

7 Seeing no further comments, I think that you,
8 too, may be excused from this chair, and we thank you
9 very much. And I hope that you read this as the
10 positive review that we mean it to be.

11 MR. RICHARDSON: Thank you.

12 CHAIR MINOW: I think at this point I would
13 consider any suggestions on other business.

14 (No response.)

15 CHAIR MINOW: Any suggestions of public
16 comment?

17 (No response.)

18 CHAIR MINOW: Any suggestions of a motion to
19 adjourn?

20 M O T I O N

21 MR. LEVI: So moved.

22 MS. BROWNE: Second.

1 CHAIR MINOW: All in favor?

2 (A chorus of ayes.)

3 CHAIR MINOW: Then the Committee is adjourned,
4 and I think this is the close of our business today.

5 (Whereupon, at 5:09 p.m., the Committee was
6 adjourned.)

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