

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

TELEPHONIC MEETING OF THE  
INSTITUTIONAL ADVANCEMENT COMMITTEE

OPEN SESSION

Tuesday, December 10, 2013

4:02 p.m.

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

COMMITTEE MEMBERS PRESENT:

John G. Levi, Chairperson  
Robert J. Grey Jr.  
Charles N.W. Keckler  
Father Pius Pietrzyk, O.P.  
Herbert S. Garten (Non-Director Member)  
Thomas Smegal (Non-Director Member)

OTHER BOARD MEMBERS PRESENT:

Julie A. Reiskin  
Gloria Valencia-Weber

## STAFF AND PUBLIC PRESENT:

James J. Sandman, President

Wendy Rhein, Chief Development Officer

Rebecca Fertig, Special Assistant to the President

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

Atitaya Rok, Staff Attorney, Office of Legal Affairs

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

Carl Rauscher, Director of Media Relations, Office of  
Government Relations and Public Affairs

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

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

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Motions: 5, 6

## 1 PROCEEDINGS

2 (4:02 p.m.)

3 CHAIRMAN LEVI: We'll call the meeting to  
4 order. This is the Intentional Management Committee.  
5 This is a duly noticed meeting, and it's taking place  
6 on a snow day in Washington, which just shows how  
7 hard-working and diligent we are.

8 Can I have a motion to approve the agenda,  
9 which I gather, Wendy, has been modified? Why don't  
10 you tell them about the changes first, and then we'll  
11 have a motion. Wendy?

12 MS. RHEIN: Yes. So item number 6 on the  
13 agenda, presentation of LSC's online giving portal, due  
14 to some technical difficulties in transferring the  
15 portal from what's called the staging site to the live  
16 site, I cannot provide you all with a link to be able  
17 to see it.

18 So I'd like to table that for our next meeting  
19 in early January when I can provide you with an active  
20 link. It won't do much good for me just to describe it  
21 to you. I want to be able to show you.

22 CHAIRMAN LEVI: Okay. So I did drop in number

1 6. But is there a link?

2 MS. RHEIN: There's a link, but you won't be  
3 able to see it. It's not active. So once we're all  
4 back to the office tomorrow, if we can get this  
5 resolved, since none of the LSC staff are in the office  
6 today, if there a link and it's active tomorrow, I can  
7 send it to everyone.

8 CHAIRMAN LEVI: Okay.

9 MS. RHEIN: But today, you won't be able to  
10 see it.

11 CHAIRMAN LEVI: Fine. With that amendment,  
12 could we have approval of the age? A motion to approve  
13 the agenda, please?

14 M O T I O N

15 FATHER PIUS: So moved.

16 CHAIRMAN LEVI: Second? Could somebody second  
17 that motion? Any member of the Committee can.

18 MR. KECKLER: Second.

19 CHAIRMAN LEVI: Thank you. All in favor?

20 (A chorus of ayes.)

21 CHAIRMAN LEVI: Could we have a motion to  
22 approve the minutes from the two meetings, items 2 and

1 3?

2 M O T I O N

3 MR. KECKLER: So moved.

4 CHAIRMAN LEVI: Second?

5 MR. GARTEN: Second.

6 CHAIRMAN LEVI: All in favor?

7 (A chorus of ayes.)

8 CHAIRMAN LEVI: Okay. Now, Wendy, do you want  
9 to discuss the pledge form? Because I changed it.

10 MS. RHEIN: Sure. One of the many attachments  
11 that Atitaya had sent out this week is a pledge  
12 agreement document, a pledge form. And this is fairly  
13 standard -- I'm sure you've all seen it before in your  
14 own charitable giving -- that once an individual or a  
15 corporation or firm makes an agreement to pledge to an  
16 organization, they can provide a document outlining the  
17 terms of the pledge, so what the overall amount is, the  
18 way in which they want to make the payment, and then if  
19 the gift is restricted, meaning that they want to be  
20 very clear that it only goes to a specific thing.

21 In our case that might be fellowships. It  
22 might be, I want it to be a research project. They can

1 indicate that. But it also provides us, LSC, with the  
2 opportunity to say to that donor, if something happens,  
3 we'd like to redirect that money with your permission.

4           So we've pulled together this document. The  
5 front of it is a very simple -- it's a sample thank you  
6 letter, just so that you can see some of the language  
7 that would be included in this that refers to the  
8 actual pledge form itself.

9           The individual would fill out the pledge form.  
10 They would have a copy and we would have a copy. And  
11 then attached to that all, as you can see, is the  
12 giving levels that you all approved back in August so  
13 they would understand which society they would fall  
14 into.

15           Any comments or questions about that?

16           CHAIRMAN LEVI: No. I thought I should say  
17 that originally -- and some organizations use an actual  
18 negotiated agreement. They actually have a charitable  
19 giving agreement for pledges.

20           I thought that dealing with a bunch of law  
21 firms around the country, we would have endless  
22 negotiation of the agreements, and at the end of the

1 day, are we going to be suing people to collect? I  
2 didn't think we would be, and I didn't think that it  
3 was worth our time to be negotiating.

4 So I thought it was best to have a  
5 confirmation. We do need something in writing from  
6 them that we can count on. It's a commitment. But I  
7 didn't know that we wanted to go as far as to create a  
8 document that would then become the subject of  
9 negotiation.

10 So that's why I recommend that we do this.  
11 And I'm happy to have suggestions or comments about it,  
12 including that there's no magic to it. I also want to  
13 say that I don't think the thank you letters are  
14 necessarily a matter that needs to come before the full  
15 Committee to be approved.

16 But I think with this concept --

17 MR. FLAGG: John, I think we're losing you.

18 CHAIRMAN LEVI: I'm here.

19 MR. FLAGG: I don't know. You faded out  
20 there.

21 CHAIRMAN LEVI: So you didn't hear anything I  
22 said?

1 MR. FLAGG: No. We've heard you up through --

2 MS. RHEIN: Up until the thank you letter  
3 portion.

4 CHAIRMAN LEVI: Okay. I said the thank yous I  
5 didn't think needed to be approved by the Committee.  
6 But I thought this concept of this kind of a form  
7 needed to be, and I was interested in people's  
8 reactions, comments, before we finalize it. But we do  
9 need to finalize it.

10 Did people hear that?

11 MR. FLAGG: Yes.

12 MS. RHEIN: Yes.

13 CHAIRMAN LEVI: Ron, you've reviewed this.  
14 Right?

15 MR. FLAGG: Yes. John, I think you should  
16 get, by all means, people's input on this. But I don't  
17 believe you need to -- particularly since the form is  
18 going to be revised on a case-by-case basis, as you  
19 described, I don't think you need to actually have a  
20 vote on it.

21 CHAIRMAN LEVI: No. I just wanted people to  
22 have the concept.

1 MR. FLAGG: Right.

2 CHAIRMAN LEVI: I didn't think we need to have  
3 a vote, either. I just wanted to have it discussed.

4 If people thought I was not correct as to this  
5 approach, or that we weren't, that they have input now.

6 With these kinds of forms, obviously it'll change  
7 depending on who the donor is.

8 MS. RHEIN: Exactly.

9 MR. GARTEN: I can hear. Just a comment. I  
10 thought you ought to have a break between the first and  
11 second paragraphs and consider, in lieu of "We," using  
12 "The undersigned hereby confirm."

13 MS. RHEIN: Okay. Thank you, Herb.

14 CHAIRMAN LEVI: Any other comments?  
15 Suggestions?

16 (No response.)

17 CHAIRMAN LEVI: Okay. Item 5. Wendy, you  
18 want to discuss that?

19 MS. RHEIN: Sure. There's been a suggestion  
20 of a very small change in the case statement. And  
21 because you all have been working with the case  
22 statement previously, we wanted to bring this to your

1 attention.

2           On the very last page, under the "Join Us"  
3 section, you'll see an underlined portion in the first  
4 paragraph that would allow LSC to basically maintain  
5 these programs "and others identified by LSC."

6           So if, over the course of the campaign, other  
7 projects were to come up, or if the individual wanted  
8 to give money just to whatever LSC decided or you all  
9 decided was of the primary importance, that there would  
10 be an open and a catch-all opportunity there.

11           I think, Robert, that was one of your  
12 suggestions. Right?

13           CHAIRMAN LEVI: Yes, it was.

14           MS. RHEIN: Yes. Would a phrase like that  
15 meet your needs, Robert, do you think? Or did you have  
16 something else in mind?

17           CHAIRMAN LEVI: He's on mute.

18           MS. RHEIN: Yes.

19           CHAIRMAN LEVI: I also suggested this because  
20 I met with a law firm last week, and they said, well,  
21 we see all these buckets. We don't really have a  
22 strong feeling. We just want to give you money. So

1 you put it where you want.

2 And I thought, well, maybe we needed a little  
3 bit of a catch-all there. And Robert, you've made the  
4 suggestion, too, and I don't know if this covers it.

5 MR. GREY: I'm sorry, John?

6 CHAIRMAN LEVI: There's a change on the last  
7 page of the case statement just to add the words, "and  
8 others identified by LSC."

9 MR. GREY: Right.

10 CHAIRMAN LEVI: To broaden that just a little  
11 bit to cover our discussion. But do you think that's  
12 sufficient?

13 MR. GREY: I think that's sufficient. I do.

14 CHAIRMAN LEVI: Okay. Now, I also think that  
15 to the extent that -- from time to time, as we use  
16 this, we may make a minor tweak here and there to fit  
17 the donor. I want to ask you folks, do you think each  
18 time that happens, we need to come back to the  
19 Committee? Ron, do we have to come --

20 MR. FLAGG: No. No. Again, these are really  
21 administration of a program. But the program has been  
22 developed and approved by the Committee and by the

1 Board. The administration of the program and the kind  
2 of adjustments you're describing do not need to be  
3 approved by the Committee or the Board.

4 You're within your discretion to tell the  
5 Board about it, or the Committee. But it's not a  
6 requirement that it be voted each time you change a  
7 word in the presentation.

8 CHAIRMAN LEVI: Yes. Because if one donor is  
9 only interested in the rural fellowship and says, send  
10 me something about that, we're going to modify this for  
11 that purpose. But I don't want to have to come back  
12 and say, okay. This is form number -- this will be too  
13 bureaucratic.

14 Or they're only interested in the pro bono, or  
15 frankly, they just want to make an unrestricted gift  
16 and they don't want to see -- they just want a letter.

17 MR. GARTEN: Can I get some clarification,  
18 John? Herb here. Are we talking about LSC programs?  
19 We're not talking about programs of other entities?

20 MS. RHEIN: Correct.

21 CHAIRMAN LEVI: Right.

22 MR. GARTEN: I think you should use the word

1 "and other LSC programs that may be identified by LSC."

2 CHAIRMAN LEVI: Well, isn't that redundant?

3 MR. GARTEN: Well, the redundant part of it is  
4 to delete "that may be" -- the only thing I'd like  
5 clarified is to make it clear that we're talking about  
6 LSC programs.

7 CHAIRMAN LEVI: Well, the sentence before  
8 leads into that sentence. It's not --

9 MR. GARTEN: As long as you're satisfied we're  
10 just talking about LSC programs, I am.

11 MR. FLAGG: Yes. The reference to "these  
12 programs" is, as John said, to the prior sentence and  
13 to the rest of the brochure, which are all LSC  
14 programs.

15 CHAIRMAN LEVI: Any other comments or  
16 suggestions?

17 (No response.)

18 CHAIRMAN LEVI: Well, do we want a --

19 MR. FLAGG: John, there's no need for that. I  
20 don't think it's a wise precedent, to every time you  
21 add a phrase to this document, that you vote on it. I  
22 just don't think it's necessary.

1           CHAIRMAN LEVI: I don't think we need a vote.  
2     Okay. Because it said "consider and act." So if  
3     we're supposed to act, fine. But if we don't have to  
4     act -- I think, Wendy, you've got authorization and  
5     some latitude now within this. We don't need to feel  
6     that every time we make a tweak here we have to run to  
7     the Committee.

8           MS. RHEIN: That's great.

9           CHAIRMAN LEVI: Now, we're skipping the online  
10    giving portal. But it's an opportunity to say it  
11    exists, I guess. Is that right?

12          MS. RHEIN: It exists, yes.

13          CHAIRMAN LEVI: I have to say I got two  
14    letters this week, one from the Smithsonian and another  
15    from the Truman Project, which I believe are both quasi  
16    like us, with giving envelopes in them.

17          MS. RHEIN: Yes.

18          CHAIRMAN LEVI: And for those skeptics among  
19    the world of legal aid, incidentally, the Corporation  
20    for Public Broadcasting also does fundraising, and so  
21    do its local entities. So I think it's great we've got  
22    a giving portal. That's nice.

1 Any public comment?

2 (No response.)

3 CHAIRMAN LEVI: Other business?

4 (No response.)

5 CHAIRMAN LEVI: Now, how do we do a closed  
6 meeting today?

7 MR. FLAGG: We would ask everyone --

8 CHAIRMAN LEVI: We dial back?

9 MR. FLAGG: We would ask everybody to hang up,  
10 and the Committee members to redial into the closed  
11 session phone number that Atitaya has provided  
12 previously.

13 CHAIRMAN LEVI: Okay. And that will work?

14 MS. ROK: That will work.

15 CHAIRMAN LEVI: Okay. Thank you.

16 MR. FLAGG: We're hopeful.

17 MS. RHEIN: Thank you.

18 CHAIRMAN LEVI: Okay. We'll see you in a  
19 minute.

20 (Whereupon, at 4:21 p.m., the Committee was  
21 adjourned to closed session.)

22 \* \* \* \* \*