

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

OPEN SESSION  
(via conference call)

Tuesday, September 8, 2009

2:07 p.m.

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

BOARD MEMBERS PRESENT:

Frank B. Strickland, Chairman  
Helaine M. Barnett, President  
Jonann C. Chiles  
Thomas A. Fuentes  
Herbert S. Garten  
Michael D. McKay  
Thomas R. Meites  
Laurie Mikva  
Sarah Singleton

STAFF AND PUBLIC PRESENT:

John Asher, Justice Gap Advisory Committee  
Treefa Aziz, Government Relations and Public Affairs  
Office

## STAFF AND PUBLIC PRESENT: (Continued)

Steve Barge, LSC Advisory Group  
Stephen Barr, Media Relations Director, Government  
Relations and Public Affairs Office  
Terry Brooks, ABA, Justice Gap Advisory Committee  
Mattie Cohan, Senior Assistant General Counsel, Office  
of Legal Affairs  
John Constance, Director, Government Relations and  
Public Affairs Office, LSC Advisory Group  
David de la Tour, Program Counsel III, Office of  
Compliance and Enforcement  
Alice Dickerson, Office of Human Resources  
Karen M. Dozier, Executive Assistant to the President  
Sean Driscoll, Special Assistant, Government Relations  
and Public Affairs Office  
Don Echols, Justice Gap Advisory Committee  
Victor M. Fortuno, Vice President for Legal Affairs,  
General Counsel, and Corporate Secretary, Office  
of Legal Affairs  
Joel Gallay, Special Counsel to the Inspector General,  
Office of the Inspector General  
Michael Genz, Program Counsel, Office of Program  
Performance,  
and LSC Advisory Group  
Tom Hester, Associate Counsel, Office of General  
Counsel  
Charles Jeffress, Chief Administrative Officer, and LSC  
Advisory Group

## STAFF AND PUBLIC PRESENT: (Continued)

Bernice Lemaire, General Accounting Office  
Alan Levine, Esq., Krenish, Lieb, Weiner & Hellman LLP  
David Maddox, Assistant Inspector General for  
Management and Evaluation, Office of the Inspector  
General  
John Meyer, Director, Office of Information Management,  
and LSC Advisory Group  
Dee Miller, Justice Gap Advisory Committee  
Linda Mullenbach  
Karen J. Sarjeant, Vice President for Programs and  
Compliance, and LSC Advisory Group  
Don Saunders, National Legal Aid and Defenders  
Association, NLADA, Justice Gap Advisory Committee  
Daniel Sheahan, Program Evaluation Analyst, Office of  
Inspector General  
Katherine Ward, Executive Assistant, Office of Legal  
Affairs  
Anthony Young, Justice Gap Advisory Committee

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

2 CHAIRMAN STRICKLAND: Let me call to order the  
3 Legal Services Corporation meeting of the Board of  
4 Directors, pursuant to notice published in the Federal  
5 Register to commence at 2:00 p.m., Eastern Daylight  
6 Time, on September 8, 2009.

7 Mr. Reporter, do you have the names of all  
8 those in attendance already duly recorded?

9 THE REPORTER: Not quite, Mr. Chairman, but we  
10 will take care of that.

11 CHAIRMAN STRICKLAND: All right. Let me know  
12 when you have all those recorded, please, sir.

13 MS. BARNETT: We can continue, Mr. Chairman.  
14 We are gathering those names for you.

15 CHAIRMAN STRICKLAND: Okay. We're still  
16 getting a lot of noise on the call. I think we will  
17 proceed as best we can. Maybe we should make a note at  
18 the outset that maybe we want to move to a different  
19 conference call provider if we have any future  
20 conference call meetings.

21 The first item on the agenda is approval of  
22 the agenda. I would entertain a motion to approve the

1 agenda. Is there such a motion?

2 M O T I O N

3 MS. CHILES: So move.

4 MR. GARTEN: Second.

5 CHAIRMAN STRICKLAND: Any discussion?

6 (No response.)

7 CHAIRMAN STRICKLAND: Hearing none, all those  
8 in favor of approving the agenda, please say aye.

9 (Chorus of ayes.)

10 CHAIRMAN STRICKLAND: Opposed, nay.

11 (No response.)

12 CHAIRMAN STRICKLAND: The aye's have it. The  
13 agenda is adopted.

14 CHAIRMAN STRICKLAND: The next item on the  
15 agenda is to consider and act on adoption of LSC's 2009  
16 Justice Gap Report. I presume someone at the  
17 conference table in Washington is going to lead that  
18 discussion.

19 Would that be you, Helaine?

20 MS. BARNETT: Yes, it would be, Mr. Chairman.

21 CHAIRMAN STRICKLAND: Please proceed.

22 MS. BARNETT: Thank you. First, let me

1 recognize and introduce the members of the Justice Gap  
2 Advisory Committee who are on the conference call.

3 John Asher, De Miller, Anthony Young, Don  
4 Saunders.

5 Is Terry Brooks or Don Echols on the call?

6 MR. BROOKS: Terry Brooks is on.

7 MS. BARNETT: Thank you, Terry. In the  
8 conference room, we have the LSC Advisory Group, Steve  
9 Barge, John Constance, Mike Genz, Charles Jeffress,  
10 John Meyer, Karen Sarjeant.

11 I will begin by very briefly presenting the  
12 overall conclusions and pointing out --

13 CHAIRMAN STRICKLAND: Helaine, if I may  
14 interrupt you, can you get directly in front of the  
15 microphone? I think we're having a little trouble  
16 hearing you.

17 MS. BARNETT: Unfortunately, I am directly in  
18 front of the microphone.

19 CHAIRMAN STRICKLAND: Okay.

20 MS. BARNETT: Any other suggestions, Charles?

21 MR. JEFFRESS: Frank, I believe someone is on  
22 a cell phone and there is some wind noise coming in on

1 that cell phone. I don't know if they are driving or  
2 outdoors or what. If somebody could mute that cell  
3 phone, that would help.

4 CHAIRMAN STRICKLAND: Would the culprit on  
5 this call, who may be on a cell phone, please see if  
6 you could shift to a land line, please?

7 MS. BARNETT: I will attempt to continue.

8 CHAIRMAN STRICKLAND: Go ahead, Helaine.

9 MS. BARNETT: Thank you.

10 At the outset, I'd just like to emphasize the  
11 importance of what the LSC Board did in September of  
12 2004, when it asked LSC staff to attempt to document  
13 the extent to which the need for LSC services is not  
14 currently being met.

15 The importance of the report issued by the  
16 Corporation in September 2005 was not only important to  
17 Legal Services, it was important to Congress, it was  
18 important to the press, it was important to our  
19 program.

20 CHAIRMAN STRICKLAND: Helaine, would you stop  
21 just for a moment?

22 MS. BARNETT: Certainly.



1                   CHAIRMAN STRICKLAND: I'm only hearing about  
2 every third or fourth word that is being said. I don't  
3 know whether others are having that same problem. I  
4 don't believe we can conduct our business properly  
5 unless everyone can hear at the same time and hear  
6 everything that is being said.

7                   Charles Jeffress, are you there?

8                   MR. JEFFRESS: I am, Frank. The noise we were  
9 hearing in the background has just disappeared. I  
10 think maybe someone did switch telephones. Can you  
11 hear me any better than you could hear just a few  
12 minutes ago?

13                  CHAIRMAN STRICKLAND: I can hear you a little  
14 better. There is still what sounds like driving noise  
15 in the background. It is really tainting the quality  
16 of the conversation remarkably.

17                  MR. JEFFRESS: We could try calling back in,  
18 ask people to hang up and call back in. We could  
19 switch our phones to make sure it's not our telephone.

20                  CHAIRMAN STRICKLAND: I do hear what appears a  
21 cell phone driving noise in the background. I was  
22 having a terrible time hearing Helaine. I was assuming

1 everyone else was having the same difficulty.

2 MR. JEFFRESS: We can no longer hear that  
3 noise. You all can still hear that noise?

4 CHAIRMAN STRICKLAND: You would think this was  
5 not 2009, the quality is so poor. Let's try again,  
6 Helaine, if you could begin again.

7 MS. BARNETT: I will certainly do that. I  
8 just wanted to emphasize at the outset the importance  
9 of what this LSC Board did in September of 2004, when  
10 it asked LSC staff to attempt to document the extent to  
11 which the need for LSC services is not currently being  
12 met.

13 As you know, we issued the report in 2005.  
14 The "justice gap" has become a commonly used phrase  
15 that captures the essence of what we are trying to  
16 accomplish. It is cited repeatedly in Congress, with  
17 the press, with the equal justice community, and has  
18 defined the problem facing the nation, and has shaped  
19 the dialogue we have held with Congress and helped  
20 bring about an increased level of funding.

21 We determined that our data was getting  
22 somewhat old and that we felt as we were approaching

1 2010 we should do an updated report.

2 Briefly, I will just summarize the conclusions  
3 that we reached in this draft that has been sent to you  
4 for your review and discussion.

5 There continues to be a significant justice  
6 gap between the civil legal needs of low income  
7 Americans and the legal help they receive. For every  
8 client served by an LSC funded office, one is turned  
9 away due to lack of resources, and this is clearly an  
10 under count.

11 New states' civil legal aid studies confirm  
12 and add to a substantial body of social science  
13 knowledge that we are only meeting a small fraction of  
14 the legal needs of low income individuals and families.

15 More than ten times as many private attorneys  
16 provide personal legal services to the general  
17 population as legal aid lawyers provide to low income  
18 individuals and families.

19 In addition, new data has indicated that there  
20 is a rising tide and significantly increased number of  
21 unrepresented litigants, especially in the courts  
22 dealing with issues affecting low income persons.

1           We propose that the result is we need a staged  
2 approach, and the first critical goal is obviously a  
3 partnership with state and local government and private  
4 sources, and we must double the amount of Federal funds  
5 in order to meet those currently seeking assistance  
6 from legal services' funded offices.

7           Secondly, since the documentation shows that  
8 one out of five of the legal needs of low income  
9 Americans are being met, there needs ultimately to be a  
10 five fold increase to serve those needs.

11           We used the same methodologies as we did in  
12 2005, the unable to serve study for basically the same  
13 two month period, which of course, we believe is an  
14 under count, but nonetheless used that, where we turn  
15 away one for one.

16           Methodology two, where we looked at the recent  
17 state legal needs studies since the 2005 report, and we  
18 now have a substantial body of knowledge confirming  
19 that we are only meeting a small fraction of the legal  
20 needs of low income Americans.

21           Three, that there is still a significant  
22 difference in the ratio between the number of attorneys

1 available to help the general population and the number  
2 of legal aid attorneys regardless of source of funding  
3 able to assist the poor.

4           In addition, what is really new in this report  
5 is we have new data on unrepresented litigants where we  
6 see there are significant numbers of unrepresented  
7 litigants, people who go to court without an attorney  
8 because they can't afford or find an attorney, in areas  
9 and clusters of courts that particularly deal with  
10 problems affecting low income persons such as housing  
11 court and family court.

12           That's the methodologies we used and the  
13 similarities and the differences. We wanted the 2009  
14 report to be a stand alone document that you would not  
15 have to refer back to the 2005 report. That in brief  
16 is a summary of our conclusions and the similarities  
17 and differences between 2005 and our proposed 2009  
18 report.

19           At this point, I'd like to open it up for any  
20 additional comments by any members of the advisory  
21 groups or to any questions any member of the Board  
22 might have.

1           CHAIRMAN STRICKLAND:  Are there any such  
2  comments?

3           Dee, this is Frank Strickland.  Helaine just  
4  presented her report of the work of the committee and  
5  invited comments from any member of the committee,  
6  advisory or otherwise.

7           Do you have any comments?

8           MS. MILLER:  Having not heard the  
9  presentation, no.

10          CHAIRMAN STRICKLAND:  Okay.  Any other  
11  comments on Helaine's presentation?

12          MR. FUENTES:  Mr. Chairman, are you ready for  
13  Board comments?

14          CHAIRMAN STRICKLAND:  Yes, sir.

15          MR. FUENTES:  Mr. Chairman, this is Tom  
16  Fuentes in California.  I would like to ask for the  
17  privilege of four minutes for extended remarks.

18                 My Board colleagues, I have no way of  
19  challenging statistical findings of the unmet legal  
20  needs of America's poor in this new edition of the  
21  LSC's Justice Gap Report.

22                 I do, however, have significant objections to

1 the conclusions which are drawn from those findings.  
2 After nearly seven years of service with you on this  
3 Board, I am concerned that this report offers  
4 governmental solutions to a challenge at hand. America  
5 can do better. America deserves better.

6 We meet today by telephone on the eve this  
7 week of the commemoration of 9/11, the attack on  
8 America in 2001. On the anniversary of that horrific  
9 and dastardly event, it evokes sad memories for all of  
10 us.

11 It also reminds us of the greatness of our  
12 nation and its people. It reminds us how capable we  
13 were of coming together with incredible passion, of  
14 volunteerism, concern for our neighbors in need to  
15 address the crisis of that hour.

16 The tragedy prompted a display of the  
17 greatness of our nation and its people and their  
18 ability to give of themselves.

19 The report before us today does not reflect  
20 the trust and the greatness of the American people. We  
21 are a compassionate and caring republic, capable of  
22 meeting the legal needs of our poor if we ask the right

1 people to help.

2           The LSC ought to be about greater education of  
3 the American people of the need for access to justice  
4 for the poor, and greater encouragement and moral  
5 leadership to do what needs to be done.

6           Instead, this report before us today calls for  
7 more expanded government and more unbridled spending  
8 which will be the burden of our children and our  
9 grandchildren to repay. That tax burden challenges  
10 their freedom and ours. It will be a sad legacy of our  
11 generation.

12           This is the second edition of the Justice Gap  
13 Report. This report is more of the same, and the same  
14 has not met the needs of the poor in our nation.

15           This report is a sales pitch for more money to  
16 grow the LSC budget and its bureaucracy, pure and  
17 simple. It is an advocacy document with conclusions  
18 based on a tax and spend agenda which I do not accept.

19           Rather than getting at the source of the  
20 problems specifically, the failure of America's  
21 lawyers, private and public, to meet with charity,  
22 compassion and volunteerism the legal needs of the poor



1 of America, this report calls for more taxpayer burden  
2 and bigger government.

3 I reject this approach. This report suggests  
4 growing Federal spending by five fold in this time of  
5 national fiscal crisis.

6 I am appalled by the use of lofty language in  
7 the executive summary, specifically "In order to keep  
8 faith with our national commitment to equal access to  
9 justice, it is essential that the nation move toward  
10 the necessary funding levels in firm measured strides  
11 that are designed to close the justice gap as quickly  
12 as possible."

13 This is a blatant call to bigger Federal  
14 spending, bigger bureaucracy, and bigger reliance on  
15 government in the guise of a moral wrapping.

16 Frankly, this agenda is not good for America  
17 and its people.

18 The conclusions of this report are a move for  
19 growth in government in our lives. It misses the  
20 target. It fails to call upon those individuals who  
21 are the only ones who can render legal services to the  
22 poor of America, specifically the lawyers of America,

1 to do what is truly needed to make justice available to  
2 our poor neighbors.

3 Yes, I mean far greater pro bono volunteerism  
4 by the American Bar.

5 This report should be rejected in its current  
6 form and tone and redirected. It should be revised to  
7 be a report to all America and America's lawyers in  
8 private firms, big and small, and America's law  
9 schools, America's public legal agencies, to render  
10 volunteer help to the poor of America.

11 Have we asked the question does every lawyer  
12 in America give generous pro bono help to his or her  
13 neighbor in need? Is every lawyer in every private law  
14 firm, big and small, in America doing his or her part?

15 Is every lawyer employed as an in-house counsel in the  
16 offices of America's corporations doing his or her  
17 part? Is every lawyer employed in government doing his  
18 or her part? Is every lawyer in the large and small  
19 financial houses and banks on Wall Street assisting  
20 poor neighbors?

21 I ask this question of the individuals, not of  
22 their employers.

1           The American taxpayers are already overwhelmed  
2 with the cost of lawyers on the public payroll. In the  
3 offices of the state attorney general, those teaching  
4 in public law schools, U.S. attorneys, district  
5 attorneys, county attorneys, city attorneys, offices of  
6 the public defender and the courts, yes, all the court  
7 clerks, too, does each and every one of these publicly  
8 funded lawyers give his or her time to assist the poor  
9 in our nation in a pro bono fashion? Many are well  
10 paid. Some do help but do all help?

11           I'm talking about volunteerism on one's own  
12 time, not on company or taxpayers' time.

13           In conclusion, on this Tuesday after Labor  
14 Day, we should solicit our friends and neighbors in  
15 labor and respectfully encourage the growing number of  
16 government labor union member lawyers to make  
17 charitable volunteerism part of the culture of their  
18 public service.

19           To be a lawyer and practice law in America is  
20 a privilege and often a lucrative one. The purpose of  
21 having a Bar in our land is to provide for access to  
22 justice, for rich and poor alike.

1           We do not need a call for more Federal  
2 spending. We need a call to every lawyer in America to  
3 be about helping the poor with charity. The funding  
4 levels suggested in this new edition of the Justice Gap  
5 Report dissuades the Bar from meeting their moral  
6 obligation. Let Uncle Sam do it for them is the  
7 message of this report.

8           I will not vote to approve this report. It  
9 needs to be rewritten and redirected. If the report is  
10 approved as is, I respectfully ask that these remarks  
11 be attached as a minority report from this director and  
12 any Board colleagues who wish to join me in rejecting  
13 the report's conclusions.

14           Thank you.

15           CHAIRMAN STRICKLAND: Thank you, Tom. Do any  
16 other members of the Board have comments on the Justice  
17 Gap Report presentation?

18           MR. GARTEN: With all due respect to my true  
19 friend and a person I admire very much, I can't allow  
20 him to put the entire problem at the steps of the  
21 American Bar and lawyers.

22           Lawyers as a whole contribute more to

1 volunteerism than any other profession, and it would be  
2 impossible to assume that every lawyer is involved in  
3 this effort, of course not. Trying to put the blame on  
4 lawyers as a body as presented in this last four  
5 minutes is just plain wrong.

6           Lawyers are doing more again than any other  
7 profession in this area. Here in Maryland, we have  
8 continuously had more than 50, 60, even at one point  
9 close to 70 percent of the lawyers contributing their  
10 time and effort, but they have to make a living, too.  
11 Most lawyers are not in the category of what Tom is  
12 referring to. They are struggling to make a living.  
13 They are struggling to send their children to college  
14 and to pay their debts and bills and living at the same  
15 time.

16           I think it is very unfair for this discussion  
17 to put the entire burden, the entire blame on the Bar.

18       It's just wrong.

19           CHAIRMAN STRICKLAND: Anything else?

20           MR. MEITES: Can you hear me okay?

21           CHAIRMAN STRICKLAND: Yes, Tom. Go ahead.

22           MR. MEITES: Again, I join Herb in

1 appreciating Tom's efforts on this Board along with the  
2 rest of us, but I have taken away a different lesson  
3 from my service on the Board than maybe Tom has.

4 My lesson is that first, the actual field  
5 attorneys that are grantees work incredibly hard. They  
6 work harder than I do. They work harder than the  
7 lawyers in my office. They get paid less and in many  
8 ways, they have far more difficult clients.

9 Moving up the chain, I have learned from  
10 meeting with boards of our grantees in more than a  
11 dozen states that the boards of our grantees, which are  
12 largely lawyers, understand exactly the kind of issues  
13 that Tom has raised, and work as hard as anybody could  
14 expect to work, both to increase the efforts of  
15 volunteer lawyers in their communities and also to  
16 raise in their communities public awareness of the  
17 shortfall.

18 I have also learned from my service on the  
19 Board that our Board and Congress almost 40 years ago  
20 made a decision, our predecessors and Congress then,  
21 regardless of what volunteerism can do, there simply  
22 are not enough hands to go around given the amount of

1 problems that our grantee clients face.

2           Although I certainly have been impressed and I  
3 have learned, I didn't know about this, about the  
4 efforts made at the state level, at the local level,  
5 trying to meet the issues that the Justice Gap Report  
6 is concerned with.

7           My service on the Board has reinforced my  
8 initial view that because of the shortfall, the gap,  
9 the distance between A and B, between what we can do as  
10 individuals and what needs to be done, that substantial  
11 Federal support is necessary.

12           I have to tell you, Tom. I would prefer a  
13 system where we didn't exist, where we weren't  
14 necessary. I have found that people at the local level  
15 making local decisions know what locally needs to be  
16 done.

17           After having served on this Board along with  
18 you for the past six or seven years, I have to conclude  
19 that there is no way that the problem can be addressed  
20 without substantial Federal participation.

21           CHAIRMAN STRICKLAND: All right. Do any other  
22 directors have comments?

1           MR. FUENTES: Mr. Chairman, if I can just  
2 respond to those two kind comments from my colleagues.

3       I want to make it clear that my remarks are in no way  
4 an indictment of those generous, compassionate, caring  
5 and volunteering lawyers who do indeed participate in  
6 the service of our poor neighbors, but rather to be  
7 interpreted as an invitation to those who do not.

8           MR. GARTEN: All right. Those comments are  
9 very well received by me, Tom.

10          MR. MCKAY: I agree. I guess I'm somewhere in  
11 the middle because I began my career in this area,  
12 focusing exclusively on trying to get attorneys in the  
13 private sector and elsewhere to donate their time to  
14 help low income people experiencing legal difficulties.

15       That has been a very difficult challenge.

16          There has always been that smaller cadre of  
17 folks who donated their time, although as Herb rightly  
18 points out, larger than any other profession by the  
19 way. Still, there are just a lot of people who donate  
20 no time.

21          I remember when I became U.S. attorney, one of  
22 the first things I asked the assistants to do was to



1 donate their time to low income people. In spite of my  
2 prodding, however persistent it was, I was the only  
3 attorney in the office that did it.

4           It's a very tough challenge. Having said all  
5 that and how strongly I feel about attorneys donating  
6 their time, and I continue to do it and attorneys in my  
7 office do it, there are a lot that do not, and as a  
8 result, as reflected in the report that's in front of  
9 us, there are a lot of people who are left unserved.

10           I guess I'm somewhere in the middle where we  
11 have to continue to press the private sector to do  
12 more, but in the meantime, the government needs to  
13 help. I am troubled by the expenses associated with  
14 it, but the government does need to play a role.

15           We need to be as economical as we can, to  
16 either press the private sector to get more involved  
17 but also make sure that at least some kind of a safety  
18 net is in existence and we are getting as much as 50  
19 percent of those folks right now, and some argue even  
20 less, and we need to continue.

21           I do think we need to continue in this very  
22 important effort.

1 MS. SINGLETON: Mr. Chairman?

2 CHAIRMAN STRICKLAND: Go ahead, Sarah.

3 MS. SINGLETON: I would like to suggest, while  
4 I don't agree with Mr. Fuentes' conclusions, I do  
5 believe that we could in the Justice Gap Report  
6 recognize a little more strongly the need for members  
7 of the Bar to pitch in for this effort in two ways.

8 I think that on page 29 we could strengthen  
9 the report if in addition to talking about funding  
10 through state legislatures and we also talk about the  
11 contribution of volunteer lawyers which I believe is  
12 increasing but should continue or we should continue to  
13 press for the amount of volunteer work that is done to  
14 increase.

15 I would ask that page 29 be rewritten to the  
16 limited extent that it adds such a paragraph or such a  
17 statement.

18 I do disagree with the statement that says  
19 government unquestionably must bear the laboring in  
20 this effort.

21 CHAIRMAN STRICKLAND: Where is that? Is that  
22 elsewhere on that page?

1           MS. SINGLETON: That is on page 29. It's like  
2 the second sentence.

3           CHAIRMAN STRICKLAND: I see it.

4           MS. SINGLETON: I just don't believe that to  
5 be the case. I believe that certainly it's not the  
6 case if you're talking solely about the Federal  
7 Government. I believe one of the things we learned  
8 after 1995 is that the cause we are serving which is  
9 trying to get low income people adequate representation  
10 is harmed if we believe that the Federal Government  
11 bears the laboring on this effort. I don't like that  
12 sentence. I would like to have that sentence changed.

13           I think it's a multi-faceted approach that we  
14 need and the Federal Government is only one of the  
15 aspects of the approach that we need.

16           CHAIRMAN STRICKLAND: Thank you. Anything  
17 else on that, Sarah?

18           MS. SINGLETON: No, thank you.

19           CHAIRMAN STRICKLAND: Jonann?

20           MS. CHILES: I just want to say I agree very  
21 strongly with what Sarah has just said. I do think  
22 page 29 should be re-worked, specifically that some of

1 the conclusions should be re-worked.

2 I think we do need to express LSC's continued  
3 commitment to encourage pro bono services, pro bono  
4 efforts on the part of the Bar.

5 I also think we should reflect upon some of  
6 the lessons we have learned from the GAO reports,  
7 specifically LSC needs to express a commitment to hold  
8 grantees accountable, to make sure that grantees are  
9 responsible stewards of the Federal monies that they  
10 receive.

11 Accountability or holding our grantees  
12 accountable for the monies that they get is a very  
13 important part of maximizing our resources and making  
14 sure that people who need legal services receive legal  
15 services.

16 I'd like to say something about a grantee that  
17 recently got in trouble for expenditure of Federal  
18 monies in a way that I have trouble with, but in any  
19 event, I think that we need to express a continued  
20 commitment to encourage pro bono work. I think we need  
21 to express a commitment to making sure that LSC and its  
22 grantees are responsible stewards of Federal monies.

1           Also, just one other point. I think that  
2 perhaps we should re-examine some of the conclusions  
3 that are based upon speculation. I don't think those  
4 conclusions are very strong and in fact, I think they  
5 weaken the report.

6           CHAIRMAN STRICKLAND: Do you have any specific  
7 conclusions in mind that you want to point to right  
8 now?

9           MS. CHILES: There are some conclusions on the  
10 first part of the report about why the need numbers are  
11 not greater, speculation, for instance, about why  
12 numbers -- unable to serve numbers are not larger in  
13 light of the fact that the economy has gotten so much  
14 worse.

15           The first part of methodology number one seems  
16 to include quite a bit of speculation, or whether a  
17 conclusion based upon speculation.

18           I also think that part of the report is weak  
19 to begin with because it's based upon self reporting by  
20 grantees who are self interested. It's to their  
21 benefit to report higher numbers on people not served.

22           I'm not saying the reporting is not truthful

1 but I will tell you that I talked to one Senator who  
2 dismissed the entire report because he thought that the  
3 self reporting on a part of the grantees was so slanted  
4 with self interest that he wasn't going to give the  
5 report any credibility.

6 I think we just need to be careful when we  
7 draw conclusions based upon speculation.

8 CHAIRMAN STRICKLAND: I'm wondering whether we  
9 can go forward with adopting the 2009 report with these  
10 suggestions for some fairly extensive re-writing,  
11 particularly of the last page or so of the report, and  
12 now Jonann has pointed out some things toward the  
13 beginning of the report, paraphrasing her words,  
14 conclusions appearing to be based on speculative  
15 information.

16 MR. MEITES: Frank, might it make sense -- I'd  
17 be happy if Jonann and Sarah and you would do any  
18 changes and move it subject to the approval of the  
19 three of you.

20 MR. MCKAY: Mr. Chairman, if I may, first, I  
21 have great confidence in those individuals named by  
22 Tom, but I think the comments made by Tom Meites, by

1 Herb Garten, by Tom Fuentes and now the follow up  
2 comments with regard to changes, I think that is pretty  
3 important particularly since we received it just three  
4 business days ago, I would feel more comfortable --  
5 this is a very important document.

6 It has been very helpful for us in addressing  
7 funding issues and also communicating to decision  
8 makers how important our mission is.

9 I would prefer to be more personally involved  
10 and the Board to be more involved, because there are  
11 fairly significant changes being proposed, that maybe  
12 those individuals work on it and we get a new draft in  
13 a redlined format and then address it again either in a  
14 telephone conference or maybe we could pass it on at  
15 the end of our Finance Committee meeting on the 18th.

16 I do think this is important enough to warrant  
17 that kind of attention.

18 MR. GARTEN: I concur in that. For example,  
19 if we are going to get involved in the pro bono  
20 activities, there are statistics out there compiled by  
21 the ABA with regard to what I call "checkbook pro  
22 bono," where lawyers are contributing in each state

1 substantial amounts of monies to go into these programs  
2 helping the poor.

3 That may be something that we would want to  
4 add.

5 CHAIRMAN STRICKLAND: Sounds like we have a  
6 fair amount of work to do on the report. While I  
7 appreciate the confidence at least of a few of you in  
8 having three of us work on revised language, speaking  
9 for myself, I would prefer not to undertake that task.  
10 I would rather have involvement of the full Board.

11 I'd rather shift the drafting that on a  
12 redlined basis to management for resubmission to the  
13 Board and reconvening either at the end of the Finance  
14 Committee meeting on the 21st or at a later date.

15 MS. SINGLETON: Mr. Chairman, I agree with the  
16 comments that the full Board should be involved in  
17 approving any changes because they need to be involved  
18 in approving of the report.

19 For myself I would be glad to work with  
20 anybody on language changes that would meet at least my  
21 comments.

22 MS. MIKVA: Is there a time line? Is there



1 some deadline by which this report needs to be done or  
2 should be done?

3 CHAIRMAN STRICKLAND: I'm not aware of any  
4 time line. Helaine, do you have a comment on that?

5 MS. BARNETT: I was just turning to John  
6 Constance to see if he could help advise us in that  
7 regard.

8 MR. CONSTANCE: John Constance, Director,  
9 Government Relations and Public Affairs, for the  
10 record.

11 I would say that October 1 would be a good  
12 deadline. It's about the working deadline we have had.

13 I would say if we could conclude this within that time  
14 frame, that would be fine. I don't know that I've  
15 heard anything here that certainly couldn't be resolved  
16 and turned around in that kind of window.

17 MS. MIKVA: Thank you.

18 CHAIRMAN STRICKLAND: With that in mind, would  
19 the Board accept the concept of postponing any further  
20 consideration of this agenda item until either the  
21 afternoon of September 21 at the end of the Finance  
22 Committee meeting, at which time we would have other

1 directors call in, or a later date in September to be  
2 determined?

3 MR. FUENTES: Mr. Chairman, I think to have a  
4 good report which my colleagues have suggested, I think  
5 the direction for refinement and revision are all very  
6 positive, and I'm glad to see the dialogue and exchange  
7 which has just occurred.

8 I will forward the text of my remarks to you  
9 and to our colleagues for consideration. Of course,  
10 based on how significant are the revisions and tone of  
11 the document will depend on whether I choose to support  
12 it or not or choose to issue a minority report on the  
13 document.

14 I will send those for consideration and I  
15 appreciate all the courtesy extended.

16 CHAIRMAN STRICKLAND: Thank you, sir.

17 MR. GARTEN: Mr. Chair, I would suggest that  
18 you give consideration to doing it on the 21st because  
19 you're going to have a good number of directors in  
20 person with the Finance Committee meeting. It's going  
21 to start at 8:00 a.m. I would think we could easily  
22 fit this in in the afternoon.

1           CHAIRMAN STRICKLAND:  Actually, I think it is  
2 going to start at 10:00 a.m., Herb.

3           MR. MEITES:  Since the Chair is from the West  
4 Coast, he would never start a meeting at 8:00 a.m.

5           (Laughter.)

6           MR. FUENTES:  That goes second for his member  
7 from the West Coast.

8           CHAIRMAN STRICKLAND:  Thank you.

9           MR. GARTEN:  I thought you were going to be in  
10 person at that Finance Committee meeting.  I'm sorry.

11          MR. MEITES:  No, I will be there.  I'll still  
12 be on West Coast time.

13          CHAIRMAN STRICKLAND:  I'll modify my  
14 suggestion that it be either/or and we will shoot for  
15 the 21st.  We may want to set an aspirational goal as  
16 to what time that might be.  Do we want to say 2:00?

17          MR. MCKAY:  Mr. Chairman, I think it would be  
18 just fine for us -- I would ask my members if they  
19 would agree, I have no problem with setting not just an  
20 aspirational date, but we could have a set time.  If we  
21 are not finished with our Finance Committee work, we  
22 could hold off on completing it and set aside a half

1 hour or 45 minutes to finish our session on the Justice  
2 Gap report.

3 I think 2:00 in the afternoon would be just  
4 fine, unless there are objections.

5 MS. SINGLETON: 2:00?

6 CHAIRMAN STRICKLAND: Eastern time.

7 MS. SINGLETON: I have a 4:00 plane. I'd like  
8 to do it earlier if we could.

9 MR. McKAY: How about 1:00?

10 MS. SINGLETON: Yes.

11 CHAIRMAN STRICKLAND: Is there consensus that  
12 we will defer action on the agenda item about the  
13 Justice Gap Report until September 21 at 1:00 p.m.  
14 Eastern Time with those directors who are not present  
15 in person for the Finance Committee meeting to attend  
16 by telephone conference call on that date and time?

17 Is that satisfactory to everyone?

18 (Chorus of yes').

19 CHAIRMAN STRICKLAND: All right. We will  
20 proceed on that basis. Is there anything else on the  
21 Justice Gap Report?

22 (No response.)

1                   CHAIRMAN STRICKLAND: The next item is  
2 consider and act on whether to establish a search  
3 committee for LSC President and if such committee is  
4 established, to authorize the Chairman of the Board to  
5 appoint the membership of the committee and to  
6 authorize the committee to issue a request for  
7 proposals soliciting bids in accordance with LSC's  
8 administrative manual for a search firm to aid in the  
9 search for the next President of LSC.

10                   I'm going to suggest that proposal be modified  
11 to strike item A and B and to modify the whole thing to  
12 read "to authorize the Chairman to issue a request for  
13 proposals soliciting bids in accordance with LSC's  
14 administrative manual for a search firm to aid in the  
15 search for the next President of LSC."

16                   We will delay the concept of formally  
17 establishing the committee until a later date. This  
18 would just be action to authorize the issuance of an  
19 RFP.

20                   MR. McKAY: I guess I'd object to that change  
21 and have us literally discuss those first two items. I  
22 personally don't disagree with a phone call, but I'd

1 like us to discuss the letter we received and talk  
2 about the implications of deferring.

3 CHAIRMAN STRICKLAND: All right. Go ahead.

4 MR. McKAY: I do think we need to discuss the  
5 pro's and con's. I strongly believe that the new Board  
6 should be choosing the next president. I know the  
7 Chair has that thought in mind. I do think if we are  
8 losing our president at the end of the year, we ought  
9 to start working to get in place the tools that are  
10 necessary to achieve that.

11 I'm not entirely sure that waiting until the  
12 next Board meeting is the best thing to do. I would  
13 just like to open it up for a brief discussion, make  
14 sure that we are fulfilling our fiduciary duties. We  
15 are the Board right now. We have a president that is  
16 leaving at the end of the year.

17 We are less than six months away from her  
18 departure.

19 I just want to make sure we are fulfilling our  
20 fiduciary duty. Clearly, the new Board should be  
21 choosing the new president. We need to make sure that  
22 we are taking the steps that are necessary so the new

1 Board can hit the ground running on that.

2 I know the Chairman has in mind selecting new  
3 Board members to serve on the committee. I am just  
4 wondering if you can share those thoughts with the full  
5 Board, Frank.

6 CHAIRMAN STRICKLAND: Thank you, Mike. The  
7 original concept I had in mind was entirely based on a  
8 smooth transition, and as you pointed out, Mike,  
9 recognizing that Helaine Barnett, who has been an  
10 outstanding CEO for the Corporation for more than six  
11 years, actually, this is her sixth year, and that her  
12 employment agreement on its face expires on December  
13 31, and also recognizing how long it takes to get a  
14 search up and running and brought to a conclusion in  
15 the case of this Board in 2003, it did take a full six  
16 months before our selected person reported in January  
17 of 2004, so what I had in mind was not -- emphasize  
18 that in bold letters -- not selecting a new president  
19 but simply to get the process underway by moving ahead  
20 with an RFP on the search firm and then perhaps  
21 organizing the search committee, but with a view of  
22 having that committee immediately re-populated by

1 moving confirmed members of the Board who in turn would  
2 select a new CEO.

3 It was to accelerate the process, not to take  
4 it over. Any thoughts to the contrary are simply  
5 misplaced.

6 That was the concept. I had hoped and I still  
7 have hope that if we move in that direction, at least  
8 perhaps one designated Board member could possibly  
9 serve as an advisory member. I don't know whether that  
10 will be possible or not. That was the concept that I  
11 had in mind when I decided to put this item on the  
12 agenda.

13 MR. MEITES: Frank, this might help explain  
14 where you are coming from, how long did the process  
15 took from beginning to end to select Helaine?

16 CHAIRMAN STRICKLAND: We established the  
17 search committee in June of 2003. After that, the  
18 committee then engaged a search firm. I don't remember  
19 precisely how long that took. We interviewed three  
20 firms before selecting one. We began the process, that  
21 is the committee, of soliciting applications and  
22 interviewing applicants and narrowing the field.



1           We made a final selection -- we interviewed  
2 two or three finalists at our meeting in New York which  
3 was probably in November of 2003, as I recall. We made  
4 the selection of Helaine at that meeting and she  
5 reported for duty in Washington in January of 2004,  
6 January 20, I believe.

7           It was a full six months.

8           MR. MEITES: From when we first did the search  
9 until Helaine was selected?

10          CHAIRMAN STRICKLAND: When we first  
11 established the committee to the time she actually  
12 reported.

13          MR. MEITES: Go back to the search firm and  
14 the first publication that there was a job opening and  
15 asking for applicants.

16          CHAIRMAN STRICKLAND: I can't give you those  
17 exact dates. I do know we established the search  
18 committee in June, at our June meeting in 2003. The  
19 process unfolded after that. As I said, I can't fill  
20 in those exact dates.

21          MR. MEITES: From memory, my estimate would be  
22 at least another three or four months to select the

1 search firm and bring it up to speed. Does that sound  
2 about right to you?

3 CHAIRMAN STRICKLAND: It did take a while to  
4 get a search firm selected and then of course, the  
5 application process, the receipt of applicants, the  
6 interviews, the preliminary interviews, the narrowing  
7 of the field and so on.

8 The whole idea on this was to accelerate the  
9 process. Again, emphasizing once more not to select  
10 the person but just to sort of get it moving.

11 MS. MIKVA: It seems to me that even if there  
12 is not -- the nominations do not go through in time to  
13 pick an executive director in time, then there is going  
14 to have to be a committee to select some sort of  
15 interim person acting in that regard.

16 I think the committee should be set up with  
17 that in mind, if the Board has not turned over, then to  
18 select an interim director until there is a new Board.

19 CHAIRMAN STRICKLAND: We could certainly move  
20 in that direction, that is establish a committee to  
21 consider candidates for an interim person. I would not  
22 want to see us -- we could engage a search firm but I

1 would think we would want to have that search firm on  
2 the task of finding a CEO, a long term CEO.

3 I wouldn't want to incur that expense twice,  
4 if you will.

5 MS. MIKVA: Absolutely. I'm just saying if  
6 the timing is such that when it's time to pick the new  
7 Board is not in place, at that point I think the task  
8 of the search firm might have to change. That's all.

9 CHAIRMAN STRICKLAND: That's possible.

10 MS. MIKVA: I agree completely, set out to  
11 pick a permanent --

12 CHAIRMAN STRICKLAND: My idea at the outset  
13 was that people who will apply for the position of CEO  
14 of LSC are certainly sophisticated enough to know that  
15 there is a new Board coming in and that's who they will  
16 be working for and that's who is going to pick that  
17 person.

18 There is nothing sinister here. It's just a  
19 good faith effort toward a smooth transition.

20 MS. SINGLETON: I have a question or two.  
21 It's partially in response to Mike McKay's comments  
22 about fiduciary duty. I assume that one aspect of

1 fiduciary duty would be to ensure a smooth transition  
2 from the current president to the new president, but  
3 also I think part of fiduciary duty is to make sure  
4 that the people who are concerned with what we do have  
5 faith that we are acting appropriately also.

6           We have some indication now that certain  
7 members of Congress think that any efforts this Board  
8 makes ought to be limited to an interim director and  
9 since the Federal Register Notice was published, I've  
10 heard similar comments from people in the field.

11           I guess what I'm wondering is is there  
12 something substantive to the act of picking a search  
13 firm, in other words, are you perhaps overlooking what  
14 we conceivably -- as it was done by the old Board, be  
15 overlooking some search firm that the new Board might  
16 prefer or is there anything at all about that act that  
17 we should not be involved in.

18           CHAIRMAN STRICKLAND: I don't know. What I  
19 had in mind was soliciting proposals from three  
20 nationally recognized search firms. I would only be  
21 speculating if I said that those three would be  
22 acceptable to people who are not currently serving on

1 the Board.

2 I think we do have some fiduciary  
3 responsibility to act in the best interest of the  
4 Corporation. When we came a board in 2003, at least  
5 those who came in with my group, we had an interim  
6 president at the time who was a wonderful person but  
7 physically, he was unable to perform the duties of  
8 interim president, so in some ways, we had a ship  
9 without a rudder.

10 I know that some of us have discussed the fact  
11 that was not a good thing for the Corporation. That  
12 also influenced my thinking in trying to move the  
13 process along by getting it started.

14 I can't really definitively answer your  
15 question very well, Sarah, about search firms.

16 MR. MCKAY: I have a comment but I'm wondering  
17 if Sarah was finished with her comments.

18 MS. SINGLETON: Yes, I'm finished.

19 MR. MCKAY: Following up on Sarah's comments,  
20 and that is really exactly what I have in mind. I'm  
21 not sure exactly what our fiduciary duty is, but  
22 reading the letter from the two Senators, from Senators

1 Harkin and Mikulski, and listening now to Sarah's  
2 comments and what she is hearing from folks in the  
3 field, no matter how good faith our intent is, that the  
4 optics may not be right.

5           That is our intent would be to make sure that  
6 the new Board makes the decision but it looks like a  
7 Democratic appointments would be confirmed fairly soon,  
8 but maybe not even before our October meeting, and the  
9 Republican appointments are going to be some time after  
10 that, and they should be part of the process as well.

11                                   M O T I O N

12           MR. MCKAY; My suspicion is both to deal with  
13 the optics and to do what is best for the Corporation,  
14 that is addressing the concern that Frank just  
15 addressed, perhaps we ought to simply create a  
16 committee to search for an interim president and simply  
17 allow the new Board to work with who we think is a good  
18 interim president to give us a good hand on the rudder  
19 until they get all on board and to find a good new  
20 president.

21           I would make that motion.

22           MR. GARTEN: Can I make a comment? Is there

1 any possibility we can convince Helaine to remain until  
2 her successor is chosen?

3 MR. McKAY: I would ask whether or not there  
4 is a second to my motion.

5 CHAIRMAN STRICKLAND: Is there a second?

6 MS. SINGLETON: Mike, would you mind restating  
7 the motion?

8 MR. McKAY: I move that we create a committee  
9 to search for an interim president who would serve  
10 until the new Board finds a new permanent president,  
11 that the Chair be given the authority to select the  
12 members of that committee.

13 MS. SINGLETON: I second that motion.

14 CHAIRMAN STRICKLAND: Herb, did you have a  
15 point?

16 MR. GARTEN: My question was whether any  
17 consideration could be given by Helaine to remain in  
18 her position until her successor is chosen.

19 MR. McKAY: I would think that would be an  
20 appropriate topic for the committee to address if it's  
21 created.

22 CHAIRMAN STRICKLAND: Is there any further

1 discussion on that motion?

2 MR. FUENTES: Frank, I would only comment on  
3 that. People would say no good deed goes unpunished.  
4 While I hope that's not the case, I think the noble  
5 intent of your initial effort here was very wholesome  
6 and positive, and I'm sorry if there was any  
7 misinterpretation by parties out there some place, I,  
8 for one, know that the intent was to only facilitate  
9 for the selection process by the new Board, and I  
10 salute you for that effort.

11 CHAIRMAN STRICKLAND: Thank you, Tom.

12 MS. SINGLETON: I concur with that comment.

13 MS. MIKVA: I concur as well.

14 MR. MCKAY: Let the record reflect that our  
15 newest appointment to the Board concurs.

16 CHAIRMAN STRICKLAND: Duly noted. Any further  
17 discussion on Mike's motion?

18 (No response.)

19 CHAIRMAN STRICKLAND: As I understand the  
20 motion, Mike, it is to establish a committee, and I  
21 guess we will call it a search committee, to find a  
22 person to serve as interim president of LSC. This



1 would be after the expiration of Helaine's term of  
2 employment. Is that correct?

3 MR. McKAY: Correct. The assumption is that  
4 committee would start working now in anticipation.

5 CHAIRMAN STRICKLAND: Yes. The committee  
6 would commence work immediately with that as the goal.

7 You eliminated from that, Mike, any discussion  
8 regarding search firms to meet Sarah's concern about  
9 not being involved even in that part of the process.

10 MR. McKAY: Correct.

11 CHAIRMAN STRICKLAND: Does that meet your  
12 concern, Sarah?

13 MS. SINGLETON: Yes, it does.

14 CHAIRMAN STRICKLAND: Any further discussion  
15 on the motion?

16 (No response.)

17 CHAIRMAN STRICKLAND: Hearing none, all those  
18 in favor of the motion please say aye.

19 (Chorus of ayes.)

20 CHAIRMAN STRICKLAND: Opposed?

21 (No response.)

22 CHAIRMAN STRICKLAND: The motion is unanimous.

1           MR. McKAY: Mr. Chairman, with this comment, I  
2 do encourage you to send a letter to the two Senators  
3 to reflect the message that Tom did communicate,  
4 obviously, what our goal was, in an effort to clarify  
5 what our goal was, that we have taken steps today.

6           MS. SINGLETON: I assume, Mike, you mean all  
7 the people who wrote the letter. I thought there were  
8 congressmen on it.

9           CHAIRMAN STRICKLAND: There were four authors,  
10 I think.

11          MR. McKAY: You're right.

12          CHAIRMAN STRICKLAND: Did you include in your  
13 motion, Mike, for delegating to me the appointing  
14 authority?

15          MR. McKAY: I did.

16          CHAIRMAN STRICKLAND: Okay. I thought you  
17 did.

18          MR. FUENTES: Mr. Chairman, I just want to put  
19 a word in that I think we should probably have a  
20 special committee of the Board to go to New York to a  
21 good restaurant to take Helaine's husband out to dinner  
22 and seek his help in this matter.

1 (Laughter.)

2 CHAIRMAN STRICKLAND: The newly established  
3 committee, Tom, will take that under advisement.

4 (Laughter.)

5 MS. CHILES: Frank, one more point. I think  
6 it should probably be explained to some of the authors  
7 of that letter that this Board, although it is a hold  
8 over Board, still has fiduciary duties to the  
9 Corporation, and one of those important fiduciary  
10 duties right now is to make sure that there is a smooth  
11 transition in leadership, because if we fail to put in  
12 at least the basic processes towards helping that  
13 transition when it occurs, we would be breaching, I  
14 think, our fiduciary duties to the Corporation.

15 I guess what I am trying to say is I have no  
16 great desire to make lasting decisions that will impact  
17 the incoming Board, but I do think we have an  
18 obligation right now to do what we have voted to do. I  
19 think it is important that we do it. I don't think we  
20 have a choice. I think we have to do it.

21 I think this motion which we all voted for  
22 unanimously is definitely the right way to proceed. We

1 are proceeding with restraint, yet we are still  
2 satisfying our fiduciary duties.

3 CHAIRMAN STRICKLAND: Thank you.

4 We do have one other item. Any other  
5 discussion on that particular agenda item?

6 (No response.)

7 CHAIRMAN STRICKLAND: We have one other item  
8 on the formal agenda, and that is to consider and act  
9 on whether to authorize closing a portion of the  
10 Board's Finance Committee meeting of September 21, 2009  
11 for a briefing by legal counsel and possible  
12 deliberation and action by the Committee on an internal  
13 budgeting issue.

14 I'd entertain a motion.

15 MR. FUENTES: Mr. Chairman, before we go to  
16 that, I don't have a copy of the agenda in front of me,  
17 is there not an item of "Other business?"

18 CHAIRMAN STRICKLAND: Yes, that's next after  
19 this item.

20 MR. FUENTES: Thank you, sir.

21 M O T I O N

22 CHAIRMAN STRICKLAND: I would entertain a

1 motion to approve that agenda item.

2 MR. FUENTES: So moved.

3 CHAIRMAN STRICKLAND: Is there a second?

4 MR. GARTEN: Second.

5 CHAIRMAN STRICKLAND: Any discussion on the  
6 item?

7 (No response.)

8 CHAIRMAN STRICKLAND: Hearing none, let's  
9 proceed to a vote. All those in favor of that motion,  
10 please signify by saying aye.

11 (Chorus of ayes.)

12 CHAIRMAN STRICKLAND: Opposed, nay.

13 (No response.)

14 CHAIRMAN STRICKLAND: The ayes have it. That  
15 item is adopted.

16 The next item is consider and act on other  
17 business. Is there any other business?

18 M O T I O N

19 MR. GARTEN: Mr. Chairman, I would like to  
20 suggest to the Board that it approve a formal  
21 resolution along the following lines, and that is one  
22 of expressing the appreciation of the Board to the

1 services rendered by Lillian R. BeVier as a member of  
2 the Board and Vice Chairman during her tenure on the  
3 LSC Board.

4 I believe it should express her tireless  
5 efforts to meet the legal needs of the disadvantaged  
6 throughout the United States and the Commonwealth of  
7 Puerto Rico and the Territories.

8 I suggest that the formal language of the  
9 resolution be delegated to the Chair with the intent  
10 that I have tried to convey with my previous remarks.

11 MR. FUENTES: Second the motion.

12 CHAIRMAN STRICKLAND: That's a wonderful idea  
13 and I will accept the task and ask for the good  
14 assistance of our general counsel, Vic Fortuno, if he  
15 would take a stab at a first draft of that resolution.

16 Would you undertake that, Vic?

17 MR. FORTUNO: I'd be delighted to, Mr.  
18 Chairman.

19 CHAIRMAN STRICKLAND: All right. Any further  
20 discussion on Herb's motion?

21 (No response.)

22 MR. GARTEN: You need a second.

1           CHAIRMAN STRICKLAND: I believe there was a  
2 second by Tom Fuentes. Let's proceed to a vote on the  
3 motion. All those in favor of the motion of adopting  
4 the resolution commending Lillian BeVier, please say  
5 aye.

6           (Chorus of ayes.)

7           CHAIRMAN STRICKLAND: Opposed, nay.

8           (No response.)

9           CHAIRMAN STRICKLAND: The ayes have it and the  
10 resolution is adopted.

11           Is there any other business?

12           MR. FUENTES: Mr. Chairman, Herb beat me to  
13 the punch there. That was exactly the topic that I  
14 wanted to take up. I also had a second thought and  
15 that was that we are now functioning without a Vice  
16 Chairman, and in light of that, I think we should have  
17 one. I know you are going to be safe but we never know  
18 what can happen.

19           I think we should have a Vice Chairman. I  
20 would like to move the nomination of Mike McKay as  
21 replacement Vice President for Lillian BeVier who has  
22 retired from the Board.

1 MR. GARTEN: I'll second the motion.

2 MS. SINGLETON: I don't object to the merits  
3 of the motion but I'm wondering if we need to notice  
4 that we are going to have an election of officers.  
5 This is all coming up under "Other Business" where we  
6 did not put out any notice that we were going to be  
7 doing this.

8 CHAIRMAN STRICKLAND: Let's ask the general  
9 counsel if we are able to take this up under "Other  
10 Business," or whether we should notice it.

11 MR. FORTUNO: I think it should be noticed for  
12 action by the Board. Since we have a Board  
13 teleconference meeting on the 21st, certainly that may  
14 be an opportune time, unless there is interest in doing  
15 so sooner, which can be done as well. I think it  
16 should not be done without first publishing proper  
17 notice in the Federal Register.

18 CHAIRMAN STRICKLAND: All right. Tom, would  
19 you hold your motion until the 21st?

20 MR. FUENTES: By all means.

21 CHAIRMAN STRICKLAND: Any other business?

22 MR. MCKAY: This will allow those persons to



1 organize their efforts to prevent this effort.

2 (Laughter.)

3 MR. FUENTES: Mr. Chairman, don't take any  
4 chances crossing streets.

5 (Laughter.)

6 CHAIRMAN STRICKLAND: I'll be careful.

7 MS. SINGLETON: He will automatically go to  
8 the head of the Audit Committee if anything happens.

9 (Laughter.)

10 CHAIRMAN STRICKLAND: I don't see an item on  
11 the agenda. We normally have an item called "Public  
12 Comment." I'll just bring that up myself.

13 Is there any public comments?

14 (No response.)

15 CHAIRMAN STRICKLAND: Hearing none, I think we  
16 can move to consider an act on adjournment of the  
17 meeting.

18 Is there a motion to adjourn?

19 M O T I O N

20 MR. GARTEN: So move.

21 CHAIRMAN STRICKLAND: Second?

22 MR. FUENTES: Second.

1                   CHAIRMAN STRICKLAND: All those in favor, say  
2 aye.

3                   (Chorus of ayes.)

4                   CHAIRMAN STRICKLAND: Thank you very much,  
5 everybody. We are adjourned.

6                   (Whereupon, at 3:15 p.m., the meeting was  
7 adjourned.)

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