

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

MEETING OF THE GOVERNANCE  
AND PERFORMANCE REVIEW COMMITTEE

OPEN SESSION

Monday, April 18, 2016

3:40 p.m.

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

COMMITTEE MEMBERS PRESENT:

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

OTHER BOARD MEMBERS PRESENT:

Harry J.F. Korrell, III  
Victor B. Maddox  
Laurie Mikva  
Father Pius Pietrzyk, O.P.  
Gloria Valencia-Weber

## STAFF AND PUBLIC PRESENT:

James J. Sandman, President

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

Lynn Jennings, Vice President for Grants Management

Rebecca Fertig Cohen, Chief of Staff

Mayealie Adams, Special Assistant to the President  
for the Board

Wendy Rhein, Chief Development Officer

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

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

Janet LaBella, Director, Office of Program  
Performance

Carlos Manjarrez, Director, Office of Data Governance  
and Analysis

Traci Higgins, Director, Office of Human Resources

Stefanie Davis, Assistant General Counsel, Office  
of Legal Affairs

Jeffrey E. Schanz, Inspector General

## STAFF AND PUBLIC PRESENT (Continued):

Laurie Tarantowicz, Assistant Inspector General and  
Legal Counsel

John Seeba, Assistant Inspector General for Audit

Daniel O'Rourke, Assistant Inspector General for  
Investigations

David Maddox, Assistant Inspector General for  
Management and Evaluation

Jeffrey E. Schanz, Inspector General

Laurie Tarantowicz, Assistant Inspector General and  
Legal Counsel

John Seeba, Assistant Inspector General for Audit

Daniel O'Rourke, Assistant Inspector General for  
Investigations

David Maddox, Assistant Inspector General for  
Management and Evaluation

Roxanne Caruso, Director of Audit Operations, Office  
of the Inspector General

Katherine Ward, Executive Assistant, Office of Legal  
Affairs

Davis Jenkins, Graduate Fellow, Office of Legal  
Affairs

## STAFF AND PUBLIC PRESENT (Continued):

Jean Fischman, Graduate Fellow, Office of Legal  
Affairs

Michael Smith, Development Office

Eric Jones, Network Engineer, Office of Data  
Governance and Analysis

Bristow Hardin, Office of Data Governance and  
Analysis

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

Thomas Smegal, Non-Director Member, Institutional  
Advancement Committee

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

Robin C. Murphy, NLADA

Terry Brooks, American Bar Association Standing  
Committee on Legal Aid and Indigent Defendants  
(SCLAID)

Beverly Groudine, ABA SCLAID

April Faith-Slaker, ABA

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

2 (3:40 p.m.)

3 CHAIRMAN MINOW: All right. I'm going to call  
4 to order, if I can, the duly noticed meeting of the  
5 Governance and Performance Review Committee. We were  
6 originally scheduled for yesterday, but switched times  
7 with the Finance Committee.

8 I would like to entertain a motion to approve  
9 the agenda.

10 M O T I O N

11 MR. KECKLER: So moved.

12 CHAIRMAN MINOW: Is there a second?

13 MS. REISKIN: Second.

14 CHAIRMAN MINOW: All in favor?

15 (A chorus of ayes.)

16 CHAIRMAN MINOW: And is there a motion to  
17 approve the minutes of our last meeting from January  
18 29th?

19 M O T I O N

20 MS. REISKIN: So moved.

21 CHAIRMAN MINOW: And second?

22 MR. KECKLER: Second.

1           CHAIRMAN MINOW: All in favor?

2           (A chorus of ayes.)

3           CHAIRMAN MINOW: Thank you.

4           Our first item of substance is a report on the  
5 evaluations of the LSC comptroller, the vice president  
6 for grants management, and vice president for legal  
7 affairs.

8           Just to remind everyone, we are the governance  
9 committee, and while we have direct oversight of a few  
10 people, mostly the review and performance and  
11 evaluation is properly left with the president.

12           I do want to say and slip in my own evaluation  
13 of our board, where our board is, I think, doing a  
14 fabulous job. I want to thank Vic for his performance  
15 of fiduciary duties as chair of the audit committee,  
16 Charles for his yeoman's service -- heroic service --  
17 on operations and figuring out how to get us on a  
18 schedule with regard to rules and regs.

19           Julie's done an amazing job on communications.

20           Father Pius, who's now left the room so he doesn't get  
21 to hear it, has done something really excellent on  
22 performance. And I think that in addition, Laurie and

1 Gloria have done an amazing job helping us to continue  
2 to connect with the field. And I'm very grateful to  
3 all of the board members for that.

4 So without further ado, can we turn to Jim  
5 Sandman.

6 PRESIDENT SANDMAN: Thank you, Martha. I have  
7 conducted annual evaluations of the three officers of  
8 the corporation, our treasurer, Dave Richardson, our  
9 vice president and general counsel, Ron Flagg, and our  
10 vice president for grants management, Lynn Jennings.  
11 I'll start with our treasurer, Dave Richardson, and  
12 give you a summary of my evaluation of him.

13 I consulted with Robert Grey as chair of the  
14 finance committee. Robert works very closely with  
15 Dave, and I thought it was important to have his  
16 perspective. He reported that Dave has maintained a  
17 high level of professionalism as treasurer of the  
18 corporation. He described Dave as objective, willing  
19 to take a look at concerns expressed by the board, and  
20 is approaching these assignments with an unbiased view.

21 He noted that Dave has improved the clarity  
22 and succinctness of his presentations to the finance



1 committee and the board. You will have noted that  
2 yesterday, where Dave rested on his briefs. He  
3 described Dave as fair, very knowledgeable, said he  
4 gives him high marks, and that LSC is fortunate to have  
5 him.

6 In my own evaluation of Dave, I commended him  
7 for his integrity, honesty, objectivity. He is very  
8 scrupulous. He has an excellent system of financial  
9 controls in place and produces financial reports of the  
10 highest accuracy. I believe that LSC is well protected  
11 against the risk of fraud.

12 We had an excellent audit this past year.  
13 Dave had a good relationship with the auditors. As you  
14 know, there was an issue with our inventory control,  
15 which has now been addressed.

16 Dave does raise issues and potential problems  
17 with me periodically, calls them to my attention  
18 promptly when they arise. He keeps current on  
19 professional standards of accounting and financial  
20 reporting. He generally meets internal deadlines for  
21 financial statements and for our audits. I agreed with  
22 Robert that he has improved his presentations to the

1 finance committee and to the board.

2 I did identify areas for improvement. Dave  
3 does need to improve his responsiveness to his internal  
4 clients. He heads a critical service office within LSC  
5 that others need to depend on for financial information  
6 for a variety of reasons -- reports to the Hill,  
7 private grants, individual office planning, and  
8 budgeting.

9 I asked Dave to institute a customer  
10 satisfaction survey of the type that we have had for  
11 several years in the other service offices of LSC. The  
12 Office of Human Resources, the Office of Information  
13 Technology, and the Office of Legal Affairs all do  
14 annual surveys of everyone who works here at  
15 headquarters to get an assessment of how they're doing.

16 I also asked Dave to reach out proactively to  
17 his customers to find out whether they're getting what  
18 they need from him, whether the information could be  
19 presented in a more helpful way, and what their  
20 assessment is of the timeliness of the response of Dave  
21 and his office.

22 I also asked him to work with management and

1 the finance committee on integrating private funds into  
2 our financial planning and reporting. As I indicated  
3 yesterday, LSC is now itself a grantee as well as a  
4 grant-maker, and we need to be a model grantee. We  
5 need to be modeling the best grantee behavior that we  
6 would expect of our grantees.

7           And I think that we could do some improving in  
8 the way we monitor timekeeping on private grants and  
9 complying scrupulously with the reporting requirements  
10 that our funders have set in place. These things  
11 require adapting to a new line of business for us. We  
12 have not previously been in the grant recipient  
13 business.

14           I'll move now to Lynn. Lynn has a very big  
15 job, and she does it very well. She manages all of our  
16 grant-making, our grants oversight and data collection  
17 and analysis, and all this now includes our private  
18 grants.

19           She's done an excellent job getting new grant  
20 programs up and running quickly and efficiently,  
21 including the Pro Bono Innovation Fund, the Vieth  
22 Leadership Development Grants, and the Rural Summer

1 Legal Corps.

2 She has instituted much more comprehensive  
3 oversight of subgrantees, and continued to expand and  
4 improve our fiscal oversight of all grantees.

5 She has done a good job of integrating the  
6 operations of the Office of Program Performance and the  
7 Office of Compliance and Enforcement, especially  
8 through the establishment of joint regional teams.

9 She has a good working relationship with the  
10 Office of Inspector General and models the Inspector  
11 General's three Cs, communication, cooperation, and  
12 coordination, and does good followup on recommendations  
13 of the original.

14 She makes significant contributions to the  
15 broader management of LSC. She has an important role  
16 in our strategic plan update. She located our  
17 consultants for that project.

18 She's done an outstanding job of identifying  
19 and recruiting volunteer members of advisory committees  
20 for our private grants -- for example, the Justice Gap  
21 grant, the Mellon Library project -- and has come up  
22 with great members for the advisory committee we're

1 using for our performance criteria review, particularly  
2 performance area number 4.

3           We benefit from Lynn's rich experience, her  
4 knowledge, and her networks. She's also helpful in  
5 planning our overhaul of the budgeting process for the  
6 management and grants oversight operations, our  
7 headquarters operation here.

8           We have recently undertaken a review of how we  
9 go about budgeting for management and grants oversight,  
10 and Lynn has played a critical role in spearheading  
11 that effort. She's also a key player in the data  
12 portal, the new data portal in our grants management  
13 system planning and rollout.

14           I have recommended to Lynn that because of the  
15 volume of her responsibilities and the number of  
16 important projects she has on her plate that we use the  
17 weekly meetings that we have with each other to set and  
18 review her priorities. I'd like to ensure that her  
19 priorities are driven by our strategic plan and by the  
20 direction of the board rather than by the day-to-day  
21 exigencies of the job that she has.

22           I've also asked that over the course of the

1 next year she place a particular priority on rethinking  
2 our approach to oversight visits. We invest huge  
3 resources in terms of person-days in sending people out  
4 for a week or two to visit a program, teams of five or  
5 more.

6 We interview a very substantial percentage of  
7 the employees of our grantee organizations. And  
8 approaching oversight in that way does have an  
9 opportunity cost in terms of our ability to provide  
10 technical assistance and customized training to our  
11 grantees who might most benefit from individualized  
12 attention. And Lynn agrees that that is an appropriate  
13 priority.

14 Finally, I'll report on Ron Flagg. I think  
15 Ron does an outstanding job. He is extraordinarily  
16 productive, efficient, thoughtful, and successful in  
17 his outcomes. He negotiated and concluded agreement on  
18 a collective bargaining agreement. He successfully  
19 resolved every one of the unfair labor practices that  
20 were filed against LSC. They were withdrawn.

21 He developed and implemented a new contracting  
22 and procurement protocol. He's revised and rolled out

1 our new Code of Ethics and Conduct. He has undertaken  
2 a steady revision of our regulations, including some on  
3 issues of considerable complexity.

4 He coordinates our risk management activities.

5 He is involved in implementing the recommendations of  
6 the Pro Bono Task Force, and works closely with me and  
7 with the Pro Bono Institute on particular pro bono  
8 projects.

9 He ensures that we fully meet all requirements  
10 of the Freedom of Information Act. We were recognized  
11 last year by the Department of Justice for our high  
12 performance in complying with the requirements of FOIA.

13 He gets five-star reviews from his clients on  
14 his attentiveness and responsiveness to them. He is  
15 helpful, fast, a problem-solver, and practical. He has  
16 a very high-functioning team, and he is focused on  
17 their professional development and is working on  
18 maximizing their potential.

19 Ron is also a critical member of the senior  
20 management team. He is a vice president, not merely  
21 general counsel and secretary. There is no significant  
22 project that we're undertaking now that he hasn't been

1 a strong contributor to. And finally, he has built  
2 successful, excellent, and respectful relationships  
3 with our outside stakeholders.

4 I'd be happy to answer questions.

5 CHAIRMAN MINOW: Not seeing any questions, let  
6 me just say that this is a sterling review of simply  
7 extraordinary people. And I'm not sure how many people  
8 are fans of Deepak Chopra; I don't know if I am.

9 But he said, "The highest levels of  
10 performance come to people who are centered, intuitive,  
11 creative, and reflective, people who know how to see a  
12 problem as an opportunity." And that's what I would  
13 commend in this extraordinary group of people, people  
14 who take what seem to be problems and turn them into  
15 opportunities.

16 And none of this would be possible without  
17 your fine, fine leadership, Jim. So thank you, and  
18 thank you for this modeling what it is to do  
19 performance reviews.

20 Our next topic turns back to you. We're going  
21 to turn to the report on foundation grants and LSC's  
22 research agenda. And if Carlos is around, I think we



1 may be joined also by him, or maybe not.

2 MS. LABELLA: I'll go get him.

3 CHAIRMAN MINOW: Okay. Thank you.

4 MR. LEVI: The meeting schedule got clipped,  
5 and he may not have realized it.

6 MR. KECKLER: Do you want to go to the next --

7 PRESIDENT SANDMAN: I can start because I can  
8 report on our foundation grants.

9 CHAIRMAN MINOW: Okay.

10 PRESIDENT SANDMAN: I'll start with the  
11 Cargill grant. That's the Midwestern disaster relief  
12 grant, which has been extended until February 2017. As  
13 a part of that grant, we are now going to be producing  
14 a series of four to six videos on common legal issues  
15 in disaster response that will be available to pro bono  
16 attorneys who volunteer to help out following a  
17 disaster.

18 That's in addition to the grant program, but I  
19 think it will be very valuable, not only in Iowa and  
20 Nebraska, where the activities are headquartered, but  
21 nationally as well.

22 As you know, the Ford Foundation is funding an

1 evaluation of statewide websites to allow us to do a  
2 comparison of the websites that we have funded through  
3 our technology initiative grants over time to identify  
4 best practices and areas for improvement. We have  
5 selected an evaluation contractor. It's a subsidiary  
6 of Ernst & Young. And we have a high level of  
7 confidence that we'll get good results and useful  
8 information from that evaluation.

9           We have funding from the Hewlett and Kresge  
10 foundations to do a new justice gap study. We have  
11 identified an advisory committee to work with us. We  
12 ultimately expect to hire a consultant, but we want the  
13 input of the advisory committee in formulating an RFP  
14 before we do that. The advisory committee will be  
15 meeting on May 2nd for the first time.

16           We have a grant from the Mellon Foundation.  
17 This is a planning grant to begin to design a training  
18 curriculum for librarians about civil legal services  
19 and resources that are available to library users who  
20 mind help with civil legal matters.

21           We've identified and are working with a  
22 contractor there. Her name is Karen Klein; she is with

1 Fulcrum Information Resources. She's off to a great  
2 start. There, too, we have an advisory committee of  
3 terrific people.

4 Our advisory committee includes the president  
5 of the Public Library Association, who is also the  
6 chief executive officer of the Cleveland Public  
7 Library. We have the director of the State Law Library  
8 of Maryland. We have the deputy director of the Office  
9 of Information Technology Policy at the American  
10 Library Association. A first-class group of people who  
11 should be very helpful to us and help beginning to  
12 design a curriculum.

13 And finally, we have two ongoing grants from  
14 the Public Welfare Foundation. One is a follow-on to  
15 the grant that involved the development of outcome  
16 measures. This is to develop e-training. It's a  
17 series of six modules that will be available on our  
18 website.

19 It's all about -- five modules, I'm sorry --  
20 how to implement an outcomes measurement system. It's  
21 very practical. One of the modules, for example, deals  
22 with how to set up outcomes measurement within the case

1 management systems that are currently in use by the  
2 vast majority of our grantees.

3           There are four different case management  
4 systems that almost all of our 134 grantees are using,  
5 and we have connected with the producers of those case  
6 management systems to make sure that they have the  
7 capability to track outcomes and to generate useful  
8 reports to grantees using the outcomes that they've  
9 tracked in the cases that they're handling.

10           We also have another data collection project  
11 that the Public Welfare Foundation is funding. This  
12 involves focusing on grantees located in states where  
13 IOLTA programs have been requiring outcomes measurement  
14 for some time. There are some state-level IOLTA  
15 programs that have long preceded us in requiring that  
16 their grantees track outcomes information in extended  
17 service cases.

18           So there's a history out there that we don't  
19 think has been adequately studied, and we'd like to see  
20 what lessons can be learned from the outcomes  
21 information that has been collected in states that have  
22 those requirements, identify best practices, see what

1 additional use could be put to that information that  
2 hasn't yet been tapped.

3 So that's the status of our --

4 CHAIRMAN MINOW: Julie?

5 MS. REISKIN: I don't know if you have  
6 anything yet, but I'd be interested in what kinds of  
7 stuff the statewide website project is measuring, if  
8 you know yet.

9 MS. JENNINGS: They're looking at six  
10 different --

11 PRESIDENT SANDMAN: Lynn will respond.

12 MS. JENNINGS: Lynn Jennings for the record.  
13 There are six areas that we asked them to look at. We  
14 do have a contractor that I think we've finalized the  
15 contract with. They're very good. But they'll be  
16 looking at all 50 websites against these six criteria,  
17 which I don't know off the top of my head. I know one  
18 of them is usability, and in terms of 504 compliance  
19 and things like that -- 508 compliance, sorry.

20 And so I can get that list to you. It was  
21 part of the statement of work, and I can pull it down.

22 But I'd be happy to share that with you.

1           CHAIRMAN MINOW: This is a wonderful report,  
2 and it does address a question I had last time, which  
3 is how to line up all the different grants and what the  
4 different areas are. And it's terrific to see these  
5 top-flight people involved in advisory committees.

6           I do have a comment -- maybe it's a suggestion  
7 -- especially with regard to the Mellon grant, but it  
8 may also be relevant to the justice gap and the data  
9 collection, and that is it's great to have high-level,  
10 fancy people, but there's a question about who actually  
11 does work.

12           And even more to the point, who is a good  
13 source of information about, say, what do line staff  
14 librarians find a meaningful form of training? What  
15 are their concerns?

16           Or, on the data collection side, what are the  
17 relationships between the existing categories, some of  
18 the other data sources that Carlos told us about that  
19 grantees themselves would find helpful, and how do  
20 those align with our long-term interests in trying to  
21 deal with our strategic plan questions, particularly  
22 around public education?

1           And again, I just want to hit the question  
2 about closed cases because many of us think that that's  
3 simply not an adequate window onto what's going on.

4           PRESIDENT SANDMAN: I share that concern. I  
5 also hope that our advisory committees will provide  
6 further access to other people. I think they're a  
7 starting point, not an ending point.

8           CHAIRMAN MINOW: Julie?

9           MS. REISKIN: I wish I had an answer, like a  
10 suggestion, on how to do this. But thinking of the  
11 discussion that we just had about how more and more  
12 we're going towards limited representation instead of  
13 extended -- which I don't know that that's really in  
14 the best interest of the clients, but that's another  
15 discussion -- I know that there doesn't seem to be any  
16 good evaluation of that system.

17           And I don't know how to do it, particularly  
18 when it's that lower level, that middle level where  
19 it's like you write a letter or something. There might  
20 be a little bit of way. But I just think we've got to  
21 keep thinking about it.

22           I don't know if there could be a brainstorming

1 session or a focus group with the right kind of minds,  
2 but I just think if that's -- we're going more and more  
3 towards that, and it's just -- we just have to figure  
4 it out.

5           And again, I wish -- I don't like just stating  
6 a problem and not having anything useful to say about  
7 it. But especially in light of what we've been talking  
8 about and the numbers we see, it's just concerning.  
9 And I'm not saying that to blame anyone.

10           CHAIRMAN MINOW: No. I appreciate that, and I  
11 think it's the kind of concern that many of us share.

12           Carlos, we were simply having an update on the  
13 externally funded research programs. And I think that  
14 we all are very delighted to have your knowledge and  
15 capacity. And while the substantive questions that are  
16 going to be addressed there are not what you are  
17 responsible for, figuring out what's possible to add or  
18 include, given our existing data collection, is going  
19 to be very relevant.

20           And also, what kind of burdens are there on  
21 grantees that we don't want to exacerbate in terms of  
22 further data collection, while we do have questions



1 that go beyond existing data. So that's why we're glad  
2 that you're here.

3           PRESIDENT SANDMAN: I do want to say a couple  
4 of other things about our research agenda. There's a  
5 memo from Carlos at pages 42 to 44 of your board book,  
6 and in the memo Carlos identifies a number of areas  
7 that the White House Legal Aid Interagency Roundtable  
8 has identified for research in the field of civil legal  
9 aid.

10           We have some important partners out there who  
11 are doing research or have the capability to convene  
12 others to do research. And they have capacity beyond  
13 what we have, and we're trying to keep abreast of them.

14           We're active participants in the work that they're  
15 doing. But I think it's a pretty big list of things  
16 that they've identified for study. We don't want to  
17 duplicate what they're doing. We want to coordinate  
18 with them.

19           The other point of the memo to me where Carlos  
20 focuses on internal research, there is, as Carlos  
21 mentioned this morning, a lot more we could be doing  
22 with the data we already have. And we'd like to try to

1 follow up on that.

2           That exercise, I think, will also identify  
3 opportunities of the type that you just mentioned,  
4 Martha. What else should we be getting? How can we do  
5 it in a way that is not burdensome for our grantees?  
6 What are we getting that we're not using that imposes  
7 burden without a sufficient utility to us?

8           CHAIRMAN MINOW: Charles?

9

10           MR. KECKLER: Thank you, Martha.

11           I just wanted to point out one, in addition,  
12 thing that you -- otherwise we might not have noted,  
13 when I was reading through the board book. Another  
14 potential source for a research again or for ideas is  
15 within our strategic planning process, as these  
16 interviews are going on, they've identified areas of  
17 unclarity here.

18           And so if you look at page 256 of the board  
19 book, they identified "Conflicting themes or opposing  
20 views among respondents." And I think that there's  
21 strong empirical points that really -- it's not so much  
22 that these are ideological branches. These are

1 empirical, rival intuitions. These are rival empirical  
2 intuitions.

3           And one of them raises, to your point, Julie,  
4 so if you read those, there's three things. They say,  
5 "Some groups say, encourage more rigorous compliance  
6 and risk management measures. Others say, it's too big  
7 of a burden." Okay. So that's one thing, oversight  
8 versus that.

9           Secondly, "Some are very oriented towards  
10 incentivizing or encouraging more pro bono, more  
11 things, while others say there's a bigger return on  
12 investment if the money and effort is put into staff  
13 attorney time."

14           And the third thing is -- this is what Julie's  
15 talking about -- "The technology focus is very  
16 attractive to some, and others say no. The investment  
17 could be put otherwise."

18           And so those are three areas that have just  
19 emerged from a bottom-up process of where there's  
20 disagreements that are essentially disagreements about  
21 what works better, where the best marginal value is in  
22 the way that we operate.

1           And I think that those are areas, those  
2 particularly but also when something like those things  
3 emerge from our process in which there's clearly two  
4 sides and we would like to be able to point to  
5 something that says, no, you're wrong and I'm right.  
6 But we're not there yet.

7           CHAIRMAN MINOW: A wise person, otherwise  
8 known as my father, once said, "You're entitled to your  
9 own opinions, not to your own facts."

10           (Laughter.)

11           CHAIRMAN MINOW: And we, I think, could  
12 explore the use of tools like Survey Monkey to quickly  
13 and efficiently get just a window onto grantees' views  
14 about some of those kinds of questions, it seems to me.  
15 You have to be prepared to deal with the answers, but  
16 -- yes?

17           MR. KECKLER: Just to follow up, that's a kind  
18 of -- people's opinions are a kind of fact, but they're  
19 not --

20           CHAIRMAN MINOW: Quite right. Quite right.  
21 We might be able to find some sociology students or  
22 political science students or economic students who

1 would love to have permission to do some tests and  
2 study some of what we do.

3 I think that this memo again from Carlos on  
4 page 42 is very helpful. And even these two categories  
5 about enhancing LSC grantee capacity, on the one hand,  
6 and measuring access to legal services, is very  
7 helpful.

8 I think there is a third category, which is  
9 access to justice. And legal services, as our  
10 discussion about limited versus extended services  
11 illustrates, may not be the only way to promote access  
12 to justice. And particularly the TIG grants are very  
13 much a way to explore alternatives to access to lawyers  
14 and access to legal advice.

15 So I hope we have a third category. I hope  
16 that particularly when we have research on our websites  
17 underway, we have research on the justice gap underway,  
18 that we work towards something that's a more rigorous  
19 analysis than access to legal services as a way to  
20 address that as a question.

21 Anyone else have any comments or questions on  
22 the research agenda or the foundation updates?

1 (No response.)

2 CHAIRMAN MINOW: If not, that's great. Then I  
3 think we have Ron. Your turn. And we are going to ask  
4 Ron Flagg to help us with the continuing discussion of  
5 transition planning. When we first started talking  
6 about this, it seemed like a long way away. It is not  
7 a long way away.

8 And I know from Ron that one of the next items  
9 on the agenda is to involve each committee in working  
10 on a transition plan from the vantage point of each  
11 committee. But I look forward to hearing what else  
12 you're going to tell us.

13 MR. FLAGG: Thank you. It's probably useful  
14 when we're talking about transition to think of two  
15 transitions or two transition processes. One is the  
16 U.S. presidential transition process, and the second is  
17 the transition of this board to a new board. And the  
18 reason it's useful to talk about them separately is  
19 they're likely to take place a year or more apart. So  
20 let me start with the presidential transition process.

21 We are working with a group at the White House  
22 on that. Jim will be quite pleased to hear that there

1 are three different organizations within the Executive  
2 Branch. There's the well-known WHTaCC, the equally  
3 well-known ATDC, and the PMC. Those stand respectively  
4 for the White House Transition Coordinating Council,  
5 the Agency Transition Directors Council, and the  
6 President's Management Council, all of which have a  
7 role in presidential transition.

8           With regard to LSC, I think the headlines are  
9 as follows. One, LSC has appointed Carol as our point  
10 of contact to the alphabet soup that I just mentioned.

11           Two, we will owe those various groups a  
12 transition report in October of this year, which will  
13 need to include our basic organization, mission,  
14 functions, performance goals, and key personnel, and  
15 major policy, internal management, legal and  
16 infrastructure issues.

17           I think our belief is that the centerpiece of  
18 our transition report as part of this presidential  
19 transition will be the strategic plan which the board  
20 is working on. So if you're wondering what should we  
21 as board members be working on with regard to the  
22 presidential transition, I think it's the strategic

1 plan, which you're working on, and if I shut up, you'll  
2 get to work on momentarily. So that's the presidential  
3 transition piece.

4           The second piece is a board transition, which  
5 based on history is not likely to occur until late in  
6 2017 or even beyond that point. To my mind, there are  
7 two pieces of that board transition, which again is at  
8 this point 18 months or more away.

9           One is orienting a new board. We have, thanks  
10 to your foresight, already prepared and talked to you  
11 about a myriad of materials that we have covering  
12 pretty much every topic that a new board member would  
13 need to know about, from governance issues to  
14 substantive issues.

15           We will need to review, and we'll be happy to  
16 review with you, those lists. But I think we've now  
17 done that sufficiently that we can probably put that on  
18 hold for another six to 12 months and then share with  
19 you again those materials so that we're all confident  
20 we're providing an orientation for new board members  
21 that makes sense.

22           And then the second piece of the board



1 transition is what Martha alluded to. I think it would  
2 be helpful for each of the committees to again, 18  
3 months from now or maybe even further down the road,  
4 provide to the new incoming board a combination of a  
5 status report and issues to be faced in the future,  
6 those two topics.

7           As I mentioned this morning, I think for the  
8 Operations and Regulations Committee, a good portion of  
9 that would be the then-existing regulatory agenda. But  
10 each of the committees could prepare a document that  
11 highlights what the committee has been recently and  
12 currently working on, and what issues you all  
13 anticipate facing.

14           Because it's far enough down the road and  
15 because we live in a dynamic time, I don't think it  
16 makes any sense to start working on those transition  
17 memos now because a year or 15 months from now, my  
18 guess is those memos would look quite different. So it  
19 probably makes sense to write them once and not two or  
20 three times.

21           CHAIRMAN MINOW: Well, thank you, and these  
22 are great developments. I guess on the work for the

1 committees, I'd take a slightly different view. I  
2 think there are some ongoing issues for each committee  
3 that it wouldn't be too early to start talking about --  
4 that is, what kinds of processes or connections have we  
5 developed that we think are important? Or what have we  
6 not been able to develop?

7 I think in terms of an agenda, that's way too  
8 early. We haven't -- but I guess I would ask you, Ron,  
9 would you consider helping to put together a set of  
10 questions to put to each committee chair, and  
11 wonderfully, each committee is supported by staff, so  
12 that we could begin to think about it.

13 This is April. Our next meeting is going to  
14 happen very soon, and then writing these reports, and  
15 we're all going to get caught up with other things.  
16 And so I think while we're actually in the midst of  
17 work is probably a really good time to think about what  
18 are the back-of-the-mind, I want to make sure this  
19 doesn't get lost, things to have in mind. Quite right,  
20 much closer to an actual transition, we'll think about  
21 here are pending matters or things that we didn't get  
22 to.

1           Yes, Charles?

2           MR. KECKLER: I just wanted to point out that  
3 -- you're probably aware -- the Congress passed and the  
4 President signed the Presidential Transition  
5 Improvements Act -- I think his signature went through  
6 towards the end of March -- to help establish some of  
7 these agency directors for transition. So this is an  
8 area that continues to be of interest to the Congress  
9 and the administration, and an area of successful  
10 cooperation on their part.

11           One thing that highlights is that the purpose  
12 of the PTIA is to basically create some extra months  
13 for transition by the presidential campaigns. In 2012,  
14 the transition effort for Romney began in April and  
15 really began in earnest and organized in work in June.

16           And the official government support for -- so  
17 the expectation now is that these are going to start  
18 earlier. Whether they actually do is a lot less clear,  
19 but the facilities are going to start to be offered to  
20 the nominees after the convention in late July.

21           So that is to say there will be two operative  
22 transition teams beginning in July. And whether or not

1 they would be to reach out to LSC or to try to acquire  
2 some information, basically the statute purpose of the  
3 PTIA is that federal entities be ready and able to be  
4 responsive to these nominee transition teams when they  
5 form, at least by July if not as they start forming  
6 prior to the convention.

7 MR. FLAGG: Yes. The schedule -- and we have  
8 a detailed set of milestones, and as they apply to us,  
9 the ones that seem to be most relevant is two of these.  
10 The PMC and ATDC will meet in July to finalize agency  
11 guidance, that is, finalize guidance to us about what  
12 information they want from us.

13 So we're still a few months away from getting  
14 a list of what questions they want answered. And we'll  
15 get those in July and then have several months to put  
16 together our transition reports. I think much of the  
17 information in the transition reports -- and again,  
18 Carol has more experience on this in her history -- is  
19 factual in nature and is not all that complicated.

20 The piece of it that is more strategic,  
21 requires more thought, is the strategic plan. And  
22 we're again about to continue our work on that and

1 we'll have, I think, quite a substantial blueprint for  
2 the transition teams as well as the new administration  
3 with the strategic plan.

4           But we're going to be doing a lot of work  
5 between July and October to finalize the presidential  
6 transition documents. And Martha, we'll certainly work  
7 with the committee chairs to identify the sorts of  
8 issues you're talking about. But I do think more of a  
9 to-do list, both current and future, is better kept  
10 till next year because the to-do list is going to look  
11 different 18 months from now than it would look today.

12           CHAIRMAN MINOW: John?

13           MR. LEVI: Well, I might have said this a few  
14 minutes ago. I debated waiting to hold it till my  
15 presentation tomorrow or possibly even as we get to the  
16 strategic plan. But after this tenure on the board, we  
17 came in. I certainly recognized that we were the most  
18 important funder.

19           But as I've been in this role and seen and  
20 heard from our grantees and from so many in the field  
21 and the other organizations that are involved, one of  
22 our other major roles is as convener. And we have been

1 using that. I have tried to use that. And I think  
2 it's something that's quite important to understand and  
3 to talk about.

4           And then the other thing, the third piece, is  
5 what Jim was alluding to here, in a way, with the  
6 research agenda and the private funds, and even the  
7 LAIR group. Of course, we don't know what's going to  
8 happen with some of these in the future, and the White  
9 House has that long list of things that it might look  
10 to do research. But we don't know whether that will  
11 happen or not.

12           Again, the coordination or understanding of  
13 who's doing what in the world of research in this area  
14 -- there's so much data that isn't collected. There's  
15 so much information that's out there that is here or  
16 there but not coordinated any place. And there is so  
17 much that is lacking.

18           And I believe that in some respects, LSC has a  
19 role to play in helping. If LAIR does it, well, that's  
20 wonderful. But somehow, somebody has to take up that  
21 responsibility of understanding how to pull that  
22 together. And we can help one another, and the

1 research that we're conducting, I think, is very  
2 important. But will the next group want to continue to  
3 seek that kind of support? They will have to make that  
4 decision.

5 I think the fact that so many have come to us  
6 and realized, as we've talked with them, well, gosh,  
7 you mean you don't know this? This hasn't been looked  
8 at? Just a good example would be the Ford support to  
9 take a look and evaluate the websites. Are they  
10 actually -- which are the best? What are the best  
11 practices?

12 There's just no end of the number of issues,  
13 really. But having some coordination of them -- and  
14 I'm going on too long -- I think is something we have a  
15 role to play. And I don't know where this fits. I  
16 don't know if it's in the transition. I don't know if  
17 it's in the strategic plan.

18 But somehow, it's part of what I think we need  
19 to turn over to the next group as a part of our own  
20 legacy as how this LSC can be effective in helping so  
21 much in the field and our grantees in addition to just  
22 being the funder.

1           MR. FLAGG: I think most of the main points  
2 you mentioned, at least to my ears, sounded like they  
3 are in and will be emphasized in the strategic plan.

4           MR. LEVI: I believe so, too.

5           MR. FLAGG: And I think we're best served by  
6 having a central document, which this board says,  
7 here's our brief.

8           MR. LEVI: How does that relate to the -- so  
9 that's what we don't know, is with the transition.

10          MR. FLAGG: Oh, no. Look. Whatever else we  
11 give to the transition team, we will give them the  
12 strategic plan, and it will be on our website. It'll  
13 be pushed out affirmatively. And I think if you want  
14 this board's brief for where we've been and where we  
15 think the corporation should be going, I think the  
16 strategic plan has got to be a key component of that.

17          CHAIRMAN MINOW: I am sure that's right, and  
18 we will turn shortly to a discussion of the strategic  
19 plan. I don't want to lose what I think are  
20 operational-level dimensions that don't fit in a  
21 strategic plan and yet may be very much guided by them.

22                   And so I would just, as examples, point to the



1 insights from the fiscal oversight committee and from  
2 fraud prevention from the OIG that have led to some  
3 changes in practice, some changes in coordination, some  
4 changes in public education, that are just good  
5 hygiene. But there's also a next level of agenda on  
6 each of those.

7 I'd say the same thing -- and an example of  
8 that is earlier I raised the question about increasing  
9 board capacity for grantees in this area. That's not  
10 going to fit in a strategic plan. Another is the  
11 partnerships. We're going to talk generally about  
12 partnerships in the strategic plan.

13 But a topic that Vic raised at the beginning,  
14 and I still think is unbelievably important, is if a  
15 lot of the grantees' funds are going to advocating on  
16 behalf of individuals against government agencies, that  
17 if they just cleaned up their act we wouldn't have to  
18 be doing so much advocacy.

19 We need to come up with some way to better  
20 measure how are we feeding back to them? There's a  
21 cluster or pattern of problems. How are they using  
22 either their legal funding in a partnership, but

1 probably not their legal funding; probably their  
2 website information, their client services information.

3           That's an example where it's a subpart of our  
4 partnerships. I don't want to get it lost because it  
5 actually goes to, will we actually increase access to  
6 justice, and more important, on that issue, law  
7 enforcement.

8           And just two more. Institutional advancement  
9 I don't think is going to get a lot of attention in our  
10 strategic plan. There was never institutional  
11 advancement as an initiative here. Maybe there won't  
12 be in the future. But we have some lessons learned  
13 about what works and what doesn't work.

14           And the last one that I guess I would say is  
15 on the roles of convening public education and  
16 technology. We will say high-level things in the  
17 strategic plan. But people who've been working in each  
18 one of those areas have a lot to say. Jim has a lot to  
19 say about which kinds of public events have been  
20 meaningful to do.

21           And we know something about what kind of  
22 webinars with what kind of visibility make a

1 difference. And in technology, I'm sure there'll be  
2 many, many reports and many, many activities. But  
3 through the Academy for Arts and Sciences, we have  
4 another work stream working on exactly those issues,  
5 where this group is trying to actually involve a larger  
6 community. And we should just be coordinated on that  
7 as we think about a transition.

8 Carol, please? Carol?

9 MS. BERGMAN: Thanks, Martha. I just wanted  
10 to add, on the kind of documents that we're talking  
11 about for a presidential transition and building on  
12 what Charles commented on, in my experience we actually  
13 probably want to have multiple different documents that  
14 address a lot of the different concerns that are being  
15 raised.

16 We obviously want to have the strategic plan.  
17 But there's the official process that Ron is talking  
18 about and Charles is talking about, and then there's  
19 the informal process that's going to be implemented by  
20 the transition teams that are going to go into effect  
21 for both candidates. And I think that's what Charles  
22 is getting at in the fact that this is going to begin

1 so early.

2           This does not wait until after the election.  
3 And much of what that process will look like actually  
4 will depend on the way in which the policy groups of  
5 each candidate that's been nominated are put together  
6 and the kinds of materials and briefings that they are  
7 looking for.

8           My expectation is that it would be appropriate  
9 for LSC to brief different aspects of those policy  
10 transition teams. For example, there will be a focus  
11 group just on persons that are going to be nominated by  
12 the incoming president that have to be confirmed by the  
13 Senate, completely separate and apart from the content  
14 of what LSC does as an agency.

15           So I can imagine that we are going to want to  
16 have several different kinds of things -- some kind of  
17 an overarching executive whatever -- and then we're  
18 going to want to be responsive to the different kinds  
19 of groupings that are going to be interested in hearing  
20 briefings because in some ways, because we're a hybrid  
21 organization, we're going to fall both into the  
22 official agency process.

1           But there's also a parallel process of all of  
2 nonprofit NGOs in the Washington area and nationally  
3 that also brief both transition teams about their work  
4 with regard to issues that they want to see prioritized  
5 in the new administration coming in.

6           So I completely agree with you. You need a  
7 strategic plan. We're going to need other things.  
8 It's hard to anticipate, although a lot of them are  
9 going to be -- unfortunately, I think -- much shorter  
10 than anybody would want to think.

11           They're going to be executive documents.  
12 They're looking at -- each transition team is trying to  
13 hear from the entire range of what the government  
14 funds.

15           CHAIRMAN MINOW: Very helpful. And all I know  
16 is that other people around this table have done more  
17 of this than I have. I've been involved in one  
18 transition. What I know is that they want a lot of  
19 information really fast, and it actually has little to  
20 do with what people who were involved in the activity  
21 before think is important.

22           And so that's what I'm trying to anticipate.

1 And I'm trying to anticipate putting in place enough  
2 time so that we can think about a few things, some that  
3 will be high level but some that won't be high level,  
4 that we could drive as our own recommendations as  
5 opposed to being just reactive. That's my point.

6 MR. FLAGG: I do think our performance  
7 management materials -- obviously we're not going to  
8 hand over the -- but they do help us to think about  
9 operational goals for the next year, and they're sort  
10 of the link between the strategic plan and our current  
11 operations.

12 And they do give us at least some guidance as  
13 to -- if something said, okay, I see the strategic  
14 plan; what does this actually mean in terms of what you  
15 do day-to-day -- I think we can give both reports that  
16 Jim has prepared and presented to the board on what  
17 we've done over the course of the last year as well as  
18 the performance management material, which sets out at  
19 least a pretty good picture of what every part of the  
20 organization is doing to carry out the strategic plan  
21 in the next year.

22 CHAIRMAN MINOW: Thank you. That makes a lot

1 of sense.

2 Charles?

3 MR. KECKLER: Yes. And one thing to add onto  
4 that, and we don't -- because there is a lot of  
5 uncertainty, as Carol said, regarding the composition  
6 of the policy teams, one of the things to anticipate  
7 that you may have to deal with is you may have to  
8 prepare succinct and convincing responses to  
9 longstanding and perhaps outstanding critiques of the  
10 organization, particularly the ones that exist in  
11 written form, including defunding bills and other types  
12 of reports like that.

13 Depending on the composition of the team, that  
14 may be the baseline from which, on the Republican side,  
15 some people may -- or they may not, but it's something  
16 that may -- one of the possibilities that may provide a  
17 baseline set of knowledge for them.

18 And so we need to be prepared to be responsive  
19 to those particular issues, which we don't normally  
20 always deal with as we deal with our own strategic and  
21 policy issues. So that's a thought.

22 CHAIRMAN MINOW: I'd like to consider and act

1 on any other business, if there is any.

2 (No response.)

3 CHAIRMAN MINOW: Public comment?

4 (No response.)

5 CHAIRMAN MINOW: I would welcome a motion to  
6 adjourn the meeting.

7 M O T I O N

8 MS. REISKIN: So moved.

9 CHAIRMAN MINOW: Second?

10 MR. KECKLER: Second.

11 CHAIRMAN MINOW: All in favor?

12 (A chorus of ayes.)

13 CHAIRMAN MINOW: Thank you both. And the  
14 committee meeting is over.

15 (Whereupon, at 4:32 p.m., the committee was  
16 adjourned.)

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