

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE DELIVERY
OF LEGAL SERVICES COMMITTEE

OPEN SESSION
(Resumed)

Friday, January 29, 2016

2:00 p.m.

The Mills House Wyndham Grand Hotel
115 Meeting Street
Charleston, South Carolina 29401

COMMITTEE MEMBERS PRESENT:

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

OTHER BOARD MEMBERS PRESENT:

Charles N.W. Keckler
Harry J.F. Korrell, III
Gloria Valencia-Weber

STAFF AND PUBLIC PRESENT:

James J. Sandman, President

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

Rebecca Fertig Cohen, Chief of Staff

Mayealie Adams, Special Assistant to the President
for the Board

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

Janet LaBella, Director, Office of Program
Performance

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

Wendy Rhein, Chief Development Officer

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

Stefanie Davis, Assistant General Counsel, Office
of Legal Affairs

Joel Gallay, Special Counsel to the Inspector
General, Office of the Inspector General

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

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

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

STAFF AND PUBLIC PRESENT (Continued):

Robert E. Henley, Jr., Non-Director Member, Finance
Committee

Allan J. Tanenbaum, Non-Director Member, Finance
Committee

Andrea Loney, Executive Director, South Carolina
Legal Services

Leslie Fisk, South Carolina Legal Services

Adam Protheroe, South Carolina Legal Services

Gerald Jones, South Carolina Legal Services

Matthew Billingsley, South Carolina Legal Services

Rusty Infinger, South Carolina Legal Services

Rita Roache, South Carolina Legal Services

Stephanie van der Horst, South Carolina Legal
Services

Juanita F. Middleton, South Carolina Legal Services

Jamie L. Bell, South Carolina Legal Services

Angela Myers, South Carolina Legal Services

Kimaka Nichols Graham, South Carolina Legal Services

Mark Fessler, South Carolina Legal Services

Kirby Mitchell, South Carolina Legal Services

Sheila Thomas, South Carolina Legal Services

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

Robin C. Murphy, National Legal Aid and Defender
Association (NLADA)

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

2 (2:00 p.m.)

3 CO-CHAIR FATHER PIUS: It's 2:00, and
4 recognizing the presence of a quorum, we are reopening
5 the Committee on the Delivery of Legal Services, which
6 was tabled because of yesterday.

7 The first thing that I'd like to do as part of
8 the reopening of this committee is the discussion of
9 the evaluations for the committee. I think my comments
10 on this -- they're in the board book if you want to
11 look at some of the results -- but it's the same
12 tension that we find in the committee.

13 The question is, what's the purpose of the
14 committee? Is the committee like Charles' committee,
15 that does things, or is it more like the Audit
16 Committee, which is -- we're always passing
17 resolutions. Charles' committee loves to pass
18 resolution. What do you want me to say? So are we a
19 resolution-passing committee, or are we more like the
20 Audit Committee, which is kind of a supervisory
21 committee?

22 My view is we're much more like the Audit

1 Committee, that we're much more like a supervisory
2 committee, that it's our role to make sure that
3 management is collecting the data that we need to make
4 sure that we're exercising our role in supervising the
5 quality of legal services from the grantees.

6 And I think we've begun to make good progress
7 on that, especially with the April meeting, with the
8 information that the management gives us at that
9 meeting about the quality of legal services. And as
10 we'll hear, I think, we do do some things, but it's
11 mostly in working with management. And I think a big
12 part of that is going to be overseeing management's
13 revision of the performance criteria, which I think
14 we'll hear a bit more about when we talk about it next
15 time.

16 One of the things, I think, that's been
17 frustrating for us is that we haven't really had a
18 chance to talk about future topics and what we do, just
19 because our time has been so limited. I think it was
20 helpful to have the call. It was a briefing before
21 this meeting to help set some of that agenda, which I
22 thought was helpful.

1 And I think we'll probably do that again
2 before the October meeting. My goal is to do that
3 again before the October meeting, to help present some
4 of that agenda.

5 So that's my reflections on it. The comments
6 are what I expected. And I'm certainly open to things
7 that people want to talk about. If there are things
8 that we aren't doing that you think we should be, just
9 let us know. Let me know so that we can make sure that
10 those things are covered.

11 Did anybody want to make more comments about
12 the evaluations for the committee, or anything else
13 that we should be considering, or any problems in the
14 committee? Gloria?

15 CO-CHAIR VALENCIA-WEBER: This is not about
16 the evaluations. This is about the topics we discussed
17 in our telephone meeting. My view is I'd like to start
18 on those for the October meeting.

19 But one of the things we need to take into
20 account, and we can discuss this with John and Jim in
21 our board meeting, about how we want to plan that
22 October meeting because John indicates he wants to

1 program in some experience in Indian Country with
2 tribal government/tribal courts.

3 But that's not to control the topic of our
4 delivery of legal services, whatever we're going to do.
5 Okay?

6 CO-CHAIR FATHER PIUS: Yes. And that's why I
7 think it's a good time to have another conference call,
8 either briefing or meeting, before the October because
9 obviously, we're not going to be focused on that board
10 meeting until after the July meeting. So once we get a
11 little bit more focused on that, we can see what our
12 time commitments are and how we can fit things in
13 there.

14 So anything else? Julie, did you want to add
15 anything?

16 MS. REISKIN: I'm wondering, as we start
17 looking at performance criteria, if we should maybe
18 have some briefings or something because I think we
19 need to understand -- obviously, we can all read, so we
20 can read what the performance criteria says.

21 But do we need more detailed information and
22 discussion, really, about how they're used and how it's

1 applied and what the issues are as we start delving
2 into them? Because again, I could think of seven
3 interpretations for each one. And we don't want to
4 micromanage or go running all over the place, so it
5 might be really helpful to know how they're actually
6 used to have a little bit more understanding of that.

7 And I don't know if that's a briefing or a
8 meeting. I don't really care. But somehow, I think
9 that's something that deserves, I think --

10 CO-CHAIR FATHER PIUS: And you're talking
11 specifically about the revision process for the
12 performance criteria?

13 MS. REISKIN: Yes. Yes. And also, I think
14 even you've asked a couple times if we could have a
15 chart, like the Audit Committee gets or that some
16 committee -- yes, that the Audit Committee gets, on the
17 different program visits. And I know we could go on
18 the website and look them up, but I think you've asked
19 should we have a chart or should we have something.

20 And even again, we got this when we started,
21 but do we need a briefing or explanation of how they
22 work? What are they seeing? An executive summary

1 might be good of, are you seeing trends? Are we
2 seeing -- not just negative trends, but positive
3 trends? What are we seeing really working well?

4 I thought the intake talk was really, really
5 good and I'd love to know more of that. What are the
6 best practices? What is working? What isn't working?

7 I was pleasantly surprised with the intake because
8 that actually is going better than I thought.

9 CO-CHAIR FATHER PIUS: Yes. And it's
10 something -- I don't know if John's here, but it is
11 something to think about, too, as somebody brought up.

12 So when we had, for example, the intake meeting, the
13 question was raised, well, how are intakes done? So we
14 get individual members who talk about their own
15 programs.

16 But it might be helpful, when we do these
17 sorts of briefings, to have, instead of just the
18 in-depth look, a very brief sense of the broad picture
19 to depict what the intake model is. How many use
20 computer intake models? What are the numbers that
21 we're getting from different places? Just to give us
22 an overreaching sense of the way intake is done, and

1 just to think about how we can get that broader
2 picture.

3 Because we can't get all the grantees'
4 executive directors here, nor would we want them to, in
5 a meeting, but somehow to get that broader perspective
6 when we do some of these issues at the meetings. No, I
7 think that's a good point.

8 As it regards to the performance criteria,
9 there is baked into the program for it at least some
10 briefings with the board. I think it's management's
11 understanding, too. You don't have to answer this now.

12 You can talk about this when we do that point. But I
13 think it's management's understanding that the
14 committee will stay in the loop on a lot of these
15 things. But we'll look back to his presentation on the
16 performance criteria revisions when we get to that.

17 Are there any more comments on the
18 evaluations, the committee evaluations?

19 (No response.)

20 CO-CHAIR FATHER PIUS: No? Okay. Good. So
21 thank you all for that.

22 The next item of business, which I wanted to

1 add, which is not listed there but I want to add
2 because we've talked about it before, but management
3 has prepared for us, and I want to thank specifically
4 Althea in Janet's office for preparing this timeline,
5 for the PQV pilot project with clients involved.

6 MS. LABELLA: Right.

7 CO-CHAIR FATHER PIUS: It's something that's
8 been important to the committee, and I think the
9 management has taken it very -- and we're very
10 gratified with the seriousness with which management
11 has done it. And I think this timeline shows the
12 amount of energy and thoughtfulness that management has
13 put into it.

14 I just wanted to announce it. If anybody has
15 questions, we can do that as well. It's not in your
16 board book. If you do want printed copies, I can get
17 you some printed copies. I asked Janet to give me a
18 couple extra copies, which I have, if you want to take
19 a look at the timeline.

20 I didn't think it needed in the board. I just
21 wanted to do this as an update to help us be aware of
22 how seriously management is taking this and really the

1 good work that they're doing on putting this together.

2 Does anybody have any questions or comments on
3 that, on the client involvement at the PQV level, the
4 performance quality visits?

5 MS. REISKIN: I just got the evaluation back
6 from the presentation that Jim and I did at NLADA, and
7 there was a lot of very positive comments, particularly
8 about this. And a lot of the comments were like, you
9 guys listened. Thank you so much. The client
10 community is watching, and this is definitely being
11 noticed and very, very much appreciated.

12 CO-CHAIR FATHER PIUS: Good. Thank you,
13 Julie. Anything else?

14 (No response.)

15 CO-CHAIR FATHER PIUS: All right. And then I
16 want to move to the last thing. Obviously, it's been
17 very important to me. I've made clear that I think
18 it's quite important for the corporation. That is the
19 revision of the performance criteria.

20 I sent this out to the committee previously,
21 but it's also in your board book, as management has
22 done a proposal to review and revise the performance

1 criteria. So I will just let -- is Lynn here to talk
2 about it?

3 MS. LABELLA: I just emailed her.

4 CO-CHAIR FATHER PIUS: Okay. Should we wait
5 for Lynn to get here, or did somebody else want to
6 begin the presentation?

7 MS. LABELLA: I think we can begin the
8 presentation, and Lynn should be joining us shortly.

9 CO-CHAIR FATHER PIUS: Okay. So who should I
10 leave this to?

11 MS. REISKIN: Is there going to be something
12 else on the screen?

13 MS. LABELLA: No. No, there isn't going to be
14 anything on the screen.

15 CO-CHAIR FATHER PIUS: So go ahead, Janet.
16 Thank you.

17 MS. LABELLA: Okay. What you have in the
18 board book is the proposed approach and timeline for
19 the revision of LSC's performance criteria. And as you
20 can see, we're going to start with performance area 4,
21 and we'll be setting -- we've actually brought together
22 an internal working group and will be identifying and

1 pulling together an advisory group to help with that
2 review.

3 And then we'll be moving forward to draft
4 revisions and seek the advice of the advisory group.
5 I'm sorry, Gloria. Did you have a question?

6 CO-CHAIR VALENCIA-WEBER: No.

7 MS. LABELLA: And we're starting with
8 performance area 4. And after we get that one under
9 our belts, we're going to move on to the other
10 performance criteria. And we're going to do, then, 1
11 through 3.

12 And the timeline is that we should be able to
13 make a presentation in April 2017. And that would be
14 with draft revisions to the entirety of the performance
15 criteria.

16 CO-CHAIR FATHER PIUS: Thank you. I think
17 it's a very ambitious schedule. Obviously, if we need
18 some flexibility, there's no emergency, urgency, to
19 this. Right? It's better to get it done right than to
20 get it done quickly, but to get it done.

21 PRESIDENT SANDMAN: God bless you, Father
22 Pius.

1 (Laughter.)

2 CO-CHAIR FATHER PIUS: The second thing, and
3 I've said this before and I want to make it clear at
4 least from my perspective, that I think the committee
5 and the board should be involved and informed about the
6 process of this.

7 I do not think it's necessary for board
8 approval, nor do I think it's wise to have board
9 approval for these matters, but at least to have the
10 board involved and informed about what's going on
11 because I think it's an important part of at least our
12 oversight.

13 So I certainly don't expect that we're going
14 to produce a resolution as to the board. But I do
15 expect that we're going to get briefings from time to
16 time by management about the process of things.

17 The last thing is, I'm glad to see this, and
18 it's one of the things I want to make sure that there's
19 enough time for so that there is a broad input, not
20 only from our grantees but for other people that are
21 interested.

22 Obviously, in the past, the ABA has been very

1 important to us, and SCLAID, and I think getting the
2 people from the ABA and SCLAID involved on this is
3 probably important as well, and other people who are
4 knowledgeable, even outside legal services areas, in
5 terms of board management and that sort of thing in the
6 nonprofit sector. It's important to get some of those
7 viewpoints into correcting this.

8 I've sent some of my own comments in that I've
9 learned from some our meetings. And I'm going to look
10 through some of my older notes that are still back in
11 Rome, and if I've got some more, I'll send those along,
12 too.

13 But I encourage the other board members, in
14 the meetings that we've had in those times -- and
15 especially the committee members -- those instances
16 where we've seen some deficiencies in the program, the
17 performance criteria, to make sure that those are made
18 known to management so they can be incorporated in this
19 process.

20 I am very grateful for management for
21 addressing this. I do think, because the performance
22 criteria, as we've heard today -- Andrea, who said, the

1 performance criteria is what we looked at. It's good
2 to hear, but it does mean we have to take them
3 seriously, and when it's been ten years since we've had
4 a serious revision.

5 And there's been lots of changes. Right?
6 When our intake system, for example, doesn't even
7 mention online intake, there's some revisions that have
8 to be needed. So I think --

9 MS. LABELLA: Well, it is actually mentioned
10 in there.

11 CO-CHAIR FATHER PIUS: Oh, it is? It is?

12 MS. LABELLA: Yes.

13 CO-CHAIR FATHER PIUS: All right.

14 MS. LABELLA: Because technology is also
15 addressed, of course, in performance area 4.

16 CO-CHAIR FATHER PIUS: Yes.

17 MS. LABELLA: So online intake is actually
18 mentioned.

19 CO-CHAIR FATHER PIUS: Oh, okay. I was just
20 looking for it and I couldn't find it.

21 MS. LABELLA: Right, right.

22 CO-CHAIR FATHER PIUS: Because mostly in the

1 intake system it only mentions telephone and in-person.

2 Okay. Does anybody have any more questions or
3 comments about this? Julie?

4 MS. REISKIN: Go ahead.

5 CO-CHAIR VALENCIA-WEBER: On the proposed
6 approach, it looks to me, Janet. There is one question
7 on page 78, the first page.

8 MS. LABELLA: Yes?

9 CO-CHAIR VALENCIA-WEBER: On the March to May,
10 on the second dotted area. By stakeholders there, are
11 you talking about our grantees? Or who do you have
12 identified as the stakeholders?

13 MS. JENNINGS: The grantees would be the
14 primary ones. But it would also be our friends with
15 ABA as well, who helped us put the performance criteria
16 together in the past, and any other stakeholders we
17 deal with on a regular basis related to this.

18 PRESIDENT SANDMAN: I think we also would want
19 to consider talking to state-level funders, even those
20 that look to our performance criteria who, either
21 formally or informally, have their own, because they're
22 in the same business that we're in. They're

1 grantmaking agencies that provide funding to legal aid
2 organizations, and I think they're part of the
3 landscape.

4 CO-CHAIR VALENCIA-WEBER: Okay. I just wanted
5 it clarified.

6 CO-CHAIR FATHER PIUS: Julie?

7 MS. REISKIN: I'm sure this will be a real
8 shock to everyone, but I want to make sure that we
9 include clients, especially client board members. They
10 had some really good input at the meeting that Jim and
11 I went to.

12 And again, I just think that -- because
13 they're the ones that could, I think, give you really
14 good insight as to what is and isn't working.

15 MS. JENNINGS: Absolutely. That will --

16 MS. REISKIN: When a room full of probably the
17 more informed ones don't know what a 990 is, I think
18 we've got an issue.

19 PRESIDENT SANDMAN: Yes.

20 CO-CHAIR FATHER PIUS: Anyone else?

21 MS. REISKIN: Can I get --

22 CO-CHAIR FATHER PIUS: Oh, yes.

1 MS. REISKIN: I just think client board
2 members are really important. But any way to reach out
3 to just clients on some of them -- again, obviously,
4 you can't reach out to every client. But there are
5 ways to reach out to the low-income community to ask
6 questions. And again, I'm happy to share ideas or help
7 when you're at that point.

8 But there has to be some intentionality
9 because clients don't have lobbyists or trade groups,
10 so they're not going to read the Federal Register. So
11 the outreach just needs to be different.

12 MR. MADDOX: Father Pius?

13 CO-CHAIR FATHER PIUS: Vic?

14 MR. MADDOX: Just a question about the
15 advisory committee. It says that in February or in
16 March, LSC will incorporate the comments. I assume
17 that LSC may incorporate the comments and may reject
18 the comments as well?

19 MS. LABELLA: Oh, absolutely. We'll review
20 and incorporate comments as appropriate.

21 PRESIDENT SANDMAN: Or not.

22 (Laughter.)

1 MS. LABELLA: Or not. Correct.

2 PRESIDENT SANDMAN:

3 CO-CHAIR FATHER PIUS: Anybody else? Any
4 other comments or questions about this?

5 (No response.)

6 CO-CHAIR FATHER PIUS: All right. Then really
7 thank you to management for doing this and for the
8 great work on doing this. I'm really excited about
9 this and really looking forward to the way this process
10 works out.

11 And especially as we go through -- and we
12 really -- obviously, you know this, but I'll say
13 anyway -- as we go through the amendment for criterion
14 4, we should reflect on that as we go through 1 through
15 3. And if there are changes that need to be made, we
16 should feel free to make changes to the process to make
17 sure that it runs the way we want it to.

18 And we shouldn't be -- just because we've got
19 this -- remember, we're not approving this schedule as
20 a committee. So it should be flexible and it should be
21 something we should advise because it's more important
22 that we get it right than that we get it done on time.

1 So thank you.

2 So that's it for the main part of the agenda.

3 Is there any public comment for our meeting?

4 (No response.)

5 CO-CHAIR FATHER PIUS: Seeing no public
6 comment, is there any other business that the committee
7 needs to act upon?

8 (No response.)

9 CO-CHAIR FATHER PIUS: And no other business.

10 So then can I entertain a motion to adjourn?

11 M O T I O N

12 CO-CHAIR VALENCIA-WEBER: I'll move to
13 adjourn.

14 CO-CHAIR FATHER PIUS: Any second?

15 MS. REISKIN: Second.

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

17 (A chorus of ayes.)

18 CO-CHAIR FATHER PIUS: And this meeting is
19 adjourned. Thank you very much.

20 (Whereupon, at 2:18 p.m., the committee was
21 adjourned.)

22 * * * * *