

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
GOVERNANCE AND PERFORMANCE REVIEW COMMITTEE

OPEN SESSION

Sunday, October 16, 2011

4:50 p.m.

Hyatt Regency Hotel
151 East Wacker Drive
Chicago, Illinois 60601

COMMITTEE MEMBERS PRESENT:

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

OTHER BOARD MEMBERS PRESENT:

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

STAFF AND PUBLIC PRESENT:

James J. Sandman, President
Kathleen Connors, Executive Assistant to the President
Victor M. Fortuno, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary
Mattie Cohan, Senior Assistant General Counsel,
Office of Legal Affairs
Katherine Ward, Executive Assistant, Office of
Legal Affairs
John Constance, Director, Office of Government
Relations and Public Affairs
Stephen Barr, Communications Director, Office of
Government Relations and Public Affairs
Jeffrey E. Schanz, Inspector General
David Maddox, Assistant Inspector General for
Management and Evaluation, Office of the
Inspector General
Thomas Coogan, Assistant Inspector General for
Investigations, Office of the Inspector General
Robert E. Henley, Jr., Non-Director Member, LSC
Finance Committee

Linda Perle, Center for Law and Social Policy (CLASP)
Don Saunders, National Legal Aid and Defenders
Association (NLADA)

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P R O C E E D I N G S

(4:50 p.m.)

CHAIRMAN MINOW: Let's call to order the duly announced and scheduled meeting of the Committee here on Governance and Performance Review.

I am Martha Minow, the chair of the committee, and I would entertain a motion to approve the agenda.

M O T I O N

MS. BROWNE: So moved.

PROFESSOR KECKLER: Second.

CHAIRMAN MINOW: All in favor?

(A chorus of ayes.)

CHAIRMAN MINOW: Now, is there anyone to move to approve the minutes of the April meeting? We did not have a meeting, you may recall, in July in Seattle.

M O T I O N

PROFESSOR KECKLER: I so move.

MS. BROWNE: Second.

CHAIRMAN MINOW: Thank you. All in favor?

(A chorus of ayes.)

CHAIRMAN MINOW: Great. I'd like to now turn to a staff report, and John Constance.

1 MR. LEVI: You didn't have a meeting? How did
2 you escape having a meeting?

3 CHAIRMAN MINOW: The chair organized the
4 agenda.

5 (Laughter.)

6 CHAIRMAN MINOW: John Constance.

7 MR. CONSTANCE: Thank you, Madam Chairman. For
8 the record, I'm John Constance, director of government
9 relations and public affairs at LSC, and staff this
10 committee.

11 If I could direct your attention to -- I
12 believe it's on page 9 of the board book for this first
13 agenda item. I wanted to talk a little bit about -- just
14 to refresh everybody's memory about the self-evaluation
15 process that we're about to undertake for 2011.

16 This Board did not have an evaluation process
17 until one was recommended by GAO in the 2007 GAO report
18 on governance. It was identified as a best practice, and
19 the previous board put together the outlines. And in
20 fact, two of the three evaluation forms that we have are
21 a carryover from the previous board.

22 Let me just describe for you each of the three

1 evaluation forms and refresh your memory on what their
2 purpose is. First of all, the Board of Directors self-
3 evaluation is a document kind of designed for the Board
4 to look at itself every year and to remind the Board of
5 specific and important functions, and ask the Board to
6 rate those functions as to how they are being in fact
7 carried out.

8 Beyond that, there's a narrative section where
9 the Board lists three to five points that each of you
10 would believe that the Board should focus on in the
11 upcoming year. That's the one that's looking forward and
12 not backward.

13 And I would say that obviously, this Board is
14 in the process of a strategic planning effort, which is
15 also going to inform this. But, you know, in a perfect
16 world, what you're going to be putting down for these
17 things will also be the kind of things that, as a full
18 Board, you'll be vetting in the strategic planning
19 process.

20 What I do is go ahead and consolidate all of
21 the information that's provided. And we have a baseline
22 of information from last year on self-evaluation that we

1 shared, and we will go ahead and provide this information
2 this year to the committee and the Board to make a
3 comparison with that.

4 I would say that again last year, given the
5 fact that the Board was newly formed, while we had a
6 baseline of information, it was based on not a lot of
7 experience. And so obviously this year will be more
8 instructive from that standpoint.

9 On page 12 of the board book, you have a Board
10 of Directors individual board member self-evaluation.
11 And this is for each of you to use in looking at your own
12 work with the Board or on the Board. And, you know, it's
13 the kind of document -- given the fact that this
14 committee also has the responsibility of doing board
15 training and board orientation, it's the kind of document
16 that can inform your agenda going forward as to are there
17 areas that this Board still feels a need to have some
18 training or some orientation in as you go forward into
19 this coming year.

20 This document was used in some of your board
21 meetings over the last year in that it helped determine
22 which of the governance processes this Board was going to

1 get briefings on and through the Audit Committee and
2 through the full Board. And it will help create that
3 agenda for the upcoming year.

4 But it's really for you to look at your own
5 work and your own performance on the Board. And then
6 that information is shared with the Governance Committee
7 to make a determination on possibly what the agenda can
8 be upcoming for the year.

9 The third document is one that this particular
10 committee developed. And that is really a document on
11 committee protocols and also an evaluation instrument for
12 the committees. Last year, given, once again, the
13 timing, while we went through this process, it wasn't
14 much of a baseline of information. Some of the
15 committees had literally met one or two times, I think,
16 when the evaluation was done last year.

17 So while the protocols are a very, very good
18 thing for, I think, committee chairs to look at on an
19 ongoing basis as to really the functions of each of your
20 committees, the information that we gathered last year
21 was not as helpful as I think the information will be
22 this year.

1 While we are here in Chicago, I will see that
2 we have -- I have copies of all of these forms. You
3 won't have to tear out the ones in the board book. I
4 have copies that we'll distribute to you while we're in
5 Chicago. And I'll also provide multiple copies for you
6 annotated to your committee assignments so that you can
7 go ahead and create those committee evaluations.

8 We're suggesting December 1 as a deadline.
9 Obviously, some of these are simple enough we probably
10 can do them while we're in Chicago and hand them back to
11 me. But to the extent that the committee one is a little
12 bit more involved, I'm going to ask you to fill those out
13 and then mail them back to me in Washington, and that
14 will give us an opportunity to consolidate the
15 information, provide it to Martha, and it will be
16 available for you for the January board meeting.

17 So any questions regarding that piece?

18 CHAIRMAN MINOW: Thank you, John. As always,
19 very, very helpful. Let me just say a few things, and in
20 the course of it make it seem like it's a question so
21 that you respond because I do mean to make this a
22 question.

1 But I also wanted to use this as an occasion to
2 say that this evaluation and self-evaluation process is
3 not just bureaucratic paper, filling out. This is
4 supposed to facilitate a reflective process. And if
5 that's the case, I'm just trying to figure out the best
6 way to do that.

7 One way in which this year is different than
8 last year is that we all know a lot more. And that said,
9 I still think it's very important for us to be candid
10 about what we don't know and to be able to say where it's
11 not clear.

12 For example, what exactly is the function of
13 the Board compared to the function of the staff? That
14 itself is something that's not been obvious to us because
15 for a while, we were operating without a permanent
16 president. So even though we have been here for a while,
17 actually it's not been so long that we've had a permanent
18 president.

19 So I think that that particular issue might be
20 worth our reflection as individuals. Do we have any
21 questions about what should be, as a matter of first
22 instance, somebody that the President starts as opposed

1 to something that the Board starts?

2 As to the questions about our individual self-
3 evaluations, I do think here we have some special
4 problems, given that the Fiscal Oversight Committee is
5 itself in the midst of rethinking, for example, the
6 financial reporting.

7 And so there my advice, if I'm allowed to say
8 this, is that when we answer that question -- that's No.
9 4, the LSC's financial statement, do I understand its
10 existing statement, that we spend a little time thinking
11 about some of the reforms that are being proposed as well
12 to see whether or not we understand that because I think
13 that's the most germane topic.

14 And as to the committee evaluation, this really
15 is the first time that we're using this in a substantial
16 way. And here, again, my own sense, but I'd be very
17 interested if other people have thoughts about this, it
18 might be especially helpful to be able to talk about --
19 spend attention on two things.

20 One, do we see alignment between the mission of
21 the committee and what we actually have been doing? And
22 secondly, in terms of staffing, is there the kind of

1 support for the work that the committees are expected,
2 with liaison, to staff so that we are working in a
3 constructive way?

4 Those would be the two that I would highlight,
5 but I'd be interested if other people had questions or
6 comments. Again, this is only by way of saying -- this
7 is not just to make everybody fill out a paper so it goes
8 on a shelf somewhere. This is supposed to be an effort
9 to actually check up on our own processes, and are we
10 doing what we should be doing, and can we learn from this
11 experience how to do it better next year.

12 So that was a question, if you can believe it
13 or not.

14 (Laughter.)

15 MR. CONSTANCE: One thing that I would add to
16 that, Madam Chairman, and again in contrast to the way
17 these were used by the previous board after they had had
18 some experience, was that they actually informed a pretty
19 lively discussion at the January board meetings after
20 these had been cranked up for a couple of years.

21 And I think we're probably at that point where
22 the January meeting could actually block out some time,

1 as well as in the board meeting, to take some time to
2 talk about what the feedback is that is coming from
3 these. Just a suggestion that I think helped in that
4 regard.

5 CHAIRMAN MINOW: That's great. That's very
6 helpful. And I take it that you're suggesting, and if
7 so, I would endorse to the extent that people feel
8 comfortable, filling out these forms while you are here
9 in the next two days. Let's do that and give them to
10 John. And if you don't, tell John when you think you
11 will. How about that? How's that as a plan?

12 MR. CONSTANCE: That would be great.

13 CHAIRMAN MINOW: That's great. Thank you very
14 much.

15 Charles?

16 PROFESSOR KECKLER: I just have one quick
17 question, John, which is, remind us again. When we fill
18 this out, it flows to you. How does the information and
19 the aggregated information flow back? What's the --

20 MR. CONSTANCE: I go ahead and do a summary and
21 provide it to Martha, to your chair. And then, really,
22 at --

1 CHAIRMAN MINOW: The committee meeting.

2 MR. CONSTANCE: -- your committee meeting, at
3 the committee level, then it's presented and discussed.
4 That's the way it was done last time. We could do it --
5 we could provide the summary ahead of time.

6 CHAIRMAN MINOW: That's good.

7 MR. CONSTANCE: But that's really the flow.

8 PROFESSOR KECKLER: Yes. And I just was
9 curious about the committee, the committee tool, and
10 whether, in order to facilitate that discussion, if
11 aggregated data should come back to the committee chairs
12 of the relevant committees.

13 CHAIRMAN MINOW: Yes. Absolutely. Absolutely.

14 PROFESSOR KECKLER: And that'll help. And I
15 would just especially add that one of the things in the
16 committee protocols that is included in here, and there's
17 a slot on the committee form for it, has to do with the
18 idea of forward-looking for an agenda for that committee
19 for the year. I mean, that's obviously something that
20 would be appropriate for the annual meeting.

21 And so if I, as a committee chair, for
22 instance, had several ideas for the agenda included in

1 that committee form ahead of time, then indeed I would be
2 happy to include that as an agenda item to talk about
3 annual agendas at the next Ops & Regs meeting.

4 CHAIRMAN MINOW: I think that's a terrific
5 idea. And so, John, I think you were planning on doing
6 this anyway, but just to make sure that the summary from
7 the committees goes to the chair as well as to me and to
8 John; and in addition, that perhaps, almost as a default
9 option, that every committee meeting in January should
10 include the agenda item of learning from the survey both
11 as to process and as to future topics.

12 Gloria?

13 PROFESSOR VALENCIA-WEBER: John, I noticed on
14 the committee form that there are checked the five scale
15 questions. On the Audit Committee, for some time, both
16 Victor and Harry and I have been concerned about the
17 charter, which is not particularly satisfying for a
18 number of both theoretical as well as how should it work
19 reasons.

20 And we're in the middle of looking at potential
21 revisions of that charter to make it really fit what the
22 Audit Committee should be doing, especially so that its

1 duties are clear, as distinct from the Office of the
2 Inspector General or of other parts of the Corporation.

3 So I was wondering if on the Audit Committee
4 report part, could we include a statement to the effect
5 that our charter and how we look at our work is being
6 rethought, and we have before us some potential ways to
7 amend it.

8 MR. CONSTANCE: My recommendation would be at
9 your Audit Committee meeting here in Chicago, just remind
10 everyone of that. And again, to the extent that that has
11 any impact on the way the questions are answered, that
12 would be a good idea.

13 PROFESSOR VALENCIA-WEBER: I raised that
14 because Victor and Harry aren't here, but we're all three
15 unified about doing that cleanup of the charter.

16 CHAIRMAN MINOW: It sounds like an important
17 agenda item for the committee, but it also sounds like
18 something that the President might want to talk to the
19 chair about. That's very valuable.

20 I think, if there aren't further questions
21 about this process, we'll turn to the next agenda item,
22 which is an update on the research agenda. And for that,

1 I think maybe we'll start with Jim Sandman. Jim?

2 PRESIDENT SANDMAN: Yes, thank you. I'd like
3 to report on four items -- first, a form of internal
4 research; second, work done by the American Bar
5 Foundation on what they refer to as their civil justice
6 mapping project; third, some opportunities possibly to
7 get funding support for other research; and fourth, what
8 the Board might be able to do to help on this.

9 First, on internal research, we announced this
10 summer to the field changes in reporting requirements
11 that will be effective for their grant activity reports
12 for the calendar year 2011, due in early 2012. The
13 changes fall into three different categories.

14 First, timing: We're asking that the reports
15 be filed sooner than they've been filed in the past.
16 We've moved up the reporting deadline so that we'll have
17 more current information sooner than we've had it in the
18 past.

19 One of our goals is to try to have up-to-date
20 information, year-end information, when we have our
21 hearing before the House Appropriations Subcommittee,
22 which typically occurs in early April, and have had

1 sufficient time to analyze that and make a written report
2 to the committee.

3 We got virtually -- well, we got no resistance
4 to that from the field because I think they clearly
5 perceived it to be in their self-interest to give us the
6 information necessary to advocate as accurately as
7 possible with the most current information possible.

8 Second, we have requested some additional
9 information on some categories of cases. Maybe the
10 single most important example is domestic violence
11 reporting, where we've had concerns in the past that our
12 reporting categories weren't completely capturing all of
13 the cases that involve domestic violence that our
14 grantees were handling.

15 So we have revised our questions to be sure
16 that we're capturing that. That's a very important
17 category of work that we do, and we've heard from
18 grantees their own concerns about whether the numbers
19 they were reporting to us accurately reflect the volume
20 of work they were doing in that area. We also made some
21 changes to try to get better data on veterans
22 representations.

1 Third, we've reduced some reporting
2 requirements, particularly in the category of what are
3 called "other services" -- I'd describe that as
4 miscellaneous services -- to try to reduce unnecessary
5 reporting burdens on grantees. We found that there was
6 some information that they were being required to report
7 annually that LSC was not using, wasn't terribly useful.

8 Why would we impose that burden on grantees
9 when we're not getting any value for the information that
10 they're giving us? And particularly in light of the fact
11 that we were increasing some reporting requirements, we
12 wanted to see what we could do to provide an offset if
13 there was information that they didn't need to provide.

14 On all of these things, I should say we got
15 favorable feedback from the field. I didn't hear of any
16 complaints. People thought that the reasons for the
17 changes were well-explained, and seem to be happy to
18 comply. We'll see what the facts turned out to be after
19 the first of the year.

20 Second, the American Bar Foundation has been
21 engaged in a research project that they refer to as the
22 civil justice mapping project, which is an effort to try

1 to inventory the availability of civil legal services
2 across the United States. I went to a briefing on their
3 work thus far at the ABA meeting in Toronto at the
4 beginning of August.

5 There's no written report that I'm aware of yet
6 on their work, but there was an oral report by the
7 principal researcher, Rebecca Sandefur. And what she
8 reported, in summary, was that they have taken a look at
9 how civil legal assistance is provided, accessed, funded,
10 coordinated, and regulated across the United States.

11 What they're finding is that there is enormous
12 diversity across the country and a lot of inequity
13 between and among states. As Rebecca put it, where you
14 live makes a big difference. Some states are much more
15 generous in their own funding of civil legal services
16 than others.

17 She also pointed out that there are differences
18 not only depending on what state you live in but on where
19 in a particular state you live. So people in some rural
20 areas of states that are generally, by comparative
21 measures, fairly generous in their support of civil legal
22 services nevertheless might find that legal services are

1 not available to them because they're too remote from
2 where the services are offered.

3 She reports that there is, even within states
4 and some that have, by relative standards, fairly robust
5 programs, fairly little coordination in terms of vision,
6 planning, and service delivery. She cited as an emerging
7 exception to that Washington State's CLEAR program, which
8 we heard described when we were in Seattle in the July
9 meeting. This is a program where they have a statewide
10 intake center that they use to allocate the work that
11 comes in across the various legal services providers in
12 the State of Washington.

13 She reported that the presence of an access to
14 justice commission can make a difference in terms of the
15 availability of civil legal services in a state, although
16 the effectiveness of the commissions tends to depend on
17 whether or not they are what she called accountable,
18 meaning they have to report to somebody about what
19 they're doing.

20 In states that have accountable access to
21 justice commissions, she reports that they do seem to
22 have had an impact on funding, and have been effective

1 both in increasing state support by state legislatures
2 for civil legal services and in stimulating private
3 fundraising efforts.

4 Their work is ongoing, and LSC is making a
5 modest contribution in support of that research in
6 conjunction with the Friends of the Legal Services
7 Corporation. But I'm looking forward to the issuance of
8 a written report or at least a preliminary report that we
9 might be able to share.

10 MS. MIKVA: Jim?

11 PRESIDENT SANDMAN: Yes?

12 MS. MIKVA: Are they looking at just LSC-funded
13 programs or --

14 CHAIRMAN MINOW: No.

15 PRESIDENT SANDMAN: No. They're looking across
16 the board, not just at LSC-funded programs.

17 Julie?

18 MS. REISKIN: Are they planning to opine on
19 like where things aren't coordinated, what would help, or
20 what the barriers are? Or is this just really pure
21 mapping of what is?

22 PRESIDENT SANDMAN: I think it's principally a

1 report on what is. It's intended to be objective and
2 factual. That's Rebecca's expertise. I should mention
3 that because the meeting at which this research was
4 presented was held in Toronto, there were also reports on
5 civil legal services in Canada generally.

6 And I was intrigued to hear that Legal Aid
7 Ontario has a full-time director of strategic research.
8 They seem to have a very sophisticated approach to how
9 they do things. And the Province of Ontario provides
10 \$150 million a year in support for civil legal services
11 alone.

12 Now, they usually lump together in Canada
13 funding for what we'd consider criminal public defense as
14 well as civil legal services. But the civil component in
15 the Province of Ontario, one province in Canada, is \$150
16 million a year.

17 MS. BROWNE: Jim, just a quick question. When
18 does the ABA expect to have a written report? Because on
19 the Pro Bono Task Force --

20 CHAIRMAN MINOW: Very relevant.

21 MS. BROWNE: -- it could really be helpful.

22 PRESIDENT SANDMAN: I don't know, Sharon.

1 MR. LEVI: (Inaudible, microphone off.)

2 CHAIRMAN MINOW: The mikes are not on. Are
3 people talking into the mikes? So Sharon asked -- maybe
4 bring it closer to yourself.

5 MR. LEVI: She asked when the report would be
6 written.

7 PRESIDENT SANDMAN: And the answer was, I don't
8 know, but I can follow up with Rebecca and find out.

9 CHAIRMAN MINOW: Jim, you might be in touch
10 with her?

11 PRESIDENT SANDMAN: Yes.

12 CHAIRMAN MINOW: That would be wonderful.

13 Other questions to Jim about the ABA/ABF
14 mapping project?

15 (No response.)

16 PRESIDENT SANDMAN: Next I have been in contact
17 with a private foundation that I'm not at liberty to
18 identify publicly at this point that may be interested in
19 providing financial support for research on civil legal
20 services.

21 What the nature of the research would be, what
22 its focus would be, has yet to be determined. But that's

1 something that the foundation would be willing to work
2 with us on. They don't have any preconceived notions
3 like this.

4 I'm not confident of the amount of money they
5 might have available, but I believe that it would be six
6 figures, low six figures.

7 CHAIRMAN MINOW: Low six figures.

8 PRESIDENT SANDMAN: But that's an intriguing --

9 CHAIRMAN MINOW: That's great. That's a great
10 possibility.

11 PRESIDENT SANDMAN: -- option because it's
12 traditionally been difficult to get support for research
13 like this. At the meeting in Toronto, a justice of the
14 Vermont Supreme Court was reporting that in the State of
15 Vermont, they wanted to commission research on the impact
16 of legal services and couldn't find anybody to do it.

17 MS. REISKIN: They had the money and they
18 couldn't find a researcher, or they couldn't find the
19 money?

20 PRESIDENT SANDMAN: They couldn't find the
21 researcher. Now, I don't know how much money they had.

22 (Laughter.)

1 PRESIDENT SANDMAN: They had some money, but I
2 don't know how much.

3 And finally, on what the Board can do to be
4 helpful, I think all of these questions about research
5 and about reporting requirements for grantees are tied up
6 in the strategic planning that the Board is doing. So
7 I'd urge that that be a specific focus of the Board's
8 considerations in the strategic planning process. What
9 is it that we should be trying to measure? How can we
10 improve the reporting that we get from grantees? What
11 might we do in collaboration with others?

12 I was impressed when Rebecca Sandefur reported
13 by the importance of having a well-credentialed academic
14 involved in doing research, somebody who has access to
15 funding sources and is going to have scholarly
16 credibility. Anything that we do in this area we want to
17 be well-done. And she seems to -- she makes the case, I
18 think, that the right academic can really help.

19 She did meet with us in Washington recently,
20 too, to follow-up and to offer her services.

21 CHAIRMAN MINOW: Well, thank you, Jim. That's
22 a lot of progress. There, I think, are many questions

1 about whether we have sufficient evidence to be able to
2 explain to people what works and doesn't work in what we
3 do. There's also, I think, a genuine set of questions
4 about whether our grantees have sufficient access to
5 understanding both what they're doing and what others are
6 doing.

7 And I wonder, John, from your encounters on the
8 Hill, is there something you could tell us about how we
9 ought to be thinking about our research capacity going
10 forward?

11 MR. CONSTANCE: Yes. Thank you. Two things.
12 One, I wanted to echo your compliment to Jim. I think
13 one of the things that has been accomplished in Jim's
14 tenure at LSC is this focus on data and this focus on
15 research.

16 And I can tell you that just the things that he
17 initially reported on in terms of both the timing and the
18 content of our annual reporting are going to be immensely
19 helpful to us on the Hill. Just those data elements will
20 be very important.

21 Second of all, to state somewhat the obvious,
22 but in times of very, very abundant resources, research

1 is nice to have. In times of scarce resources, it's
2 absolutely essential to have.

3 And I think that we're clearly in that latter
4 category of days right now where we are up against,
5 within our committee -- and I've said this before -- in
6 the Commerce, Justice, Science Committee, we are
7 competing for resources against NASA, the National
8 Science Foundation, and other organizations that have an
9 awful lot of research that they bring to the table.

10 And to not have research to use as evidence for
11 our work is a real problem. And I think to the extent
12 that we have that information, oft-times we're dealing
13 with the anecdotal and not the concrete. And I think the
14 more concrete that information can be, the better off we
15 are.

16 CHAIRMAN MINOW: Charles?

17 PROFESSOR KECKLER: I'd just like to add to
18 that a little bit. I had the opportunity to go to
19 Congress to talk to staff. And I won't get into all of
20 the things that they said, but one of the things that
21 came out was their concern to get information about what
22 you might call the marginal benefit because they're

1 always thinking about funding increases and funding
2 decreases.

3 And so if there is research that shows what
4 happens if you have 20 percent less money, what happens
5 if you have 20 percent more money, in terms of impacts is
6 extremely valuable to them and ultimately to us.

7 CHAIRMAN MINOW: That's a critical point. And
8 it does seem to me, as we are learning about the
9 differences between rural and urban locations, to
10 understand are there points at which actually it's not
11 possible to sustain having an office, not possible to
12 provide any services. So in other words, is this not a
13 continuous equation, but it's a step function or
14 something like that, might be worth understanding.

15 I also think that it might be something for us
16 to think about, Jim and John, whether it's helpful for us
17 to summon some of the researchers out there in the
18 academy who study legal services. Maybe we could even
19 think about having a session during a board meeting where
20 we bring some of them to present their research and see
21 what they currently know that would be useful to us, and
22 also have a two-way conversation where we could tell them

1 the kinds of questions we have.

2 I do know that the research about civil legal
3 services is much stronger in other countries, as Jim's
4 comments suggest. And England in particular, England and
5 Australia, have very robust programs. And we wouldn't
6 need to fly people in from there. We could get people
7 from here who know that research. So that might be
8 something we could consider doing.

9 Julie?

10 MS. REISKIN: Yes. I have two questions. One
11 is, who decides what the metrics are or what the outcomes
12 are that we study? Because we can look at closed cases,
13 which is, I think, important, but it always also worries
14 me that then we encourage people to cream. What kinds of
15 -- do we compare different kinds of cases? Like who
16 decides that and how is it decided is one question.

17 And the second is, are we doing any
18 collaboration with any of the other poverty-based
19 research, looking at what helps outcomes for poor people?
20 I think the medical-legal partnership is a great model.
21 And that must have come from some kind of research, and I
22 know that's been heavily researched. So those are my two

1 questions.

2 CHAIRMAN MINOW: That's great. I can speak to
3 the second because I've been involved in the medical-
4 legal partnership world.

5 There is -- it was a pilot program initially in
6 Boston. It's been much studied. It's now been scaled
7 up. There's a national organization that is very
8 seriously engaged in research, in part because the
9 medical field is -- that's how they proceed. It's
10 evidence-based work.

11 And so one of the innovations of the medical-
12 legal partnerships is to bring that public health model
13 to the delivery of legal services. And so it's built
14 into those programs and built into the effort to scale
15 them up. And we have had -- of course, here speaking to
16 the Board -- some people who are knowledgeable about
17 that. But that would be something we could look to.

18 As to the first question, I think I'd turn to
19 Jim.

20 MS. REISKIN: Well, before you go there, are
21 there any other collaborations with just other areas of
22 poverty? Like are we working -- are we doing anything

1 like this in housing or in consumer -- I mean, is there
2 any other place where we -- we meaning the legal world in
3 general -- is collaborating with other places in the
4 poverty industry, I guess?

5 CHAIRMAN MINOW: I take it you're asking about
6 the actual delivery of services, not the --

7 MS. REISKIN: No. No. The research.

8 CHAIRMAN MINOW: You mean the research?

9 MS. REISKIN: Yes. In terms of research.

10 CHAIRMAN MINOW: I don't think systemically. I
11 mean, HUD has some research underway. The national
12 consumer advocacy organizations do keep data that is very
13 much used by legal services offices. But not to my
14 knowledge.

15 MR. LEVI: Ask the three law deans tomorrow,
16 with Martha. I'm not kidding.

17 MS. REISKIN: Okay.

18 CHAIRMAN MINOW: Well, law schools do a lot of
19 collaboration. But I think in terms of --

20 MR. LEVI: Right. On research.

21 PRESIDENT SANDMAN: On your first question,
22 Julie, who decides? Well, LSC can decide what's going to

1 be reported and evaluated as for its grantees. But I'd
2 want to go about the process of making changes in that in
3 collaboration with others -- for example, the state IOLTA
4 programs.

5 There are others out there who are doing the
6 same kind of work that we're doing, some of which have
7 thought about these issues. I'd think we'd want to
8 coordinate with them, identify those that we think are
9 doing it best, and get the benefit of their experience in
10 any research that they've done.

11 Also, our own grantees are a good source of
12 information about this. I'm always intrigued to hear
13 what information our grantees track that we don't require
14 them to report to us. They often find, for their own
15 internal management purposes, that it's worthwhile for
16 them to collect information different from what they have
17 to report to us.

18 And finally, there are -- you may recall that
19 at the meeting that we had in Richmond, in Virginia they
20 have a separate statewide reporting model for outcome
21 information from state grantees in that state. So all of
22 those bases I think we'd want to touch before we make any

1 changes in what we require our grantees to report. But
2 ultimately, the decision is LSC's with regard to its
3 grantees.

4 CHAIRMAN MINOW: I think we learned that also
5 in Seattle, that the other funding sources ask for other
6 data, and so that's worth our considering. I mean, one
7 of the challenges here, which Jim alluded to before, is
8 that the day that we ask our grantees to collect, that's
9 one thing, and our own internal analysis of it.

10 A separate thing is external evaluations and
11 assessment where credibility of an outside evaluator is
12 indispensable to underscore what John said, especially at
13 this moment. And there, I think, is why it's so
14 constructive to be having these conversations with the
15 American Bar Foundation, which is one of the most
16 respected independent sources of research about the legal
17 profession in general.

18 And while they have their own very thoughtful
19 sources of inquiry, to hear from us what might be helpful
20 to know, I think, is going to be very crucial because
21 then they'll go do the research, and whatever they come
22 up with, it will be independent. It's not us doing the

1 research.

2 Robert?

3 MR. GREY: Another thought. As we really start
4 to think about the collection of data and the purpose for
5 it, is it -- and I don't know whether this is a moving
6 target or not; maybe John can fill us in a little bit --
7 but we've got OMB and we've got Appropriations that have
8 to have some sort of staffing -- not staffing models, but
9 models for determining the appropriation, the
10 appropriateness and the appropriation of funds, and what
11 they are going to determine are the most important -- are
12 the critical factors in deciding who gets what or who
13 gets less, who gets more or who gets less.

14 And I just recall the conversation with Eric
15 Cantor, that there are going to be winners and losers.
16 And you need to understand what we're doing to analyze
17 the criteria for that. And so we can collect a lot of
18 data that I think is very useful to us; at the same time,
19 we ought to be also very cognizant of the collection of
20 data that's going to be useful to them in a way that
21 gives us a front line offense as opposed to a back line
22 defense.

1 CHAIRMAN MINOW: That's very constructive.

2 That's very good.

3 John?

4 MR. CONSTANCE: I would only say to that -- I
5 mean, I think that's an excellent point. The good news
6 is that I think OMB in particular as well as the
7 appropriations committees have in the last ten years
8 gotten away from a one-size-fits-all in that regard and
9 allow the organizations and the institutions to create
10 their own metrics and then track them.

11 But having the metrics and having credibility
12 associated with the metrics is very important. And to
13 Jim's point, the strategic planning process, in terms of
14 how we measure ourselves as an organization, how we
15 measure grantees -- I mean, all of that will be very,
16 very important for this Board, I think, going forward.

17 CHAIRMAN MINOW: Now, John, I'm going to
18 unfortunately have to move us along here and ask you to
19 be brief in updating us about GAO recommendations --

20 MR. CONSTANCE: I will.

21 CHAIRMAN MINOW: -- because in the next 15
22 minutes, we also need to complete the rest of our agenda.

1 MR. CONSTANCE: All right. In summary, let me
2 just say this. Regarding the GAO 2010 report on
3 improvement associated with grant awards and grant
4 program effectiveness, the good news is we're doing well.
5 And GAO, I think, would be the first to say that we are
6 doing well.

7 We have 17 recommendations that we're working
8 on. To date, GAO has closed three recommendations out
9 entirely, and they have been provided information and are
10 working on an additional seven right now where all the
11 data is with them. So ten of the 17 are completed.

12 We're working and, I think, making good
13 progress on the other seven to provide them the data that
14 they need. Two of the seven are directly tied, really,
15 to the strategic planning process and actually speak to
16 metrics for the organization. And again, Charles and I
17 have communicated about this before.

18 I can be more specific about that, just as a
19 reminder, but the bottom line is I think we're doing
20 well, and GAO has been complimentary in terms of the
21 progress we've made in the last year or so.

22 CHAIRMAN MINOW: That's excellent. Thank you,

1 John, and thank you for being such a great ambassador for
2 this organization to GAO and to the Congress and I'm not
3 sure where else, but many other places, I'm sure.

4 MR. CONSTANCE: My family sends their regrets
5 of that.

6 (Laughter.)

7 CHAIRMAN MINOW: Thank you.

8 MR. CONSTANCE: No. That's great. Thank you
9 very much.

10 CHAIRMAN MINOW: Thank you. And thank you,
11 Jim, as well.

12 We now turn to item 4, which is a discussion of
13 the President, officers, and the Inspector General. And
14 I'm going to actually reverse the order here and ask Jeff
15 Schanz if you wouldn't mind coming up because you were
16 the first one to go through this process, and so maybe we
17 can learn a bit from your experience as we turn now, in a
18 minute or so, to proceeding with the evaluation process
19 for the President.

20 As I recall, and I hope this matches your
21 recollection, Jeff, we had a very good process last year.
22 I think that there was -- your independence is, of

1 course, central to the way we proceed with the evaluation
2 process, and that's why it's constructed around a self-
3 evaluation process that included an assessment of the
4 work of the Inspector General's Office in preventing
5 defalcations and inefficiencies, addressing the time
6 period for completing reports, communicating with
7 management priorities for the coming year.

8 And your willingness to participate in that
9 process, I think, was terrific and commendable and set a
10 great tone for the whole organization last year. And I'd
11 love to hear your thoughts about that, briefly, and also
12 to confirm that we will proceed as we did last year with
13 the plans for next year. And we'll work with you on the
14 time frame that makes sense, when you think would be the
15 appropriate time to start the 2011 evaluation.

16 MR. SCHANZ: Well, first, Madam Chairman, thank
17 you very much. I think the transparency of the process
18 benefited both myself, my office, as well as a new Board,
19 some of which have not dealt with an inspector general
20 before in a nonprofit corporation.

21 So I think it was a learning process for all of
22 us, but at the end of the process, I think we've both

1 gained. I know I did. I can speak for myself. I can't
2 speak for my staff because they sometimes like to see me
3 on the hot seat.

4 But anyway, no, I think that the process as we
5 did last year worked very well. There were no hidden
6 agendas; it was all up front. I was very comfortable in
7 discussing my work with the Board, as I should be. I
8 discuss my work with the Congress, and my work is
9 FOIAble, so it's out there.

10 I think the process, drilling down to the
11 director level, may be a little bit different. In my
12 Justice career, I was rated every year, so it was not
13 foreign to me to have a performance appraisal.

14 What I would add, and this is a little bit off
15 the reservation, is that mainly performance appraisals,
16 when you drill down into the staff, should be accompanied
17 by performance-based pay. And that's a pitch I've made
18 for the three years I've been here, and you'll hear me
19 make that pitch again because money is a great incentive
20 for an outstanding performance.

21 I'm not sure it's appropriate at the high
22 management level. But when you start drilling down into

1 the staff levels, it becomes very much a very important
2 motivator. We don't have that at LSC, and the federal
3 government has used that throughout my career.

4 I will tell you that I'm taking a 360 class. I
5 do have literature on it. I've researched it. But I
6 will tell you anecdotally also, within the CIGI community
7 -- and I'll get into this in a little bit more detail --
8 our audit division within the OIG did pass, without
9 exception, the meeting of all the GAO standards in our
10 audit work. So I was very pleased to report that.

11 On a more personal level, and if you would
12 accept -- I know you have agendas here -- a couple
13 moments of self-aggrandizement, the Hill offered me a
14 position as the Inspector General of the EEOC. I told
15 them my work at LSC is not yet done. But I was flattered
16 that they thought enough of the work that we're doing in
17 LSC, and I attribute a lot of that to my staff,
18 obviously.

19 And then -- this is anecdotal -- but then on
20 Friday, the Merit Systems Protection Board called and
21 asked me if I wouldn't mind doing an investigation of
22 their board. And that was based on a recommendation from

1 the CIGI community. Once again, I politely, and
2 hopefully diplomatically, declined. But there are
3 interests in there in IGs throughout the community. So I
4 welcome any sort of feedback that I can get from the
5 Board to improve my performance.

6 CHAIRMAN MINOW: Well, that's absolutely
7 commendable but not surprising that you would be sought
8 after. And you are, as I've said here already, making a
9 difference and inspiring the Board here about how to be
10 transparent and how to pursue improvement and excellence.

11 So please don't leave, and thank you for your
12 participation in this particular process. It helps to
13 pave the way as we become very reflective as a board
14 about our own performance and as we turn to assess also
15 the President and officers. So thank you very much.

16 MR. SCHANZ: Thank you.

17 CHAIRMAN MINOW: So we will be turning to an
18 assessment of Jim this year. And on that, I'm thinking
19 that maybe we should do something similar to what we did
20 in preparation for the first evaluation of the Inspector
21 General last year, which is -- I don't know whether we
22 need to formally have a subcommittee, but to have some

1 kind of a process of discussion of what are the key
2 elements of this evaluation, certainly talk with Jim.

3 I've asked Charles if he would help do this
4 with me. And so my suggestion is that we actually
5 develop a proposal between now and the meeting in
6 January. Maybe even by the end of November we could
7 develop something to suggest to the committee. And
8 Charles is nodding, and I'm very grateful to you for
9 that.

10 I don't know if we need to have a vote on
11 anything of that. I don't think we do. So let me now
12 turn -- any comments or questions on No. 4, the
13 discussion of the evaluations of the President and
14 officers, IG evaluations?

15 (No response.)

16 CHAIRMAN MINOW: Okay. So 5, consider and act
17 on other business.

18 (No response.)

19 CHAIRMAN MINOW: Public comment?

20 (No response.)

21 CHAIRMAN MINOW: I would entertain a motion to
22 adjourn the meeting.

1 PROFESSOR KECKLER: So moved.

2 M O T I O N

3 CHAIRMAN MINOW: Second?

4 MS. BROWNE: I'll second.

5 CHAIRMAN MINOW: Thank you. All in favor?

6 (A chorus of ayes.)

7 CHAIRMAN MINOW: Thank you for a wonderful
8 meeting, and have a good football game.

9 (Whereupon, at 5:40 p.m., the committee was
10 adjourned.)

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