

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

TELEPHONIC MEETING OF THE
BOARD OF DIRECTORS

OPEN SESSION

Friday, August 31, 2012

11:05 a.m.

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

BOARD MEMBERS PRESENT:

John G. Levi, Chairman
Martha L. Minow, Vice Chair
Robert J. Grey Jr.
Charles N.W. Keckler
Harry J.F. Korrell, III
Victor B. Maddox
Laurie Mikva
Father Pius Pietrzyk, O.P.
Julie A. Reiskin
Gloria Valencia-Weber

STAFF AND PUBLIC PRESENT IN THE CORPORATION'S OFFICES:

James J. Sandman, President
Richard L. Sloane, Chief of Staff and 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
Atitaya Rok, Staff Attorney, Office of Legal Affairs
David L. Richardson, Comptroller and Treasurer, Office
of Financial and Administrative Services
Jeffrey E. Schanz, Inspector General
David Maddox, Assistant Inspector General for
Management and Evaluation, Office of the
Inspector General
Magali Khalkho, Resource Management Specialist, Office
of the Inspector General
Carl Rauscher, Director of Media Relations, Office of
Government Relations and Public Affairs
Treefa Aziz, Government Affairs Representative, Office
of Government Relations and Public Affairs
John Meyer, Director, Office of Information Management
Evora Thomas, Office of Program Performance
Lisa Buffalo, Office of Program Performance
Allan J. Tanenbaum, Non-Director member, Finance
Committee (by telephone)

Chuck Greenfield, National Legal Aid and Defender
Association (NLADA)
Terry Brooks, American Bar Association Standing
Committee on Legal Aid and Indigent Defendants
(SCLAID)

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

2 (11:05 a.m.)

3 CHAIRMAN LEVI: I'll call the meeting to
4 order, duly noticed in the Federal Register. This is
5 the telephonic board meeting of the Legal Services
6 Corporation. And we are today having kind of a back
7 and forth. We're having an open session, then a brief
8 closed session, and back to an open session. I'm sorry
9 for the way in which that's configured, but that's how
10 it had to be.

11 And before we get started, I want Becky to
12 explain how that's going to work so that --

13 (Someone joins teleconference.)

14 CHAIRMAN LEVI: Father Pius?

15 MR. TANENBAUM: No. This is Allan.

16 CHAIRMAN LEVI: Becky, will you explain what
17 we do in terms of the open/closed/open for the board
18 members?

19 MS. FERTIG: Sure. So I sent to everyone this
20 morning on the Board the open and the closed dial-in
21 numbers. They're separate. So the Board -- we
22 apologize for the inconvenience -- but you're going to

1 have to hang up when you go into closed session and
2 dial into the separate number that we gave you.

3 Those who are online from the public are
4 welcome to just stay online on this phone call. We're
5 not going to disconnect it. And you can just mute it,
6 do work, and when you hear everyone dial back in and
7 begin talking, you'll know we've gone back into open
8 session.

9 For the board members, once you're concluding
10 with the closed section of the meeting, hang up and
11 dial back into the number that you're on now. And I
12 sent both of those in a single email for you.

13 Any questions?

14 (No response.)

15 MS. FERTIG: Great.

16 CHAIRMAN LEVI: All right. With that, could
17 we have a motion to approve the agenda?

18 M O T I O N

19 MR. GREY: Move it.

20 CHAIRMAN LEVI: Second?

21 MS. REISKIN: Second. Julie Reiskin.

22 CHAIRMAN LEVI: All in favor?

1 (A chorus of ayes.)

2 CHAIRMAN LEVI: Then there were attached
3 minutes from the board meeting. Can I have a motion to
4 approve them?

5 M O T I O N

6 MR. GREY: Move it.

7 PROFESSOR KECKLER: Second.

8 CHAIRMAN LEVI: All in favor?

9 (A chorus of ayes.)

10 CHAIRMAN LEVI: All right. Now, Robert, I'm
11 going to turn it over to you for the Finance Committee
12 report and recommendation.

13 MR. GREY: Mr. Chairman, thank you. The
14 Finance Committee met on August 20th at 4:00 p.m. to
15 discuss information that had been requested overdraft
16 the staff from its previous meeting of July 27th. That
17 information, we thought, was important and would inform
18 us about a recommendation that we could make to the
19 Board regarding the LSC's fiscal year 2014 budget
20 request.

21 After a presentation by Jim Sandman, the
22 President of LSC, we were given information that helped

1 us, I think, appreciate the challenges facing the
2 grantees, a part as they are trying to fulfill their
3 obligation to serve the population eligible for LSC
4 legal services.

5 In doing so, Jim had the staff go back and
6 do some financial analysis that related to a to the
7 benchmark that was chosen in 2007, which was the last
8 year before the recession and before the eligible
9 population started to increase on a regular basis from
10 that year forward.

11 And as we look at that, we were given
12 information and concluded that the eligible population
13 increased by about 32 percent while there had been a
14 decrease in the number of lawyers serving that same
15 population. We started with about 4,300 full-time
16 equivalents in 2007, and we're down to about 4,025 by
17 the end of 2012. In looking at these in which
18 to -- oh, and at the same time, funding on an overall
19 basis to grantees from other sources had declined as
20 well.

21 We also took some measure of what other
22 agencies were doing, and looked at the relationship of

1 their funding to their request to try to get some idea
2 of the environment in which we were operating, but also
3 tried to make sure that we were being good stewards of
4 not only the LSC funds that we had, but how and under
5 what circumstances we would make this request in light
6 of all the information that we had and of other
7 organizations' request as well.

8 We had a good discussion, Mr. Chairman, as you
9 recall. And we are always mindful, I think, and by way
10 of discussion, we wanted to be sure that we were not
11 being inconsiderate of all the issues related to
12 funding going forward that the federal government has
13 to consider, but also recognizing the importance of
14 providing a reasonable expectation of funding for the
15 work that grantees are obligated to perform in support
16 of the population they are to serve.

17 So after all the analysis and all of the
18 discussion, the Committee concluded that a request
19 of \$481 million, with about -- let me see what the
20 resolution says -- 451 of that going to services in
21 the field would be an appropriate request under the
22 circumstances, under the severe circumstances that we

1 are experiencing.

2 And, Mr. Chairman, the Board (sic) had further
3 discussion, received outside comment, and proposes the
4 resolution attached as the request for the fiscal year
5 2014 for the Board's consideration.

6 CHAIRMAN LEVI: That was your Committee's
7 unanimous recommendation, as I recall.

8 MR. GREY: It was.

9 CHAIRMAN LEVI: And so this resolution is in
10 front of us. I don't think it needs a second. I think
11 simply we have to have discussion and then a vote.

12 So I want to see whether Martha or Father Pius
13 have joined us in the intervening period here. Have
14 either of them?

15 (No response.)

16 CHAIRMAN LEVI: Well, that's unfortunate. But
17 I guess that's where we're at.

18 So any discussion? Further discussion?

19 PROFESSOR KECKLER: Mr. Chairman, this is
20 Charles.

21 CHAIRMAN LEVI: Yes.

22 PROFESSOR KECKLER: Well, I want to start by

1 commending the much-improved budget process which
2 Robert has conducted. And in the Finance Committee
3 meeting and in previous meetings, I've expressed my
4 view that we would be advised to be using current
5 services, or current appropriations, as our baseline.
6 Since the Board's familiar with that view, I won't
7 reiterate it.

8 That said, I think that, on reflection and
9 considering the improvements that the Corporation has
10 made and is making under your leadership and Jim's
11 leadership of the Corporation, that I think it would be
12 fair, even from my view, to consider a baseline of 404
13 instead of 348, and then adjust that up for the poverty
14 population.

15 And that produces a level of around 420 that,
16 you know, is a substantial increase over 348, but I
17 would be still comfortable supporting that in a way
18 that I wouldn't feel comfortable supporting the 481
19 figure.

20 And I guess my final point is that
21 realistically, we're very unlikely to get 481. We may
22 not even get something like 420. But I don't think

1 that asking for something like 420 would result in any
2 less money for us in 2014, and I think it would produce
3 a gain in credibility.

4 So that's my view of it. Thank you.

5 CHAIRMAN LEVI: Any other comments?

6 PROFESSOR VALENCIA-WEBER: This is Gloria. I
7 just want to comment on the two reports that we did get
8 from Jim Sandman on July 24 and then on August 16.

9 Using the 2007 baseline, I thought that just
10 simply in presenting the information and the
11 consequences as we now are experiencing them from the
12 cuts and can foretell, I found the information
13 well-presented, quite informative, and I appreciated
14 the illustrations on the graphs.

15 And just because I've tried -- from what we're
16 voting on today, they fill in the information for us as
17 directors in a very useful way.

18 MR. MADDOX: John, it's Victor Maddox. I also
19 want to compliment Jim Sandman on the analysis of that
20 email pair, and I think the memoranda are extremely
21 well done and extremely informative.

22 I find the unanimous recommendation of the

1 Finance Committee to be a powerful endorsement for the
2 recommendation. I also, however, agree with Charles
3 Keckler that the budgeting process really needs to be
4 grounded in the score principles that I think are
5 appropriate for any agency.

6 I agree with Charles Keckler's analysis and I
7 would be comfortable with the 420 number that he
8 suggested, or perhaps even a slightly larger number,
9 representing a \$100 million increase over the most
10 recent appropriation.

11 But I'd want to compliment both the Management
12 and the Finance Committee for the work that they did,
13 which I find, as I say, powerful, but in my case not
14 entirely persuasive.

15 MR. KORRELL: This is Harry. I had two
16 questions for the Finance Committee, and probably best
17 directed -- well, I guess I'd let anybody, but to the
18 chair of the Committee.

19 One, am I right that the current request is
20 based on the 2007 appropriation? And then two, what is
21 your thought as to Charles's point, that it doesn't
22 really matter what number we come up with, that this is

1 either symbolic to the field or it's symbolic to
2 Congress one way or the other, but it's unlikely to
3 change the actual number?

4 That seems to be the case to me, whether we
5 send a message to the field that we support them and
6 want to continue trying to get resources; or do we send
7 a message to Congress that we appreciate the financial
8 difficulties everybody's facing and we're being
9 responsible and serious?

10 MR. GREY: This is Robert, Harry. You know
11 what? I think you have -- that was very insightful,
12 your question. And I think we're trying to do both.
13 There's probably a lot to what Charles has said in
14 terms of Congress and OMB and the President are going
15 to operate on their own level of perception and of what
16 they think needs to be done.

17 Here's where I think we have tried to come
18 out. I think we have been -- I think the number is a
19 reflection of the fact that we probably are asking for
20 more than either of the three organizations or entities
21 I've described are going to probably provide us.

22 But there's also, I think, as you have

1 identified, a responsibility as a trustee, as a board
2 member, to provide as accurate a reflection of the need
3 that this organization serves as possible, and to put
4 that in front of those who not only fund it but those
5 who have to carry out the responsibility.

6 And I think therein lies a measure of balance
7 and of compromise that shows an understanding of both
8 sides, or all sides, of that equation. And I think our
9 debate within the Committee reflected that.

10 But at the end of the day, the sense was that
11 these are unusual circumstances for the population this
12 organization is set up to find resources for. And if
13 we are being mindful of that, then providing the
14 analysis behind the number -- which I think, as all
15 have said, is remarkably better, more clear, and
16 defensible than we've ever had before.

17 So just from the chair's perspective, having
18 considered all of the discussion, and all of it being
19 extremely thoughtful, this, I think, Harry, represents
20 a responsible position based on all of the
21 constituencies and audiences we would have to talk to
22 and defend this number with.

1 CHAIRMAN LEVI: And I also say that during the
2 finance meeting, we had a discussion of sort of the
3 competing interests and how -- competing considerations
4 and how to come up with a number, and being very much
5 aware of Charles analysis.

6 But in my own view, something else has
7 occurred in our two and a half years in this position
8 which I feel very, very deeply and I know you all do,
9 too. Because we're here closest to the situation and
10 we've had the advantage of so much information coming
11 our way over the past couple of years, that other
12 lawyers, even congressional staff, don't have the
13 opportunity to hear and understand, it's dawned on me
14 that in many respects, we are one -- I don't know that
15 those that established us recognize this.

16 But in many respects, our little Board has a
17 lot to do with the orderly functioning of the civil
18 justice system in this country. And if we are in one
19 of those positions that actually puts on us a
20 stewardship role, and if we don't speak up and
21 articulate for those that don't know as much as we
22 know -- but I've been talking about the cracks -- who

1 else is going to do it?

2 So this is not as much money, obviously, as we
3 would need to put those cracks -- you know, to handle
4 all of that. In fact, it's far less, and it's far less
5 than many of us wish we could say. But we are really
6 aware of -- I mean, this is a number that is, by my
7 math, 35 million below the last number recommended by
8 Frank Strickland's board, and that was before the full
9 impact of this crisis hit.

10 So I hope we all understand. We're privileged
11 to be on this Board. But that privilege, to me, also
12 carries a responsibility which I know you all feel and
13 I know you're all wrestling with. But it's this sort
14 of stewardship thing, and the sense that I have that
15 what we turn over to the next generation is in jeopardy
16 here, and we need to get on with that and make sure we
17 have an orderly functioning system.

18 And I know that Jim, under his leadership and
19 all the many initiatives that we've undertaken as a
20 group to extend the dollars even further, to make sure
21 the fiscal house is in order, to make sure the
22 technology is where it ought to be, to really work on

1 the placebo front -- we're trying to do all of it.

2 But I believe a unanimous recommendation after
3 this much deliberation of the Finance Committee, plus
4 the fact that it is the recommendation of our
5 Management, a management team that we went out and
6 worked hard to bring to LSC, and our role as board
7 members ought to resonate loudly with us, and that's
8 why I feel we ought to be supporting this number.
9 Thank you.

10 Any other --

11 DEAN MINOW: So this is Martha. Hi. It's a
12 really good discussion, and as always, I feel like this
13 is such a serious and thoughtful group, wrestling with
14 exactly the right questions.

15 As I've thought about this issue, and
16 particularly the question are we trying to signal
17 something with our request and with which audiences,
18 what I've concluded is rather than thinking about
19 signaling, we need an analysis.

20 And that's why I'm so grateful to Jim for
21 the analysis that he did, and to be able to explain
22 precisely what are the escalating needs, and not

1 pretend that we're going to close the justice gap.

2 We're not talking about that.

3 But the risk of the closure of offices,
4 meaning it's not just a linear reduction, it's big
5 jumps in the reduction of access to justice that are at
6 stake right now --

7 FATHER PIUS: This is Father Pius. I'm on.

8 DEAN MINOW: Excuse me?

9 CHAIRMAN LEVI: I think Father Pius was saying
10 he's on now.

11 DEAN MINOW: Oh, okay. So it's because of the
12 jeopardy to the infrastructure of the civil justice
13 system that's at stake right now, precisely when
14 there's an escalating group of eligible individuals
15 with really crisis needs, that this number reflects,
16 actually, the hard analysis.

17 And it's not about, well, if we -- you know,
18 some kind of bargaining game: If we say some big
19 number, then maybe we'll get something else. If we say
20 a small number, then people will see that we're this or
21 that.

22 I just concluded that I couldn't figure that

1 game out, and so going with the actual substantive
2 analysis is the only way to do it; and that as a Board,
3 we are the ones who are in touch with the data and the
4 field, and to be able to say, this is what we believe
5 is necessary just to continue to exist. We're not
6 talking about some major leap forward.

7 That's how I understand the number. And
8 really, again, I'm grateful to everybody who worked
9 hard on the Committee and the staff to come up with a
10 much better foundation for a number than I think that
11 we've ever had before.

12 CHAIRMAN LEVI: Other comments?

13 MS. REISKIN: This is Julie, and I agree
14 particularly with what Martha and John said, but with
15 everyone. And the document was just fantastic.

16 CHAIRMAN LEVI: Well, hearing -- if anyone
17 else --

18 MR. MADDOX: John, it's Victor Maddox. I just
19 want to say that I think that Robert Grey's comments as
20 chairman this morning of the Committee are very
21 helpful. Ideally, I would like to have a number that
22 we could recommend as the need, one that is not a great

1 leap forward, as Martha suggests, at least, but
2 maintains something like the status quo, as well as a
3 number that reflects the sort of budgeting process
4 principles that I think Charles has articulated, both
5 today and in previous meetings and committee meetings.

6 I understand that we don't have that and we
7 don't have that because there is one resolution. I
8 also appreciate your comments, John, and your concept
9 of stewardship.

10 I think that this number that we have before
11 us today is actually less than the number we approved
12 for recommendation maybe two years ago. And so it's
13 not by any means a reversion to some unprincipled or
14 undisciplined budget process.

15 And I think that, as others have said, the
16 analysis that Jim Sandman has done is as effective and
17 insightful as I think you would find in any office
18 anywhere in Washington, D.C. I mean, it is absolutely
19 outstanding, and I am highly appreciative of that.

20 I continue to believe that Charles's approach
21 is the appropriate approach. But to the extent that my
22 vote signals some dissension within the Corporation's

1 Board about the quality of analysis or the extent to
2 which maintaining the existence of the grantees and the
3 Corporation's mission, as Martha suggests, is at stake,
4 I don't want to send that signal.

5 And so, John, I'm going to support the number
6 even though I've previously suggested I think it's too
7 high. But I will be voting in favor of the resolution.

8 Charles, if that leaves you out there alone, I
9 apologize for that. I continue to agree with your
10 analysis, but I think that there is, in light of Robert
11 Grey's response to Harry, adequate basis for supporting
12 this resolution, and I intend to do so.

13 PROFESSOR KECKLER: Mr. Chairman? And Vic, I
14 agree with almost everything you said -- everything
15 that you said that speaks well of Martha's point and
16 our duties and the excellent analysis that the Finance
17 Committee has conducted and that Jim has done, and his
18 staff. For the reasons I've articulated, I will
19 maintain my position, though.

20 CHAIRMAN LEVI: Any other comments before I
21 call the question here?

22 PROFESSOR VALENCIA-WEBER: John, this is

1 Gloria. I appreciate the comments that have been made,
2 and understand the position that Charles presents to
3 us. But I think the binding principle that connections
4 what John said, what Martha has said, is that we are in
5 an extraordinary time of circumstances.

6 And yet, regardless of what happens in the
7 next four years or whatever you want to look at, we
8 have to have some foundation upon which we measure not
9 only what we're asking for but also how we determine
10 how best to carry out that critical mission that we do
11 have that is relatively unique in terms of our role in
12 making the justice system work.

13 This kind of analysis and this kind of data
14 will be there, will help guide us, as to whatever the
15 circumstances of budgeting that face us in the next
16 five years, to figure out how we can best stay true to
17 what LSC was set to accomplish. And I think we are at
18 a place where we have not been before in having that
19 foundation so clearly demonstrated to us.

20 CHAIRMAN LEVI: Any other comments?

21 (No response.)

22 CHAIRMAN LEVI: Okay. Well, then, let me ask

1 for a vote. All in favor of approving the resolution
2 offered by the Finance Committee, please say aye.

3 (A chorus of ayes.)

4 CHAIRMAN LEVI: Opposed?

5 PROFESSOR KECKLER: No, John.

6 CHAIRMAN LEVI: And the resolution carries.

7 And thank you to the Finance Committee.

8 DEAN MINOW: It's a really, really impressive
9 discussion, and I just commend everybody, including
10 Charles. I really do think that -- I just have
11 enormous regard for the kind of conversation that we're
12 able to have about these hard issues.

13 CHAIRMAN LEVI: And I want to congratulate Jim
14 Sandman and Robert Grey for really bringing our board
15 process on to discussing a very difficult topic,
16 probably the most difficult for this Board or previous
17 boards, to a level that I think we can all be proud of.

18 And that's really important in terms of our own
19 functioning as a Board. And I want to thank the
20 Committee and Jim for putting us in that position.

21 So next we turn to the strategic plan, another
22 document that has been through a lot of work courtesy

1 of our colleagues, Father Pius and Martha and Jim. And
2 today we have in front of us a new draft, a revised
3 draft -- that really attempted to synthesize as best it
4 could be done the public comment and the Board's
5 comments from the Ann Arbor meeting.

6 It would be my intention here not to actually
7 finally vote it because the public has just seen it for
8 the past few days. We ourselves have just had it for a
9 week. But it would be my hope that we as a Board feel
10 comfortable that it's where it is -- we'll open it for
11 discussion here in a second -- where we would like it
12 to be, and with maybe -- I don't know if anybody has a
13 tweak here or there, but so that we could either move
14 it to a final vote before or at North Carolina.

15 So with that, let me open it up and ask for
16 comments on the draft, the Board's sense of it. Jim,
17 do you want a presentation of any kind, or Father Pius
18 or Martha, about the work that was done in the last
19 couple of weeks? I'm happy to let any of you, or all
20 of you, speak for a minute.

21 PRESIDENT SANDMAN: Jim, it's Father Pius. Do
22 you want to say anything? I'm sorry. Did I say that

1 backwards?

2 (Laughter.)

3 PRESIDENT SANDMAN: Father Pius, it's Jim. Do
4 you want to say anything? I'm still reeling from the
5 compliments.

6 (No response.)

7 CHAIRMAN LEVI: Well, are there --

8 PRESIDENT SANDMAN: This is Jim. I would just
9 point out, for the benefits of the members of the
10 public who have seen this for only a couple of days,
11 that in terms of the biggest number of changes, they
12 are in part 2, and pages 6 through 8 had more changes,
13 I think, than any other single section of the draft
14 plan.

15 There are, of course, other changes in it.
16 But if people are looking to get a quick sense of where
17 they might focus their attention, that's what I'd
18 recommend.

19 CHAIRMAN LEVI: And maybe you should just
20 describe those, just briefly, in a sentence or two,
21 Jim, if you can.

22 PRESIDENT SANDMAN: Those changes have to do

1 with the development of performance standards and
2 metrics. And I think the changes were intended to
3 reflect a number of the comments we received about the
4 variety of service models among the programs that LSC
5 funds and about the sensitivity with which that
6 exercise needs to be approached.

7 DEAN MINOW: Let me underscore -- it's
8 Martha -- that this process of responding to comments
9 was careful and thoughtful. And there's no intention
10 here of retreating from the commitment to performance
11 metrics.

12 But there is an acknowledgment that both the
13 science is not perfect and the variety of contexts to
14 which it would be applied are serious. And so we've
15 adjusted the language to maintain the commitment to
16 develop the best standards that we can without
17 imagining that we already have them.

18 MS. REISKIN: This is Julie Reiskin, and I'm
19 incredibly impressed. I really appreciate the tone of
20 the way it came out, and I feel that it was very
21 responsive to the concerns, which I believe -- I don't
22 think there was ever really a big difference between

1 our intention and the bulk of the concerns or comments
2 raised.

3 But I think, clearly, it wasn't communicated
4 right or we wouldn't have gotten those comments. And I
5 think that this -- I hope that this will make it clear
6 what our intentions are, and that it's to support our
7 grantees and make everything better for everyone -- you
8 know, make legal services better and stronger in the
9 whole country for everyone, and to do our part in that.
10 And that's what it reflects.

11 There's one tiny thing on page 6, on the first
12 little bullet point, and it says, "Increase access to
13 funds in our project generated through LSC's own
14 advancement efforts." And I just didn't know if that
15 was supposed to say "institutionally advancement
16 efforts." And if it doesn't, that's fine. I just
17 didn't know if that was your intent. But again, I'm
18 very impressed and grateful.

19 CHAIRMAN LEVI: Where was that?

20 MS. REISKIN: It's on page 6, I believe. And
21 it's under "Performance Incentives and Corrective
22 Measures," which starts on page 5. And then there are

1 little bullet points, and it's the third bullet point.

2 It's under "Rewards for Grantees."

3 DEAN MINOW: Well, if the term "advancement
4 efforts" is ambiguous -- I'm not sure "institutional"
5 helps to clarify it particularly, but it's a point --

6 MS. REISKIN: Oh, I just didn't --

7 DEAN MINOW: It's the outside fundraising.

8 MS. REISKIN: Yes.

9 DEAN MINOW: It's the outside fundraising, is
10 the idea there.

11 MS. REISKIN: Maybe you might want to just say
12 "outside fundraising efforts"? But it doesn't matter.

13 Maybe everyone else got it. But overall -- I know
14 it's just a little, tiny thing -- I thought it was
15 fantastic.

16 CHAIRMAN LEVI: Any other comments from the
17 Board?

18 (No response.)

19 CHAIRMAN LEVI: Okay. Well --

20 M O T I O N

21 DEAN MINOW: You know, John -- it's

22 Martha -- we have now been through a round of comments

1 and a revision. I'm not sure when is the proper time
2 to move its adoption, but I offer a motion.

3 CHAIRMAN LEVI: Is there a second?

4 PROFESSOR KECKLER: I second. Charles
5 Keckler.

6 CHAIRMAN LEVI: And I guess the concern is in
7 terms of public comment and an opportunity, if there is
8 further comment, to hear it. And maybe I should offer
9 that opportunity right now. I will at this juncture,
10 and let Jim, if you have a feeling about this --

11 PRESIDENT SANDMAN: I would be interested in
12 public reaction, both to the revised plan and to the
13 suggestion that action be taken now. This has only
14 been available on the website, I think, for the past
15 two days, so that's been the first opportunity for
16 members of the public to see how the Board responded to
17 the comments that we'd received previously.

18 DEAN MINOW: Right. But I'm just thinking
19 about analogy to rulemaking. At some point, you stop.
20 You got your comments, you write your response. I'm
21 fine with waiting more time. I'm just wondering at
22 what point do we say -- this is simply a plan. This is

1 not a rule.

2 MR. GREENFIELD: John, this is Chuck
3 Greenfield from NLADA. May I comment?

4 CHAIRMAN LEVI: Yes.

5 MR. GREENFIELD: I would recommend that there
6 be a period of time -- it doesn't have to be Federal
7 Register notice -- but there be a period of time that
8 programs and those interested public members that have
9 commented or are following this effort by the Board to
10 be able to respond to the changes that have been made.

11 I just found it now on the website. It's not
12 listed under the "Matters for Comment" section where
13 all the other strategic planning documents are. It's
14 listed under the non-confidential documents for this
15 meeting. So I suspect others would have had the
16 problem locating it as well before now.

17 So I just think it makes more sense, unless
18 there's a particular rush, that the Board feels like it
19 has to act within some time-limited manner, that a
20 matter of a few weeks would not dramatically affect the
21 process, and actually would enhance the integrity of
22 the process by making sure that the public is aware of

1 the changes being made before a final vote. Thank you.

2 DEAN MINOW: Well, that's an incredibly
3 helpful comment. I didn't know it was not so obviously
4 labeled, and I wonder if we can remedy that.

5 PRESIDENT SANDMAN: We can.

6 CHAIRMAN LEVI: Can we make it so that it's
7 not so difficult to find?

8 MS. FERTIG: Yes.

9 PRESIDENT SANDMAN: Yes. We can do that.

10 CHAIRMAN LEVI: Okay. Well, I --

11 MR. BROOKS: Excuse me. This is Terry Brooks
12 with the American Bar Association Standing Committee on
13 Legal Aid, and I would like to echo Chuck's comments.
14 I have not had an opportunity to share this with the
15 members of the ABA committee.

16 Having said that, however, and having reviewed
17 the changes, I should say that I think it's very
18 unlikely that the committee would have any further
19 concerns. And I think that the changes that were made
20 were extremely responsive to the ABA's comments and
21 concerns, and commend Father Pius and the staff and the
22 Board for its work on this.

1 CHAIRMAN LEVI: Well, could we change your
2 motion, then, Martha, to actually a sense of the Board
3 that it would -- that it is comfortable with this
4 draft, and that it would proceed to adopt it in a
5 couple of weeks following --

6 M O T I O N

7 DEAN MINOW: No. I think based on what we've
8 just heard, it's better to table it until that time
9 because if it's not obvious where it is on the website,
10 then this is not a good time to get a sense of the
11 Board.

12 PROFESSOR VALENCIA-WEBER: Martha, are you
13 thinking about the meeting in North Carolina as the
14 time to formally adopt it?

15 DEAN MINOW: Either then, or if we have a
16 phone meeting before then.

17 PROFESSOR VALENCIA-WEBER: Okay.

18 CHAIRMAN LEVI: Do we have to have a --

19 PROFESSOR KECKLER: This is Harry. I'd second
20 Martha's motion to table.

21 CHAIRMAN LEVI: Yes. All in favor on that?

22 (A chorus of ayes.)

1 CHAIRMAN LEVI: But I also guess that the
2 Board has had an opportunity to see this. And it is
3 helpful to know that it does reflect the sense of the
4 Board. And so if there are folks on the call that are
5 concerned about anything, it would be great.
6 Otherwise, I would love to know that you're all on
7 board with this.

8 (No response.)

9 CHAIRMAN LEVI: Great. Well, then, I think
10 we'll move on from the strategic plan to -- and again,
11 with the congratulations to all who've worked so hard
12 on it. I think it's a document that we can be very
13 proud of, and continues to set the standard high for
14 us.

15 So the next item on the agenda is an outgrowth
16 of the work of a task force and its recommendations, I
17 guess made a year ago, that we actually now are in the
18 position to formally abolish one officer office at the
19 Corporation and establish the position recommended by
20 the task force report.

21 This resolution is, I guess, not being offered
22 by any one of our committees. It probably should be

1 said that it was one of the recommendations of the task
2 force.

3 So I think maybe we need to have it actually
4 moved, but I don't know procedurally, and somebody can
5 educate me on that who's sitting in Washington there.

6 MR. FORTUNO: Yes. I think, since it hasn't
7 been subject to a committee vote and isn't coming to
8 the Board as a recommendation of a committee, I think
9 it would be appropriate to have a motion and a second
10 before there's a vote.

11 M O T I O N

12 DEAN MINOW: I so move.

13 CHAIRMAN LEVI: Is there a second?

14 PROFESSOR VALENCIA-WEBER: I'll second.

15 CHAIRMAN LEVI: Any discussion?

16 (No response.)

17 CHAIRMAN LEVI: All in favor?

18 (A chorus of ayes.)

19 CHAIRMAN LEVI: Opposed?

20 (No response.)

21 CHAIRMAN LEVI: Can we now have a vote to go
22 into the executive session? And then please, board

1 members, hang up and dial the other number.

2 M O T I O N

3 DEAN MINOW: I move that we go into executive
4 session.

5 CHAIRMAN LEVI: Second?

6 PROFESSOR VALENCIA-WEBER: I'll second.

7 CHAIRMAN LEVI: All in favor?

8 (A chorus of ayes.)

9 CHAIRMAN LEVI: We'll see you in a minute.

10 (Whereupon, the Board adjourned to executive
11 session.)

12 CHAIRMAN LEVI: We've established the position
13 in the open session. That was item 5 on the agenda.
14 So now we're actually putting in the name and
15 appointing the individual.

16 DEAN MINOW: Would you like a motion?

17 CHAIRMAN LEVI: Yes.

18 M O T I O N

19 DEAN MINOW: I so move.

20 FATHER PIUS: This is Father Pius. Second.

21 CHAIRMAN LEVI: And Jim, do you want to say
22 anything for the public here?

1 PRESIDENT SANDMAN: I think it would be good
2 if the motion -- before the Board acts, that we specify
3 the name of the person to fill the position. It is
4 Lynn Jennings. And the resolution would be that the
5 Board approve the appointment of Lynn Jennings to the
6 office of Vice President for Grants Management,
7 contingent upon her acceptance of the office.

8 CHAIRMAN LEVI: And if you want to say a
9 little something about the search and the person that
10 you found for the public record, that, I think, would
11 also be good. And then we'll vote.

12 PRESIDENT SANDMAN: Certainly. We conducted
13 an extensive search for candidates for the office of
14 Vice President for Grants Management. We received more
15 than 100 applications and reviewed them very carefully.

16 Lynn, I think, is an exceptional candidate for
17 the position. She has broad experience in Washington.

18 She's worked in the White House, on Capitol Hill, in
19 senior positions at the Department of Labor, as General
20 Counsel of the Merit Systems Protection Board, with a
21 nonprofit, and is a management consultant.

22 She has experience in grant-making,

1 reorganizations, and change management. I think she
2 has an unusually good combination of experience and
3 skills for the work that we need done in this position.
4 She came very highly recommended.

5 Her grant experience is both on the
6 grant-making side as a grant recipient. She has
7 experience with the monitoring requirements and
8 reporting obligations for foundations like the Ford
9 Foundation, the Alfred P. Sloan Foundation, the William
10 T. Grant Foundation, the John D. and Catherine T.
11 MacArthur Foundation, and the Bill and Melinda Gates
12 Foundation. She also has fiscal experience.

13 So I think that this combination of skills
14 and experience makes her very well-qualified for the
15 position, and she has informed me that she will accept
16 it if it's offered. .

17 CHAIRMAN LEVI: Any other comments?

18 (No response.)

19 CHAIRMAN LEVI: Thank you very much, Jim.

20 All in favor?

21 (A chorus of ayes.)

22 CHAIRMAN LEVI: Opposed?

1 (No response.)

2 CHAIRMAN LEVI: Public comment?

3 (No response.)

4 MR. GREY: Hey, John?

5 CHAIRMAN LEVI: Yes?

6 MR. GREY: This is Robert. I want to say
7 something before everybody signs off. But I don't want
8 to impact the public comment on this.

9 CHAIRMAN LEVI: The siren indicates that it's
10 your --

11 MR. GREY: John, I just wanted to -- is it
12 okay if I talk?

13 CHAIRMAN LEVI: Yes.

14 MR. GREY: This is a really nice announcement
15 I have to make, and that is that at the ABA annual
16 meeting before the House of Delegates, some 550 lawyers
17 from around the country, John Levi delivered what I
18 thought was an exceptional description and offer to
19 partner with the professional in advancing the mission
20 of Legal Services.

21 John, just on my part, I received a number of
22 comments from my colleagues, or our colleagues,

1 throughout the day about the importance of what you
2 said and how you said it. And it was not only
3 extremely well-received, but I think it caused everyone
4 to reflect on the importance of access to justice.

5 And so I just wanted to let you know how
6 absolutely proud I was to have you do that, but also to
7 let you know that it was just extremely well-received.

8 So congratulations.

9 CHAIRMAN LEVI: Thank you very much, Robert.
10 It was an honor to be there, and I hope I represented
11 our Board well. And I'm glad to hear that at least
12 some folks thought I did.

13 And any other comments?

14 (No response.)

15 CHAIRMAN LEVI: Well, okay. Consider and act
16 on other business? Any other business?

17 (No response.)

18 CHAIRMAN LEVI: Can I hear a motion to
19 adjourn? And before we do, just again thank our Board
20 for all of its hard work. Each one of you has played a
21 role in the things that we did today. You all know
22 that.

1 You also that you've been working harder than
2 you probably ever imagined you would as it relates to
3 this. But I think that's what we inherited. But in
4 moving what we did today, we have really taken some
5 large steps on behalf of the Corporation and on moving
6 our own agenda forward.

7 So thank you very much from at least where I
8 sit. I couldn't be more proud of the Board.

9 MR. GREY: Hear, hear.

10 DEAN MINOW: Wonderful.

11 CHAIRMAN LEVI: Could I have a motion to
12 adjourn?

13 M O T I O N

14 DEAN MINOW: So moved.

15 MR. GREY: Move it.

16 CHAIRMAN LEVI: Thanks very much. All in
17 favor?

18 (A chorus of ayes.)

19 CHAIRMAN LEVI: I guess it needed to be
20 seconded, but you all -- thanks so much.

21 (Whereupon, at 12:16 p.m., the board meeting
22 was adjourned.) * * * * *