

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
BOARD OF DIRECTORS

OPEN SESSION

Friday, July 27, 2012

4:28 p.m.

Sheraton Ann Arbor Hotel
3200 Boardwalk Street
Ann Arbor, Michigan 48108

BOARD MEMBERS PRESENT:

John G. Levi, Chairman
Martha L. Minow, Vice Chair
Sharon L. Browne
Robert J. Grey Jr.
Charles N.W. Keckler
Harry J.F. Korrell, III (by telephone)
Victor B. Maddox
Laurie Mikva
Father Pius Pietrzyk, O.P.
Julie A. Reiskin
Gloria Valencia-Weber
James J. Sandman, ex officio

STAFF AND PUBLIC PRESENT:

Richard L. Sloane, Special Assistant
to the President
Rebecca Fertig, Special Assistant to the President
Victor M. Fortuno, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary
Mark Freedman, Senior Assistant General Counsel,
Office of Legal Affairs
Jeffrey E. Schanz, Inspector General
Laurie Tarantowicz, Assistant Inspector General and
Legal Counsel, Office of the Inspector General
Matthew Glover, Associate Counsel, Office of the
Inspector General
Joel Gallay, Special Counsel to the Inspector
General, Office of the Inspector General
David Maddox, Assistant Inspector General for
Management and Evaluation, Office of the
Inspector General
Carol A. Bergman, Director, Office of Government
Relations and Public Affairs
Carl Rauscher, Director of Media Relations, Office
of Government Relations and Public Affairs
Janet LaBella, Director, Office of Program
Performance
Glenn Rawdon, Program Counsel, Office of Program
Performance
Allan Tanenbaum (Non-Director Finance
Committee member)
Robert E. Henley Jr. (Non-Director member)

STAFF AND PUBLIC PRESENT:

Anne Geraghty Helms, DLA Piper

Katie Jahnke Dale, DLA Piper

Elizabeth Dewey, DLA Piper

Jennifer Bentley, Manager of Outreach and
Development, Legal Services of
South Central Michigan

Ann Routt, Legal Services of South Central Michigan

Bob Gillett, Legal Services of
South Central Michigan

Kenneth Penokie, Executive Director,
Legal Services of
Northern Michigan

Len Sanchez, Executive Director, Neighborhood
Legal Services of Michigan

Colleen Cotter, Executive Director,
Cleveland Legal Aid

Linda Rexer, Michigan State Bar Foundation

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

Chuck Greenfield, National Legal Aid and Defender
Association (NLADA)

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

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CLOSED SESSION

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

2 (4:28 p.m.)

3 CHAIRMAN LEVI: Could we come to order? And I
4 think that since Charles and Martha went to the
5 University of Michigan, they should lead us in the
6 Pledge of Allegiance.

7 (Pledge of Allegiance.)

8 CHAIRMAN LEVI: Thank you. I am calling to
9 order the Board of Directors meeting of the Legal
10 Services Corporation, duly noticed and published in the
11 Federal Register.

12 Can I have approval the agenda?

13 M O T I O N

14 DEAN MINOW: So moved.

15 MS. BROWNE: Second.

16 CHAIRMAN LEVI: All in favor?

17 (A chorus of ayes.)

18 CHAIRMAN LEVI: Approval of the minutes of the
19 Board meeting of May 21?

20 M O T I O N

21 DEAN MINOW: So moved.

22 PROFESSOR KECKLER: Second.

1 CHAIRMAN LEVI: All in favor?

2 (A chorus of ayes.)

3 CHAIRMAN LEVI: Thank you.

4 And now we have the distinct privilege,
5 really, of welcoming Annie Geraghty Helms, who with her
6 firm -- is Lisa Dewey on the phone?

7 MS. DEWEY: Yes, I am.

8 CHAIRMAN LEVI: With Lisa and other of your
9 colleagues, really helped to put together, in my view,
10 a very profound and important task force report for the
11 Pro Bono Task Force. And for this purpose, Harry is on
12 the phone. Martha is here. I think I'll turn it over
13 to Martha for a minute just to say an introductory
14 comment, and then Annie has a PowerPoint.

15 DEAN MINOW: Wonderful. Well, Harry and I had
16 the great privilege of co-chairing the Pro Bono Task
17 Force. But frankly, the work was done by an amazing
18 team of co-chairs, five subcommittees, and the
19 remarkable people from DLA Piper.

20 And the report that you have here is a report
21 of the task force, and so we are not asking for Board
22 approval. It's not a subcommittee of the Board. But

1 we are looking for Board input, comments. Of course,
2 we'd love an embrace. We'd love applause, all of those
3 kinds of things.

4 But this is the very first time we a Board
5 have had the chance to see all of the report. Many of
6 the members of the Board were active participants. And
7 we will find an occasion to thank everyone. But first,
8 let's roll up our sleeves and do one more round of
9 work.

10 MS. HELMS: All right. Thank you, Martha.

11 CHAIRMAN LEVI: Let me also just, before you
12 start, say that this is not the public unveiling of the
13 report because this is the first time the Board is
14 seeing it and the report being made. There may be a
15 tweak or two still to be made; and in very short order,
16 though, there will be an appropriate unveiling and
17 distribution of the report.

18 So with that, I'm sorry.

19 MS. HELMS: All right. Well, thank you, John.

20 As John said, my name is Annie Geraghty Helms.

21 I am pro bono counsel at the law firm of DLA Piper.

22 DLA Piper has been providing technical support to the

1 Pro Bono Task Force for the last several months.

2 I'm here with my colleague, Katie Jahnke Dale,
3 who is a fellow in the pro bono department. She
4 graduated from law school last year, and is spending
5 her first year before she joins the firm as an
6 associate as a fellow. Also on the phone is Lisa
7 Dewey, the firm's pro bono partner, who also has been
8 very involved in this effort.

9 I'd like to start by just saying thank you for
10 the opportunity to work on this report. I have a
11 wonderful job that allows me the opportunity to do pro
12 bono work every day, but it was really neat to be able
13 to step back and think about pro bono on a larger
14 level.

15 So with that, I'd like to just maybe turn it
16 over to Lisa, if people can hear here okay, for a few
17 preliminary comments. Lisa?

18 MS. DEWEY: Yes. Thank you, Annie. I hope
19 that everyone can hear me, and I'll be very brief. I
20 really just want to say thank you to the Board and to
21 John and Martha and Harry and Jim for the opportunity
22 DLA Piper had to work on this report.

1 As Anne said, it was a real honor and an
2 opportunity for us that was really extraordinary in so
3 many ways. And we were so honored to work with
4 everybody who is on the Pro Bono Task Force.

5 It is our hope as a department and a firm to
6 stay involved in this process, and know that at the end
7 of this report, we'll talk about next steps and the
8 implementation plan. And we look forward to being
9 involved in that, and feel like that the real process
10 is going to begin when we talk about and start working
11 on implementing the recommendations in the report.

12 So thank you.

13 MS. HELMS: Thanks, Lisa.

14 As the Board knows, in April, at your last
15 meeting, the co-chairs of the various working groups of
16 the Pro Bono Task Force each gave presentations on
17 their various findings. We started with five working
18 groups, including obstacles, best practices/urban, best
19 practices/rural, big ideas, and technology. Our very
20 fun job was to take all of the excellent work of those
21 working groups and put it together in one consolidated
22 report.

1 A couple of preliminary points before I start.

2 The first is that the task force felt very strongly
3 that this is just the beginning. This is not a report
4 that should sit up on a shelf somewhere, but something
5 that can serve as an active, living, breathing document
6 that will guide future efforts for implementation. And
7 the task force is very committed to staying involved in
8 that going forward.

9 Second point is that the working groups
10 themselves came up with a lot of very specific and very
11 good examples of things that are happening across the
12 country. There was not room in the body of the report
13 itself to include all those examples, but I encourage
14 you to look at some of the appendices of the report,
15 which contains a list of some of those examples, and
16 which we will find a very good way to present when we
17 roll out the final version.

18 With that, what I'd like to do today is just
19 go over some of the major findings and recommendations
20 contained in the report, answer any questions that you
21 may have, and talk about next steps and implementation
22 and final rollout, which we hope will coincide with

1 your next Board meeting in September.

2 A couple of preliminary points to remember in
3 terms of the report. Obviously, the report was focused
4 on engaging the private bar through pro bono services.

5 So that's really the focus of what we'll be talking
6 about today.

7 But the working groups and the task force in
8 general felt very strongly that it should make clear
9 that although pro bono is one option for stemming some
10 of the crisis in legal services that this country
11 faces, that pro bono lawyers can never be a replacement
12 for the excellent and important work done by legal aid
13 attorneys across the country.

14 The other large point that they wanted to make
15 was that pro bono service is not free despite its name,
16 and that pro bono service comes at a cost to the
17 agencies; that in order to fully implement the
18 recommendations in this report in terms of creating
19 great infrastructure for pro bono, they need additional
20 funding. So we've made recommendations that Congress
21 and private funds consider providing additional
22 funding, but not at the expense of current legal

1 services.

2 The third major theme in the report is really
3 about collaboration. There's a
4 recognition -- obviously, as I mentioned, in the
5 appendices -- that there's a lot of wonderful stuff
6 happening out there in terms of pro bono. And that is
7 all to be applauded. But there's a lot that's not
8 happening in a coordinated and efficient way, and LSC
9 and its grantees have a real opportunity to bring
10 people together and to make things happen in a more
11 efficient manner.

12 And so those are really the themes of this
13 report. And I wanted to point you to a photo on the
14 PowerPoint here. It's just one example of something
15 great that's happening that I may not have noticed had
16 I not been working on this.

17 This is from the South Carolina Access to
18 Justice weblog. There's a person who works there who
19 creates these wonderful posters celebrating pro bono
20 attorneys and puts them up on her blog. I encourage
21 you to take a look at it. It just to me seems like one
22 example of some great things that are happening out

1 there.

2 So in terms of turning to the specific
3 recommendations of the report, the report itself is
4 divided into two sections. The first sections are
5 really recommendations directly to LSC and its
6 grantees. The second are less recommendations and more
7 requests to other stakeholders in the legal community,
8 including the judiciary bar leaders, access to justice
9 commissions, firms, policymakers, and other nonprofits
10 that are doing legal services.

11 So that's just something to keep in mind as
12 you look for it. And of course, as I mentioned before,
13 the task force is committed to working on this going
14 forward.

15 Turning to our first recommendation -- and
16 this is a big one; it takes up a large portion of the
17 report -- the recommendation is that LSC should serve
18 as an information clearinghouse and source of
19 coordination and technical assistance for pro bono.
20 And we break that down into multiple parts.

21 The first very large part is this idea of a
22 pro bono toolkit, which I still think is somewhat of an

1 imperfect description of what we're looking for. What
2 we mean by toolkit is, as I mentioned before, the good
3 pro bono programs require effective infrastructure.
4 And although there are many resources out there for
5 people looking together to put good pro bono
6 coordinator programs together, there isn't a one-stop
7 shop that includes really high-level training,
8 curricula, examples, and resources.

9 And again, I have a picture up here of my
10 friend Mara Block, who started about a year ago as the
11 full-time pro bono coordinator at the Legal Assistance
12 Foundation in Chicago, one of your grantees. And I saw
13 her go through the process of starting her job and
14 learning her job, and she's doing a terrific job. But
15 I saw that she could benefit from some more
16 coordination and support, a source that she could go to
17 for help. So that's what the idea behind this pro bono
18 toolkit is about.

19 The other idea is to create a professional
20 association of pro bono managers at LSC grantees like
21 Mara, and again recognizing that this requires
22 resources to do right, the creation of a pro bono

1 incubation or innovation fund modeled off of the very
2 successful technology information grant program that
3 you all already have.

4 Turning to the different components of what we
5 would like to see in a great pro bono toolkit,
6 something that LSC could serve as a resource for, one
7 of the very big items that all of the working groups
8 felt that needed attention was the issue of metrics and
9 evaluation.

10 I think we all know that over the past decade,
11 private government funders have pushed grantees to
12 collect data and evaluate outcomes in a much bigger
13 way. And we know that it's good practice, not only in
14 response to funders but also in order to guide program
15 development, better understand client needs, and
16 increase public awareness about the needs of the
17 clients.

18 And a lot of grantees would like to be doing
19 more when it comes to metrics and evaluation. And a
20 lot of people around the country, once again, are doing
21 a lot when it comes to metrics and evaluation. And
22 again, I'd refer you to some of the examples in the

1 appendix of the report.

2 But they need help. And LSC can be a resource
3 of help in terms of metrics and evaluation. They can
4 help by providing clear data collection standards for
5 legal services agencies; providing technical support
6 and training not only to grantees but to its own
7 program evaluators; and recognizing also that a lot of
8 work is being done, that that work around the country
9 that's being done should be coordinated at a national
10 level. I think LSC can play a great role in that.

11 The second item in our toolkit are effective
12 volunteer supports, showing grantees how they can go
13 about best supporting the pro bono volunteers that they
14 have. Elements of effective volunteer supports we
15 identified included screening, training, mentoring,
16 malpractice insurance, and recognition of volunteers.

17 We also make the point that the kinds of
18 matters that LSC grantees take is fairly
19 consistent -- family law matters, things like that.
20 And thus there's an opportunity, with an upfront
21 infusion of resources, to create training materials on
22 these subject matters. And then those training

1 materials can be used for quite some time. This is
2 another place where pro bono lawyers can help in terms
3 of helping grantees to create those materials.

4 The next tool in our pro bono toolkit is the
5 idea of creating a range of opportunities to suit a
6 range of volunteers. Lawyers come in all shapes and
7 sizes. They all face different challenges in terms of
8 their practice. And you'll see on the slide here, we
9 have a list of things like rural lawyers, senior
10 lawyers, government lawyers, corporate counsel, small
11 firm lawyers.

12 They face challenges like limited time. They
13 worry about malpractice insurance. They worry
14 about -- maybe solo practitioners may not have their
15 own sources of administrative help. And these are
16 things that grantees can be mindful of in creating pro
17 bono programs.

18 Of course, the working groups stressed that in
19 creating these opportunities just for lawyers -- and I
20 have the sort of joke of the slide up here that's
21 "Drive-Through Lawyer," referring to the idea that
22 sometimes a lot of, for example, in-house lawyers love

1 the opportunity of partnering in a bite-sized pro bono
2 opportunity, where they may be at a help desk at a
3 courthouse or be at a one-time clinic.

4 But these efforts have to be focused on client
5 need first. And, really, great pro bono programs are
6 able to identify client need and create these limited
7 opportunities around what that client need is.

8 Our pro bono toolkit would also include
9 resources for using pro bono volunteers to assist pro
10 se litigants using non-lawyer volunteers, including
11 paralegals and law students, especially to apply for
12 federal benefits programs that don't require a law
13 license.

14 Julie Reiskin provided us with a great example
15 of that in the report. The Cross-Colorado -- I'm
16 sorry. The Colorado Cross-Disability Coalition does an
17 excellent job of this in terms of using former clients
18 to help current clients fill out benefits applications.

19 Using non-lawyers also includes recruiting
20 students from other disciplines such as using business
21 school students or public policy studies. Just to
22 provide one example, business students might help LSC

1 grantees by helping them create a strategic business
2 plan or helping them with financial planning. It also
3 has the benefit of pulling America's future business
4 leaders in early in their careers in support of legal
5 services.

6 Collaboration -- again, you're going to hear
7 me say it a few times during this impression. It's
8 really key. There's so much that we could do together,
9 including fundraising and drafting grant proposals,
10 training lawyers, working together to recruit lawyers,
11 tackling systemic issues faced by clients, sharing the
12 costs of volunteer recognition events, PR for pro bono
13 services, and the list goes on and on.

14 The slide here is of the Pro Bono
15 Collaborative, one of the examples that we cited in the
16 report of a great collaborative effort. In Rhode
17 Island, they have a staff of two part-time lawyers
18 engaged, and those two part-time lawyers engage law
19 school students, community organizations, and law firms
20 to tackle legal issues facing the community.

21 We had an entire working group on the issue of
22 technology. So this is obviously a very key component

1 of our toolkit. And the basic recommendation here is
2 that LSC grantees encourage the systemic adoption of
3 up-to-date technology at each of their offices. And
4 these technologies -- and the report contains examples
5 of how these new technologies can be used -- include
6 smartphone apps, text messaging, social media, client
7 management software.

8 Again, collaboration is key. There are a lot
9 of ways that, through technology, people can come
10 together and share resources and save costs at the same
11 time. I have one example here from the report. I'm
12 somewhat biased, being from Illinois. I think Illinois
13 Legal Aid Online's website is just a tremendous
14 resource.

15 You can see from the slide it really is three
16 websites in one -- one for people who are seeking legal
17 help, one for legal aid attorneys, and one for pro bono
18 attorneys. And as a pro bono attorney myself, I can
19 tell you it's one of the first places that I look when
20 I'm looking for resources on how to take a case,
21 training. The website includes a calendar for pro bono
22 attorneys, and all sorts of other resources.

1 The next item of our toolkit is the idea of
2 using pro bono lawyers to reduce the overall demand for
3 legal services. Pro bono lawyers can be used
4 creatively, and they are very enthusiastic about being
5 used creatively, to look at some of the systemic issues
6 faced by LSC's grantee clients and helping to address
7 some of those systemic issues. We also suggest that
8 LSC could advocate for the creation of ombudsman
9 programs at many of the agencies that clients have to
10 deal with on a day-to-day basis.

11 Another item in the toolkit: We encourage
12 grantees to create a strong pro bono culture. And this
13 is a question I got a lot: How? How do we create a
14 strong pro bono culture? And I think the answer to
15 that is that support has to come from the top.

16 Leaders need to encourage and celebrate pro
17 bono while at the same time being honest about some of
18 the challenges; highlight successes by well-respected
19 staff in working with pro bono lawyers; encourage their
20 lawyers to be creative in designing pro bono programs;
21 and appointing a dedicated and well-respected lawyer as
22 the full-time coordinator for pro bono.

1 We also recommend that individual grantees
2 consider establishing their own pro bono advisory
3 committees that are comprised of bar leaders in the
4 area to think through how they can be more effective in
5 recruiting pro bono lawyers.

6 Finally -- this is another theme -- we need to
7 ensure that pro bono programs are adequately resourced.

8 This chart is just one example of the huge problem
9 that grantees are facing in terms of funding. It's the
10 chart which shows what's happened with IOLTA funding in
11 Maryland.

12 But pro bono can't come with adequate
13 resources for infrastructure, and LSC can be a help to
14 its grantees in terms of advocating for that funding
15 and also training their own grantees in terms of how to
16 seek their own funding.

17 The second major recommendation to the Legal
18 Services Corporation contained in our report is the
19 recommendation that LSC convene a small group to focus
20 on revisions to its PAI regulation. There were three
21 main areas where the task force felt that revisions
22 could be made to encourage pro bono lawyers to work.

1 The first is that the task force felt that
2 resources spent supervising and training law students,
3 recent graduates, and deferred associates, this group
4 of sort of non-lawyers or pre-lawyers, should be
5 allowed to count towards PAI requirements.

6 Second, resources spent in screening, advice,
7 and referral where those resources support pro bono
8 programs should also count.

9 And third, that resources spent in screening
10 and placing cases, even if they're not officially
11 counted as cases that LSC grantees take, should be
12 counted towards its PAI requirement. And ultimately,
13 the recommendation here is the convening of a small
14 group to look at this a little bit more closely and
15 come up with some recommended changes.

16 Our third recommendation to LSC is the idea of
17 bring stakeholders from around the country together to
18 launch a public relations campaign on the importance of
19 legal services and pro bono representation. There is a
20 lot happening already around the country in this area.

21 I've showed you here on the slide a couple of
22 examples -- the one campaign in Florida which has been

1 launched statewide by bar leaders to encourage people
2 to take on one pro bono case; and then this is also a
3 flyer handed out by the -- I believe it's the Maryland
4 Access to Justice Commission.

5 There's a lot happening around the country.
6 The ABA has expressed in it. NLADA has expressed
7 interest in it. So we would encourage LSC to take a
8 leadership role and bring some of these players
9 together so that they can launch one national pro bono
10 campaign to really raise the profile of legal services
11 and the need for funding of legal services.

12 Katie is really happy with me for putting her
13 picture on this slide. Our fourth recommendation is
14 the idea of creating a new legal services fellowship
15 for recent law graduates, and potentially for senior or
16 emeritus lawyers.

17 The focus of such a fellowship -- and we have
18 people ask us this question: Why create a fellowship?
19 What's the point? The point is to create lifelong
20 connections between firm lawyers and legal services
21 agencies in their communities.

22 And the idea is to take people as they are

1 graduated from law school or as they're finishing their
2 careers, put them into a one-year fellowship working on
3 civil legal services issues, and then have them carry
4 that throughout the rest of their careers. And again,
5 we recommend as a next step that a small working group
6 be convened to explore the possibility of this option.

7 That is the end of our overall recommendations
8 to LSC itself. As I mentioned before, we have separate
9 recommendations for bar leaders, the judiciary, and the
10 profession as a whole.

11 In terms of bar leaders and the judiciary,
12 first of all we ask that they use their influence to
13 support pro bono and to draw attention to the crisis in
14 legal services. There are so many things that pro bono
15 leaders -- or that bar leaders can do to support pro
16 bono, and little actions can make a huge difference.

17 One example that's cited in the report is the
18 idea of just sending a letter. I think it was the
19 Illinois Supreme Court that sent a letter out to all of
20 the lawyers in the state encouraging them to take pro
21 bono, and they actually saw a real result as a result
22 of that.

1 Chief Judge Lippman's recent action in New
2 York, in which he announced that there will be a new
3 requirement that new lawyers will have to devote 50 pro
4 bono hours before they would be admitted to the New
5 York bar, is a terrific example of the impact that the
6 judiciary can have. There are still questions out
7 there about how his recommendation will be implemented,
8 but you have to give him credit for saying it's going
9 to happen and then putting together his working group
10 to figure out how it's going to be implemented.

11 Judges and bar leaders can also recruit pro
12 bono volunteers, recognize contributions of pro bono
13 volunteers, write and speak about the importance of pro
14 bono, act in an advisory capacity to pro bono programs,
15 issue resolutions to support pro bono, and encourage
16 state legislatures to increase funding for legal aid.

17 They can also consider procedural or
18 scheduling accommodations for pro bono lawyers, and
19 support and create programs like court-sponsored help
20 desks that we've seen in many places across the
21 country. We heard from many of the judicial members of
22 our task force that it's critical to engage umbrella

1 organizations like the National Center for State Courts
2 and the Conference of Chief Judges in these efforts.

3 Our second request for help from bar leaders
4 and the judiciary are to amend some of the attorney
5 practice rules which stand in the way of pro bono.
6 This includes judicial ethics rules to allow judges to
7 actively encourage pro bono lawyers; amending CLE rules
8 to support pro bono -- for example, by providing pro
9 bono credit for CLE -- I'm sorry, providing CLE credit
10 for pro bono; allowing for unbundling in limited
11 representation opportunities; relaxing certain conflict
12 of interest rules; and allowing government, in-house,
13 and emeritus lawyers who may be practicing in
14 jurisdictions other than where they are barred to
15 practice on a limited basis on pro bono matters.

16 Finally, again, our final request of the legal
17 profession in the whole and of law- and policy-makers
18 are that they adequately support the pro bono programs
19 that we're encouraging be created; and also, that they
20 encourage the creation of statewide access to justice
21 commissions where they are not in existence already.

22 So that is your brief overview of the task

1 force report. And with that, I'd like to turn it to
2 the Board for a few questions or comments. I don't
3 know -- Lisa, do you have a few thoughts to share
4 before I turn it over?

5 MS. DEWEY: Thank you. Just very briefly,
6 (inaudible) from DLA Piper and are very happy to stay
7 involved in terms of the implementation of the
8 recommendations and the suggestions to other
9 stakeholders, and have thoughts about working with the
10 Pro Bono Task Force on this and maybe reconstituting it
11 in working groups around the four recommendations as
12 well as the fifth category of other stakeholders; and
13 look forward to working with everyone to come up with
14 that work plan. So I'll leave it at that for now, and
15 maybe we can turn to the Board for feedback.

16 MS. HELMS: So I've listed a few questions
17 here up on the PowerPoint. And I've come ready with my
18 pen, so I'm hoping to be jotting down furiously your
19 thoughts about what we can do to implement. I'd love
20 to hear your general questions or comments.

21 But in terms of starting with implementation,
22 what recommendations do you think are the most

1 important to start with? How do we make these
2 recommendations a reality? How do we use the Pro Bono
3 Task Force, which is standing at the ready, to help?

4 How do we mobilize the other groups? We
5 emphasized collaboration throughout the report. How do
6 we begin that process? And then, of course, how do we
7 effectively engage the bar leaders and judiciary in
8 this process?

9 MS. REISKIN: Thank you. I just kind of
10 thought, after it's unveiled publicly -- and I don't
11 know how feasible this is -- but I think it would be
12 cool if you could do this presentation like in a
13 webinar and invite all of the programs, and then maybe
14 have like a little survey embedded in there, in the
15 webinar, to ask them, what is it that you need to get
16 going with this?

17 Because I imagine it will be all over the map,
18 depending on the size and sophistication of -- some
19 programs might need a pro bono kind of person, like DLA
20 Piper, to help them set up an infrastructure. Others
21 might need something to -- I don't know. But it would
22 be interesting to hear from the programs, given this,

1 what are your next steps or what do you need, and then
2 do some pairing with all these amazing volunteers that
3 Harry and Martha and John and everyone have amassed.

4 CHAIRMAN LEVI: Well, one of the problems of
5 this seat is -- I'm going to move over. We didn't have
6 all of these folks come together to write a report not
7 to be serious about getting it implemented. So I think
8 we'll figure out from our standpoint who of our Board
9 wishes to be on some implementing group. I'm hoping
10 that I can persuade Martha and Harry to stay involved
11 with that.

12 But I'm also glad to hear that DLA
13 Piper -- and I know that many of the co-chairs -- in
14 fact, after they had submitted their draft reports to
15 you, a couple of the working groups kept meeting
16 because they like each other. And so that's a terrific
17 thing.

18 And we've created relationships and a
19 broad-based group that can help with this. And I
20 think -- you know, from the standpoint of figuring out
21 how to best implement something, I'm not a strategic
22 consultant. But it seems to me that we have out there

1 now the willingness among your task force and on our
2 Board to make sure that this thing gets a proper launch
3 and does get implemented.

4 I think there's enormous enthusiasm. I was
5 sitting here thinking about numbers of things that you
6 have in your report. You weren't even yesterday and
7 today, or earlier, and you should have -- you would see
8 their relationship to so many other things that
9 different pieces of our presentations here have either
10 recommended or have talked about.

11 There's a coming-together right now of a lot
12 of things. I think we could really make some big
13 progress here.

14 DEAN MINOW: So just as examples, we heard at
15 lunch a call for the revival of the Reginald Heber
16 Smith Fellows, which might be a way to understand the
17 recommendation for the creation of a post-law school
18 fellowship program.

19 We've also heard about the creation of Master
20 Lawyer programs for retired lawyers. And it would be
21 interesting to think about whether that could be paired
22 with the fellows program or what have you.

1 I just want to underscore that as fabulous as
2 this report is, I honestly view the biggest product of
3 the task force as the creation of a cadre of 50
4 talented, amazing people who are really committed now,
5 I think, and who worked really well together in
6 subgroups; but then in the recent months have worked
7 well, actually, trying to bridge the connections and
8 gaps between the different subgroups. And I think that
9 as we move into implementation, it's really going to be
10 about leveraging that group.

11 I would be interested in the Board's views
12 about a couple of things. So one is on this idea of a
13 fellowship. Is this something that the LSC wants to
14 push, wants to be a leader in? Or should we be finding
15 somebody else to house it? That's one question.

16 Another is on the very specific issues like
17 can CLE credit be given for pro bono service? Or is
18 there a model rule for dealing with the malpractice
19 insurance for people who are admitted to the bar in a
20 different state from the one in which they work, for
21 example, as corporate counsel?

22 There are very specific recommendations of

1 that sort that are not to LSC, per se. And so I have
2 the same question. Should LSC take a role in any of
3 those, or should the task force be looking for someone
4 else to be leading on those kinds of activities? There
5 are really, if you will, law reform activities that
6 would enable pro bono in various places.

7 And then finally, the way that I view the
8 toolkit in many ways is to try to summon up in a very
9 coherent fashion really great practices that have
10 emerged around the country as models so that people
11 don't have to reinvent the wheel; and at the same time
12 to come up with some fairly streamlined ideas about the
13 various forms in which a platform for the delivery of
14 pro bono in connection with legal services can be
15 developed.

16 That is, there's a set of functions that we
17 kept hearing over and over again that need to be put
18 together. But they don't all have to take the same
19 form. In some cases, it'll be a legal services
20 organization that takes the lead. In some places,
21 it'll be a bar association.

22 So I guess I in part want to say to you guys,

1 but also to the Board, is there a way to distill what's
2 a wonderful list into just a fundamental idea about the
3 need to create such a platform. And so those are the
4 questions I would put to the Board.

5 CHAIRMAN LEVI: And the relationship to much
6 of your section on technology to, actually, Glenn's
7 discussion with us this morning of the beginning tech
8 summit and ideas that they have for involving
9 non-lawyers, broadening out our reach. I saw a lot of
10 that in there, in your report. There are other ways in
11 which, clearly, the tech world intersects this world.

12 This is a big report. The Board just got it.
13 So I don't want to say that this is the only time we're
14 going to discuss it. We may have an opportunity by
15 phone or whatever. I don't want to wait till our next
16 board meeting, either.

17 So I don't want to put everybody on the spot.
18 We only have a few -- ten or so -- more minutes. But
19 we could have an hour-long phone call or something
20 devoted to this in the coming weeks. But I would love
21 to hear what you think of the report, at least at your
22 first reading, because at some point I think it would

1 be nice if we could embrace it.

2 MS. BROWNE: Well, I was on the best practices
3 for the rule group. And if that working group was any
4 indication of how the other four worked, it was an
5 incredibly engaged, well-organized group of people that
6 were very hardworking.

7 And I think what came out more and more in
8 what you've identified as your first recommendation is
9 that LSC can really be a clearinghouse of best
10 practices. And I think that takes the technology, it
11 takes the best practices, and a coordinated effort to
12 identify them and getting them up there.

13 I think the appendix is really good, and that
14 gives everybody an idea of where to look. But getting
15 them onto the website, LSC's website, as a best
16 practice I think would be an invaluable tool and an
17 invaluable direction that LSC could provide.

18 DEAN MINOW: Thank you for your vigorous
19 involvement in that group.

20 FATHER PIUS: I just want to echo everybody,
21 how impressed I am with these recommendations and
22 comments. I think, at least in hearing the initial

1 committee reports last time but thinking about them
2 between now and then, these are much of the same things
3 that I had come away with as the most important things.

4 I think there's two things to think about.

5 One is what is the most immediate need or the best way
6 to provide pro bono services? And, as Martha
7 mentioned, in what way is LSC best equipped to be able
8 to do that?

9 And I think that the first two recommendations
10 are most clearly in the ambit of LSC, first in
11 creating -- and we could start right away, I mean, not
12 tomorrow, but at least sooner than some of the others,
13 first providing the toolkit and the leadership in
14 gathering people who have done this before, and
15 providing at least some model information about how to
16 enhance their pro bono collaboration; and the second is
17 the PAI.

18 Jim, we've talked about this. I've heard from
19 a number of our grantees that the PAI rules are
20 problematic. There needs to be a complete airing of
21 some of those things. I know that we are bound by
22 regulation and law. But we need to be able to revisit

1 those things and the law and see the extent to which
2 existing law allows us to make this more flexible,
3 especially given the fact that Congress wants us to be
4 much more active in allowing private attorney
5 involvement.

6 So I think that is something that we could
7 begin right now, or very soon, at least beginning to
8 get a group of people together to get what the issues
9 are and then begin examining how we can make these
10 things more flexible and usable.

11 Some of the other ones -- like you were
12 saying, for example, the model rules -- I agree. I
13 think that's something that we should encourage
14 somebody like the ABA or some of these other third
15 party groups.

16 We can be involved and provide some assistance
17 and the names of the people who we were involved with.

18 But I think that is much more in the competency of
19 someone else, with our involvement and encouragement,
20 to raise this as important.

21 And the same with the public relations. I
22 think that's something -- if we had a development team

1 in place, we could probably do that. We don't. I
2 think that's something that they should consider once
3 we have it in place in creating a model public
4 relations campaign. The one campaign is great. If we
5 can make these materials available for lots of people
6 as a model, I think it would do a lot of great work.

7 So those are my thoughts, and I think that a
8 great job has been done on this. There's a lot more
9 work to go, but I think we have a roadmap to start
10 moving us along. And I think we can start looking at
11 some of the things where we can really move forward and
12 really make a difference on this issue.

13 MR. GREY: Can I just -- I'd like to pick up
14 on Father Pius's comment of Dean Minow's, and that is
15 this idea of -- we all have different platforms by
16 which to see some results of the work. And I know the
17 ABA is right in there considering model rules, and it
18 has been in the study of it for some time.

19 And I don't know, Terry, whether we can offer
20 this or whether it's too late to get that in under 2020
21 or not. But they are actually considering some model
22 rules over the next couple years. And I don't know

1 whether this has been or will be, but we ought to see
2 if the commission, the ABA Commission on Model Rules,
3 could consider some of the things that we've got.

4 There's also the National Conference of Bar
5 Presidents within the ABA that should look at the
6 practice rules. And I know Virginia just changed the
7 rules through the petition of the Supreme Court to
8 allow corporate counsel to practice in this area even
9 though they're not licensed in the state.

10 And some of this is low-hanging fruit. I
11 mean, if we just did this in a coordinated way, as
12 Father Pius said, identifying the right organization to
13 do the heavy lifting, we could probably -- and the
14 committee could continue to be an oversight committee
15 of implementation, as opposed to disbanding them. They
16 still are a reservoir of information and of reasoning
17 that might be very helpful to anybody who might be
18 implementing some of these ideas that we're talking
19 about.

20 So that relationship with a committee and, for
21 example, the Conference of Bar Presidents from the ABA
22 could be the vehicle by which people share the

1 information and we actually get the results that we're
2 looking for.

3 But I don't think that there is any doubt in
4 my mind that there are great possibilities of changing
5 the trajectory of pro bono participation in the country
6 by virtue of this study. And we just ought not leave
7 any stone unturned as we proceed. Thank you.

8 CHAIRMAN LEVI: And I do think we will take
9 you up on your office.

10 DEAN MINOW: Accept it.

11 CHAIRMAN LEVI: You said you didn't want to go
12 away. We don't want you to go away.

13 FATHER PIUS: We'll take you up on that.

14 DEAN MINOW: No. We're very excited because
15 in fact, the real payoff, and some of the fun, is going
16 to be the next phase -- rollout, public relations, and
17 finding the partners.

18 Harry had to sign off, and so I just want to
19 read something that he wanted to convey, which is he
20 wants to express his gratitude and commendation to all
21 the task force members for hard work, and especially to
22 the leaders of the working groups, without whose drive

1 and discipline we could not have completed such a huge
2 amount of work in a relatively short time; and to the
3 attorneys and staff of DLA Piper, who made it possible
4 to summarize and communicate the results of the task
5 force.

6 So I think that this is probably a good place
7 to stop for now. But anyone on the Board who wants to
8 send us more comments, we're finishing up the report
9 and the next steps, and that would be most welcome. In
10 fact, anyone who's here, anyone of the public, anyone.

11 What our hope is is that we will have an
12 actual announcement, release, of this report by the
13 time of our next Board meeting with a full plan for a
14 rollout and events. I think we're going to try to do
15 an event in D.C., Jim. We'll do an event at Harvard
16 Law School.

17 Anyone else who wants to help coordinate an
18 event, we'd like to do one in all the regions of the
19 country. I think that would be really awesome, and
20 involve some of the task force members because they are
21 all over the country. So that's an initial thought.

22 Jim?

1 PRESIDENT SANDMAN: I'd just like to say
2 something special about the work that DLA Piper did
3 here. I have some experience with law firm pro bono
4 programs, and I have been astounded at the resources
5 that DLA Piper has brought to bear on this project.

6 I have worked closely with the firm. I've
7 attended a number of meetings in their Washington
8 office where they had people on the telephone from
9 Chicago and the West Coast. I have never felt as
10 well-supported as I was by this firm doing this work.
11 It was just extraordinary. Thank you.

12 (Applause)

13 DEAN MINOW: And that's a preview of future
14 commendations that will come when we are next releasing
15 the full report. So thank you both so, so much. And
16 thank you, Lisa. You're extraordinary. Are you still
17 there? She didn't hear it. You guys --

18 MS. DEWEY: Yes, I did.

19 DEAN MINOW: Yes, she did. All right. Thank
20 you.

21 MS. HELMS: Thank you.

22 CHAIRMAN LEVI: Thank you.

1 The next item on the agenda is to consider and
2 act on the draft strategic plan. I think we received
3 comments that were summarized for us by Richard Sloane.

4 Thank you very much, Richard, for doing that.

5 Jim, do you want to say anything about those
6 comments?

7 PRESIDENT SANDMAN: The comments were -- we
8 received comments after the official closing date, but
9 nevertheless passed them on to the Board. We think
10 that all of the comments we received were beneficial
11 and important for the Board to consider.

12 Richard did the best job he could in
13 summarizing the comments in the time that he had
14 available. But what we would like to do as a further
15 follow-up on what he's done is to organize the comments
16 and correlate them with the particular goals in the
17 draft strategic plan and the initiative so that you can
18 see in one place within the text of the plan all of the
19 comments that we received. And I think that that would
20 be very helpful to the Board in considering them.

21 MS. MIKVA: I think that would be great. And
22 I guess just a little more -- somebody speak to the

1 process that we hope to take at this point.

2 CHAIRMAN LEVI: Well, first we put the plan up
3 for comment. But it's our plan. So the question is,
4 after you read the comments, how do they impact our
5 thinking about particular provisions? And how does
6 Management feel and the Board, which has gone through a
7 lot of work to come to this point?

8 I will say I saw -- a number of the comments,
9 just as an observation, spoke to wondering why we
10 hadn't specifically said we were seeking increased
11 funding. But in fact, I think very early in the
12 strategic plan, we talk about maximizing resources. So
13 that's just a piece of it.

14 So I think the answer is that we're going to
15 get these comments matched up with the provisions, or
16 the sections, and then we'll have to make -- we'll
17 either have a Board call -- I don't particularly want
18 to wait until September 30th or October 1st to adopt
19 our plan.

20 I'm willing to do it if that's what we have
21 to. But it seems to me if we could get those
22 coordinated, sent out in that way, with some

1 recommendations -- if there's anybody wants to
2 volunteer? Father Pius, you went through and did the
3 whole -- you know, brought everything together the last
4 time.

5 FATHER PIUS: I'm happy to do it. Now that
6 I'm back for a while, I'm happy to do it.

7 CHAIRMAN LEVI: And if you wouldn't mind
8 working with Jim and Martha, and maybe there are a
9 couple of the suggestions that we can take note of.

10 FATHER PIUS: Sure.

11 CHAIRMAN LEVI: On the whole, though, I felt,
12 if you read them all, that they were a vote of
13 confidence in the direction that we're talking about
14 here and in the plan that we've come up with. So I
15 felt very good about the comments on the whole. Yes?

16 DEAN MINOW: I agree with that, and I'm
17 delighted to work with Father Pius and Jim. I did go
18 through in a not the most rigorous way, and just wanted
19 to summarize what I learned from the comments that I
20 think warrants some revision of the strategic plan.

21 The first is something that John just
22 mentioned. There were so many people who said that

1 what -- have we abandoned the element of the prior
2 strategic plan, that I just think we have to look very
3 carefully at the language and find a way to make clear
4 we have not, and the assurance of reliable funding in
5 relationship to the long-term goal of closing the
6 justice gap -- some phrase of that nature I think we
7 need to include.

8 Secondly, numerically the most comments, the
9 highest number of comments, concerned the question of
10 metrics. But they disagreed. They pointed in opposite
11 directions.

12 It made me think that we need to think about a
13 statement that's at a more general level than some of
14 the versions that we have in the strategic plan so that
15 we can actually not at all back off from the
16 commitment, which we all feel very strongly about, but
17 not take a position -- for example, on outcome measures
18 or other particular terms that are contested and we
19 haven't actually done the work to resolve whether or
20 not they are the appropriate ones.

21 So I thought very well-taken concerns raised
22 by the ABA about how to come up with metrics in

1 relationship to complex cases or cases that don't
2 easily lend themselves to win/lose kinds of
3 assessments.

4 But I don't agree with those who say we should
5 abandon metrics, but I take very seriously the caution
6 about misuse of them. So I think we need to work on
7 the language there, put it in a more general form, and
8 really make a commitment to get the expertise and to
9 learn from those people in the field who've made some
10 progress on this.

11 Third, another frequent item was the call for
12 research that's independent, broad, and reliable. And
13 I think that we need to pull together the aspects of
14 the strategic plan that talk in those terms.

15 Others that I thought were also interesting
16 and worth noticing: The number of people who
17 identified that we're heading into a generational shift
18 in the leadership of legal services, and therefore need
19 to think about succession planning. I think that's
20 really true.

21 Especially as we have many offices that are
22 closing, there's going to be a generational shift and a

1 loss of a lot of talent, some of the people who would
2 have been the next leaders. So I think that for a
3 national organization, that's a very important role to
4 be playing right now.

5 Just a couple of more topics. Several people
6 commented that we should be careful not to duplicate
7 the training and support efforts that are being done by
8 others. And that suggested to me that we were not
9 attentive enough in the strategic plan to acknowledge
10 that we are one of many players, and we need -- so a
11 need on both the specific issue about training and the
12 more general subject about understanding our
13 cooperative role with others, I think we need to revise
14 the plan.

15 There were also several comments on the role
16 of non-lawyers and their potential involvement that I
17 think, consistent with what we've just been talking
18 about, with the pro bono task force and unbundled
19 services and so forth, we should come up with a
20 consistent statement about that.

21 Two comments about local standards and being
22 attentive to local standards. I'm not sure what to

1 make of that. So I'd be interested as we review this
2 to figure out what are they talking about and where are
3 we inconsistent. And one comment about diversity and
4 cultural competence seemed to me an important one to
5 identify.

6 There were two people who gave very, very
7 specific comments. Colleen did, which I thought were
8 excellent. And there were several others just at the
9 level of language or sentences. I just think we need
10 to go through with a fine-toothed comb.

11 And I think one more was really Victor
12 Maddox's long-term comment about how can we help
13 government agencies be more responsive so there's less
14 need for legal representation. And I think that's also
15 come out very strongly in the Pro Bono Task Force. I
16 think we should lift that up. I think that's a really,
17 really important point.

18 If we can avoid the need for advocacy on
19 behalf of people who are not getting the services or
20 benefits to which they are entitled, that would save an
21 awful lot of time and effort. And that should be a
22 strategic goal, it seems to me.

1 MS. REISKIN: That would help the clients more
2 than just about anything. That would be huge for
3 clients.

4 DEAN MINOW: Yes.

5 CHAIRMAN LEVI: So, then, the question is -- I
6 put it to you guys -- what's a reasonable time frame to
7 see a reworked piece?

8 FATHER PIUS: Well, I think we need to give
9 people -- Management first -- time to put some things
10 together. So we need to know from you about how long
11 that will take. And then we need to give people
12 sufficient time to respond to that, and then give me a
13 fairly short time to integrate.

14 CHAIRMAN LEVI: And Martha.

15 FATHER PIUS: And Martha.

16 CHAIRMAN LEVI: So might we --

17 FATHER PIUS: Can we aim for the end of
18 August?

19 CHAIRMAN LEVI: Yes.

20 FATHER PIUS: Yes. I think we should end for
21 the end of August for us to get, certainly, a revised
22 one, but hopefully within the first week of

1 September --

2 DEAN MINOW: Yes.

3 FATHER PIUS: -- that we would schedule a
4 Board meeting, or maybe the second week, to discuss the
5 revised -- discuss any revisions.

6 DEAN MINOW: Great. So we could do a revision
7 by the end of the month and have the Board --

8 FATHER PIUS: I think absolutely yes.

9 DEAN MINOW: I think we could, too.

10 FATHER PIUS: I think absolutely yes.

11 CHAIRMAN LEVI: And the timing will be just
12 great because then we can also entertain the Finance
13 Committee's recommendation at that time, too.

14 FATHER PIUS: Big meeting.

15 CHAIRMAN LEVI: By the end of August?

16 FATHER PIUS: By August?

17 CHAIRMAN LEVI: Maybe early September.

18 FATHER PIUS: Well, we have to do it by early
19 September or --

20 CHAIRMAN LEVI: Yes. We have to by the end of
21 August. Yes.

22 DEAN MINOW: Go ahead, Charles.

1 FATHER PIUS: I think by mid-September.

2 PROFESSOR KECKLER: John, are consultants on
3 this, or somebody, going to generate further connect
4 regarding metrics on the strategic goals for the
5 Corporation? Because that was discussed, that they
6 were going to give specific measures of how we are
7 doing on these things that will then lead into our
8 annual plans and so on.

9 DEAN MINOW: I think we're on our own at this
10 point.

11 PROFESSOR KECKLER: Yes. I think so.

12 CHAIRMAN LEVI: Is that your recollection of
13 what they committed to do?

14 DEAN MINOW: Yes.

15 PROFESSOR KECKLER: That is my recollection,
16 is that that was something that was within the ambit of
17 their consulting, of their consultancy. But that's not
18 something that is part of the plan. It doesn't need to
19 be part of the plan, but it needs to be part of what's
20 followed on annually.

21 CHAIRMAN LEVI: Yes. That's a different --

22 DEAN MINOW: That is absolutely right. Just

1 even to expand on that, we need an implementation plan
2 for a strategic plan, of which metrics and so forth
3 would be one element. And that's something I think
4 that we will turn to management for.

5 CHAIRMAN LEVI: Yes, Father?

6 FATHER PIUS: Just something we've already
7 talked about, something that I at least wanted to
8 comment on. The idea of a funding issue, of getting
9 more funding from the government, was actually brought
10 up. Julie brought it up in some of our conversations.

11 And I chose not to include a line specifically like
12 that.

13 And this is my thinking behind it, and it's
14 still my thinking behind it, is first, in a strategic
15 plan, it governs things that we have control over. We
16 have no control over what Congress is going to give us.

17 We have control over the case that we make, how we
18 present it, and that sort of thing, which I think the
19 plan does in spades. So I think that's what our
20 attention ought to be focused on.

21 The second is my own priority and my own bias
22 on this, perhaps, is that I always view, and I've

1 always been very vocal about saying, that the primary
2 end of this Corporation is to aid the poor in seeking
3 legal services. That's it, by itself. Everything else
4 is secondary. Everything else is secondary to that one
5 end.

6 And I will certainly never support anything
7 that puts any other goal on par with that goal. To the
8 extent that increased funding helps us do that, or at
9 least arguably to make the case for increased funding
10 helps us do that, absolutely fine. I agree with that.

11 If you want to put that as one of our number
12 one priorities, I will absolutely oppose it because I
13 don't think that it is. I think it's a secondary goal,
14 and I'm fine keeping it with the secondary goal. But
15 to the extent that comments wanted to make that a
16 primary goal, I absolutely disagree. That's why I
17 didn't include it as that.

18 And for the third part, I just want to say,
19 too, that even though I say that, it doesn't mean that
20 I am opposed to increased funding. Our budget number
21 for 2013, if I recall correctly, the one we passed, was
22 recommended first by me. So I have no qualms about

1 when I think it's appropriate requesting additional
2 funds from Congress. I don't think anybody on this
3 Board does.

4 I think anybody who thinks that the fact that
5 we don't put it as our number one priority means that
6 we don't have a commitment to increased funding from
7 Congress does not understand this Board, does not
8 understand this strategic plan, and does not understand
9 what we have been doing.

10 As a matter of fact, if anyone thinks that
11 this our first goal above every other goal, then they
12 are in the way and they should get out because it's not
13 our primary goal. It's to help the poor.

14 MR. GREY: Hear, hear.

15 CHAIRMAN LEVI: Any other -- Robert and then
16 Gloria. Martha, were you --

17 DEAN MINOW: I was asking Robert to speak.

18 CHAIRMAN LEVI: Was there a sidebar here?

19 PROFESSOR VALENCIA-WEBER: I appreciate
20 Martha's list of what she read in the comments. And I
21 read through all the comments and share what she's
22 listed for us.

1 But I would add into the mix what I think were
2 either confusing to some of the respondents,
3 particularly our grantee respondents, about the degree
4 to which we are bound to respect the kind of autonomy
5 the grantees should have about deciding in their
6 environment, in the population they serve, in the
7 cultural contexts in which they provide services, that
8 we are not going to create some rigid metric fits all,
9 so it's the same whether it's in the Bronx or in some
10 rural place in the hinterland.

11 And I know that that's not what we meant, but
12 we're going to need to make that language very clear.
13 I mean, the metrics and anything else, after sufficient
14 testing and validation, are going to be part of our
15 tools so that we deliver what Father Pius just now
16 said, the services to the poor at the best way, the
17 best quality, that we can do it.

18 So I have no objections to the metrics as long
19 as we also pay attention to the other substantive,
20 possibly non-measurable elements that a grantee will
21 have to take into account to deliver in the best way
22 possible in their setting.

1 CHAIRMAN LEVI: Other comments?

2 MR. GREY: Mr. Chairman, the only comment
3 that -- it's sort of a follow-up on the list that was
4 so thoughtfully articulated by the Vice Chair, and it
5 couldn't have dovetailed better than what Father Pius
6 just said, and that is the whole issue of financial
7 incentives. I mean, you don't want the tail wagging
8 the dog.

9 And I think understanding and appreciating the
10 way you incentivize people is awfully critical to the
11 culture of this organization, and as we look forward,
12 to be very sensitive about how we do that and the
13 reason we do that to be sure we get the right focus for
14 our grantees.

15 CHAIRMAN LEVI: Other? Jim, anything?

16 (No response.)

17 CHAIRMAN LEVI: Well, I just want to thank the
18 comments and the folks that took the time to give us
19 their views. And we will now, as I say, undertake the
20 hard work of integrating them into a new draft, which
21 we will aim for the end of August.

22 MS. REISKIN: Just get that meeting scheduled

1 as much ahead of time as possible.

2 CHAIRMAN LEVI: Certainly. We'll do the best
3 we can. It's not going to be -- it will not be an
4 in-person meeting. It will be a phone.

5 MS. REISKIN: It's a telephone -- right.

6 CHAIRMAN LEVI: And if people -- anyway, we'll
7 serve the Board, as we always do.

8 So that brings me to the Chairman's report.
9 And let me just say first of all, once again on the
10 record, how grateful we are to the Michigan programs
11 for hosting us here in Ann Arbor, and for our speakers
12 today and yesterday, our panels, our panel today. The
13 presentations have been extremely helpful to the Board.

14 And I want to remind those who are here, those
15 on the phone and our Board, really we've been a Board
16 for about two years, and we came into office with a
17 slew of GAO recommendations. We helped to get to work
18 on those and try to clean them up. We conducted a
19 presidential search. We examined our own board
20 process.

21 We established two task forces, one on fiscal
22 oversight, the other on pro bono. I think both have

1 done outstanding work. We are developing a strategic
2 plan that I think is going to help the Corporation in
3 fulfilling its mission.

4 We've launched a tech summit. We're looking
5 at how best to partner with others in educating the bar
6 and the public at what's at stake. You've seen that in
7 our Board meetings and in our outreach to the
8 Conference of Chief Justices, as an example, our work
9 with the ABA.

10 We have taken upon ourselves as a Board to
11 work on our own congressional relations. We've had
12 many meetings. I know you have individually. I have.
13 So many of you have. Jim has.

14 And we've created an Institutional Advancement
15 Committee to look at how we can best support globally
16 certain initiatives such as research, and taking a hard
17 look at how we can go about educating ourselves and the
18 field and the country about the work that we do and the
19 importance of it, and getting some research done that
20 just apparently doesn't exist.

21 So all of this is to say we've been, I
22 think -- not to pat you all on the back, but I know

1 that we have asked a lot of you. I know we have. And,
2 you know, not one of you has turned down a request.
3 You've all rolled up your sleeves and done such hard
4 work.

5 And I think you can sense that there is a
6 degree of confidence in what we're doing that may not
7 have existed a few years ago. But I think it is a
8 tribute to the work that you have done and that we're
9 doing together, and to the work of our President and
10 his staff. And I want to say congratulations and
11 thanks.

12 We have a lot of work still to do. I often
13 quote my dad, but as he always said, you can't say
14 thank you enough. And so this you are doing on your
15 own time. I know why you're doing it, but you're doing
16 it on your own time. We can't say thank you enough.

17 Jim? The members' reports. That's right.
18 Any member wish to say something?

19 FATHER PIUS: Other than being LSC's
20 unofficial Italian tour guide --

21 CHAIRMAN LEVI: Which you've been doing
22 greatly.

1 (Laughter.)

2 FATHER PIUS: I had a few calls during some of
3 the last budget rounds. Congressman Stieber's office
4 from Ohio had offered an amendment, but withdrawn. And
5 we were a bit curious as to the source of that.

6 So before coming to the meeting here, I'd met
7 with Congressman Stieber's staff. Congressman Stieber
8 wasn't able to join; he's in the National Guard so was
9 away. And his wife just had their second baby, so he's
10 a bit busy.

11 But I did have an excellent conversation with
12 his staff. I talked to them for about 45 minutes. I
13 thought it was very productive. And I've talked with
14 Carol, too, who's given me some of her contact with
15 him. And I thought Carol did an excellent job in
16 dealing with him as well.

17 And I'll have further contact with him and his
18 office, and make sure that they're -- make sure that
19 they understand that we understand why they raised the
20 issue that they did, the issue that they're concerned
21 about that we are -- that it is something that's
22 addressed, and addressed well, and to make them

1 comfortable.

2 And I can talk more if anybody wants to know.

3 But I will keep that conversation with his office
4 going, and I think it'll continue to be productive.

5 And I was very glad to be able to meet with him and for
6 the courtesy of his staff in meeting with me.

7 CHAIRMAN LEVI: Martha?

8 DEAN MINOW: I think that in the spirit of the
9 lovely thank yous that you gave us, I think all of us
10 want to say thank you to you, John, for your relentless
11 leadership, inspired energy, the Eveready Bunny or
12 whatever it is.

13 (Laughter.)

14 CHAIRMAN LEVI: Energizer.

15 DEAN MINOW: Energizer Bunny. And the
16 ability, just let me say from the vantage point of the
17 Pro Bono Task Force, that you have to involve such a
18 range of people and to motive them is simply
19 extraordinary. And so I just want to say that for the
20 record.

21 And I want to say to Jim, this has been a
22 period of great transition where you brought many new

1 people on board. And to a person, they're terrific.
2 And I just want to commend you and the new team that
3 you've assembled.

4 FATHER PIUS: And I think we all echo that,
5 absolutely. I have been absolutely impressed by
6 everybody who's been brought on board, much to
7 your -- a credit to your judgment.

8 CHAIRMAN LEVI: So let's have a round of
9 applause for them.

10 (Applause)

11 CHAIRMAN LEVI: Jim?

12 PRESIDENT SANDMAN: I'd like to report briefly
13 on six items: first, give you an update on what we're
14 doing to implement the recommendations of the Fiscal
15 Oversight Task Force; second, to give you a status
16 report on our new grant, our second from the Public
17 Welfare Foundation; third, to report on two
18 developments in what I call evidence-based analysis,
19 use of data, two developments that underscore the need
20 for LSC to have better data to guide us in our work.
21 Fourth, report on the issuance of the 2011
22 Fact Book, which came out at the end of June, and our

1 2011 annual report issued this week; fifth, to tell you
2 about a new position that we're now recruiting for,
3 chief information officer of the Corporation; and
4 finally, to advise you of a new grant opportunity with
5 the Kresge Foundation.

6 First, on the Fiscal Oversight Task Force, we
7 have made very substantial progress in the recruitment
8 of a vice president for grants management. For reasons
9 of confidentiality and privacy, I'll need to wait until
10 the closed session to give you the details of where we
11 stand right now. But we have done a lot of work on
12 that front.

13 We have also retained a consultant who started
14 work a couple of weeks ago to help us improve our
15 fiscal oversight. We retained Charmaine Romir, who is
16 a CPA, has Big Four accounting experience, has worked
17 with government agencies. Previously, in the 1990s,
18 worked with LSC, both in the Inspector General's Office
19 and in what was then the equivalent of our current
20 Office of Compliance and Enforcement.

21 And she has several charges. She is
22 developing a draft framework to perform a risk

1 assessment at the LSC-wide level to help us identify
2 which programs should get special scrutiny for fiscal
3 reviews. Second, she's developing a draft framework to
4 identify areas at the grantee level within individual
5 programs that require a more focused review of internal
6 controls or noncompliance.

7 She's developing a draft protocol for
8 documenting fiscal oversight reviews so we have good
9 records of what we've done; and finally, developing a
10 draft reporting format for members of our staff to use
11 in reporting on their findings when they do fiscal
12 oversight internal control reviews.

13 So I think she'll give us some very concrete
14 things to proceed with and use in training our staff
15 and adopting new procedures.

16 Becky Fertig is working on a data project to
17 improve our data storage, access, and use. We have a
18 data task force that's looking at the various silos
19 where we currently retain data to try to consolidate
20 some of those and to also improve access across the
21 Corporation so that anyone who is dealing with grants
22 management or grant-making in any way has access to the

1 full range of information that we have. That has not
2 always been the case.

3 Jeff Schanz and I met this week to talk about
4 documenting the relative roles of OIG and Management.
5 There were a number of recommendations in the task
6 force report on that, a lot of concern about ambiguity
7 as to which office was responsible for what.

8 And we will work together to get those things
9 in writing. I've asked Jeff if his staff could take a
10 crack at those things that relate to OIG's
11 responsibility, I'll do the same thing on the
12 management end, and then we'll get together to
13 coordinate on them.

14 The Office of Compliance and Enforcement is
15 playing an increased role in grant-making and in
16 subgrant review. As I had reported previously, we
17 added new questions to the grant application form this
18 year to elicit information on internal controls within
19 applicants. And the staff of OCE is now reviewing
20 them.

21 We've formalized a process to document the
22 results of their reviews in LSC Grants, the database

1 that we use to collect all of the information and
2 evaluation of grant applications.

3 And finally, we are creating a conflict of
4 interest database for our staff, this in response to
5 the task force's concern that we make sure that
6 employees who previously worked for grantee programs
7 not participate in oversight activities involving those
8 programs, at least for some period of time after
9 they've left the grantee organization. We need to be
10 sure that we have solid, up-to-date information about
11 the prior employment of grantees and about any family
12 relationships with grantee organizations.

13 We did receive payment this month on the
14 entirety of a new grant from the Public Welfare
15 Foundation, \$276,000. The grant period is from July 1,
16 2012 through December 31 -- the slide is wrong; it
17 should say 2013. It's an 18-month grant, not a
18 six-month grant.

19 And the grant has three purposes: for us to
20 develop and implement improvements to our system for
21 data collection and analysis; second and separately, to
22 develop a data collection and analysis toolkit for

1 grantees to use. This is something that would not be
2 mandatory, but it would be an array of data collection
3 and analysis tools that grantees might use to tailor to
4 their particular circumstances.

5 And then finally, we want to provide some
6 training and technical support for grantees, both to
7 implement the toolkit recommendations, if they're
8 inclined to do so, and to comply with whatever new
9 reporting requirements LSC adopts.

10 We have issued an RFP for a consultant to help
11 us out with this, and we got a number of very good
12 suggestions about consultants with the competency to
13 assist us. We've had very good response from the
14 particular people that we sent the RFP to.

15 We posted it and we've advertised it broadly,
16 but also made sure that those that had been recommended
17 to us were alerted to the RFP. And I'm optimistic that
18 we're going to get a number of very good proposals from
19 very highly regarded organizations.

20 And we're also forming a working group, as our
21 application for the grant indicated that we would, of
22 people to guide us as we go about this work so we're

1 not doing it in a vacuum, so that we have input from
2 the field, that we're able to collect an inventory of
3 current practices among other funders and legal aid
4 providers, both LSC-funded and not, so that we can not
5 reinvent the wheel and be conscious of what's already
6 going on out there that we might learn from.

7 Yes?

8 MS. REISKIN: Are you planning on making that
9 data analysis toolkit available to non-LSC-funded
10 programs as well to see if we can get people on the
11 same page collecting the same things? Or have you not
12 gotten that far?

13 PRESIDENT SANDMAN: We haven't gotten that.
14 Our focus will always be on LSC grantees.

15 MS. REISKIN: Right.

16 PRESIDENT SANDMAN: But my thinking has not
17 been that there would be anything proprietary about
18 that, and that this is something that we would
19 make -- I would be inclined to make widely available.
20 But one of our goals in going about this is to try to
21 reduce duplication and overlap in reporting
22 requirements, to do as much to streamline as we

1 possibly can.

2 And since other funders out there,
3 particularly state-level IOLTA funders, are supporting
4 programs both that LSC funds and not, I think it would
5 be conducive to our effort to cooperate with them to
6 make whatever we do available more broadly.

7 Yes?

8 DEAN MINOW: Just to follow on Julie's point,
9 one of the comments that we've received from several
10 people to the strategic plan is a concern that
11 especially where LSC is a partial funder, grantees are
12 subject to competing requirements and inconsistent
13 requirements. And apparently we're the only funder
14 that requires all of the funding to be accounted for
15 under our guidelines.

16 I don't know the truth of this. But it seems
17 to me that in relation to Julie's point, it's not
18 simply a question of would we share our tool, but can
19 we coordinate and collaborate in the development of our
20 tool so that we're not just layering our requirements
21 on top of another.

22 PRESIDENT SANDMAN: That is very much our

1 intention, yes. We had received that message loud and
2 clear prior to the comments on the strategic plan.
3 Even if we hadn't heard it, it would have been a goal.

4 Next I wanted to report on two developments in
5 evidence-based analyses for funding. One is the
6 issuance by the Office of Management and Budget of a
7 memorandum in May giving guidance to agencies on how
8 they should go about submitting their requests for
9 funding for fiscal year '14.

10 The memorandum noted that agencies should
11 demonstrate the use of evidence throughout their 2014
12 budget submissions, and as related to the type of work
13 that we do, they specifically noted that grant-making
14 agencies should demonstrate that between fiscal '13 and
15 '14, they are increasing the use of evidence in formula
16 and competitive programs.

17 Guidance from the OMB is not technically
18 binding on us, but it's something that we certainly
19 should pay attention to. And what this demonstrates is
20 an increasing focus on the part of OMB on what it is
21 that's happening with the money, and what can you
22 demonstrate about the results that have been achieved

1 by the money that's been appropriated in the past.

2 And I think that that focus is going to
3 continue. This type of language has appeared in
4 memoranda issued by OMB for the prior few years. But
5 the language keeps getting stronger every year, and I
6 think we ignore it at our peril.

7 I know there's concern out there about our
8 collecting data and about what use might be made of it.

9 There is huge risk in our not having data and not
10 being able to comply with reasonable requests like
11 this.

12 Another example comes from the Corporation for
13 National and Community Service. This is the source of
14 the Americorps grants. And in the course of their
15 grant application process, they require evidence-based
16 research to support the application.

17 They have established an external peer review
18 process, external panels of people who are not employed
19 by the Corporation for National and Community Service,
20 to review applications, and they make a yes or no
21 decision at the first step. If the review panel
22 decides no, the grant application goes no further.

1 And they require the use of evidence-based
2 support for an application. How can you demonstrate
3 what you're going to be able to accomplish with this
4 grant money if we approve your application?

5 And one of our great collaborators, Equal
6 Justice Works, recently had a grant application denied
7 because a panel concluded that they had not submitted
8 sufficient evidence-based support with their
9 application. Equal Justice Works had applied for
10 funding to support I believe it was 40 positions --

11 MS. REISKIN: Through Americorps?

12 PRESIDENT SANDMAN: Through Americorps,
13 yes -- 40 lawyers and 350 summer law students. And
14 their funding has supported fellows at a number of
15 LSC-funded programs in recent years, a great additional
16 resource for our programs.

17 And the conclusion of the review panel was
18 apparently that they didn't have sufficient evidence to
19 demonstrate what it is that lawyers accomplish with the
20 funding that they've provided in the past. I think
21 this, too, is a signal.

22 Lawyers tend to resist the notion that what

1 they do can be evaluated and measured. It's not an
2 answer to a funding organization like that to say,
3 we're different. We can't do it. You can say that,
4 and your grant application will be denied.

5 So I think both of these developments are
6 important, and that we need to be very aware of them in
7 making sure that we are generating the kind of data
8 that we need to be able to make the case both to OMB
9 and to Congress in support of our funding. And it
10 would be good for us to be able to help our grantees
11 get in a position where they can make similar showings
12 to other funders of theirs. This is going on
13 throughout not only the nonprofit world but the
14 for-profit world as well.

15 We issued our Fact Book, our 2011 Fact Book,
16 at the end of June. It is now available on our website
17 under the Media tab, or you can search for it in the
18 search bar and find it. Vic Maddox is giving me a look
19 that tells me that it's not currently on our website.
20 Is that -- or he can't find it.

21 MR. MADDUX: The most recent one I find is the
22 previous year under the Media tab.

1 PRESIDENT SANDMAN: We'll get it up there if
2 it's not there already.

3 We made a couple of changes this year based on
4 additional reporting that we asked our grantees to
5 make. We now identify the number of people served in
6 addition to the number of cases closed. And we now
7 have a specific number to report on cases involving
8 domestic violence, regardless of what other category
9 those cases might have been reported under.

10 That's a separate number for anything where
11 domestic violence was involved in the case, however the
12 case first came in, because we thought it was very
13 important to be tracking that information. There's a
14 lot of interest in that number.

15 The annual report was issued this week. It's
16 available in hard copy on the tables at the rear of the
17 room, or maybe it was outside. It's also available on
18 flash drive, and I left for each of you at your place
19 on the table a flash drive. That's the LSC annual
20 report.

21 The digital version that you have on the flash
22 drive is enhanced. It has links that you can click on

1 for more information than is available in the hard copy
2 version. So, for example, on John's letter from the
3 Chairman in the front, there's a quotation from the
4 wonderful speech that Chief Justice Madsen of the
5 Washington Supreme Court gave at the board meeting in
6 Seattle last July. If you click on the pullout quote
7 in John's letter, you'll get the full text of her
8 speech.

9 The then-assistant Attorney General for the
10 civil division, Tony West, spoke at our Black History
11 Month observance at LSC last February. If you click on
12 the reference to that, you'll get the full video of his
13 speech to the LSC staff.

14 This is the work of Carl Rauscher, who's
15 really trying to bring up our media relations. And
16 we'll be doing a lot more of that in the future. This
17 is just a demonstration of potential, I think, and the
18 effective use of digital media to get our message out
19 more effectively.

20 Finally, I wanted to report on yet another
21 grant opportunity. This is with the Kresge Foundation.

22 It came to us through our connections at the Public

1 Welfare Foundation. Mary McClymont, the president of
2 the Public Welfare Foundation, is on a mission to
3 educate other foundations about the importance of
4 thinking about legal services in the funding that they
5 do.

6 So many foundations, when they hear about
7 legal services, react by saying, well, they're not in
8 our focus areas. And I ask them, what are your focus
9 areas? Well, our focus areas are domestic violence and
10 homelessness and hunger, and all of those things have a
11 legal component. And there's a way to talk to them
12 about the relationship between legal services and what
13 their focus areas are that can open their eyes to the
14 link and make them much more receptive to funding for
15 legal services.

16 We're very mindful of not competing with
17 grantees, so the specific things that we would talk to
18 a funder about are not day-to-day funding of legal
19 services operations, but more things like research.
20 Mary arranged a meeting for me with a senior program
21 officer from the Kresge Foundation, and I got a call
22 last week saying that they would like to receive a

1 proposal from us, a concept paper at this point, for a
2 grant of about \$200,000 over two years, \$100,000 each
3 year.

4 And what she said, what I put on the slide,
5 "Think big sky." The Kresge Foundation likes to do
6 grant-making for transformational purposes, not just
7 run-of-the-mill more-of-same type things. So I think
8 that we should look at the kinds of funding
9 opportunities that have been identified in the draft
10 strategic plan or in the report of the Pro Bono Task
11 Force to see what we might be able to come up with that
12 would be responsive to what they try to do in
13 grant-making.

14 But I think it's great to have another ally.
15 Kresge has done funding of legal services at the
16 grantee level as well, but they have not been involved
17 in this until relatively recently.

18 I'd be happy to answer any questions.

19 (No response.)

20 PRESIDENT SANDMAN: Thank you.

21 CHAIRMAN LEVI: Thank you.

22 While the Inspector General is coming up, I

1 realized I had not thanked Becky Fertig and Bernie
2 Brady for their great staff work. There is a lot of
3 behind-the-scenes work in getting one of these board
4 meetings together, and I don't know how many times I
5 talked to Becky each day in the last month. Carl
6 Rauscher also had that pleasure. And I want to just
7 say to you, Carl and Becky, thank you so much.

8 (Applause)

9 CHAIRMAN LEVI: Mr. Inspector General?

10 (Whereupon, at 6:00 p.m., the meeting
11 continued in evening session.)

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1 E V E N I N G S E S S I O N

2 (6:00 p.m.)

3 MR. SCHANZ: This is Jeff Schanz, the
4 Inspector General of the Legal Services Corporation.
5 I'd like to start with something you said, Mr.
6 Chairman, as your list of accomplishments. I don't
7 want to go on notice without saying that this Board has
8 also supported and accepted the Office of the Inspector
9 General, for which I am very grateful.

10 CHAIRMAN LEVI: And I missed on that, and I
11 apologize.

12 MR. SCHANZ: I just wanted to thank you
13 publicly.

14 We've been pretty busy. Things that haven't
15 surfaced on the semi, because we're in the middle of
16 the semiannual period, but one of the things that I
17 think the Board would find interesting, and I certainly
18 find it interesting, when I get the final report of the
19 peer review of the SEC OIG.

20 We've been engaged in taking a look at that.
21 We were in turn reviewed by the Corporation for Public
22 Broadcasting, on a three-year cycle, the OIG audit

1 function. There is some debate about the investigative
2 function. And that's sort of like -- well, I won't
3 even try to come up with an analogy. But investigators
4 don't like to be reviewed. Actually, either do I, but
5 it's part of it.

6 I was interested in the President's remarks
7 also as it related to the Fiscal Oversight Task Force.

8 He used my three Cs -- communication, cooperation, and
9 coordination. And I will tell you how it's been
10 manifested in the OIG staff.

11 More than ever, and I've tried to do that with
12 my three Cs since the day I walked in the door, but now
13 it's really being manifested where it's cascaded down
14 to my AIG level and Jim's director level, where we hold
15 biweekly meetings, substantive, fruitful meetings with
16 Janet LaBella and with Lora Rath. And there are no
17 holds barred in those discussions.

18 I'm on the outside looking in; I get briefed
19 on them. But they go through chapter and verse of what
20 each other's offices are doing and how we can assist
21 each other. So I want to publicly once again commend
22 them, and tell you that my three Cs are taking root

1 throughout the Corporation. So I'm very pleased with
2 that also.

3 I continue to put our audit reports, the link
4 to the web because they're too robust and it would
5 crash things. But I will offer you a hard copy or any
6 other PDF file that you would like if you would prefer
7 to have a hard copy from the reports that we issue.

8 But as of right now, the sequence is I send
9 the reports to the grantee first because they have to
10 know what was said and how we've reconciled their
11 comments to the report. And then I send it to the
12 Board of Directors and Victor Fortuno and Jim Sandman.

13 So it's almost instantaneous once I get the go ahead
14 and have sent it to the grantee.

15 That's all I have, I think, for open session,
16 other than I would always direct you to our website.
17 We've updated it a little bit. Oh, no, I do have one
18 more thing for you, Madam Vice Chair. Because Recovery
19 Act monies have just about ceased, the concept has been
20 considered so strong within the CIGIE and the IG
21 community, the RAT board has now become the GAT board,
22 so the Government Accountability and Transparency

1 Board.

2 So it took a while, but they got rid of the
3 RAT board, and Earl Devaney, who headed that. And now
4 there's Kathy Tighe, who was the IG of Education, who
5 is wearing two hats and continuing that process that
6 was so successful in tracing Recovery Act dollars.

7 Speaking of the CIGIE, I will mention also,
8 Jim, that one of my staff persons met with the new IG,
9 newly minted IG, of Americorps. She was just recently
10 confirmed by the Senate, and one of my staff members
11 knew her from prior work. And they had a fruitful
12 conversation as to how we can assist them since I have
13 four years experience under my belt.

14 The CIGIE did issue their report for fiscal
15 year 2011. I can make a hard copy available to you. I
16 know last time I presented this, Julie, you were
17 writing it down. I don't see any reason to do this
18 because I can send you the particulars if you would
19 like.

20 But throughout the IG community, and there's
21 only 63 of us right now -- there's vacancies in 11 IG
22 positions; the one for Americorps was just

1 filled -- but in the year 2011, there were \$84.8
2 billion in potential savings from audit recommendations
3 agreed to by management. Those aren't ones that are
4 hanging out there; those are the ones that management
5 agreed to.

6 We have \$9.1 billion in potential savings from
7 investigative recoveries, and a lot of those are in
8 process or in the courts. We also -- we, the
9 collective community, and this gets into the metrics
10 again, and some of these are just numbers, and others,
11 like the GSA, are actually reality where they're taking
12 action.

13 And OMB issued two memos on how to hold
14 conferences, and how to hold the costs down, and how
15 the purpose of it must be government-related or
16 agency-related. Clearly, they don't know how the LSC
17 does our board meetings, where we're in here for about
18 18 hours in a two-day period. So I think we're very
19 much under the radar screen there.

20 But there were 7500 audit, inspection, and
21 evaluation reports issued. These are actions for
22 service change. Over 27,000 investigations closed.

1 Over -- now, this one, and I've been in the community
2 for a while; this one even surprises me -- 4,073,870
3 hotline complaints processed. Not all of them,
4 obviously, were credible, but that's a lot of people
5 trying to get qui tam money. That's a sidebar; I'd
6 like to detract from the record. But there are quite a
7 few, and we have a very invigorated hotline in the LSC
8 OIG.

9 6500 indictments and criminal infections, and
10 in closed session I'll tell you about a few that have
11 occurred with LSC. Over 6,000 successful prosecutions.
12 963 successful civil actions. 56,000 suspensions or
13 debarments. And over 3900 personnel actions, which
14 would be administrative sanctions or something that
15 doesn't rise to the level of criminality.

16 So my fellow brethren and I think myself have
17 been very busy during the last fiscal year. And that
18 concludes my report.

19 CHAIRMAN LEVI: Questions from the Board? I
20 want to also take a moment to thank you and your staff
21 for the fraud awareness briefing you gave us at our
22 last meeting. It was very much appreciated, and I hope

1 the Board's comments regarding possibly doing some of
2 that in a webinar way were helpful. And we look
3 forward to continuing to work with you in the future.

4 MR. SCHANZ: We have. We've conducted a
5 webinar for the EDs.

6 CHAIRMAN LEVI: Oh, terrific.

7 MR. SCHANZ: And I have the numbers on that,
8 but that was in the closed session report.

9 CHAIRMAN LEVI: Thank you.

10 MR. SCHANZ: Thank you.

11 CHAIRMAN LEVI: Anything else?

12 (No response.)

13 CHAIRMAN LEVI: Thank you, Jeff.

14 Laurie Mikva, the Promotions Committee.

15 MS. MIKVA: There was nothing that needed
16 action. We got an outstanding presentation on resource
17 development from private sources. I have been told it
18 will be edited and made into a webinar so it will be
19 available to grantees I don't know if it's feasible,
20 and probably certainly not for this one, but something
21 to consider is CLE credit, which would perhaps
22 encourage both presenters to come and the grantees to

1 watch, I think. So I'm hoping we can consider that.

2 CHAIRMAN LEVI: Thank you, Laurie.

3 Finance Committee?

4 M O T I O N

5 MR. GREY: Mr. Chairman, the Finance Committee
6 met, and recommends to the Board the adoption of a
7 revised consolidated budget for fiscal year 2012. That
8 is in your books at page 77.

9 CHAIRMAN LEVI: I don't believe it needs a
10 second. We just need a vote -- or discussion first.
11 Is there any discussion? I think they had plenty of
12 discussion. But if there is any more discussion?

13 (No response.)

14 CHAIRMAN LEVI: All in favor?

15 (A chorus of ayes.)

16 CHAIRMAN LEVI: Opposed?

17 (No response.)

18 MR. GREY: My colleague brought to my
19 attention that it's not as it appears. We did revise
20 it.

21 CHAIRMAN LEVI: Yes. Yes, as revised.

22 MR. GREY: So it should be based on revision

1 that it's submitted.

2 CHAIRMAN LEVI: That's right.

3 MR. GREY: Further discussion of the Finance
4 Committee resulted in the Committee adopting protocol,
5 and in that regard noted that we offer as a
6 recommendation a resolution authorizing the President
7 to make certain internal budgetary adjustments in the
8 management and grants oversight account.

9 M O T I O N

10 MR. GREY: The Committee recommends that the
11 Board authorize the President to make such internal
12 budgetary adjustments within the management and grants
13 oversight account as he determines are reasonably
14 necessary, up to a dollar limit of \$75,000. All other
15 requests would require Board approval. And so we
16 submit that resolution.

17 FATHER PIUS: Can I -- I mean, we talked about
18 it, but we didn't really actually discuss the substance
19 of it yet. I would recommend that we give -- there's
20 no need to do it at this meeting, is there? And the
21 next one is two months away.

22 The one thing -- because this is why. The

1 question I have is the language of the dollar limit of
2 75,000. Is that a total limit, so all the changes are
3 less than 75,000? Or does that mean any one single
4 change of money is \$75,000 or less?

5 And especially when it comes to money like
6 that, there shouldn't be ambiguity. And if that could
7 be clarified a little bit, I don't think
8 there's -- maybe then we could do it at our next
9 meeting, unless people see that there's no reason to do
10 it now. I don't -- but that's my thought on the
11 matter.

12 And the question is whether or not --

13 CHAIRMAN LEVI: Just an observation and --

14 FATHER PIUS: And the question is whether
15 there should be both. Should there be a single limit?

16 In other words, if you have any single transfer of
17 item more than \$10,000, that requires Board approval,
18 and if you have a total number dollar amount in excess
19 of \$75,000 -- so the limitation should be phrased that
20 way. So that's my thought.

21 Do you understand? Am I making myself clear?

22 MR. GREY: Yes, I do. And it's always good,

1 Father Pius, to receive your comments.

2 (Laughter.)

3 MR. GREY: But I think it's important -- I
4 mean, I think we can resolve it today. But I think the
5 President ought to respond to that because it's part of
6 the administration of LSC. And so if he has any
7 thoughts, I'd be happy to --

8 PRESIDENT SANDMAN: Well, I would prefer that
9 the Board act today on this because I'd be concerned
10 that without action, I don't have any authority to do
11 anything and would then have to bring any movement of
12 any amount to the Board before the Corporation could
13 act.

14 And that seems to me to be a limiting -- I
15 didn't know that this was a problem until it came up
16 today. I thought I already had this authority. And
17 then I --

18 FATHER PIUS: For some reason, I thought you
19 did, too. But if it --

20 PRESIDENT SANDMAN: Well --

21 DEAN MINOW: I think so. But I think for
22 clarity purposes we could just -- apparently you had

1 the authority, but it's from a Committee rather than a
2 Board vote. So just to be clear, we will have a Board
3 vote.

4 FATHER PIUS: So my is, one, do you think
5 75,000 is sufficient? And second, how do you read the
6 75,000? Do you mean 75,000 --

7 CHAIRMAN LEVI: Per.

8 FATHER PIUS: Per? In other words, per item?

9 MR. GREY: Item. Per item.

10 FATHER PIUS: And should there be a total
11 limit? So if it's over a million dollars -- if it's,
12 you know, 30, 74,900 --

13 MR. GREY: During the year.

14 FATHER PIUS: Or during the quarter.

15 CHAIRMAN LEVI: That's a good --

16 MR. GREY: That's a different question.

17 FATHER PIUS: Right. Yes.

18 MR. GREY: One that we did not discuss. And I
19 don't know that there is a -- here's my sense of it,
20 that if you -- I think this might be a good discussion
21 going forward, to the next meeting -- and that is
22 because he's obviously not going to hit that limit,

1 whatever limit it is by that time -- to have that
2 considered; but authorization today on an item, per
3 item, of \$75,000, which I think this addresses. But
4 that's a very interesting thought on the other.

5 CHAIRMAN LEVI: It is true that the -- just so
6 everybody understands this, we get a monthly report as
7 to the finances. And the Finance Committee has a
8 monthly meeting or monthly call, almost monthly. So
9 there is the fact -- and at each of those, any such
10 changes are reported on. And so you would expect any
11 changes of magnitude, certainly, to be reported on.

12 But I think -- well, I think due thought has
13 to be given to this, and what number would be picked if
14 a number is necessary.

15 FATHER PIUS: So I'm happy to approve this and
16 then to go forward thinking about this more clearly.
17 And we can always --

18 CHAIRMAN LEVI: Yes. But we should
19 probably -- if you think there's a phrase, up to a --

20 FATHER PIUS: Add the words "per item."

21 MR. GREY: Yes. Such budgetary -- I don't
22 think it's ambiguous.

1 CHAIRMAN LEVI: Per item.

2 MR. GREY: But what I -- just to be clear,
3 let's say per item.

4 PROFESSOR KECKLER: Or "per adjustment."

5 CHAIRMAN LEVI: Per adjustment.

6 FATHER PIUS: Or per adjustment. Sure, sure,
7 sure.

8 MR. GREY: That's even better. That does make
9 it clear.

10 With that amendment, Mr. Chairman, we would
11 offer -- Is that right? -- we would offer the
12 resolution.

13 CHAIRMAN LEVI: Any further discussion?

14 (No response.)

15 CHAIRMAN LEVI: All in favor?

16 (A chorus of ayes.)

17 CHAIRMAN LEVI: Opposed?

18 (No response.)

19 MR. GREY: That concludes the report of the
20 Finance Committee.

21 CHAIRMAN LEVI: Mr. Maddox?

22 MR. MADDOX: Mr. Chairman, since our last

1 meeting, the Audit Committee circulated a draft of its
2 proposed revised charter. We later received comments
3 from the Office of the Inspector General on the draft
4 charter. On June 25th, we had a meeting of the
5 Committee by telephone where we discussed the proposed
6 draft and OIG comments and other public comments.

7 We subsequently received another memorandum
8 from the OIG raising other objections. You and I had
9 conversations with the Inspector General subsequently,
10 and we agreed to table the draft resolution, the draft
11 charter, until we can work out the OIG's concerns and
12 satisfy the Committee and the Board that the charter is
13 appropriate.

14 The OIG objections raise questions about
15 compliance of the draft charter, and presumably the
16 existing charter, to the extent that the language in
17 both is the same in certain respects with respect to
18 the D.C. Nonprofit Corporation Act, the IG Act, and the
19 LSC Act. So there are a number of issues there,
20 including the extent to which the Board has supervisory
21 authority over the IG; so issues for the Board to
22 discuss in the future.

1 We also received a report from the director of
2 human resources, Traci Higgins, regarding the 403(b)
3 plan performance. Basically, the second quarter, most
4 of the funds were down, largely because the market was
5 down. There were no significant issues raised by the
6 fund administrator or advisor. Monitoring of various
7 funds continues, but by and large, the report was
8 satisfactory.

9 We received a report from the Inspector
10 General concerning his work and audits that had been
11 completed. And we received no public comment, and the
12 meeting adjourned.

13 CHAIRMAN LEVI: Questions? Comments?

14 (No response.)

15 CHAIRMAN LEVI: Thank you.

16 Charles, Ops and Regs?

17 PROFESSOR KECKLER: Thank you, Mr. Chairman.
18 The Operations and Regulations Committee met earlier
19 this afternoon, and also met by teleconference on June
20 18th. I've been busy; I'm a little chagrined by the
21 volume of business that we must bring to the Board
22 today. But we have been charged with some

1 responsibilities to resolve some matters.

2 There were two recommendations to the Board
3 that arose out of the teleconference on June 18th. The
4 first of those is the -- we were asked to look at the
5 private contribution of funds protocol, which you'll
6 find on page 116 through 118. And the associated
7 resolution is on page 119.

8 Various comments have come in on the revisions
9 to the protocol. We discussed those and made some
10 changes. This is the product of them which we can
11 discuss.

12 I wanted to point out one particular little
13 area. I don't know if the other people that have done
14 this have seen this one. On page 117, which is the
15 second page of the proposed contribution protocol, in
16 paragraph C, in response to comments, we changed the
17 number up to \$5,000.

18 But you'll see that the second citation
19 here -- I noticed this earlier today -- for offer,
20 donations of \$3500 or more, it's still 3500. So I
21 think the intention is to change that 3500 to 5,000.

22 CHAIRMAN LEVI: Yes.

1 PROFESSOR KECKLER: So if somebody else has
2 noticed a problem or typo or has an edit, please offer
3 it up. With that change, however, we --

4 FATHER PIUS: There's just a type of an extra
5 bullet point on page --

6 PROFESSOR KECKLER: Yes. There's an extra
7 bullet point. That's an extraneous bullet point, yes.
8 I don't think that creates unlimited authority for
9 anything. Fill in the blank.

10 (Laughter.)

11 FATHER PIUS: No blank check?

12 M O T I O N

13 PROFESSOR KECKLER: That's not the intention
14 there. So the Committee voted on that and has
15 recommended the adoption of this new protocol by
16 associated resolution.

17 CHAIRMAN LEVI: Any comments?

18 (No response.)

19 CHAIRMAN LEVI: All in favor?

20 (A chorus of ayes.)

21 CHAIRMAN LEVI: Opposed?

22 (No response.)

1 PROFESSOR KECKLER: Very good. The second
2 item that the Committee acted on its teleconference
3 involves what we brought up earlier at the last meeting
4 regarding subgrants and transfers, and the desire of
5 Management and the Office of the Inspector General that
6 the Corporation begin rulemaking on transfers and
7 subgrants to resolve some issues and clarifications
8 needed in that.

9 The Board asked us to answer a particular
10 question, which is, is there a non-rulemaking manner in
11 which this issue can be resolved? And after
12 discussions with Management and with the OIG, they've
13 issued a number of documents to us and to the Board,
14 basically answering the question, "No," if I can
15 radically summarize the items there.

16 (Laughter.)

17 PROFESSOR KECKLER: And I would say that in a
18 little more substantive response to that, the concern
19 was, what are we really changing? And I guess one way
20 that I've found to interpret it, what is hoped to be
21 accomplished by the rulemaking, is the creation of a
22 safe harbor for our grantees involving their subgrants,

1 a clear set of guidelines which, if followed, will not
2 result in any kind of findings of wrongdoing by either
3 Management or the Office of the Inspector General.

4 So that's a very informal summary; it's about
5 the creation of a safe harbor. But in that sense, it
6 does change the legal status, potentially, the rule.

7 M O T I O N

8 PROFESSOR KECKLER: So the Committee
9 considered a number of -- had an extensive discussion
10 about it and received a number of materials, and has
11 recommended to the Board -- again, has renewed its
12 recommendation to the Board -- that the Board approve
13 rulemaking in the -- move that the Board initiate a
14 notice and comment rulemaking regarding third party
15 contracting, and delegate to the Committee to take such
16 actions as appropriate to develop a draft rule for the
17 Board's consideration.

18 CHAIRMAN LEVI: That doesn't need any action,
19 or does it?

20 PROFESSOR KECKLER: That does need a -- yes.
21 We recommended -- yes. We move that the Board do that.

22 CHAIRMAN LEVI: All right. All in favor?

1 (A chorus of ayes.)

2 CHAIRMAN LEVI: Opposed?

3 (No response.)

4 PROFESSOR KECKLER: Thank you very much, Mr.
5 Chairman. Now to the business that we conducted
6 earlier today.

7 The first item of business is a revision of
8 the charter of the Operations and Regulations
9 Committee. And you should -- I think it was -- one of
10 the additional materials is the actual resolution,
11 associated resolution of that.

12 The changes to the charter are found on pages
13 112 to 114 of the Board book. And I would add that as
14 the Committee considered these changes, we added two
15 edits to the document which is in the Board book.

16 The first of those edits is in paragraph 3 of
17 the charter. Just to clarify the distinction between
18 the Chair of the Committee and the Chairman, where it
19 says, "Shall meet at least four times per calendar year
20 but may meet more frequently at the call" -- it
21 currently says -- "of the Chairman." We edited it to
22 say, "more frequently at the call of its Chair." And

1 CHAIRMAN LEVI: Opposed?

2 (No response.)

3 PROFESSOR KECKLER: Thank you. The second
4 item that the Committee considered this afternoon
5 relates to the Continuity of Operations Plan of the
6 Corporation.

7 This is something that has come up. We have
8 satisfied the GAO, but the GAO had some concerns in
9 closing out its recommendation on the COOP. And we
10 also had discussed this at a February teleconference,
11 how the Board can be integrated, the Board's action can
12 be integrated, with the Continuity of Operations Plan.

13 So over the last few months, the Corporation
14 has developed two changes to its continuity of
15 operations, two substantial changes. It's edited the
16 whole thing and added a front piece that describes the
17 overall strategy of the Corporation in response to
18 emergencies; and it has developed a protocol for the
19 Board in emergency circumstances where the COOP plan is
20 activated.

21 And there's a confidential and
22 non-confidential version of that; I think the ones that

1 the Committee considered are available to you -- let's
2 see, here it is -- beginning page 120. The first two
3 sections are there.

4 And what is requested from the Board is that
5 it approve the plan, but delegate matters not relating
6 to the Board protocol, more technical, specific
7 matters, to Management in that every time that the COOP
8 plan changes, we don't want to have to come back to the
9 Board to change all the things.

10 One thing, the COOP plan needs to be tested.
11 It needs to be validated and tested, which may result
12 in some technical modifications or other modifications
13 to the plan. So in approving this as an overall plan
14 and approving the Board's role in it, we also would ask
15 that you delegate to Management proper authority to
16 modify the technical and procedural aspects of the
17 plan.

18 Is that a good characterization of what you --

19 PRESIDENT SANDMAN: Yes, it is.

20 PROFESSOR KECKLER: The delegation?

21 FATHER PIUS: Okay. And we're also asking the
22 OLA to prepare any necessary draft changes to the

1 bylaws to execute this?

2 PROFESSOR KECKLER: Well, that's a good
3 amendment. I consider it a very friendly amendment,
4 Father Pius. That's implicit in it. But they would
5 develop a draft, but we would have to separately
6 approve such changes in the bylaws when they would
7 appear.

8 CHAIRMAN LEVI: And on that basis?

9 M O T I O N

10 PROFESSOR KECKLER: And on that basis, we move
11 that the Board approve the Continuity of Operations
12 Plan.

13 CHAIRMAN LEVI: Further discussion?

14 (No response.)

15 CHAIRMAN LEVI: All in favor?

16 (A chorus of ayes.)

17 CHAIRMAN LEVI: Opposed?

18 (No response.)

19 PROFESSOR KECKLER: Thank you.

20 And the final item relates to the --

21 CHAIRMAN LEVI: No. 5?

22 PROFESSOR KECKLER: No. 5 item, yes, is the

1 further notice of proposed rulemaking on lesser or
2 alternative sanctions, which you'll find beginning page
3 137 of the Board book.

4 As discussed during Committee, it's a little
5 unclear under the rulemaking protocol whether the Board
6 needs to act on this. But it's concluded that by
7 assurance, there's some ambiguity on that, and
8 therefore Management has requested a Board vote on
9 this.

10 Currently we are not changing a regulation.
11 We are simply seeking further comment on changes to
12 this notice of proposed rulemaking, changes that have
13 mostly arisen from the first round of comment. And
14 we're seeking to send this out for 30 days in the
15 Federal Register and get comments on these changes.
16 Later on, a draft rule will be considered in Committee,
17 and that will be presented to you at that time.

18 There were two changes that arose out of the
19 Committee's consideration here. There were some brief
20 edits, and then one point in language was made that we
21 will -- we're not seeking comments on the underlying
22 decision. That was changed to the question, underlying

1 question, of the decision of whether to proceed by the
2 rule.

3 Do you have page 7 of the rule? That
4 was -- page 7, it's under the Q2 on page 7, questions
5 on which comments are sought. It says, "Currently no
6 further comments are sought regarding the underlying
7 decision." We added the terms, "regarding the question
8 of the underlying decision."

9 As changed, in addition, after some other
10 comments about why we're not doing that, we also would
11 like to add a further sentence just explaining for the
12 public's purposes, the reader, about that in
13 approximately that place, which is -- this is the
14 sentence.

15 "LSC will respond fully to all comments,
16 including those related to the rationale for the
17 rulemaking, in the preamble to any final rule, should
18 one be published." So that's the additional edit.

19 Yes?

20 DEAN MINOW: I think that additional edit is
21 great. I wonder about the just prior edit. Could it
22 be, instead, "regarding the underlying question to

1 adopt a lesser reductions option," as opposed to what
2 you proposed?

3 PROFESSOR KECKLER: Regarding -- yes. That's
4 better English, I think. I think it could be, yes.

5 CHAIRMAN LEVI: Now, that was your Committee.
6 So now --

7 PROFESSOR KECKLER: That was the Committee,
8 and that's --

9 CHAIRMAN LEVI: The members of your Committee
10 can agree on that?

11 PROFESSOR KECKLER: So the Committee has voted
12 and sent that out with a recommendation, yes.

13 DEAN MINOW: So I just suggested that friendly
14 amendment because I'm not on the Committee.

15 CHAIRMAN LEVI: No, but that's okay. But the
16 Committee just adopted that change.

17 M O T I O N

18 PROFESSOR KECKLER: Yes. That's fine. Yes.
19 So with those edits, we recommend to the Board that it
20 publish this further notice of proposed rulemaking and
21 get 30 days of comments on these revisions.

22 FATHER PIUS: This is probably not -- I gave a

1 small typo as well to Mark, but nobody needs to be
2 concerned with it.

3 CHAIRMAN LEVI: I hope the Committee accepts
4 that.

5 (Laughter.)

6 FATHER PIUS: I'm sure they --

7 PROFESSOR KECKLER: Any typos. All help on
8 typos is gratefully received.

9 DEAN MINOW: So now vote?

10 CHAIRMAN LEVI: Your Committee has been busy,
11 that's for sure.

12 DEAN MINOW: He needs a vote on this.

13 CHAIRMAN LEVI: We need a vote on that?

14 PROFESSOR KECKLER: We need a vote on -- we
15 need a vote to publish for comments.

16 CHAIRMAN LEVI: Okay. Yes, you do need a vote
17 to publish. Okay. All in favor?

18 (A chorus of ayes.)

19 CHAIRMAN LEVI: Opposed?

20 (No response.)

21 MR. KORRELL: Aye.

22 CHAIRMAN LEVI: That's Harry back. Harry's

1 back from on high.

2 DEAN MINOW: Was he voting in favor?

3 PROFESSOR KECKLER: Yes. He voted in favor.

4 CHAIRMAN LEVI: So did I. That concludes your
5 report?

6 PROFESSOR KECKLER: Yes. This concludes the
7 report of the Operations and Regulations Committee,
8 with thanks for the Board's extensive help today.

9 CHAIRMAN LEVI: Yes. I now have to get back
10 to --

11 DEAN MINOW: Governance and Performance.

12 CHAIRMAN LEVI: Yes. We're there.

13 DEAN MINOW: Mr. Chairman, the Governance and
14 Performance Review Committee had a meeting in which we
15 essentially simply reviewed the staff report on both
16 the certification letters sent to the House and Senate
17 Appropriations Committees with regard to prior GAO
18 recommendations, and the report on the progress of
19 implementation of outstanding recommendations.

20 And Carol Bergman brought us up to date, and
21 we are as a Committee very satisfied, and have nothing
22 to recommend for review by the full Board.

1 CHAIRMAN LEVI: Thank you.

2 The Institutional Advancement Committee met
3 this morning and received the report of its consultant.

4 And that was given as a briefing, a confidential
5 briefing, but now will be converted into a report that
6 we can provide in a public manner within, I think, a
7 few weeks. So we look forward to that.

8 And we're moving ahead with much
9 encouragement. As you can see from the President's
10 report, there is interest in funding research that we
11 can see. There is need in many other arenas where we
12 believe that, done appropriately, we can be helpful.

13 So that is what we will be -- that's what our
14 Committee talked about today, and we'll be back to you
15 shortly with a report.

16 Now, it says, consider and act on delegation
17 of authority to LSC Board Chairman to appoint
18 non-directors. I believe this is the third time in
19 this calendar year that this resolution has been asked
20 for. And so I'm going to read it. Is that --

21 M O T I O N

22 CHAIRMAN LEVI: "This resolution confirms, in

1 the formal written form, authority that was earlier
2 confirmed." And I hereby accordingly reaffirm my
3 earlier non-director appointments of Bob Henley to the
4 Finance Committee, David Hoffman and Paul Snyder to the
5 Audit Committee, Herb Garten and Frank Strickland to
6 the Institutional Advancement Committee.

7 Now, did I forget anybody?

8 (No response.)

9 CHAIRMAN LEVI: As a new appointment -- no,
10 no, as a new appointment, I appoint Allan Tanenbaum to
11 the Finance Committee. Our newest appointee hails from
12 Georgia, is a general counsel managing partner of
13 Equicorp Partners. He's graduate of the Wharton School
14 of Business, University of Virginia Law School, and as
15 you heard during the past couple of days, had two of
16 his offspring attend the University of Michigan, and
17 he's an Ann Arbor expert.

18 He has some 40 years of high-level experience
19 in business, advised boards of directors/board
20 committees concerning corporate governance, has
21 implemented compliance programs for companies, has a
22 broad range of other experience that will be

1 exceedingly helpful to the Finance Committee, and he's
2 been very, very active in the ABA. And we're very
3 fortunate to have him, and welcome him formally today.

4 Now, I believe -- does this need to be
5 re-voted?

6 MR. FORTUNO: No. But I think that the
7 adoption of the resolution was supposed to proceed
8 that.

9 CHAIRMAN LEVI: It was? Oh. Well, where is
10 the resolution? Is it in the book?

11 MR. FORTUNO: It's under --

12 MR. MADDOX: Can we have a nunc pro tunc
13 order, please?

14 (Laughter.)

15 MR. FORTUNO: As if timely done.

16 CHAIRMAN LEVI: Yes. Okay. All in favor?

17 FATHER PIUS: Wait, wait, wait a minute. It's
18 the issue I've raised before, and I'll raise it again.

19 One thing I am concerned about is the fact of the
20 issue of quorum, which is stated not in relative but in
21 absolute numbers.

22 I don't think it's the case that non-director

1 members should be counted in determining a quorum. I
2 think it should be clear in the resolution that,
3 notwithstanding anything else, that non-director
4 members will not be considered in determining a quorum.

5 And I would make that amendment to this resolution.

6 CHAIRMAN LEVI: I think that is a good
7 amendment. With that amendment, all in favor?

8 (A chorus of ayes.)

9 CHAIRMAN LEVI: Opposed?

10 (No response.)

11 CHAIRMAN LEVI: Thank you. And now I've read
12 my statement.

13 (Laughter.)

14 PROFESSOR KECKLER: So ordered.

15 CHAIRMAN LEVI: Before we get to public
16 comment, I believe there's also a resolution in
17 here -- it wasn't on the agenda -- in memory of Tom
18 Fuentes. And I believe it needs to be acted on.

19 MS. REISKIN: It was in the book.

20 CHAIRMAN LEVI: It's in the book. It's in the
21 book, but it needs to be enacted. So I'm just
22 presenting it now, and ask that we vote.

1 M O T I O N

2 FATHER PIUS: So moved.

3 MS. REISKIN: Second.

4 CHAIRMAN LEVI: All in favor?

5 (A chorus of ayes.)

6 CHAIRMAN LEVI: Thank you.

7 Now, public comment? Or is the public
8 exhausted?

9 (No response.)

10 MR. MADDOX: Can I just go back --

11 CHAIRMAN LEVI: And do they want to comment on
12 their exhaustion? Yes?

13 MR. MADDOX: I just want to go back to the Tom
14 Fuentes thing just for a moment.

15 I talked to Tom a couple of times in the
16 couple months before he passed away, and he remained
17 incredibly optimistic and incredibly thankful for the
18 many blessings that he had had throughout his life.

19 I think he was one of the strongest proponents
20 of pro bono work that this Board has ever seen.

21 CHAIRMAN LEVI: Yes.

22 MR. MADDOX: And I know that he would have

1 been one who was probably most appreciative of the work
2 of the Pro Bono Task Force, and of the tremendous
3 deduction and commitment of resources by DLA Piper, and
4 probably most supportive of the initiative to go
5 forward.

6 My own thought, when I saw the chart with the
7 funding of legal services, is that that chart would
8 become much more powerful if the in-kind contribution
9 that pro bono represents were also on that chart. And
10 I think, on Capitol Hill, that kind of chart with that
11 kind of information becomes all the more powerful.

12 I think Tom would have been very happy to see
13 what the Board and the Corporation and all the outside
14 stakeholders have contributed to make this possible.
15 So thank you.

16 CHAIRMAN LEVI: Thank you, Vic. And I think
17 it's also fair to observe that the last couple of years
18 have not been easy years for the legal profession. And
19 so for a law firm to step up in that way, and for so
20 many others to donate time at this particular moment,
21 when many of them probably are feeling it in their own
22 practices or what have you, is also a credit.

1 But I appreciate the comments, Vic. And I do
2 agree with you. As someone who overlapped him on the
3 Board, certainly he felt, and I think rightly, that we
4 had not exhibited enough leadership in that arena. And
5 I think it's something we all took to heart.

6 DEAN MINOW: John?

7 CHAIRMAN LEVI: Yes?

8 DEAN MINOW: I also would like to make a
9 comment about Tom. I think that we will all always
10 think about him when we salute the flag because it was
11 his suggestion.

12 And the tie-in between that and, actually, the
13 introduction to the strategic plan struck especially
14 today, so that this connection between this
15 organization and the founding of the country is, I
16 think, well underscored by his call to us to begin all
17 of our meetings with the Pledge of Allegiance.

18 CHAIRMAN LEVI: Other business?

19 (No response.)

20 CHAIRMAN LEVI: Did I cover all the pieces of
21 paper, and additions from Becky? Yes? Okay.

22 DEAN MINOW: Would you like to entertain a

1 motion for a closed session?

2 CHAIRMAN LEVI: Yes, I would.

3 M O T I O N

4 DEAN MINOW: I so move.

5 FATHER PIUS: Second.

6 CHAIRMAN LEVI: And that's what's standing in
7 the way of dinner. So thank you very much. For those
8 of you who are released, aren't you happy? And for the
9 rest of us, we'll stay right here.

10 (Whereupon, at 6:43 p.m., the open session of
11 the Board was adjourned.)

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