

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
GOVERNANCE AND PERFORMANCE REVIEW COMMITTEE
OPEN SESSION

Thursday, July 16, 2015

5:39 p.m.

Radisson Blu Minneapolis Hotel
35 South 7th Street
Minneapolis, Minnesota 55402

COMMITTEE MEMBERS PRESENT:

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

OTHER BOARD MEMBERS PRESENT:

Victor B. Maddox
Laurie Mikva
Father Pius Pietrzyk, O.P.
Gloria Valencia-Weber

STAFF AND PUBLIC PRESENT:

James J. Sandman, President

Lynn Jennings, Vice President for Grants Management

Rebecca Fertig Cohen, Special Assistant to the
President

Wendy Rhein, Chief Development Officer

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

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

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

Janet LaBella, Director, Office of Program
Performance

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

STAFF AND PUBLIC PRESENT:

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

Bernie Brady, LSC Travel Coordinator

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

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

Jean Lastine, Executive Director, Central Minnesota
Legal Services

Anne Hoefgen, Executive Director, Legal Services of
Northwest Minnesota

Jessie Nicholson, Executive Director, Southern
Minnesota Regional Legal Services

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

Robin C. Murphy, 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 (5:39 p.m.)

3 CHAIRMAN MINOW: I'd like to call to order the
4 Committee meeting for Governance and Performance
5 Review. So sorry to interrupt what looked like great
6 conversations.

7 Is there anyone who'd like to move to approve
8 the agenda?

9 M O T I O N

10 MS. REISKIN: So moved.

11 CHAIRMAN MINOW: Any second?

12 MR. KECKLER: Second.

13 CHAIRMAN MINOW: All in favor?

14 (A chorus of ayes.)

15 CHAIRMAN MINOW: Approval of the minutes for
16 our meeting from April 13th. A motion?

17 M O T I O N

18 MR. KECKLER: So moved.

19 CHAIRMAN MINOW: Thank you. Second?

20 MS. REISKIN: Second.

21 CHAIRMAN MINOW: All in favor?

22 (A chorus of ayes.)

1 CHAIRMAN MINOW: I'm treating that as a yes.

2 I recognize Carol Bergman for a report on the
3 GAO inquiry. Thank you.

4 MS. BERGMAN: Thank you, Madam Chair. You
5 recall that last October that LSC had received an
6 inquiry from GAO regarding a study of federal programs
7 that target low-income individuals, families, and
8 communities.

9 The inquiry was sent to 80 different federal
10 programs across 13 different agencies. It was
11 requested by Senators Sessions and Coburn, and it was a
12 followup to a 2011 CRS, Congressional Report Service,
13 on the federal benefits to low-income communities.

14 It wasn't a traditional formal investigation.
15 This was an inquiry that allowed various agencies to
16 respond to email, and then they got back to us if they
17 wanted to have more extensive conversations.

18 So we responded to their initial inquiry last
19 October. We were given a draft of the section
20 regarding LSC so that we could provide technical
21 corrections in June. And we've been told to expect a
22 final report by the end of July, and when it comes out,

1 I'm happy to make that available to everybody here.

2 I don't know that there will be -- I think
3 that the role for LSC is minimal. This is strictly
4 looking at what are the agencies across the board that
5 provide any kind of services to low-income people and
6 low-income communities.

7 That's it. Questions?

8 CHAIRMAN MINOW: That is a place where this
9 return on investment data would be very helpful.

10 MS. BERGMAN: Yes. It might be a good
11 starting place to look at to think about something else
12 that could be done. I wouldn't expect that to be
13 included in this.

14 CHAIRMAN MINOW: I'm not suggesting to making
15 any work, but even just raising for them that there is
16 that as a source of data.

17 MS. BERGMAN: Yes.

18 CHAIRMAN MINOW: Any questions to Carol?
19 Julie?

20 MS. REISKIN: You don't know what any of the
21 contents of the other agencies is?

22 MS. BERGMAN: No. We were just sent the

1 section regarding LSC. So it was really an opportunity
2 to check for any factual mistakes or technical errors
3 in the way in which they were describing LSC and who we
4 serve and the nature of our work. So no, we were not
5 given a draft of anything else.

6 CHAIRMAN MINOW: Great. So let's turn to
7 report on foundation grants and LSC's research agenda,
8 to President Sandman.

9 PRESIDENT SANDMAN: Thank you, Martha. I'd
10 like to report on two grants and four proposals. We
11 have a lot of interesting prospects, and I'm
12 optimistic.

13 First, I'd like to update you on our grant
14 from the Public Welfare Foundation to collect outcomes
15 data. I sent you a link to a website that we've
16 developed that's our toolkit, our civil outcomes
17 toolkit. And we've gotten very good feedback on it
18 from our advisory committee and from our funder.

19 We did a demonstration of it for Mary
20 McClymont, the president of the Public Welfare
21 Foundation, and we rolled it out to our seven-member
22 advisory committee, and they were very complimentary.

1 They found it very user-friendly, accessible, clear.

2 That's the work of our own Peter Campbell,
3 Patrick Mallow, and Bristow Hardin. We developed this
4 internally. We got the information for it with the
5 help of our consultants, but what you're seeing on that
6 link that I distributed is the work of our staff, who I
7 think really demonstrated a very good understanding of
8 their audience.

9 There are other similar toolkits out there
10 that seem to have been designed by consultants for
11 consultants, and they don't work for people who live in
12 the real world.

13 We've got some feedback from the advisory
14 committee for improvements, which we'll be making. And
15 we've also been in touch with the vendors of the four
16 major case management systems that our grantees use to
17 see if we can't come up with a way to integrate data
18 collection into their case management systems if they
19 don't have it already. And I've heard back from two of
20 the four already.

21 Our plan is to roll this out this fall and to
22 have presentations on it at the NLADA conference in

1 November, with the goal of having our grantees begin to
2 collect outcomes data as of the first of 2016.

3 We also received word just this week about a
4 grant that we're getting from the Hewlett Foundation to
5 update our justice gap studies. We did the justice gap
6 studies in 2005 and 2009. 2009 is getting to be a
7 while ago.

8 As the budget discussion we just had
9 demonstrates, we are constantly asked for information
10 about what the true extent of the need is. This grant
11 is for \$100,000. It's a matching grant, and we hope to
12 be able to get another \$100,000 from other sources, and
13 with that \$200,000, work with a consultant to do an
14 update of the justice gap study.

15 Then we have four other proposals pending.
16 We've been invited to make two submissions, to file two
17 applications, with a major foundation that does not
18 accept applications except by invitation. We've
19 submitted one already, and it is for the creation of
20 what I would call a technology venture development
21 fund.

22 It would be, in effect, a substantial

1 expansion of our technology initiative grant program,
2 with significant new dollars, we hope large enough to
3 allow us to fund projects that we're not able to fund
4 with the current appropriation of \$4 million that we
5 have for technology initiative grants.

6 This would offer the possibility of our making
7 grants to or contracting directly with technology
8 developers and not having to run things through LSC
9 grantees. It would allow us to contract with people
10 anywhere in the world and not just in the United
11 States, and get access to the best thinking and
12 innovation in the overlapping areas of technology and
13 legal aid.

14 So we submitted that proposal this week. It
15 will be some weeks before we hear back, and I expect
16 there will be some dialogue. But the fact that we were
17 invited to submit the application after a significant
18 period of conversation and prior submissions is a very
19 good sign.

20 The same funder has also asked us to submit a
21 proposal to do an evaluation of all our prior
22 technology initiative grants. We've funded more than

1 500 projects over the course of the last 15 years. We
2 have required that each grantee receiving a technology
3 initiative grant do their own evaluation.

4 But the size of the technology initiative
5 grants we make is not large. They average between 95-
6 and \$100,000. If you're going to set aside a portion
7 of that money to do an evaluation, that's going to
8 limit the quality of the evaluation that you can do.

9 Typically, they submit their evaluations
10 within six months of the completion of the project.
11 Well, often that's not long enough to have enough
12 experience to know what the true impact might be. So
13 we'd like to do a comprehensive evaluation to figure
14 out: Where have we gotten the greatest return on our
15 investment? What makes the most difference for
16 low-income people?

17 In connection with that process, we hope to
18 also develop a template for future evaluations going
19 forward so that we can use the learning from the
20 retrospective evaluation to guide us in building this
21 in going forward so that we don't find ourselves 15
22 years from now looking back on the grants that we've

1 made over the past 15 years.

2 Then we have two other proposals pending with
3 other funders. One is for a planning grant to train
4 public librarians about civil legal aid resources so
5 that they can themselves be better resources for people
6 who come to libraries for basic information about legal
7 issues.

8 Finally, we have submitted a proposal for a
9 comprehensive evaluation of statewide websites that
10 have been funded by our technology initiative grant
11 program. One of the great accomplishments of the TIG
12 program is that every state and territory now has a
13 statewide website offering basic information on civil
14 legal aid issues to people who can't afford counsel.

15 But they vary in their content, in their
16 quality, in their accessibility, accessibility measured
17 in every way. And doing a comprehensive review of them
18 can help us identify best practices, minimum standards
19 for all websites that we could push out to try to
20 elevate the quality across the country.

21 So these are very exciting projects. These
22 are things that we really don't have appropriated funds

1 to use. I don't think that these grant requests that
2 we're making to foundations put us in competition with
3 our grantees for anything.

4 I don't think these funders are otherwise
5 going to be making direct grants for the delivery of
6 civil legal services. So I think they're helping us to
7 accomplish not only our research agenda but our private
8 fundraising goals.

9 CHAIRMAN MINOW: Just terrific progress here.

10 I think it's one more goal, which is to actually lift
11 the standards of the knowledge in this area, which, as
12 we have found, we're already at the head of the class
13 here. And yet the knowledge base is not very good.

14 So I think it's really great developments. In
15 that spirit, though, I wonder, do we have any
16 confidence that the justice gap study, for example,
17 will actually have more rigorous methodology compared
18 to what we've had in the past, and at the same time not
19 lose the ability to have comparison with what we've
20 done in the past?

21 PRESIDENT SANDMAN: Well, I think that's all
22 about finding the right people to conduct the survey.

1 My understanding is that the prior two studies were
2 done on a shoestring using internal LSC funds. I think
3 LSC did the best it could under the circumstances with
4 the resources that it had.

5 But if we can get the \$200,000, total of
6 \$200,000, and match the \$100,000 that Hewlett is
7 granting, I think that will give us significantly more
8 resources than we had the last time around.

9 CHAIRMAN MINOW: Charles?

10 MR. KECKLER: Yes. Following up on that
11 point, one of the things that I've thought about in
12 this area over time is that as a research matter, there
13 is a significant -- our grants are flat, LSC money.
14 But the landscape of legal aid funding is not flat
15 across this country. So there is significant variation
16 between the states in the amount of money going per
17 poor person.

18 I think it would be extremely valuable to
19 people that are skeptical of the prior justice gap
20 studies to really use that natural variation in a more
21 comprehensive way to look at outcomes in states,
22 various kinds of outcomes, and particularly the overall

1 performance of the justice system, getting answers
2 right, getting people, gets rights validated in states
3 where there's high levels of funding and low levels of
4 funding because then we can get at least a sense of the
5 marginal value of a legal aid dollar.

6 CHAIRMAN MINOW: Julie?

7 MS. REISKIN: This is really exciting, and I
8 think it's a great service for our grantees, where
9 they're going to be able to get some really good
10 evaluation that doesn't have to come out of their
11 grants.

12 I think that it's important when we message
13 this. A lot of private foundations want to know what
14 your evaluation data is, and they want to know that you
15 have some, and for them to be able to say there's an
16 external, objective evaluation both on the data with
17 the case management systems and of the websites, can be
18 really helpful to them in getting their grants.

19 As we're looking for other money, it would be
20 great if with the evaluation of the websites in
21 particular maybe there could be some technical
22 assistance or other money to help implement some of the

1 suggestions that will probably come up in the
2 evaluations.

3 I think if we can package it, if we can deal
4 with it that way in terms of showing really life,
5 on-the-spot demonstration of how great evaluation is
6 for a nonprofit and just for the culture of it, that
7 could be a good thing, a win/win all around.

8 I just had a question about the case
9 management systems. You said you'd heard from two of
10 them. Are you concerned about the other two?

11 PRESIDENT SANDMAN: No, not yet. I just
12 emailed them this week.

13 MS. REISKIN: Oh, okay. Great.

14 CHAIRMAN MINOW: Well, two great comments. I
15 can't help but be the broken record and say that,
16 again, if we could improve the reliability and
17 comparability of information on return on investment
18 across the states, that would be very helpful.

19 At the same time, I do want to just flag two
20 kinds of evaluation research that might be worth
21 keeping in mind. If you take the website one, for
22 example, there's metrics about use, there's metrics

1 about return visits, and all of that.

2 But there are a kind of evaluation about just
3 comprehensibility that may be the most important one,
4 which is not so much about impact but about can people
5 reading at a sixth grade level understand this. And so
6 running the kinds of studies that may actually be more
7 experimental studies than they are survey research may
8 be an important thing on that one.

9 The other point is, really, with the issues of
10 the grantees' operations in mind, not just their
11 fundraising abilities, but as we've seen in Cleveland
12 and a few other places, the ability to have internal
13 realtime data is so important for the deployment of
14 scarce resources.

15 So it would be interesting to see whether that
16 could be folded in, not just retrospective studies but
17 the development of data that's user-friendly for the
18 grantees themselves.

19 Any other comments? Julie?

20 MS. REISKIN: Just as a followup. it might be
21 good if after we've done this, we did, even if it was
22 subjective and not totally scientific, a little survey

1 of our grantees months later, after this is done, about
2 how this has helped, what their experience was, to
3 really get that buy-in.

4 In terms of the understandability piece,
5 there's tools that do that, that say what reading level
6 this is. But what I've found, doing the actual work on
7 the street, is that the best way to really demonstrate
8 understandability is to get groups of clients to do
9 actual testing, where you have them look at stuff and
10 you give them a test.

11 My experience -- I'm not any great researcher
12 -- but again, doing the real stuff, my experience is
13 that something might say it's a sixth great level. It
14 might say it's translated properly. But when you
15 actually test people and say -- and again, people of
16 all different levels -- what does this mean, and you
17 have them answer a multiple choice or any kind of test,
18 that's where you really get if they're understanding it
19 or not.

20 It's pretty shocking. It's pretty powerful to
21 do it that way. And so I'm happy to talk to you more
22 in detail because I've done those kind of -- again, not

1 on any kind of national level, but I just did a test
2 like that for a health plan in Colorado. And it's
3 interesting.

4 You can't just say, do you understand it?
5 Because people will say they understand it. You've got
6 to ask very specific questions and you've got to ask
7 them in a certain way so that people don't feel like
8 they're being tested. Because they'll try and please,
9 but --

10 CHAIRMAN MINOW: It sounds very useful, Julie.

11 MS. REISKIN: Yes.

12 CHAIRMAN MINOW: Thank you. And I think focus
13 groups can sometimes be helpful there, too, so it's not
14 all experienced as I'm being tested.

15 MS. REISKIN: Exactly.

16 CHAIRMAN MINOW: Well, I think these are
17 really great developments. Any further questions for
18 Jim about this?

19 (No response.)

20 CHAIRMAN MINOW: On new business, I have two
21 items I will identify for our next meeting, if everyone
22 thinks that's okay. One is, taking a page from the

1 Audit Committee, I think that we should review our
2 charter. That's just healthy. We haven't done that.

3 Second is, I notice that on the risk analysis,
4 there's an item that belongs in this committee, and
5 that's transition -- transition for board, transition
6 for executive director. And so I would like to,
7 between now and that meeting, identify some one or two
8 people who'd like to be involved in a subcommittee on
9 that issue and start to just think about what steps do
10 we need to do to plan for transition and mitigate the
11 risks.

12 So with everyone's agreement, those will be on
13 the agenda for next time. All right. Great.

14 Is there any public comment for this
15 Committee?

16 (No response.)

17 CHAIRMAN MINOW: And I will consider a motion
18 to adjourn the public session.

19 M O T I O N

20 MR. KECKLER: So moved.

21 CHAIRMAN MINOW: Second?

22 MS. REISKIN: Second.

1 CHAIRMAN MINOW: All in favor?

2 (A chorus of ayes.)

3 CHAIRMAN MINOW: The public session is ending.

4 We will have a closed session.

5 (Whereupon, at 5:59 p.m., the Open Session of
6 the Committee was adjourned to Closed Session.)

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