

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

TELEPHONIC MEETING OF THE  
OPERATIONS AND REGULATIONS COMMITTEE

OPEN SESSION

Wednesday, December 15, 2010

11:06 a.m.

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

COMMITTEE MEMBERS PRESENT:

Charles N.W. Keckler, Chairman  
Robert J. Grey, Jr., Esq.  
Harry J.F. Korrell, III, Esq.  
Laurie I. Mikva  
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

Sharon L. Browne  
Julie A. Reiskin  
Gloria Valencia-Weber

## STAFF AND PUBLIC PRESENT AT THE CORPORATION'S OFFICES:

Victor M. Fortuno, President and General  
Counsel

Kathleen Connors, Executive Assistant to the President  
Patricia Batie, Corporate Secretary and FOIA  
Officer, Office of Legal Affairs

Mattie Cohan, Senior Assistant General Counsel, Office  
of Legal Affairs (by telephone)

Jeffrey E. Schanz, Inspector General

Laurie Tarantowicz, Assistant Inspector General and  
Legal Counsel, Office of the Inspector General

John Constance, Director, Office of Government  
Relations and Public Affairs

Stephen Barr, Media Relations Director, Government  
Relations and Public Affairs Office

Charles Greenfield III, Program Counsel III, Office  
of Program Performance

Linda Perle, Center for Law & Social Policy (CLASP)

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Motions: 4, 44, 46

## 1 PROCEEDINGS

2 (11:06 a.m.)

3 CHAIRMAN KECKLER: May I ask who from the  
4 Board is on the phone?

5 MR. LEVI: The chairman.

6 PROFESSOR VALENCIA-WEBER: Gloria  
7 Valencia-Weber.

8 MR. KORRELL: Harry Korrell.

9 MS. BROWNE: Sharon Browne.

10 MS. REISKIN: Julie Reiskin.

11 MS. MIKVA: Laurie Mikva.

12 CHAIRMAN KECKLER: Okay. Good morning. I  
13 note that there is a quorum of the committee as well as  
14 other Board members joining us this morning.15 This is a duly noticed meeting of the  
16 Operations and Regulations Committee of the Legal  
17 Services Corporation. And I'm going to call it to  
18 order, and follow the agenda as published in the  
19 Federal Register.

20 May I have a motion to approve the agenda?

21 MOTION

22 MS. MIKVA: So moved.

1           PROFESSOR VALENCIA-WEBER: I'll second.

2           CHAIRMAN KECKLER: All in favor?

3           (Chorus of ayes.)

4           CHAIRMAN KECKLER: Considering the motion to  
5 be approved, our purpose this morning being to consider  
6 and act on the early phases of the strategic planning  
7 process as outlined in some documents given to us  
8 earlier, I will turn over the microphone, the telephone  
9 meeting, to Ms. Mattie Cohan, who can brief us on the  
10 current status of the strategic planning process as we  
11 consider next steps.

12           Mattie?

13           MS. COHAN: Hi. First of all, I will tell  
14 everybody that I spent the beginning part of this week  
15 in a training class on strategic planning. So I'm  
16 aware there's a whole lot more information that I was  
17 just last week.

18           But what I had done was, after the October  
19 committee meeting, the committee had asked for an  
20 action plan and some documents and proposed timeline to  
21 consider, with an eye towards completing the project in  
22 the summertime. That was what had been discussed last

1 time, so that's kind of where I was going with this.

2           So I distributed, back at the end of November,  
3 a different timeline that was ambitious but aimed at  
4 getting the final done at the July Board meeting, and a  
5 very first step notice of the process out to the  
6 general public because one of the things that's really  
7 important is getting stakeholder input.

8           So the draft Federal Register notice is a  
9 first crack at alerting folks to this process and  
10 starting to gather stakeholder input. And then, of  
11 course, all of the timelines and where things happen in  
12 the process are -- these were just my thoughts to get  
13 you to where we needed to be.

14           If you wanted the end date to be July, given  
15 that there's still not a president on board, obviously  
16 these steps and the timeline is entirely you guys'  
17 bailiwick. This is just there for you guys to have  
18 something to start with and then tell me what timeline  
19 you wanted and how you want us to go about it.

20           CHAIRMAN KECKLER: Thank you, Mattie. I think  
21 we have three documents that were sent to us for  
22 consideration. We have a timeline for developing the

1 strategic plan, an action plan memorandum, and a  
2 Federal Register notice, which is part and parcel of  
3 the plan.

4           So I think perhaps the most useful thing to do  
5 would be to begin by getting some thoughts from the  
6 committee and the rest of the Board on the timeline  
7 because I think if we think about the timeline,  
8 particularly the early parts of the timeline, that will  
9 somewhat determine the rest of when the Federal  
10 Register notice will fit in and what the action plan  
11 needs to be to achieve the timeline.

12           So I suggest that we begin by discussing the  
13 timeline, and I want to open the floor to people for  
14 people's suggestions regarding that.

15           PRESIDENT FORTUNO: If I may, this is Vic.  
16 And since we're about to embark on some discussion, I  
17 just wanted to ask that as people speak, if they would,  
18 please identify themselves for the benefit of the  
19 reporter, who may not recognize voices.

20           CHAIRMAN KECKLER: Thank you, Vic.

21           MS. MIKVA: This is Laurie Mikva, and this may  
22 have more to do with action plan than timeline,

1 although it would obviously affect the timeline, which  
2 is -- I know we discussed it. I don't know remember  
3 what we said about having an outside consultant and  
4 whether -- I guess my question is whether we don't need  
5 more information about our options there and costs  
6 before we dispense with it.

7           CHAIRMAN KECKLER: Yes. We could write  
8 in -- this is Charles Keckler. Laurie, what we  
9 discussed, as I recall from the last meeting, is to  
10 somewhat keep that other than open for a new chief  
11 executive to provide that input at an appropriate stage  
12 so that part of reserving some buy-in for a new chief  
13 executive also reserves to that person the capacity to  
14 bring in outside consultants, I think.

15           MS. MIKVA: Okay.

16           PROFESSOR VALENCIA-WEBER: This is Gloria.  
17 I'd like to tie into that last comment and maybe ask  
18 John, without revealing any confidential information at  
19 this time, given where we are on the search and hiring  
20 of a new president, does the timeline make sense at  
21 this point? Hello? Are you there, John?

22           (No response.)

1           PRESIDENT FORTUNO: John was on the line. It  
2 sounds like he may have dropped off. I will text him,  
3 see if we can get him back on.

4           PROFESSOR VALENCIA-WEBER: Well, while we're  
5 waiting for John --

6           MR. LEVI: I'm here. I'm here.

7           PRESIDENT FORTUNO: Oh, okay.

8           PROFESSOR VALENCIA-WEBER: Oh, okay. Did you  
9 hear my question, John? This is Gloria.

10          MR. LEVI: No. No. I didn't because I had to  
11 take another call, and I apologize.

12          PROFESSOR VALENCIA-WEBER: Okay. Given the  
13 timeline that's laid out here, and without asking you  
14 to reveal any confidential information at this point on  
15 the hiring of a new president, does this timeline make  
16 sense?

17          MR. LEVI: I mentioned to Charles that I was  
18 concerned about the timeline. I thought it needed to  
19 be slowed down to wait for the new president. And  
20 also, the second piece of that -- and I'm sorry because  
21 I didn't hear the intervening -- where I left you was  
22 where Mattie was saying that she was much more informed

1 about searches -- I mean, not searches; that's on my  
2 mind -- strategic planning because she's gone to a  
3 conference on that.

4 But my sense is that a new head is going to  
5 want to have a big engagement in this process, and even  
6 want to assist and/or be a part of the selection of an  
7 appropriate facilitator. I don't know if you've  
8 reached that; there is a reference in here to a  
9 consultant.

10 PROFESSOR VALENCIA-WEBER:

11 MR. LEVI: But even Frank Strickland mentioned  
12 to me that LSC, the last time it did its strategic  
13 plan, had a facilitator from the outside. And my  
14 impression of the best strategic planning processes is  
15 that they do utilize an outside facilitator for lots of  
16 reasons because people from inside come with their own  
17 agendas and background and whatnot.

18 And so I think that we can't even obtain that  
19 kind of facilitator until we have a new in place. And  
20 I think that that's always been -- we should do  
21 whatever internal work we can to pull things together  
22 to get ready for a strategic planning process. It

1 ought to begin fairly quickly after somebody is in the  
2 headship.

3 But I don't think it really should set sail in  
4 those two respects until that individual has their feet  
5 on the ground. That's my sense, and I don't know what  
6 that means. But I think it could start a month after.

7 CHAIRMAN KECKLER: Well, I think one thing,  
8 John -- thank you; I think that's my sense as  
9 well -- and one thing on the timeline, a specific  
10 possible change that I've been considering is, if you  
11 see on the December to January element there, I think  
12 that a lot of this can be usefully done.

13 But the last or the second-to-last paragraph  
14 in that section says, "Staff produces first draft  
15 outline of plan."

16 MR. LEVI: Yes.

17 CHAIRMAN KECKLER: And I think that would  
18 certainly have to be moved to a situation after a new  
19 chief executive is in place.

20 MR. LEVI: Right.

21 CHAIRMAN KECKLER: So that paragraph should be  
22 perhaps moved or deleted.

1           MR. LEVI: Yes. And I'm worried about whether  
2 we can have a training session taking half of the  
3 January Board meeting. That is a concern to me, as to  
4 whether that will be possible to devote that kind of  
5 time. And it may be that we'll have to either  
6 reassemble people or do it at the meeting after that.

7           MS. COHAN: Right. Just as a clarification,  
8 the suggestion was not to have a dedicated half-day  
9 training session, but to have some training time in the  
10 January Board meeting in preparation for a dedicated  
11 substantive session to happen subsequently.

12           MR. LEVI: Oh, I see. How long would that  
13 training session take?

14           MS. COHAN: Well, that's a matter of how much  
15 time you want to devote to it. I would imagine -- I'm  
16 sitting here in a three-day class of strategic  
17 training. None of you guys have the time for that.

18           MR. LEVI: No.

19           MS. COHAN: An hour or two, I think, would  
20 be -- you all would be well-served to have the most  
21 important parts distilled down and have at least an  
22 hour or two training on the strategic plan in process.

1           MR. LEVI:   Wouldn't you think that you would  
2   want the new head to participate in that, though, too,  
3   to know?

4           MS. COHAN:   That would be --

5           MR. LEVI:   It would be ideal.

6           MS. COHAN:   Ideal, yes.

7           MR. LEVI:   Now, the one thing that I'm  
8   thinking is, we'll stay a little flexible on that.  If  
9   we can't accomplish it by then, then we can have a  
10  telephonic briefing.  They're not perfect, but  
11  everybody knows one another.  You can start it shortly  
12  thereafter if we just couldn't accomplish it in  
13  January.

14           But let's try to prepare for it and hope that  
15  that works out.

16           MS. COHAN:   One thing I can say -- I can't  
17  guarantee this definitively -- but the guy running the  
18  training that I'm in said that part of the cost of the  
19  training was an hour's worth of consultation, different  
20  work after the class was up.

21           David Richardson and I are here.  So that  
22  gives us two hours of consultation with these folks,

1 and David and I were talking about maybe it would be  
2 useful if we could use them to do this training for the  
3 Board. I don't know that that will work out, but  
4 that's a possibility.

5 MR. LEVI: Well, see, then I would definitely  
6 want to -- if that were happening, I would definitely  
7 want the new head to be there.

8 MS. COHAN: Yes.

9 MR. LEVI: Because then I assume that these  
10 folks are then thinking about the possibility of  
11 becoming -- they probably do facilitating work, and --

12 MS. COHAN: They do. And I'm sure they would  
13 be more than happy to help out.

14 MR. LEVI: That's one of the reasons they give  
15 away this time.

16 MS. COHAN: That's right.

17 MR. LEVI: They're not foolish. But you'd  
18 want to be making an assessment during that as to  
19 whether they fit the bill or they don't.

20 MS. COHAN: Exactly. Yes.

21 MR. LEVI: And so I'm reluctant to --

22 MS. REISKIN: This is Julie. I just wanted to

1 ask a question about a facilitator.

2           Is it typical that an organization hiring  
3 someone like that would put out maybe an RFP? And  
4 again, I would think the president would want to help  
5 say what is needed. Or do you just find someone -- I  
6 don't know what's normal, if you guys -- like should  
7 this be bid competitively, I guess is my question.

8           MR. LEVI: Well, it depends on the costs  
9 involved. And I think, as I understand LSC rules, if  
10 it's under 10,000 -- is that right, Vic, it doesn't  
11 need --

12           MS. COHAN: If it's between 3500 and 10,000,  
13 you have to just get some competitive quotes. If it's  
14 over 10,000, you need to go with an RFP.

15           MR. LEVI: Yes. The issue here is getting the  
16 right fit for LSC. It's a really important choice,  
17 actually, the facilitator.

18           MS. COHAN: Yes.

19           MR. LEVI: And so I wouldn't want a new person  
20 coming in to be absent from that process of deciding.  
21 I don't think that's fair. And I wouldn't think that  
22 they would be expecting us to do that to them.

1           MS. MIKVA: This is Laurie Mikva. Is there  
2 any reason we cannot go ahead with two pieces? One is  
3 the notice in the Federal Register, and the other is to  
4 start gathering information from the people at the  
5 Corporation.

6           MR. LEVI: I think everybody agrees with that.

7           PROFESSOR VALENCIA-WEBER: Yes. I  
8 think -- this is Gloria -- that makes sense. And  
9 possibly, even, where appropriate, information from  
10 what people call the stakeholders, that is, the people  
11 at CLASP and the people at ABA, et cetera.

12          MS. COHAN: Right. And that's what the  
13 Federal Register notice is designed to solicit.

14          MR. KORRELL: This is Harry Korrell weighing  
15 in. Is part of this information-gathering process  
16 identifying particularly effective grantees and going  
17 to them and seeing what they like to see LSC provide in  
18 the way of their leadership structure and direction  
19 over the next couple of years?

20                 I know we get these presentations at Board  
21 meetings, and the gist of them often is, things are  
22 terrible. Things just got really worse, and we don't

1 have any money, and we need more money.

2           And I had a luncheon here not too long ago  
3 with some of the legal services provider committee in  
4 Washington, and they gave the same pitch. And I said,  
5 look. When you talk to us, it would be really helpful  
6 if you told us what would -- other than asking for more  
7 money, tell us what's working in your community, tell  
8 us what's working in your state, and help us figure out  
9 what we can do at LSC to facilitate improvement across  
10 the country.

11           And I'm wondering if there's any plan to reach  
12 out to grant recipients and legal services providers  
13 that we think are particularly effective and getting  
14 their input on the direction they'd like to see LSC  
15 take.

16           MR. LEVI: Well, I would say that those are  
17 interested stakeholders. But there's no reason why you  
18 can't actually solicit, strategically solicit, input  
19 from folks.

20           MR. KORRELL: Yes. That's my suggestion. I  
21 don't have a good feel for it. I have an impression  
22 that the folks in my state, in Washington, do a

1 particularly good job. And I'm sure the Board and  
2 staff have good ideas about who is doing a particularly  
3 good job, and obviously we have some ideas about who's  
4 not. And it seems like that would be a good place to  
5 go for some input on direction.

6 MR. LEVI: Yes. We certainly want --

7 MR. KORRELL: On a related question --

8 MR. LEVI: -- Louisiana.

9 MR. KORRELL: Right. And a related  
10 question -- this really relates to Charles' -- I know,  
11 Charles, you circulated some materials,  
12 too -- regarding strategic planning for government  
13 agencies. And I didn't know if there was any -- it  
14 looks like there's not a requirement. But is there  
15 some thought that we would also solicit input from  
16 Congress?

17 MR. LEVI: I would hope not.

18 CHAIRMAN KECKLER: Well, John, I should point  
19 out that that is something that is, I think, in the  
20 Office of Management and Budget new guidelines, is in  
21 addition -- that they do consider Congress to be -- the  
22 relevant congressional committees to be stakeholders.

1           So I'm not sure at what time we would properly  
2 solicit input from them. But I think that at some  
3 point, that would be something that we would consider  
4 doing.

5           MR. LEVI: And I'm so thrilled to know that  
6 you'll be accompanying me. When they ask for our  
7 appearance.

8           MR. KORRELL: Uh-huh.

9           MR. LEVI: But no. If we have to, then we  
10 have to. Sure. That's something that, incidentally,  
11 in this period right now we want to figure out because  
12 that's -- can Mattie or --

13           PROFESSOR VALENCIA-WEBER: Yes. I'd like to  
14 know. I went through that OMB plan -- this is  
15 Gloria -- pretty fast. Now, I saw the timetable or,  
16 rather, the sequence for the plan and transmitting to  
17 Congress and OMB. I'd like to know in more express  
18 terms how Congress or committees, designated units of  
19 Congress, are part of our constituency in the formation  
20 of the plan and to be consulted in that process.

21           MR. CONSTANCE: Mr. Chairman, this is John  
22 Constance. My experience, again, in terms of strategic

1 planning has only been federal, and we always operated  
2 on the premise, whether OMB required it or not, that  
3 the Congress and your oversight committees and your  
4 appropriators were clearly stakeholders, from two  
5 perspectives.

6           One, they are going to be in a key position of  
7 funding anything that winds up in a strategic plan.  
8 And so their input from the beginning is important.  
9 And second of all, to the extent that strategic plans  
10 sometimes result in legislative proposals saying, we  
11 would like to do this, we would like to do that, but  
12 the legislation is constraining, having them at the  
13 table at some point in that process is usually a pretty  
14 good idea so that they're in the ground floor.

15           So again, it's only a federal experience. But  
16 that was the rationale behind doing it.

17           PROFESSOR VALENCIA-WEBER: This is Gloria. I  
18 appreciate what you said, John. Do you recall from the  
19 last time the strategic plan was made how those  
20 conversations were carried out? I was looking last  
21 night at the Strategic Directions 2006-2010, and I did  
22 a quick skate-through to it. And how it was done would

1 be useful to know.

2 MR. CONSTANCE: I was not -- Gloria, again,  
3 John Constance. I was not here when the Corporation  
4 did the current strategic plan. I can tell you the  
5 way -- my previous experience was we called in panels  
6 of stakeholders to have essentially what would look  
7 like hearings regarding direction. And we did it at  
8 various times.

9 You start out with looking at mission of the  
10 Corporation and vision and goals. And at various times  
11 we called in panels of stakeholders, and Congress was  
12 always represented in those panels.

13 I can tell you that oftentimes they don't love  
14 that role because they somewhat have the same view in  
15 that role as an IG would in that they like to remain  
16 independent of the creation of planning. However,  
17 their perspective, if asked, will always come to the  
18 table, and they can always give you an idea as to  
19 whether you're heading in a direction that would be  
20 very difficult to sustain, as opposed to a direction  
21 that they generally could support.

22 So again, Vic, how was it done before here?

1           PRESIDENT FORTUNO: This is Vic Fortunio.  
2 We'll gather that information for you and provide it in  
3 a concise manner.

4           I just wanted to point out that unlike in the  
5 federal government, in the government sector where  
6 certain things are required, we're not subject to those  
7 requirements. But we recognize that strategic planning  
8 is a best practice, and we also recognize that reaching  
9 out to stakeholders, including the legislative branch,  
10 is again a best practice.

11           So I think we have some flexibility in terms  
12 of what we do and how we do it because we're not  
13 subject to the statutory requirements that government  
14 agencies are. But we fairly closely track what they do  
15 because those tend to be best practices.

16           So I just wanted to make the point that we've  
17 got flexibility because we're not operating under those  
18 statutory requirements, but that we do track them  
19 fairly closely because that's proven to be best  
20 practices.

21           CHAIRMAN KECKLER: This is Charles Keckler.  
22 Thank you, Vic. I think that part of it, my own sense

1 is that part of it about hearings and paneling and  
2 direct congressional consultation might be something  
3 that we would definitely want the new CEO to be  
4 involved in. And so perhaps that's something that  
5 would go into a second phase.

6           The information-gathering thing, except for  
7 the idea that the Federal Register notice might be  
8 provided to the committees and so on as a matter of  
9 courtesy and course, I'm not sure that we want to go  
10 that far along that road until we get a new CEO in  
11 place.

12           MR. LEVI: Yes. And you could envision that  
13 for the purpose of getting that input, that you  
14 actually made a couple of -- or you either made trips  
15 to or used the -- like Harry, for example, to get the  
16 input from programs out west, or Sharon, that kind of  
17 thing, with a staff person or -- I don't know how they  
18 did it in the past to get that kind of input.

19           But John or Vic, did we do that?

20           PRESIDENT FORTUNO: I don't specifically  
21 recall that having been done. But as I said, one of  
22 the things that Mattie can do in putting together

1 background materials is determine how it was done the  
2 last time and the time before that so that you have  
3 that before you in determining how you want to proceed  
4 in this case. In short, we'll get that information for  
5 you.

6 MS. COHAN: Yes. Absolutely. This is Mattie.  
7 I will do that.

8 CHAIRMAN KECKLER: Okay, thanks. I have  
9 another question. Since we're -- I think we're -- my  
10 sense from the call is that we're focusing on just  
11 doing a first phase today and we're kind of reserving,  
12 and may effectively want to table or reserve the later  
13 phases, starting in the February/March and further  
14 parts of the timeline.

15 But in the first phase -- and I was wondering  
16 what you might have -- some insights from your training  
17 you might have had -- information-gathering capacity, I  
18 was wondering if there's some contemplation to use  
19 these standard strategic planning techniques -- the  
20 path technique and the SWOT technique and these kinds  
21 of techniques -- in terms of surveying, internally and  
22 possibly externally to stakeholders, the organization

1 and its external environment.

2 MS. COHAN: Right. We certainly can do that.

3 One thing that I will tell you that was interesting  
4 was the sequencing that they recommended in this  
5 training actually puts the SWOT -- which for those  
6 people who aren't as familiar with it is strengths,  
7 weaknesses, opportunities, and threats; it's a look at  
8 internal and external opportunities and  
9 challenges -- that that portion is typically done after  
10 the mission and vision and values, which have to be  
11 done at the very highest level.

12 That those components are done first, and  
13 then, with those components in mind, your outcome  
14 goals -- what's the big picture of what you want to  
15 see? And in our case, it might be that we want -- the  
16 big vision is that nobody is unrepresented, and an  
17 outcome goal, with the support that has been interested  
18 in pro bono, is that an outcome goal is an increase in  
19 pro bono participation with our grantees. And then you  
20 do this what are the strengths and weaknesses and  
21 opportunities and threats against those outcome goals.

22 So I throw that out there because it does push

1 that piece a little further back. However, that's not  
2 to say that we couldn't start doing some internal  
3 brainstorming ahead of time, and certainly we can do  
4 some internal work about what people thought was good  
5 and bad about the last strategic plan, how people  
6 felt -- what did we do with it, what we could have done  
7 better, what was wrong with implementation to the  
8 extent we didn't do what we wanted.

9 I think that sort of background information,  
10 it's easier to know where you want to go if you know  
11 where you've been. I think that sort of work can  
12 easily be done right now internally with that.

13 CHAIRMAN KECKLER: And one followup to that is  
14 another issue, which is, is there some  
15 contemplation -- and perhaps your training also could  
16 provide some insights into this -- in whether or not  
17 the staff could review some comparable strategic plans  
18 from other organizations and try to develop some sense  
19 of best practices, even in the planning process, the  
20 further planning process, but also in terms of  
21 structure and how one is developed.

22 MS. COHAN: Oh, absolutely. We can look at

1 some other plans, and actually, a lot of the  
2 information that I've gained this week I think really  
3 does a lot of that in terms of here's a really good  
4 process, a way of going about it, and here are some of  
5 the tools you can use in that process.

6 Like I said, I wish I had had this training a  
7 week or two ago before your conference call.

8 MR. LEVI: Do you know how Frank and his board  
9 felt about the last process, Mattie or Vic?

10 MS. COHAN: That's a good question. This is  
11 Mattie. I don't. Maybe --

12 MR. LEVI: Do you?

13 PRESIDENT FORTUNO: My sense is that they were  
14 generally satisfied with it. So I think that it will  
15 be instructive but not limiting for us. I think that  
16 we can learn from it, but not necessarily feel  
17 obligated to replicate it.

18 MR. LEVI: Oh, no. I understand that. But I  
19 think what they learn through the process, what they  
20 might advise us, would, I think, be instructive.

21 PRESIDENT FORTUNO: And we can certainly  
22 consult them as part of this information-gathering.

1           MR. LEVI:  Either they liked the facilitator  
2 they used or they didn't.  I have no idea who they  
3 used.

4           MS. COHAN:  I don't recall the prior board  
5 having used a facilitator, but --

6           MR. LEVI:  Well, he does.  I don't know  
7 whether it was a limited use of one or -- but I  
8 remember specifically asking him that question.

9           CHAIRMAN KECKLER:  Okay.  Well --

10          PRESIDENT FORTUNO:  Now, the last time it was  
11 largely staff-driven.  And frankly, I don't recall a  
12 facilitator, either, but --

13          MR. LEVI:  The staff has to do a lot of the  
14 work.  And I've been involved in a number of searches  
15 in which the -- that is always the case.  But the  
16 facilitator helps to identify issues, has a way of  
17 bringing parties together or raising issues, thoughts,  
18 trying to synthesize things.

19          PRESIDENT FORTUNO:  No.  And I personally  
20 think that a facilitator is desirable, so I myself  
21 would be in favor of that.  I was just saying that I  
22 don't recall how we used one the last time.  I think it

1 was largely staff-driven. I think Charles Jeffress was  
2 the lead on that, and it involved a considerable amount  
3 of work by staff, and then a fair amount of work by the  
4 Board as well. We went through it point by point. But  
5 we'll get information for you, though.

6 MR. LEVI: Well, maybe Frank thinks  
7 that -- maybe his answer to me was that Charles was the  
8 facilitator. He didn't tell me. I don't know.

9 MS. COHAN: Yes. I believe Charles did act as  
10 the primary facilitator for most of the sessions.

11 PROFESSOR VALENCIA-WEBER: This is Gloria.  
12 And Charles was already working for the Corporation?

13 PRESIDENT FORTUNO: Oh, yes.

14 MS. COHAN: Yes. He was the chief  
15 administrative officer.

16 MR. LEVI: Well, I think that's something that  
17 a new person coming in may have a view on. And I ever,  
18 you'll see you like your consultants right now.

19 CHAIRMAN KECKLER: Okay. Well, in light of  
20 the discussion -- and you people can jump in at any  
21 time -- my suggestion is that we, in effect, table the  
22 timeline beginning in February/March, and we'll be able

1 to discuss that at the annual meeting, how to proceed  
2 at that point, where the issues of the president and so  
3 on will be clearer.

4 And in the January area, there was the need to  
5 delete the last paragraph, or the last paragraph before  
6 "Training Session," about producing a draft outline.  
7 Push that to the next phase. And then focus on  
8 information-gathering and review of other strategic  
9 plans.

10 Does anybody else have any further suggestions  
11 for that early phase?

12 MS. REISKIN: Yes. This is Julie Reiskin. I  
13 don't know when the right time is to make a list of  
14 all -- at some point should we make a list of all of  
15 the stakeholders? I don't know if that would be  
16 brainstorming. And then your committee can decide yes  
17 or no if they're appropriate? I want to --

18 MR. LEVI: No. We don't do that. We don't do  
19 that. That's for staff to do. That's not a board --

20 MS. REISKIN: Oh, okay.

21 CHAIRMAN KECKLER: Right. They obviously  
22 include -- we're obviously going to send out our notice

1 that we're beginning this process, I think, to begin  
2 with, to all of the grantees. But then beyond  
3 that -- I guess, Julie, your question is a good one.  
4 When we talk about potentially interested stakeholders,  
5 what is that list beyond the grantees? Who does that  
6 encompass?

7 MR. LEVI: Well, and that is a question to ask  
8 of staff, I think.

9 CHAIRMAN KECKLER: That's why I'm directing  
10 that question to Mattie and to Vic, yes.

11 MS. COHAN: Sure. This is Mattie. I would  
12 think, at the very least, you're talking also the folks  
13 from ABA SCLAID, the organizations like CLASP and  
14 NLADA. Certainly there are client organizations, not  
15 just NLADA's --

16 MR. LEVI: You know, you might --

17 MS. COHAN: -- but NLADA's client council.  
18 Access to justice commissions. IOLTA programs.

19 CHAIRMAN KECKLER: Those are all good, and I  
20 think that we can extend that. But I think that maybe  
21 some brief thought on the part of staff, which since  
22 you're going to send us some information --

1 MS. MIKVA: Yes.

2 CHAIRMAN KECKLER: -- as well, to think about  
3 that set. And I think it also can include the people  
4 we send out news to, we send out notices to -- not  
5 newspapers, per se, perhaps, but the various  
6 organizations and entities and individuals that we want  
7 to inform people on a press release basis, on a notice  
8 basis. They would be logically part of that set as  
9 well.

10 MR. LEVI: Well, all the people who we're  
11 collaborating with now -- the Red Cross, the VA, the  
12 Department of Justice initiative. They're now -- so  
13 I'm sure you can come up with a big list, and then we  
14 can take a look at it. And people may have ideas of  
15 others they think should be added.

16 MS. COHAN: Absolutely.

17 PROFESSOR VALENCIA-WEBER: That's fine. It  
18 would just be an agenda item for the Board.

19 MR. LEVI: Yes.

20 CHAIRMAN KECKLER: All right. Well, with  
21 these sorts of thoughts in mind, do people have any  
22 comments on the action plan? Obviously, some of it's

1 got to be changed if the timeline's changed.

2 MR. LEVI: Well, again, I think you want to at  
3 least have enough flexibility on the action plan to  
4 give a new head a chance to look at it and make  
5 suggestions here and there, if need be, and that we all  
6 ought to be open-minded and flexible about that. But  
7 this is certainly a good start.

8 CHAIRMAN KECKLER: Good. And so the  
9 only -- oh, sorry. Yes?

10 MS. COHAN: This is Mattie. I will also jump  
11 in to say to the extent that you've asked for  
12 information about best practices and other strategic  
13 plans, and I have the benefit of this training, and  
14 since you're putting off, really, any action on the  
15 latter stages of the action plan and timeline anyway,  
16 it may be that we can make some steps to make some  
17 additional suggestions about restructuring the  
18 remainder of the action plan in light of where we get  
19 to by January, by the January meeting.

20 CHAIRMAN KECKLER: Right. And the only part  
21 that we definitely need to change here is that the  
22 phase will culminate in the development of a draft

1 outline. Since we're not going to do that, that's  
2 going to go in the next phase.

3 MS. COHAN: Right. Absolutely.

4 CHAIRMAN KECKLER: Okay. And then are there  
5 any initial thoughts on the -- we're still planning, I  
6 guess, to publish the Federal Register notice, though,  
7 and to use that -- to distribute that to the  
8 stakeholders beyond just publishing it in the Federal  
9 Register.

10 MS. COHAN: Right. And obviously putting it  
11 up on our website.

12 CHAIRMAN KECKLER: Right. And so are  
13 there -- I have one comment on that, which is that we  
14 obviously need to change the date on it.

15 MS. COHAN: Yes.

16 CHAIRMAN KECKLER: It says, "Written comments  
17 must be received on or before January 7th." I don't  
18 think we're going to get very much input from it on  
19 that, and we don't need to because we're moving things  
20 forward.

21 Since we are still planning on publishing it,  
22 though, what's a realistic date that we would want

1 written comments in, given what we've said?

2 MR. LEVI: I would think you'd want to give  
3 people to March 1st. But maybe I'm --

4 CHAIRMAN KECKLER: Yes. I wrote down -- I  
5 just cut off January and put March myself.

6 MS. COHAN: Great.

7 CHAIRMAN KECKLER: Any other thoughts?

8 MR. LEVI: It could even be March 15th. I  
9 mean, I don't think -- but we can always adjust it in  
10 any event, can't we?

11 CHAIRMAN KECKLER: Right. All right. Well,  
12 March 15th is fine with me. What about you, Mattie?  
13 What do you think?

14 MS. COHAN: Oh, that's fine with me. I put  
15 January 7th on the thought of getting some information,  
16 keeping with the with the original timeline. But to  
17 the extent it's all being pushed back -- which I  
18 totally get; that makes infinite sense to me -- I think  
19 March 15th is fine because responding to this by March  
20 15th, and if there is somebody new on board, say, in  
21 January, just for conjecture's sake, and the committee  
22 and the Board start to move ahead, just because this

1 notice is out there doesn't preclude getting  
2 stakeholder information prior to that or through a  
3 different venue.

4           If we want to convene a hearing somewhere,  
5 just because this notice is open doesn't mean we can't  
6 move on a parallel track. We don't have to wait for  
7 this to be over to do anything else, is what I'm  
8 saying --

9           CHAIRMAN KECKLER: Okay. Good. So that  
10 sounds good.

11           MS. COHAN: -- in terms of stakeholder input.

12           CHAIRMAN KECKLER: So that sounds good.

13           Are there any substantive -- I mean, that's a  
14 substantive comment, but are there any substantive  
15 comments on the content of the notice?

16           (No response.)

17           CHAIRMAN KECKLER: Okay. One thought --

18           MS. COHAN: I'm sorry.

19           CHAIRMAN KECKLER: Go ahead.

20           MS. COHAN: I was just going to say, at the  
21 very end, it says, "The request for comments is  
22 intended for use in assisting LSC in its planning

1 process. LSC anticipates publishing a draft strategic  
2 plan for additional public comment" -- I would just put  
3 the period after "public comment."

4 CHAIRMAN KECKLER: Yes. Very good. Excellent  
5 suggestion. We could say mid-2011, but let's just -- I  
6 think you can just go with that. We'll get it done as  
7 soon as we can.

8 MS. COHAN: That's right. As soon as it makes  
9 sense.

10 CHAIRMAN KECKLER: Right. All right.

11 Are there further comments or clarifications  
12 that we need as far as what we're going to do next  
13 steps-wise?

14 (No response.)

15 CHAIRMAN KECKLER: Hearing none, since Linda  
16 Perle is on, let me get her comments, or by any other  
17 member of the public.

18 MS. PERLE: I haven't seen the Federal  
19 Register notice or any of the other materials, so it's  
20 a little hard to comment.

21 CHAIRMAN KECKLER: But do you feel like if we  
22 published it soon, that you could -- in terms of the

1 time period, would you feel like the field and CLASP  
2 and other interested stakeholders would be able to  
3 provide some suggestions along these lines by the March  
4 15th deadline?

5 MS. PERLE: Yes, I do. I think that would be  
6 fine.

7 CHAIRMAN KECKLER: But January 7th would  
8 probably be --

9 MS. PERLE: I think that would be impossible.

10 CHAIRMAN KECKLER: Right. All right.

11 Any other further thoughts from your other  
12 members of the public regarding a process or things  
13 that you would like to see?

14 MS. PERLE: I just think it's important that  
15 the field programs have an opportunity to participate,  
16 and certainly organizations like NLADA and CLASP have  
17 an opportunity to weigh in as well. But I do also  
18 think it's very important that you not get ahead of  
19 yourselves before the new president is in place and has  
20 an opportunity to feel comfortable that he or she has a  
21 handle on what's happening.

22 So I'm very cognizant of the need to slow this

1 down until that person is in place. But we're anxious  
2 to work with --

3 CHAIRMAN KECKLER: Right. And is it  
4 also -- sorry -- is it also the case in light of  
5 Harry's comments that, generally speaking, the field  
6 programs do their own strategic planning?

7 MS. PERLE: Oh, yes. I think that's true.  
8 Yes. At least the really good programs do, yes.

9 CHAIRMAN KECKLER: Right. So I think there is  
10 some accumulated experience and hopefully wisdom out  
11 there about strategic planning from these, not just  
12 about strategic planning for us but about strategic  
13 planning in general, and I hope they will comment.

14 MS. PERLE: I think that's right. I think  
15 that different organizations have a different idea of  
16 what strategic planning means. I don't think it means  
17 one thing to one organization and the same thing to  
18 another organization.

19 And I think programs, field programs and other  
20 organizations in town, use strategic planning for  
21 different purposes. So I think you shouldn't think  
22 that you're going to get input and everybody is going

1 to suggest -- that you're going to be able to say, oh,  
2 this is a planning process, and the kind of a plan that  
3 would be great for us.

4           You may not find that particular plan out  
5 there, and you're going to have to come up with your  
6 own. But I do think that there's a lot of accumulated  
7 knowledge out among field programs and among the  
8 organizations that are part of the stakeholder  
9 community.

10           CHAIRMAN KECKLER: Great. Well, one thought  
11 that I had -- and I'm not at all committed to this;  
12 it's partly in response that your comment, but I bring  
13 it back up -- which is that within the notice, would it  
14 be advisable -- and ready to elicit opinion on  
15 this -- for us to put in a link to the Office of  
16 Management and Budget strategic planning guidance,  
17 making clear in the notice that we're not bound by that  
18 but that it's that sort of thing that we would like to  
19 do?

20           Should we do that? Because that might direct  
21 people to understand what we mean by talking about  
22 performance goals and strategic planning, is that we're

1 thinking along those lines.

2 MS. PERLE: I think that might be helpful as  
3 long as you're comfortable that that's what you want to  
4 use, that that's the direction that you want to go in,  
5 because I think, as Vic said, you have flexibility in  
6 that regard.

7 CHAIRMAN KECKLER: Right. Any other thoughts  
8 on that from the Board or staff?

9 MS. COHAN: This is Mattie. If you guys want  
10 me to do that, that's certainly easily enough done.  
11 And I can make clear that this is a useful piece of  
12 information to frame people's thinking about it; and it  
13 will influence LSC's thinking about it, although we're  
14 not required to follow that process. We can make that  
15 distinction.

16 MS. PERLE: Right. And I also think that you  
17 might also make it clear that if people have other  
18 thoughts about what should go into a planning process  
19 and a plan based on their own experiences, that you  
20 would consider that to be useful even if they don't fit  
21 totally within the OMB framework.

22 CHAIRMAN KECKLER: Right. Okay. Well, are

1 there any further thoughts on these points?

2 (No response.)

3 CHAIRMAN KECKLER: Let me see. I will now  
4 turn to -- in that case, let me close this off by  
5 saying Mattie, are you clear about what the committee  
6 and the Board have suggested regarding the reservation  
7 of the documents that you sent?

8 MS. COHAN: Yes. If I can summarize for  
9 myself what I understand my marching orders to be, that  
10 for the moment, for the proposed action plan and  
11 timetable, the committee is endorsing moving ahead on  
12 the first two steps, which are basically  
13 information-gathering, both internally at LSC and  
14 through a Federal Register notice to the public, to  
15 kick off that, hey, this is something we're moving on  
16 and we're starting that information-gathering process,  
17 that we will publish a notice in the Federal Register  
18 and put it on our website as well as specifically  
19 direct it to a wide list of those we consider our  
20 stakeholders so that they're particularly aware that  
21 we're going on this process.

22 We'll also -- I will be responsible for

1 getting back to the committee additional information on  
2 the strategic planning process and other best  
3 practices, information on Congress being represented as  
4 a stakeholder, and how other stakeholders were done the  
5 last time, as well as board experience on  
6 strategic -- the previous board's experience with  
7 strategic planning and the use of a consultant or  
8 facilitator.

9           And then everything else on the proposed  
10 action plan is basically being held in abeyance for now  
11 for further discussion and adoption. With respect to  
12 the Federal Register notice, we want to go ahead and  
13 publish that with a March 15th comment period, taking  
14 out the reference to when we anticipate publishing a  
15 draft strategic plan at the end of that notice, and  
16 include in the notice a link to the OMB strategic  
17 planning materials, making it clear that the  
18 Corporation is looking at those but is not going to be  
19 bound by them, and specifically soliciting other  
20 thoughts about strategic planning processes.

21           That's what I got. That's my understanding.

22           CHAIRMAN KECKLER: That's a very good summary.

1 That's a very good summary from my perspective.

2 MS. COHAN: Thank you.

3 CHAIRMAN KECKLER: I'm just so glad to get  
4 that on track.

5 PROFESSOR VALENCIA-WEBER: This is Gloria. I  
6 have to go to another meeting. So I'm going to sign  
7 off. Thank you, everybody.

8 CHAIRMAN KECKLER: Thank you, Gloria.

9 MS. COHAN: My only question is whether the  
10 committee wants to make a formal notice -- I mean,  
11 sorry, a formal motion to adopt that as direction, or  
12 if you're just giving me that intermediate direction  
13 since you haven't adopted a full action plan yet.

14 CHAIRMAN KECKLER: Well, I think that  
15 we -- let me split that question and say, from my  
16 perspective, I think the only thing that we really need  
17 to do, perhaps, as a committee is to approve the  
18 Federal Register notice as you've described it.

19 Do I have a motion for that?

20 M O T I O N

21 MS. MIKVA: So moved.

22 CHAIRMAN KECKLER: Is there a second?

1 MR. LEVI: I'll second.

2 CHAIRMAN KECKLER: Thank you, John.

3 All in favor of doing that?

4 (A chorus of ayes.)

5 CHAIRMAN KECKLER: Okay. Hearing no  
6 objection, you can please proceed to develop that  
7 Federal Register notice. And we'll distribute  
8 it -- we'll talk about its distribution beyond the  
9 Federal Register as we talk about this list of  
10 stakeholders and so on. j

11 MS. COHAN: Right.

12 CHAIRMAN KECKLER: And I think the rest of it,  
13 since we haven't really adopted a timeline and we don't  
14 feel like we're ready to adopt a complete timeline yet,  
15 I'm not sure that needs to be turned into a motion.

16 MS. COHAN: Terrific.

17 CHAIRMAN KECKLER: Okay. Well, I think we're  
18 now ready to turn to agenda Item 4, consider and act on  
19 other business. Is there any other business to bring  
20 before the committee?

21 //

22 //

1 M O T I O N

2 MR. LEVI: Motion to adjourn.

3 MS. MIKVA: Second.

4 CHAIRMAN KECKLER: All right. We've now moved  
5 on to No. 5 and have a motion and a second.

6 All in favor of adjourning this meeting of the  
7 Operations & Regulations Committee?

8 (A chorus of ayes.)

9 MR. LEVI: Thank you for conducting such a  
10 great meeting, too.

11 CHAIRMAN KECKLER: Thanks, John. The motion  
12 is approved and the committee is adjourned.

13 (Whereupon, at 12:00 p.m., the committee was  
14 adjourned.

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