

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
BOARD OF DIRECTORS

OPEN SESSION

Tuesday, October 22, 2013

9:44 a.m.

Renaissance Pittsburgh Hotel
107 Sixth Street
Pittsburgh, Pennsylvania 15222

COMMITTEE MEMBERS PRESENT:

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

ALSO PRESENT:

James J. Sandman, President

STAFF AND PUBLIC PRESENT:

James J. Sandman, President
Lynn Jennings, Vice President for Grants Management
Ronald S. Flagg, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary
David L. Richardson, Comptroller and Treasurer,
Office of Financial and Administrative Services
Carol A. Bergman, Director, Office of Government
Relations and Public Affairs
Wendy Rhein, Chief Development Officer
Jeffrey E. Schanz, Inspector General
Richard L. Sloane, Chief of Staff & Special Assistant
to the President
Rebecca Fertig, Special Assistant to the President
Lora M. Rath, Deputy Director, Office of Compliance
and Enforcement
Ronald "Dutch" Merryman, Assistant Inspector General
for Audit, Office of the Inspector General
Thomas Coogan, Assistant Inspector General for
Investigations, Office of the Inspector General
David Maddox, Assistant Inspector General for
Management and Evaluation, Office of the
Inspector General
Carl Rauscher, Director of Media Relations, Office of
Government Relations and Public Affairs
Don Saunders, National Legal Aid and Defenders
Association (NLADA)
Terry Brooks, American Bar Association Standing
Committee on Legal Aid and Indigent Defendants
(SCLAID)
Yvonne Mariajimenez, Deputy Director, NLS, LA County
Bob Racunis, Director, Neighborhood Legal Services
Association
Lori Molloy, Managing Attorney, North Penn Legal Svcs
Susan Lucas, Pennsylvania Legal Aid Network, Inc.
Linda Morris, Pennsylvania Legal Aid Network, Inc.
Yvette Long, Pennsylvania Legal Aid Network, Inc.
Chet Harhut, Pennsylvania Legal Aid Network, Inc.
Robert A. Oakley, Northwestern Legal Services
Stephanie Libhart, IOLTA
Vicki Coyle, North Penn Legal
Liz Fritsch, Legal Aid of Southeast Pennsylvania
Rhodia Thomas, MidPenn

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1 PROCEEDINGS

2 (9:44 a.m.)

3 CHAIRMAN LEVI: All right, I am going to call
4 the meeting to order. This is the duly-noticed meeting
5 of the Board of Directors of the Legal Services
6 Corporation, as published in the Federal Register. And
7 I am going to ask that we all rise.

8 And since Charles once taught in Pennsylvania,
9 he can lead us in the Pledge.

10 (Pledge of Allegiance.)

11 MOTION

12 CHAIRMAN LEVI: Thank you. Can I have a
13 motion to approve the minutes of the Board's meeting of
14 July 23?

15 MS. MINOW: So moved.

16 MR. MADDOX: Second.

17 CHAIRMAN LEVI: All in favor?

18 (Chorus of ayes.)

19 CHAIRMAN LEVI: For the Chairman's Report, let
20 me just begin by, first of all, thanking our terrific
21 staff, once again, for all the work they do to put this
22 meeting together behind the scenes. Becky, Bernie,

1 particularly. I don't know whether you sleep. They
2 have been here since Friday. Is that right, Becky?
3 Yes, to get ready for us.

4 (Applause.)

5 CHAIRMAN LEVI: The last meeting, I believe
6 she was in near agony, and so has had quite a
7 fall -- was it fall? No, spring -- summer, dealing
8 with that. And we are happy she is healthy now. And
9 so thank you very much, Becky, for everything.

10 And then, for our Board, this is an active
11 Board. I know that when you all got on the Board you
12 did not have a sense that it was going to be this busy
13 a post. But it is, and you have risen to the occasion
14 time and time again, as I know you will continue to do
15 in the coming year, particularly because of the 40th
16 anniversary, which will, I think, involve a few extra
17 things.

18 So, thank you to all of you, and thank you for
19 your hard work. And also, I hope you share my sense
20 that the Board process, that the Board meetings, that
21 the Board Committee meetings are at a different place
22 today, and that we share, I think, together, a feeling

1 that our own work is moving along with some greater
2 efficiency, and with greater clarity. So I hope people
3 feel that. And if you don't -- obviously, as I say,
4 many of you do -- call me or email me in between Board
5 meetings. Please continue to do that if there are
6 issues that are on your mind or things that you think
7 we should be attending to.

8 Then, I also want to take a moment to thank
9 Bob Racunis, the Neighborhood Legal Services
10 Association, for his big help in pulling the community
11 together. What a terrific meeting we have had here, in
12 Pittsburgh. We should put you, as I said yesterday, on
13 the road with us and help us organize the rest of them.

14 But this has been a terrific meeting, and thank you
15 very much.

16 (Applause.)

17 CHAIRMAN LEVI: And again, also, thank you to
18 K&L Gates for hosting us last night, for the -- and to
19 the Chief Justice for opening the doors of the
20 courtroom, what a beautiful courtroom. And he says it
21 is not even the most beautiful courtroom. But we were
22 privileged to be there yesterday.

1 And, again, the hospitality of the Pittsburgh
2 legal community has certainly been extraordinary.
3 Thank you to all of you.

4 This is Pro Bono Week. Actually, the last two
5 years, I believe, our meeting has squared up with Pro
6 Bono Week. That won't be the case next year. But for
7 these two years, it -- in some respects, it was
8 intentional. When we had the chance to select the
9 dates, we actually wanted to make the point,
10 particularly in these years in which we have been
11 focusing on pro bono.

12 And you heard my words last night -- most of
13 you, some of you were not there. But, in any event, if
14 you heard my words, the fact that the large law firms
15 in this country are not tracking or keeping count of
16 the hours spent serving the low-income population of
17 this country is unfortunate. We have to all do better.

18 And I hope the ABA, in its way, can help us with that,
19 and the Pro Bono Institute, too, in encouraging
20 the -- the whole point of the Pro Bono Task Force, at
21 the end of the day, was because of the mismatch between
22 the need and the available talent. And we just all, as

1 a legal community, have to move forward on this.

2 To the extent that the convening power of our
3 Board can help to motivate that, we will -- as long as
4 you allow me to chair, I want to continue to move that
5 forward, because it is a problem. We hear about the
6 money, we know about the money. But this is another
7 facet of how we can address the need. And as a member
8 of the profession, as a partner in a big firm,
9 certainly I feel the responsibility -- I hope all of
10 you do -- to try to move the profession in taking a
11 closer look at how it is allocating its resources and
12 extending the resources.

13 Yesterday, also, because of the fact that it
14 was Pro Bono Week, when we were given the options of
15 the kinds of panels we could have, it seemed very
16 appropriate to have the panel on pro bono partnerships
17 because, actually, here there is such a great
18 partnership that exists in this region.

19 But also, the corporate departments that
20 came -- Capital One, Wal-Mart -- you heard
21 extraordinary things, but you also heard the worry that
22 they have among their staffs, that, "We can't do this,

1 we are corporate lawyers." And once you get past the
2 hurdle of the licensure and whether you can practice
3 within the state for those corporate law
4 departments -- and the rules change, as -- or
5 adjustments that need to be made -- then the issue is
6 getting those members of the profession that are
7 largely in the transactional space to get over the
8 hurdle of feeling they can't help. Their training is
9 just as valuable. They can be. And that is why these
10 tool kits, and sharing the information that we get from
11 these meetings, and having this discussion is so
12 important.

13 I want to tell -- Allan Tanenbaum came up and
14 showed me something this morning from the Georgia Bar
15 Journal, I guess, the law bar -- that pro bono on the
16 go, that, well, in fact, it -- so this is the new
17 mobile app that Georgia has developed. That is because
18 the Georgia -- I think it is -- maybe it is Mike
19 Monahan -- was at a meeting that Lisa Colpoys presented
20 at on Illinois Legal Aid, one of our meetings. He
21 heard about the mobile apps and said, "My gosh, we need
22 one." And he has gone ahead and developed it.

1 So, to the extent that our pulling things,
2 pulling folks together, bringing these discussions
3 along can help to motivate more ways to reach this
4 population, we will continue to do that.

5 Myself, I, in August, we were in California
6 for the ABA meetings. I asked Robert and Sharon to
7 join me and Jim, and we met with -- I think it was all
8 of the California Legal Aid directors. They came up to
9 San Francisco, where the ABA was meeting. They were
10 very, very interesting, good meeting, and I think they
11 appreciated it. We certainly did.

12 I then, for the second year in a row, spoke to
13 the ABA house of delegates. And, for whatever reason,
14 they seemed to like my talk. And --

15 MS. MINOW: They loved your talk.

16 MR. LEVI: Well, in any event, we are putting
17 it out there. We have a very supportive leadership at
18 the ABA. I think we have in the past, but we have a
19 particularly energized leadership this year and next
20 year coming up. And I think they want to be as helpful
21 as they can be to the Corporation and moving this
22 issue, the issue of the unmet need, forward in as many

1 creative ways as they can.

2 So, then, in the coming weeks, I will be on
3 the road a little bit. I am speaking to the Yale Law
4 School next week, and I know that I will be stopping in
5 Washington, bothering the headquarters quite a bit
6 between now and the spring, as we try to plan the 40th.

7 And also, for those of you who are on the
8 phone and are expecting a call from me, I certainly
9 will be calling for funds, dialing for dollars, to help
10 pay for the 40th, respectfully. But this is an
11 opportunity, and we will get to this a little bit in
12 the Institutional Advancement Committee.

13 The Corporation does not have the funds, nor
14 are we going to seek funds, really, to run a ritzy,
15 glitzy type campaign. This is a scaled-down -- you got
16 a hand-out, it is going to be a kind of a hand-out type
17 thing. So low-budget campaigns are hard work, and they
18 require the help of individuals to make them
19 successful. So I look to all of you to help me, and we
20 will build a committee and try to have a 40th
21 anniversary that is not so much a celebration as a
22 recognition that it is 40 years.

1 I told the ABA 40 years in biblical terms is a
2 generation. And is this what equal access to justice
3 should look like in the United States in America? I
4 personally don't think so. And so, the question -- I
5 mentioned last night about the Gettysburg Address.
6 Well, if you read that address, Lincoln was really
7 talking to future generations and saying, "You know,
8 what these folks did to preserve the union here, it is
9 now on all of us to take it from them, so that their
10 actions live on."

11 And that is the responsibility I feel on
12 behalf of the legal community, and our little corner of
13 its orderly functioning. So, together, maybe we can
14 use the 40th anniversary to help address this issue and
15 make a little progress while we are in office.

16 So, with that, I entered my -- I became a
17 senior citizen a few weeks ago, and I was reminded of
18 Diana Nyad, who, when she swam from Cuba to Miami and
19 got out of the water and the press was all around her
20 and they said to her, "You are 64 years old, are you
21 going to retire soon," she said, "You don't understand
22 this. I am a Baby Boomer. I will take a rocker when I

1 am 90." So that is how I feel. I hope all of you feel
2 that way. So, let's get to work. And that is my
3 report.

4 Martha?

5 MS. MINOW: Mr. Chair, I would like everyone
6 to know that our Chair was elected to the very
7 important and recognized honor society of the American
8 Academy of Arts and Sciences, which bridges the
9 university world and the business world. And within, I
10 think, a nanosecond of his election, he asked them,
11 "Well, let's do some events on access to justice."

12 (Laughter.)

13 MS. MINOW: And that is John Levi. And I
14 think he deserves a round of applause.

15 (Applause.)

16 MR. LEVI: Thank you so much, Martha. And now
17 I turn the microphone over to our wonderful President.
18 And what a difference that makes.

19 So, Jim?

20 MR. SANDMAN: Thank you, John. I have several
21 items I would like to report to the Board on this
22 morning: first, I will provide an update on our work

1 under the Public Welfare Foundation grant; second, I
2 will give you a report on the activities of LSC
3 grantees during the first six months of 2013.

4 Beginning last year, we asked our grantees for
5 the first time to give not only annual reports, but
6 mid-year reports to us on their activities. In July of
7 this year we received their reports on the first six
8 months of this year, and I would like to explain to you
9 what those results show.

10 I will then provide an update on our
11 implementation of the recommendations of the Fiscal
12 Oversight Task Force, tell you about our latest round
13 of TIG awards, and highlight three in particular that I
14 think are good examples of the innovation that our TIGs
15 facilitate.

16 I will give you an overview of our Sandy grant
17 awards, which were referred to in the meeting of the
18 Finance Committee, tell you something about what we are
19 doing to collaborate with Federal Government agencies
20 to make their services and learning directly available
21 to our grantees, and also to provide access to funding
22 that they have that our grantees have not previously

1 been able to access, and finally, give you an update
2 about communications on the importance of access to
3 justice.

4 MS. REISKIN: Can we get a copy of your
5 PowerPoint later?

6 MR. SANDMAN: Sure.

7 MS. REISKIN: Just because it is easier than
8 trying to write this down.

9 MR. SANDMAN: Certainly.

10 MS. REISKIN: Thank you.

11 MR. SANDMAN: I can do that. First, on the
12 Public Welfare Foundation grant, as you know, in
13 September we sent a complicated online survey to all
14 134 of our grantees to get an assessment of their
15 current use of data and what their desired uses of data
16 might be. We got an exceptional response from them.
17 Participation in the survey was strongly encouraged,
18 but not mandated, 121 of our 134 grantees had responded
19 as of last Wednesday -- Thursday, I am sorry.

20 We do plan to make a report on the findings of
21 the survey at the annual conference of the NLADA on
22 November 7th. We will be doing two things on that day,

1 actually: one, having a panel presentation on the
2 results of the survey; but second, hosting a discussion
3 session, where we will invite attendees at the
4 conference, including, I hope, many of our grantees, to
5 come and talk about the survey results, and to give us
6 feedback and have a further exploration of the issues
7 that we are addressing in our data project.

8 And, as I reported at the meeting of the
9 Governance Committee on Sunday, we plan to provide a
10 briefing for our Board in Austin in January, and we
11 will have our consultants available to talk to the
12 Board more broadly about what they are doing on this
13 project at that time.

14 Our midyear grantee reports came in in July.
15 This was only the second year that we required midyear
16 grantee reports. It is important to bear that in mind
17 when we compare the results for the first six months of
18 2013 to the first six months of 2012. That comparison
19 showed that the number of cases closed in the first six
20 months of this year declined by 11.9 percent, compared
21 to the similar period in 2012. We saw that decline,
22 notwithstanding the fact that total funding, both from

1 LSC and from other sources, and staff levels were about
2 even across those two periods.

3 That struck us as worth follow-up. What would
4 that be? And we kept the context in mind that large
5 fluctuations in the number of cases closed are
6 relatively unusual. This graph here shows the
7 year-to-year annual -- not half-year -- changes in the
8 number -- percentage change in the number of cases
9 closed reported since 2006. As you can see, they are
10 not big percentage changes, except for last year, 2012,
11 where we saw a 10 percent decline in cases closed,
12 compared to 2011, as a result of a significant decline
13 in LSC funding during that period.

14 We needed to get behind the numbers. And we
15 have the assistance of a new employee, Patrick Malloy,
16 who is our operations research analyst reporting to
17 Lynn Jennings. Patrick has a bachelor's degree in
18 mathematical sciences, in addition to having a law
19 degree and an LLM. And he does a terrific job.

20 He took a crack at trying to figure out what
21 might be going on here: Why would we be seeing an 11.9
22 percent decline in cases closed, when total funding,

1 LSC and non-LSC, appears to be flat, and staffing
2 appears to be flat? And Patrick quickly recognized
3 that 11 grantees are responsible for more than 50
4 percent of the decline. So he focused in on those 11
5 grantees.

6 What is going on there? He found out that
7 there was a reporting error in 2012 for one of the
8 grantees. They had accidentally overstated the number
9 of cases closed in the prior period, and that once he
10 corrected for the 2012 numbers, he saw that they
11 actually had a very small increase in cases closed
12 between 2012 and 2013, the first 6 months, and that
13 that explained 12 percent of the decline.

14 Another factor was that one of our largest
15 programs, Legal Services New York City, had a six-week
16 strike in May and June of this year. They did continue
17 to operate with managers doing intake and client
18 service, but they were significantly impeded in their
19 ability to handle matters in closed cases during that
20 period. That program was also pretty hard hit by
21 overall funding reductions.

22 We also heard that last year, when we were

1 doing midyear reports for the first year time -- for
2 the first time, there was, in some programs, more of an
3 intense focus on the process of closing out cases by
4 June 30th than there was this year. John Asher in
5 Colorado was particularly forthcoming in acknowledging
6 that.

7 (Laughter.)

8 MR. SANDMAN: That program, Colorado Legal
9 Services, was one that had shown a very significant
10 decline in the number of cases closed.

11 We have known for a long time that December is
12 clean-up month, that when programs are reporting
13 annually, they make a special effort to close out cases
14 in December. I think there was more of a focus on that
15 in June of last year; now they are getting used to the
16 idea of midyear reporting, and realize they will have
17 another opportunity to close cases in December. So
18 that was another reason for the decline. What that
19 tells us is we really need to wait until the year end
20 before we draw conclusions about what is really
21 happening in activity levels across our grantees.

22 We also learned that in some programs, because

1 of declines in funding, there has been a shift in case
2 priorities. Some programs have made a deliberate
3 decision to focus on more extended service, and do less
4 light-touch brief advice and counsel, because they have
5 concluded, as a matter of setting priorities, that they
6 can do more good in extended service on fewer cases
7 closed than they might on a larger number of cases
8 closed.

9 This raises the question: What is the goal,
10 here? Is the goal simply to close cases so you can
11 report a high number of cases closed? And when I am
12 asked that question I say no, that this has got to be a
13 more considered and nuanced judgement about what is
14 right for the client population.

15 We are certainly beginning to see the
16 cumulative effect of spending cuts. So even though
17 total funding was about flat for the first six months
18 of this year compared to the first six months of last,
19 there is a delayed reaction sometimes in how long it
20 takes for you to begin to see the effects on the
21 activity levels of programs.

22 And finally -- and this is very important in

1 looking at the staffing and funding numbers -- the
2 staffing numbers reflect funding from all sources, not
3 just from LSC, and work on -- and not just work on
4 LSC-eligible cases.

5 Let me give you an illustration of what this
6 means. A number of our grantees in some states have
7 gotten substantial additional money from the national
8 foreclosure settlement that dispensed money to
9 attorneys general across the states. And a number of
10 the attorneys general have given part of the
11 foreclosure settlement amount to legal aid
12 organizations to assist homeowners in dealing with
13 foreclosures.

14 The income eligibility guidelines for that
15 work are often far in excess of our income eligibility
16 guidelines. It may take people up to 275 percent of
17 the federal poverty guideline; cases over 125 percent
18 of the poverty guideline can't be counted as LSC cases
19 closed. In some places -- for example, Southern
20 Arizona Legal Aid -- the funding, the additional
21 funding from the foreclosure settlement was large
22 enough to enable them to add staff, four lawyers who

1 are devoted entirely to that function.

2 So, when you look at their staffing numbers
3 you may see an increase, or at least they are holding
4 steady if they lost some people over the course of the
5 past year. But those additional people are not, by and
6 large, working on LSC-type cases. So that is another
7 important factor to consider. It -- you really need to
8 get behind the numbers to know what is going on.

9 I point all these -- it is troubling to see an
10 11.9 percent decline in cases closed. But the good
11 news here is that we are developing the tools to begin
12 to get behind that cases closed number and figure out
13 what is going on. And having an operations research
14 analyst assist us in that, I think gives us a better
15 understanding of the operations of our grantees, and
16 better information on how we might work with them.

17 Julie?

18 MS. REISKIN: This is very helpful, super
19 helpful. I just have a question. Do you ever count
20 cases opened also because there is other -- especially
21 with more extensive representation?

22 I mean just the couple weeks of monkey

1 business in Washington sent ALJ here because, like,
2 ODAR was furloughed. So that set that back God knows
3 how much. So I am wondering, like, so you might have
4 cases that are sitting open, you are just waiting on a
5 hearing, especially with, like, Social Security,
6 and -- but even on state-level public benefits.

7 So, I am just kind of wondering if there is
8 any analysis, and if they are looking at cases open and
9 closed. And having something open for a long time
10 might be totally beyond the control of the program.

11 MR. SANDMAN: We don't have the level of
12 detail about cases open as we do about cases closed.
13 And we get year-end numbers, just the number of cases
14 open as of year-end, but we don't get interim numbers
15 on cases opened that would help us get at, I think,
16 what you are focused on there.

17 Another lesson from this exercise is the
18 limitation of cases closed as a metric. And that is
19 the principal metric that we have right now. I think
20 it underscores the importance of our data project, to
21 get more detailed, sophisticated information about the
22 operations of our employees. What we have to do is get

1 on the phone right now, when we see a decline of 11.9
2 percent in cases closed. That is not an efficient way
3 to assess the activities of our grantees and to figure
4 out what is really going on.

5 So, we have learned some lessons here. Stay
6 tuned, and we will see how the year turns out. We
7 won't have those numbers until March of 2014, but I
8 will report to you when we have them.

9 MR. MADDOX: Jim, I have a question. I was
10 looking at the Pennsylvania Legal Aid Network website
11 yesterday, and they have a public benefits project.
12 And it is interesting, because they say the goal of the
13 project is to make the Pennsylvania welfare system
14 among the most humanitarian, and to enable clients to
15 get the benefits to which they are entitled on the road
16 out of poverty to self-sufficiency, which I think ought
17 to be the goal of Legal Services Corporation grantees
18 across the country.

19 We have talked about metrics and measuring
20 things, and we spend a lot of time looking at cases
21 closed. Is there any way for us to learn from our
22 grantees if they have metrics on, I mean, how many

1 people they have helped get -- become self-sufficient?

2 I mean it sounds ambitious in the extreme, but I mean,
3 I honestly believe if that metric were available
4 somehow, it would be one of the most powerful metrics
5 we could ever come up with.

6 MR. SANDMAN: The answer is yes, but on a very
7 limited basis. The Legal Aid Society of Cleveland
8 collects, on its own, not because it is mandated to by
9 LSC, numbers like that.

10 They did some research with their clients a
11 couple of years ago, and came to the conclusion that
12 might be self-evident: their clients' biggest problem
13 is that they are poor. And I know that may sound
14 silly. It is not. What -- they realized that, as a
15 result of that, they needed to focus on a type of work
16 that might change that.

17 So, they do look at the financial benefits
18 that might accrue to their clients from being able to
19 hold on to a job, or get a job, avoid foreclosure, be
20 free of domestic abuse, and to put numbers on that.
21 But to not make them up, but to do it based on client
22 surveys and concrete data. They hired, a few years

1 ago, a full-time data analyst to help drive analyses
2 like these. And I think they are among the most
3 sophisticated programs in figuring out what kind of
4 information to seek, how best to get it, and then how
5 to use it, once you have it.

6 But to be honest, I think they are an outlier
7 at this point. But that is the kind of thing that our
8 data project is trying to get at.

9 MS. REISKIN: I think that this is a really
10 important thing to look at, but I think we have to be
11 careful when we use words like "self-sufficiency,"
12 because that -- for many populations, that doesn't and
13 shouldn't mean absence of use of benefits; it means
14 changing the policies. So disability is what I know
15 best, but I think a lot of this would apply to seniors
16 also. A lot of people with disabilities are never
17 going to get off of Medicaid, because there is no -- I
18 mean there is just no way to do that. But what we need
19 to do is change the system so that needing Medicaid
20 shouldn't mean poverty in every area.

21 And so, there might be certain systems that
22 people have to stay on, again, absent some change that

1 I think is way bigger than we are going to see in our
2 lifetime with health care. So, I just think we need to
3 look at, like, rising out of poverty. But the term
4 "self-sufficiency" needs to be defined, and not -- in
5 our -- the way our society is now, can't and shouldn't
6 mean absence of use of any kind of benefit.

7 MR. SANDMAN: Gloria?

8 MS. VALENCIA-WEBER: I would like to tap into
9 Julie's question earlier about the federal cuts have
10 also been paralleled in some states with some
11 devastating cuts. And so, what happens is you get a
12 lot of suspended or delayed proceedings in both courts.
13 There were some courthouses in the state level that
14 simply were -- began to operate at four days a week, as
15 well as the prioritizing of which cases would be heard
16 when the court was in session. So that means
17 particularly public safety. Criminal prosecution went
18 to the top. And even some of the federal courthouses
19 began to limit their hours.

20 And in some places I know there was some
21 furloughing, not necessarily of lawyers, but other
22 kinds of service offices. So I am wondering if we can

1 capture, maybe in the year-end, when -- December report
2 from an open-ended question to our grantees about how
3 the processing of their cases and -- leading to
4 closing, but anything else, settlements as well -- was
5 affected by the decreased functioning of either state
6 or federal courts.

7 MR. SANDMAN: I haven't heard that mentioned
8 by any grantee as an explanation for decline in -- the
9 decline in cases closed. And in addition to the work
10 that Patrick did to follow up with grantees that saw
11 the most significant declines, I have attended
12 meetings -- regional meetings, recently -- of executive
13 directors in different parts of the country -- the
14 Mountain West, Midwest, and I will be meeting with the
15 New England directors on Friday of this week, and I
16 haven't heard anybody mention that, which, on
17 reflection, doesn't surprise me, since the significant
18 majority of the work done is brief advice. Whether the
19 courthouse is open or not doesn't necessarily affect
20 their ability to close a case, in terms of their
21 service of the client.

22 So, I would like to -- before we -- I am

1 always wary of adding survey questions. But I will
2 raise that at the meeting in Portland, Maine, on
3 Friday, and see if anybody has experienced that in that
4 part of the country.

5 The one place that I know that has been most
6 affected by court closures or cutbacks in court hours
7 is California, and I -- John and I met with the
8 California directors in August, and I raised this issue
9 then. And I don't recall that -- any of them reciting
10 that as an explanation at the time. And Sharon was
11 there, too.

12 CHAIRMAN LEVI: They didn't.

13 MS. BROWNE: No, they didn't.

14 MR. SANDMAN: Next I would like to provide an
15 update on things we are doing to continue to implement
16 the recommendations of the Fiscal Oversight Task Force.

17 We now have fully incorporated, as a part of
18 our grant application review process for the
19 competitive grants, the one-third that are up every
20 year, scoring of applicant fiscal practices. We have
21 fiscal staff from the Office of Compliance and
22 Enforcement review the application materials, review

1 documentation, including accounting manuals and other
2 documents that are provided by the grantees to see if
3 they are exhibiting best practices and prudent fiscal
4 management, and scoring the fiscal practices of the
5 applicants, so that we have a bigger context in which
6 to review their applications.

7 We continue to have regular meetings among the
8 staff of the Inspector General's office, the Office of
9 Compliance and Enforcement, and the Office of Program
10 Performance. And I am grateful for the cooperation and
11 the quality of the relationship that we have for
12 the -- with the Office of Inspector General.

13 I think we now have a routine of sharing
14 information about problems, and particularly at this
15 time of year, when reviewing grant applications, it is
16 important that we know about anything that the Office
17 of Inspector General might have uncovered that we
18 should take into account in making our grant decisions,
19 or determining whether or not to impose special grant
20 conditions. I think that arrangement is working well.

21 We are also doing something else that was not
22 an explicit recommendation of the task force, but I

1 think was implicit in it. Our technology is critically
2 important to our getting easy access to an accurate
3 picture of the activities of our grantees, and our
4 technology has been part of the problem. It has
5 reflected the siloing of functions within LSC. We have
6 had different information residing in different
7 databases that are difficult to access.

8 We have had some information on paper, other
9 information available online. The different people on
10 the staff who may deal with the grantee may not be
11 aware of all of the different places to look for
12 information. And we need to get on top of that, and to
13 do something to integrate our technology to give us
14 ready access to all of the information that we need to
15 know about our grantees.

16 We have been assisted in this by our terrific
17 Chief Information Officer, Peter Campbell, who joined
18 us in January of this year. Peter really does know how
19 to integrate technology with the day-to-day operations
20 of LSC. He is achieving my goal of making sure that
21 our Office of Information Technology is working
22 hand-in-glove with everybody else at LSC, and isn't a

1 service department off to the side, not understanding
2 what it is that the rest of us do, and not helping us
3 deal with our overall operational problems.

4 So, I would like to review some of the
5 specific things that we are doing in technology to try
6 to reduce these silos.

7 The goal is to develop what we call an
8 integrated grantee data management platform. Peter
9 refers to this as the data portal project. And the
10 goal is to provide a single point of access to grantee
11 data for everybody at LSC who is working with grantees.

12 We want to enhance our reporting capability,
13 even when we access information currently. Issuing
14 reports, summarizing it, doing the kind of analysis
15 that I just showed with our cases closed is far more
16 difficult than it needs to be. The platform will allow
17 us to improve our communication with our grantees, make
18 it easier for them to report to us, and then for us to
19 use the information that they give us.

20 We are looking at enhancing our CRM, our
21 constituent relationship management, so that we can do
22 collaborative scheduling within LSC -- scheduling

1 visits, for example, by the Office of Compliance and
2 Enforcement and the Office of Program Performance, and
3 tracking all of our communications with grantees, so
4 that everyone knows what others have heard from and
5 about a grantee.

6 And we are working on automating our workflow,
7 so that the process of circulating and routing internal
8 documents and forms is more streamlined than it is
9 currently.

10 Our next steps are to undertake a
11 comprehensive business process review of our grants
12 management systems, and we are working on engaging a
13 consultant to do that. There is a discipline called
14 business process mapping, and people who are expert at
15 that can come into an organization and look at
16 everything the organization does, who does it, in what
17 order, how they relate or don't relate to each other,
18 map it, and then make recommendations on how you can
19 make it more efficient.

20 We interviewed several people, consulting
21 firms with expertise in this area. They are fascinated
22 by this project. They think we need help.

1 (Laughter.)

2 MR. SANDMAN: But they have seen this before.

3 They didn't run screaming from the room when we met
4 with them, and they didn't tell us that they had never
5 seen anything like this before, but they understood
6 exactly where we are, and what it is we are trying to
7 accomplish, and think that they can be of assistance to
8 us.

9 After we go through that process and get the
10 recommendations of the consultant on how we
11 should -- how we might refine our business processes,
12 we will need to purchase software for our platform that
13 will also include document management, constituent
14 relationship management, and reporting features.

15 And then, we are going to need to evaluate our
16 existing grants management software systems and
17 consider replacing the system we have, which is called
18 Easygrants. Easygrants is a standard grants management
19 software package that we purchased some years ago. We
20 have customized our version of Easygrants to address
21 the needs of LSC, but we have gotten to the point where
22 we have customized it so much that we cannot do

1 upgrades to Easygrants. If you try to overlay the
2 upgrade onto what we have done, it won't work.

3 So, that has limited the utility of
4 Easygrants, going forward, for us. And part of this
5 process will be to evaluate whether we shouldn't be
6 moving to a new software system. If we do, one of our
7 goals will be to purchase something that works for LSC,
8 that can be customized, if necessary, but not
9 customized at the expense of being able to take
10 advantage of future upgrades. That would be expensive,
11 if we have to do it. But this is at the core of what
12 we do. We are in the grants management business. And
13 if we are going to be able to do it well, I think we
14 need to have technology well suited to the task. I
15 don't believe we have that, currently.

16 On TIG Awards, we awarded 33 grants in the
17 most recent cycle, just concluded at the beginning of
18 October, to 23 programs in 21 states and territories,
19 totaling almost \$3.4 million. And I want to call out
20 several examples that illustrate how our TIG program is
21 really aligned with some of the things that we are
22 trying to accomplish under our strategic plan and

1 otherwise.

2 So, we made a grant to New Mexico Legal Aid,
3 almost \$218,000, to develop what they call a statewide
4 online triage program. And the program is intended to
5 develop a system that will help identify the best
6 source of assistance for a litigant's circumstances,
7 depending on variables such as location, income,
8 language, and other factors.

9 So there can be some data and discipline
10 brought to the process of deciding what to do, for
11 whom, how, and instead of just leaving it to the
12 intuition or ad hoc judgement of individual intake
13 specialists, and to try to use the system to develop
14 data that includes results that will guide future
15 decisions about how to route a particular applicant for
16 legal services.

17 In South Central Michigan we gave a TIG to
18 support the use of outcomes data to see how effectively
19 their new statewide legal information website is
20 helping users meet their legal needs. So, outcomes
21 data is -- they developed this great statewide website.

22 But the question is, does it make a difference? Is it

1 working? And this TIG will help them and us get a
2 handle on that.

3 And, finally, we gave a TIG to Legal Aid
4 Services of Oklahoma, \$72,600, to develop technology to
5 assist them in placing expungement cases with pro bono
6 lawyers. Expungement cases are typically amenable to
7 handling remotely. If you have access to the client's
8 record and you know the law about what is subject to
9 expungement, you can do that work from your office,
10 from your home, without regard to where the client
11 might be located.

12 MS. MINOW: Can you take a question now?

13 MR. SANDMAN: Yes.

14 MS. MINOW: These look great. I am
15 wondering -- I am not sure it is a good idea, but I am
16 wondering whether it would be useful to have, as a
17 criterion for awarding these grants, whether or not
18 either the thing they proposed to do would be helpful
19 to other grantees, or, even more controversially, that
20 the -- what they develop is open source, and therefore
21 can be used by others without any additional fee.

22 MR. SANDMAN: We always look at that, and

1 replicability is a stated criterion for evaluating
2 TIG --

3 MS. MINOW: This is different than
4 replicability. That is my point. Replicability
5 suggests somebody does something in one state; now we
6 can copy it.

7 MR. SANDMAN: Yes.

8 MS. MINOW: This is, instead, picking up on
9 the Chief Justice of West Virginia's comment at the
10 panel, that he found it helpful to actually use the
11 material that was developed in the other states. He
12 wasn't copying them, he was using them. And that is
13 just a state-of-the-art using their resources.

14 The additional, more controversial, point is
15 if we are paying grantees to pay consultants to develop
16 software that is then proprietary, that is one way you
17 can use resources. Another way you can use resources
18 is to pay consultants to develop software that is then
19 open, and that can be used by others without another
20 fee.

21 MR. SANDMAN: Yes, thank you. I see the
22 difference between those two, and that is something

1 that the TIG staff works on. We are not -- I don't
2 know that it can be a --

3 MS. MINOW: I am not sure it should be a
4 deciding factor --

5 MR. SANDMAN: An absolutely requirement. But
6 it is certainly something that we look at so that we
7 can maximize the return on the investment we make with
8 any TIG.

9 MS. REISKIN: It might be something to ask
10 other funders because I know, at least in our part of
11 the country -- in the non-profit world, that
12 is -- generally when you get funded for something like
13 this it is required to be open source, at least to
14 other non-profits, or, you know, at least in a
15 community, or whatever. So -- and it is almost an
16 expectation, at least in --

17 MS. MINOW: The Federal Government is
18 increasingly doing this, too.

19 MR. SANDMAN: The Oklahoma grant also allows
20 applicants to make their submissions online, to reply
21 online, to put together all of the information that the
22 pro bono lawyer will need to review to assist.

1 MS. MINOW: Well, I guess I just want to put
2 it this way. If you did a map -- maybe we need to get
3 our business process mappers to come in and do
4 this -- but you did a map of the different
5 functionalities that have been funded by various TIG
6 grants, and you compared that with the variety of
7 technology needs that different grantees have, would we
8 see a lot of overlap? And, if so, are we using the
9 funds most efficiently? And would we see a lot of
10 gaps? And, if so, are we using the funds most
11 efficiently?

12 MR. SANDMAN: I will have that discussion with
13 our TIG staff.

14 Next, I -- yes?

15 MS. REISKIN: Before you move on, I would
16 appreciate it if there could be a reminder about 508
17 compliance. This is federal funds --

18 MR. SANDMAN: Yes.

19 MS. REISKIN: -- and there is still quite a
20 bit of problems.

21 MR. SANDMAN: Yes.

22 MS. REISKIN: On our grantee websites.

1 MR. SANDMAN: Yes.

2 CHAIRMAN LEVI: Is there actually a
3 compilation, like even in a pamphlet or a page or two,
4 document, of what the TIG grants have done in the last
5 couple of years that is made available to grantees so
6 they actually are aware of what other grantees have
7 done that might pique their interest?

8 MR. SANDMAN: We include this information in
9 our annual report, but I don't know that that is the
10 most effective means of communicating with grantees.

11 I do believe that the tech community is very
12 much aware of what we are doing. And that is part of
13 what the TIG conference is about, share information and
14 be sure that everybody is familiar with what others are
15 doing. And it is -- the TIG conference has been quite
16 successful in developing a network among not only our
17 grantees, but others in the legal aid community, to
18 share information about what they are doing. They are
19 in communication with each other regularly about these
20 issues.

21 CHAIRMAN LEVI: And, frankly, I showed my
22 generation here, because I shouldn't have said -- it

1 shouldn't be in writing at all; it should just be
2 posted someplace that it can be accessed easily by the
3 grantees. And is that occurring? I assume it is.

4 MR. SANDMAN: Yes. Next, we have awarded
5 Sandy grants to the four programs shown on the screen
6 here in the amounts indicated. The total of those
7 amounts is less than the \$950,000 that was appropriated
8 after sequestration. It was originally \$1 million, but
9 was reduced to 950 by sequestration. So we do have
10 some additional funds available.

11 There is a two-year window in which we have to
12 dispense the appropriated funds. But depending on how
13 things go with these programs, if they want to apply
14 for additional funds, we have some available to assist
15 them.

16 Now, we did grant some additional money for
17 Sandy emergency relief purposes from the fund that we
18 have for disaster relief, generally. And we did that
19 because, as Lynn mentioned earlier, the purposes that
20 Congress prescribed for the specially appropriated
21 funds were quite limited. They could be used only for
22 technology and for encouraging pro bono assistance, but

1 not for broader forms of disaster assistance.

2 We do have a fund that consists of monies that
3 might be returned to LSC, for example, because a TIG
4 grant -- would not work for a TIG grant, but monies
5 returned to LSC that we use for disaster relief from
6 time to time. And we had enough money in that fund to
7 be able to supplement some of these grants with
8 additional monies that could be used for broader
9 purposes than the specially-appropriated monies.

10 MS. MINOW: Could any of that be used for the
11 evaluation that Charles mentioned?

12 MR. SANDMAN: Yes, I think it could.

13 CHAIRMAN LEVI: Yes, the evaluation might be
14 quite expensive, though. Consultants are -- that is
15 the issue, is how much would that cost.

16 MR. SANDMAN: We would need to do a cost
17 benefit analysis.

18 CHAIRMAN LEVI: Yes.

19 MR. SANDMAN: We don't have a lot of money in
20 that fund.

21 CHAIRMAN LEVI: Because it is not --

22 MR. SANDMAN: It typically has a balance of

1 around maybe \$500,000.

2 MS. JENNINGS: If I could just amplify
3 something there, I think we can look at the need for an
4 evaluation, but unlike other -- our other grants, there
5 will be quarterly reporting on the status of these
6 grants, and -- as well as a significant oversight from
7 the OIG, in terms of we were very clear about what
8 results they were supposed to have achieved from this,
9 and we will be tracking that on a quarterly basis.

10 So, I think we can look at an evaluation in
11 light of that, but I don't think it would have to be as
12 extensive. We wouldn't be starting from scratch,
13 because we had set out what at least the goals were for
14 that, and what they should be tracking.

15 MR. SANDMAN: We did put out a press release
16 on our Sandy grants, and found that there were a number
17 of Members of Congress who wanted to be quoted in the
18 press release. So thank you to Carol Bergman and the
19 staff of the Government Relations and Public Affairs
20 Office, for their work on this.

21 As you know, we have been working with Federal
22 Government agencies to try to tap into their resources,

1 both their knowledge and their money to assist our
2 grantees. And we have had particular success in two
3 areas recently: Veterans Administration, supportive
4 services to veterans' families grants; and Department
5 of Labor, employment and training grants for
6 ex-offenders in re-entry programs.

7 And we have seen an increase in these two
8 types of grants, from 5 programs in 2011 to 28 programs
9 in 2013. Also, just as an illustration of the kinds of
10 ways we are tapping in to agency expertise, we are now
11 on a regular program with the Consumer Protection
12 Bureau of the Federal Trade Commission, where they do
13 quarterly webinars for LSC grantees about recent
14 developments in consumer protection laws, whether it is
15 predatory lending or scams they are seeing. They do a
16 terrific job of pointing grantees to online resources,
17 free resources that the grantees can avail themselves
18 of.

19 They are also happy to provide telephone
20 advice. They have regional offices around the country
21 and are working at establishing relationships with
22 grantees, so that they can be on call as needed with

1 the expertise that they have. It is really a terrific
2 and very efficient program. The next webinar will be
3 on November 13th. If any of you would be interested in
4 participating, I can get you the information on how to
5 sign up for it.

6 This graph shows that one category of
7 veterans' family grants for 2013; 25 of our programs
8 have received grants, totaling \$1.8 million. The red
9 is non-LSC programs. Only three of them got money,
10 although they got a significant amount. The percentage
11 split in dollars seems to be tilted toward the non-LSC
12 programs. I don't know why that is. They may be
13 particularly large programs, I just don't know their
14 circumstances.

15 And finally, I wanted to update you on
16 communications. I should have said at the outset that
17 everything I am reporting on can be tied to our
18 strategic plan, to our three goals, to maximizing the
19 availability, efficiency, and effectiveness, the civil
20 legal services that our grantees offer to being a
21 leading voice for access to justice for low-income
22 Americans, and to achieving the highest standards of

1 fiscal oversight, both for LSC itself, and for its
2 grantees.

3 This communications piece is related to our
4 second strategic goal. The communications hub that I
5 have described previously that is being funded by the
6 Public Welfare Foundation and the Kreske Foundation
7 will begin operations in November.

8 There will be a briefing on it at the NLADA
9 meeting in Los Angeles. That is being headed, as I
10 have said recently, by Martha Bergmark, a former
11 Executive Vice President and President of LSC, and the
12 founder of the Mississippi Center for Justice. She is
13 also going to be joined by LSC's own Elizabeth Arledge,
14 who will be leaving us in early November to go work
15 with that project.

16 I saw some materials recently from Tennessee
17 that I wanted to highlight, and to emphasize that this
18 process of educating the public and being a leading
19 voice is not something that LSC can or ever should aim
20 to do on its own. There are others out there who are
21 doing wonderful work in this area, and we need to be
22 working on coordinating with them.

1 I attended the Mississippi statewide Access to
2 Justice Summit at the end of September, and was the
3 keynote speaker there, and was present for a
4 presentation by Justice Janet Holder of the Tennessee
5 Supreme, a former Chief Justice of the Tennessee
6 Supreme Court. Tennessee is doing amazing things in
7 access to justice. When she was Chief, she established
8 an Access to Justice Commission that, in my view, is
9 really a model for the difference that an Access to
10 Justice Commission can make quickly in a state in
11 improving access to justice.

12 And one of the things they have done is to
13 create a series of videos. And if you -- their website
14 is justiceforalltn.com/videos. They have some videos
15 that are aimed at clients, some that are aimed at
16 lawyers. But they are how-to and how to address some
17 of the most common legal issues that low-income people
18 face.

19 They have also done a video that is just an
20 overview about the importance of access to justice in
21 terms that anybody can understand. It is four minutes,
22 and it is available at

1 tncourts.gov/programs/access-justice/video.

2 MS. MINOW: Maybe you will send that to us.

3 MR. SANDMAN: I will send that to you, yes.

4 But I -- Justice Holder showed this at the event in
5 Mississippi, and I thought it was really quite
6 effective, it was very well done. I didn't get the
7 details on who produced it, but it was in common
8 language, and quite effective. So, I think we need to
9 be identifying resources like that, that we might try
10 to disseminate more broadly.

11 The Public Welfare Foundation has also been
12 doing outreach to other private foundations to get them
13 interested in either beginning to support legal aid, or
14 stepping up their support of it. And they published a
15 brochure earlier this year that is also available
16 online. It is called "Natural Allies: Philanthropy
17 and Civil Legal Aid." It is available at
18 publicwelfare.org.

19 And I heard of two situations recently where
20 LSC grantees have made substantial progress in getting
21 private foundation grants because of that brochure.
22 One grantee made an approach to a private foundation in

1 a state different from where she is, sent them the
2 brochure, got a positive response, got a meeting, and,
3 as of last week, was on the verge of closing a \$195,000
4 grant from a foundation that had never given a penny to
5 legal aid before, and with which she had no prior
6 relationship. And last Friday I heard that another of
7 our grantees has used the brochure successfully to make
8 an appeal to a private foundation in Minnesota.

9 So, this peer-to-peer,
10 foundation-to-foundation effort to explain the
11 relevance of legal aid to the core work that
12 foundations have funded for some time appears to be
13 showing some results. As you know, many, many private
14 foundations have avoided funding legal aid for a
15 variety of reasons. Sometimes they think that funding
16 legal aid is the exclusive obligation of the legal
17 profession, and not something that others should have
18 to worry themselves about.

19 More commonly, the response legal aid programs
20 get when they approach a private foundation is, "Well,
21 you are not in our focus areas. We have identified
22 focus areas, and we make grants only for particular

1 purposes within those areas." And then you ask, "Well,
2 what are your focus areas," and they will say,
3 "Homelessness, domestic violence," and they don't
4 connect the dots, and they don't see how legal aid is a
5 tool in the tool kit, and it should be a part of what
6 they are doing there.

7 This brochure is intended to connect the dots
8 and to make the connections between traditional focus
9 areas of many private foundations and the work that
10 legal aid programs do. And it is happy news that it
11 seems to be showing some results.

12 And finally, I wanted to mention something
13 about communicating to law students. This was
14 something I talked to Martha about on Sunday. I
15 attended a meeting in Washington toward the end of
16 September that was convened by the Chief Judge of the
17 District of Columbia Court of Appeals, Eric Washington.
18 It was a meeting of the six law school deans of the law
19 schools that are located in the District of Columbia.
20 The District of Columbia has six law schools.

21 I, sitting there during the meeting, realized
22 that not only does the District of Columbia have more

1 lawyers per capita than any city on the face of the
2 earth, 1 lawyer for every 12 residents, it has more law
3 students per capita than any other city, 1 law student
4 for every 88 residents. And many of the D.C. law
5 schools are quite focused on access to justice issues,
6 and do a good job of educating their students about the
7 justice gap and the importance of their doing something
8 about it when they are admitted to practice.

9 But I don't think that is a universal
10 phenomenon. And when I think about the difficulty of
11 the challenge we face in trying to educate the legal
12 profession about the work that we do and the importance
13 of access to justice, I think that is a very daunting
14 task. There is no easy way to reach the entirety of
15 the legal profession. The profession is very
16 segmented. People have very different practice
17 settings. We can do things like articles in the ABA
18 Journal, but that is not going to move the needle in
19 raising awareness among the profession at large of the
20 crisis in civil legal aid, and the need to do something
21 about it.

22 But there are a couple of places where you can

1 capture audiences that might have significant long-term
2 benefits: law students, you have got a captive
3 audience there for three years; and new admitees to the
4 bar, particularly in those states that have mandatory
5 courses for new admitees. And I think we should think
6 about how we might try to focus on communicating our
7 message to those audiences, taking the long view of the
8 benefits of having every lawyer in America aware of the
9 justice gap, appalled by it, and feeling a personal
10 sense of commitment to do something about it.

11 So, that is a longer-term issue, but I wanted
12 to flag it, because I thought that convening of the law
13 school deans was -- highlighted a very useful
14 opportunity for us in pursuing our communications
15 agenda.

16 MS. MINOW: These developments of the
17 communication agenda are just great, and really advance
18 strategic goal number two. So I think that is
19 outstanding.

20 There might be a way to connect the prior
21 mention of videos to this new one, because at least
22 -- maybe not the deans, but the students will respond

1 better to videos than other things.

2 MR. SANDMAN: That concludes my report; I
3 would be happy to answer any other questions.

4 CHAIRMAN LEVI: Questions?

5 (No response.)

6 CHAIRMAN LEVI: Thank you very much, Jim.

7 MS. REISKIN: Comment. Every time I get one
8 of these reports, it is so clear that we made the best
9 decision ever when we hired you.

10 CHAIRMAN LEVI: Thank you, Jim.

11 MR. SANDMAN: Thank you.

12 CHAIRMAN LEVI: Great. Thank you, Julie.
13 Okay. Members' Reports? Two reports, Gloria and
14 Julie. Anybody else have a hand up? Okay.

15 MS. VALENCIA-WEBER: This connects to what we
16 have just been talking about, reaching the future
17 lawyers while they are in law school.

18 In September I had a number of speaking dates,
19 or program dates. One was the National Latino Law
20 Students Conference. It brings in all the Latino law
21 students in the United States that came to Santa Fe. I
22 was asked to organize an access to justice panel, which

1 I did. And I did an overview, really using just
2 PowerPoints taken out of our 2012 annual report.

3 But what was particularly stunning for these
4 students, many coming from urban areas, is that David
5 Benevidis, who is with New Mexico Legal Aid, a 20-year
6 legal aid career attorney, was a Skadden Arps Fellow
7 from UNM, as well, has done over 20 years of pioneering
8 work in water and land law in rural areas. That is a
9 big subject in the rural southwest. So it was a
10 stunning presentation, just really wonderful.

11 Other panelists included non-LSC pro bono
12 providers in the state, as well as the dean of the UNM
13 Law School, again, on what should happen in the time a
14 student is in training and doing pro bono work in
15 clinic and experiential programs, and then the -- what,
16 as a professional, is the continuing pro bono
17 obligation.

18 Then, earlier in that period, I was at the
19 sixth annual tribal leaders conference that happens in
20 New Mexico, and that is where I caught up with Tom
21 Getty of the Indian Law and Order Commission, and
22 learned about the report I told the Board about that

1 will be coming soon to Congress and that will help us
2 as we look at how to deal with the permissive
3 representation of criminal prosecutions in tribal
4 courts. And I won't go into that.

5 Probably the more significant event was two
6 weeks ago. In 2007, the Carnegie Foundation issued a
7 report on law school training. And also in that year,
8 the Clinical Legal Education Association, which is the
9 part of the law professors who focus on clinical
10 training, published a book called "Best Practices."
11 That book is now being revised. The conference was
12 held in New Mexico, with the writers and the editors.
13 And it would be published in 2014. And I have been
14 working with them, and I made sure that all the writers
15 and the editors for this forthcoming book got from LSC
16 our pro bono task report and our 2012 annual report.

17 And on the two-day meeting, especially
18 discussed was clinical training, other experiential
19 form of training, externships, and learned also about
20 fellowships that some law schools are funding for their
21 graduates through their own money, as well as with
22 donor money. And I would be working with them on the

1 pro bono chapter, covering these aspects.

2 The very good news that was received is that
3 the publisher, which is Lexis, is going to provide free
4 to every law professor in the United States, as well as
5 to a number of free copies to every law school, about
6 how -- we will give them -- provide a free copy, which
7 we hope will have the impact that the first publication
8 in 2007 did on affecting the way that law schools
9 develop their very experiential forms of training, as
10 well as the aspirational and professional part of
11 duties for all lawyers.

12 CHAIRMAN LEVI: Thank you, Gloria. Julie, did
13 you --

14 MS. REISKIN: Yes. You guys are used to
15 hearing me talk about the need to involve clients more,
16 and not only because it is the right thing to do, but
17 because it is the smart thing to do.

18 And I would like to ask -- we have two client
19 board members and client counsel advocates here, Yvette
20 Long and Linda Morris. If they could come up and
21 briefly talk about just some of the stuff they told us
22 earlier, which is really incredible, and I will let

1 them share. Between them they have 40 years of Board
2 service. They started when they were five and six,
3 respectively.

4 (Laughter.)

5 MS. LONG: Hi. Just want to take a few
6 minutes -- I am Yvette Long. I am on the PLAN,
7 Pennsylvania Legal Aid Network, Board of Directors. I
8 am a client. I have been on that board now for about
9 14 years. I am getting ready to come off December 1st.
10 But what I want to say is that I am going to still
11 continue to do board member -- their meetings. I am
12 committed, and this is something that we are going to
13 continue to do.

14 I just want to take a few minutes. And the
15 reason why I want to say this is that we met Julie back
16 at NLADA last year at the conference. And what
17 happened was we had a lot of states there saying that
18 they don't have client involvement on their boards, and
19 that -- how can they be able to put input into the
20 process of whatever the boards -- such as budgets and
21 other items that is going on at the board level.

22 So, we were sitting there, and we were saying,

1 really, we have clients sitting there and not involved
2 in the process. It is kind of strange. And, I mean,
3 you had all the states really saying that there.

4 And we stood up, because we are from
5 Philadelphia, and we are from the state of
6 Pennsylvania, and we are involved, in our board level,
7 from the beginning to the end. And anything that
8 clients need to know, so we can be prepared to vote or
9 to make decisions at our board level, is -- we have
10 that education, we have that training. We have our
11 meetings the night before our board meetings. And we
12 also have open communication with our project directors
13 to share information, feedback, and all of that.

14 So, what I want to say is that we have, on our
15 board levels, we have a client activity line item,
16 which is dollars that are allocated just for clients to
17 do things that needed to be done. And this is the good
18 part. We were able to go out and fundraise and raise
19 over \$2 million for our legal services programs to do
20 work from our Department of Public Welfare -- the grant
21 came from them -- to be able to do work in the
22 employment sector field, which means that folks who had

1 had those barriers to prevent them from getting a job,
2 our legal services program did the work there to help
3 them to remove those barriers, okay, so that folks can
4 become self-sufficient.

5 I say that to you is that -- that was a client
6 initiative that was done. And, yes, we are very proud
7 of that, because we need to be more focused, as
8 clients, as to get out there to help fundraise, to do
9 things so that, when times like this is happening, that
10 we have some money here that can be able to
11 generate -- to help out. Okay?

12 Yes, \$2 million is a lot for us, okay? And
13 when I say "us," I am saying we, the clients. Not just
14 one person did it. We. And I speak for every client
15 that is not here that cannot speak for themselves.

16 And I want you guys to know that we are also
17 working on a second proposal here, okay? So we haven't
18 gave up yet. This is something that is needed, that we
19 are going to continue to do. And I don't want to take
20 up too much of your time.

21 CHAIRMAN LEVI: We are going to put you on the
22 phone with some of the law firms.

1 MS. LONG: Not a problem, okay?

2 (Laughter.)

3 MS. LONG: And thank you for giving us the
4 opportunity just to share that. Pennsylvania is so
5 unique. We have wonderful project directors. And it
6 is not easy working with us, we are going to share
7 that. And we have project directors here that can tell
8 you that. But I want you to know that we work
9 together. We are going to agree and we are going to
10 disagree.

11 But the bottom line to it is that clients are
12 very important. We need you guys just as much as you
13 guys need us, okay? So we don't have any problems with
14 that. But thank you. So we are doing great things,
15 thanks.

16 CHAIRMAN LEVI: Thank you. Thank you.

17 (Applause.)

18 CHAIRMAN LEVI: And thank you, Julie.

19 MS. REISKIN: What you just heard, the passion
20 and intelligence and desire and ability to do the real
21 work that is needed is very typical of what I hear at
22 the NLADA Conference and the client group every year.

1 Laurie came with me last year.

2 And this year, based on some discussions that
3 happened afterwards, Jim and I are going to co-present
4 together, so that he will be able to get this directly.

5 And hopefully that will lead to more of what we see
6 here. Because if the clients are just given that
7 little bit of opportunity, this is what happens.

8 What I hear is not -- every year is, "We want
9 to help, we want to fundraise, we want to be involved
10 in everything that needs help," and it is a huge
11 resource that we have got.

12 CHAIRMAN LEVI: Thank you, Julie.

13 Mr. Inspector General?

14 MR. SCHANZ: Thank you, Mr. Chairman and
15 members of the Board. These are tough acts to follow.

16 I misread the schedule, so I apologize for that.

17 I do want to ask for permission to give you a
18 little bit of personal background, as it relates to pro
19 bono; I think it will fit.

20 Twenty years ago, I was one of those people
21 that the panel yesterday was talking about, with
22 boatloads of experience in my chosen field, very little

1 experience in bankruptcy and domestic relations and
2 housing issues. So I took a chance. And in those days
3 it was a little more difficult to do, because I had to
4 take annual leave to do pro bono work, it wasn't part
5 of my job description. So I took as much annual leave
6 as I needed to to go work for Legal Services of
7 Northern Virginia with -- why I said a boatload of
8 experience in other areas.

9 One of the reasons I went to law school, and I
10 think most of us went to law school, is to learn. They
11 provided pro bono training. I absorbed it like a
12 sponge. And, all of a sudden, I became a housing
13 expert, or a bankruptcy expert. And that was -- I will
14 stop there. I see some heads nodding. But that was
15 some of the best work I have ever done.

16 And I had the same hesitancies that general
17 counsels did for Wal-Mart and some of the others, where
18 they were beautiful, positive attorneys, but, "What do
19 you know about low-income housing?" Very little. But
20 I believe that most people, if they take that chance
21 and stretch their wings a little bit, will find it the
22 most rewarding legal work I have ever done. So thank

1 you.

2 CHAIRMAN LEVI: Thank you, and thank you for
3 setting that example.

4 MR. SCHANZ: Well, that leads to my report,
5 which I was otherwise indisposed yesterday. But I am
6 proud to say that the Virginia State Bar had a webinar
7 yesterday, and the title of it is, "An Introduction to
8 Pro Bono: We Can All Do Something." It was
9 celebrating Pro Bono Week. It was yesterday at 2:00 to
10 3:00. I think I was probably here, so I did not attend
11 that.

12 But that gives you some idea, at the practical
13 level, how at least the Virginia State Bar is trying to
14 address the justice gap, and my personal story, how I
15 tried to deal with things that I was uncomfortable with
16 doing. But it worked out beautifully, and you just
17 have to take chances once in a while. And taking a
18 chance to represent the unrepresented was the best
19 decision I have ever made. Don't tell my wife that.
20 She will think, "What? Not me?"

21 CHAIRMAN LEVI: Second best.

22 MR. SCHANZ: Yes, thank you. That being said,

1 I will bore you a little bit. And I know I stand
2 between this Committee, or this Board meeting, and
3 lunch. I do want to mention that the furlough has
4 affected the IG staff. We are in line -- we, the
5 collective we -- are in line for some CIGIE Awards.
6 Tom Coogan will talk about those later.

7 But they postponed -- and I hope postponed
8 means postponed and not canceled -- the CIGIE Awards
9 ceremony that, having been a member of the IG community
10 for so long, these are lofty awards. These aren't
11 given out willy nilly. These were given out for
12 substance. And I am pleased to report that, with the
13 investigations unit of the LSC OIG, we have four
14 members that will be recognized by the entire CIGIE
15 community. For the record, CIGIE is Council of IG's
16 for Integrity and Efficiency. I was very disappointed
17 that that was postponed, but that was a reflection of
18 the furlough of the larger agencies that were not open.

19 Similarly to LSC, the OIG continued to
20 function through the "shutdown", and we are doing some
21 of our best work. And I think this is one reflection
22 of that.

1 To the Board I want to mention and draw your
2 attention to the fact that I have sent a couple of
3 links to audit reports we have recently issued. I hope
4 you read those. And if you have any questions, always
5 feel free to call.

6 I will note that I sent them out on October
7 3rd, the links. Because if I send the reports, it will
8 crash your systems. And I will quote from my email.
9 "As always, I believe the OIG is making a difference in
10 governance of scare funds." So I was presaging
11 Halloween coming up. And I misspelled "scarce," I
12 forgot the "c".

13 So you have those reports. Everything we have
14 issued publicly is on our website, so I will draw your
15 attention to those reports.

16 Something else I did, just because I didn't
17 think the Board was busy enough, on November 16th I
18 submitted to Mr. Chairman and the President the GAO
19 draft on internal controls, otherwise known as the
20 Green Book, the GAO Green Book. What started as a
21 one-page law, and looking through the Green
22 Book -- and, no, I have not read every word of

1 it -- but it is volumes about internal controls. And I
2 can make that available electronically to the rest of
3 the Board, if they are so inclined. I decided to start
4 at the top and see if I scared anybody away.

5 But it is more than you will ever need to
6 know, but it goes directly to the heart of governance,
7 fiduciary responsibility, how to run an organization,
8 how to run grants. So it is the end-all be-all. And I
9 will tell you, as I just said, from one-page law, the
10 Federal Financial Managers Integrity Act, one page in
11 1984, to volumes, three volumes of GAO internal
12 control, otherwise now known as the Green Book. So
13 that is available.

14 MS. REISKIN: It is on your website, you said,
15 or --

16 MR. SCHANZ: It is on GAO's website, but I can
17 send it directly to you, if you would like. I tested
18 the waters first with the President and Chairman.

19 CHAIRMAN LEVI: Well, you have got a big
20 response from me, I can tell you that. No, I didn't
21 get -- I took one look at it and I said, "Oh, my
22 goodness." But any of you who would love to read it,

1 it is good bedtime reading; you will sleep well.

2 MR. KORRELL: I could read it to you at the
3 next Board meeting.

4 CHAIRMAN LEVI: That would be great. Jeff,
5 please do make it available to Julie. If anybody
6 else --

7 MR. SCHANZ: Oh, by all means. And if you
8 want more endorsement, I will bring Dutch up, because
9 it amplifies everything that COSO talked about and OMB
10 Circular A123, and I will stop there before you glass
11 over.

12 CHAIRMAN LEVI: Seriously, if you do think
13 there is anything that you need to call our attention
14 to, Dutch or Jeff, I am sure you will.

15 MR. SCHANZ: Yes. On the work side, we had an
16 entrance conference for the annual LSC audit for 2013.

17 We held that telephonically on October 16th. So I
18 appreciate everybody's attendance on that, at least, in
19 person or electronically. So far we are off to a good
20 start. We provided timelines from the auditors,
21 WithumSmith+Brown, same as last year. They have
22 already got a good head start on this. So we have

1 compressed some of the time frames, and we are
2 intending to meet those.

3 On the plus side, management, particularly
4 David Richardson, has been very prompt in getting
5 information to the corporate auditors, and we expect
6 that to continue, and then we will have a report to
7 discuss by the next Board meeting, or close to it.

8 I do want to -- I have mentioned the CIGIE
9 Awards. I do want to do a little bit of aggrandizement
10 of my staff. I hired John Seba, as you know, a former
11 inspector general of the Federal Trade Commission,
12 still being, to the best of my knowledge, the only
13 inspector general that hired an inspector general. And
14 he has been invaluable to the Security and Exchange
15 Commission, who has a new IG, and is very concerned
16 with the performance of his staff.

17 Now, they will come up in the normal
18 three-year peer review cycle, but this was a
19 pre-emptive move to say, "Well, Jeff, you have got some
20 resources here we could use," so I allowed SEC to use
21 John Seba to start developing some of their policies
22 and procedures in their vulnerable areas. So I commend

1 some of the staff that I have, because everything I do
2 is based on just the conductor of the orchestra, they
3 are the orchestra.

4 I do want to follow up also on the previous
5 panel on Sandy money. The IG's have a primary role in
6 making sure that those funds are used for their
7 intended purposes. And while the LSC got \$950 million
8 for that, some of the other IG's -- you can imagine
9 HUD, HEW -- got boatloads of money. So there is very
10 strict controls on what has to be reported, when it is
11 being reported, and what needs to be validated by
12 management, as far as the expenditure of funds.

13 With that, I will conclude my report because
14 lunch is out there. I don't know if --

15 CHAIRMAN LEVI: Continue through the reports
16 here, and then --

17 MR. SCHANZ: Sure. Any questions or comments?

18 CHAIRMAN LEVI: Any questions for the --

19 MR. SCHANZ: I am available now and I am
20 pretty --

21 CHAIRMAN LEVI: -- for Jeff?

22 MR. SCHANZ: -- much always available.

1 (No response.)

2 CHAIRMAN LEVI: Thank you very much, Jeff.

3 MR. SCHANZ: Thank you.

4 CHAIRMAN LEVI: Now the report on the
5 implementation of the recommendations of Pro Bono Task
6 Force. I assume this is Lynn. Is that correct?

7 MS. JENNINGS: That is correct.

8 CHAIRMAN LEVI: Okay. Lynn Jennings.

9 MS. JENNINGS: Lynn Jennings, for the record.

10 I see you all have a packed schedule, so let me move
11 briefly. I have a seven or eight-page memo for you
12 that outlines where we are.

13 As we track what is going on, we do it in two
14 tracks, one being what is being done on the Hill and
15 externally, in terms of we have the Pro Bono Innovation
16 Fund, which was part of our budget, and that, of
17 course, will be determined by what happens on the Hill,
18 and, of course, the 1614 promulgation of new
19 regulations, which you have been briefed on.

20 And then we have, on the implementation
21 subcommittees, we have our four subcommittees that
22 are -- now three subcommittees -- that are doing work.

1 We have the Toolkit Subcommittee -- and I would like
2 to start out by thanking Lisa Dooley and Annie Helms
3 from DLA Piper for being such great partners in this.

4 Right now we are looking at -- DLA Piper has
5 taken off the PAI reports that the grantees submit, and
6 put them in a pretty comprehensive spreadsheet to see
7 what it is we actually collect with the PAI plans that
8 are submitted to us annually. And, from that, we will
9 assess whether we need to be more pointed in what we
10 ask for. Some supply goals, some don't supply goals.
11 Many grantees use just plain CSRs and have a lot of
12 extended cases that the pro bono attorneys do, but
13 others focus mainly on having clinics. And we don't
14 capture a lot of data related to that.

15 So, as we look for our grant activity
16 reporting for next year, we really want to -- for
17 2014 -- we want to dig deeper into what these other
18 activities are, so we understand and have a full
19 picture of what that is. So we are doing that with the
20 PAI plans, and we will probably make some changes to
21 what we collect on an annual basis.

22 We are also currently vetting 35 potential

1 promising and best practices related to PAI and pro
2 bono plans. And hopefully that will, after we vet
3 those and provide them to the Committee to look at, we
4 will then identify which ones we want to put up on the
5 website as potential practices. So, that moves along,
6 and we will -- may be starting a partnership with ABCA
7 to go out on some of our visits to look at PAI and pro
8 bono of our grantees, and provide best practices, as
9 well.

10 Then we have the Rules Change Committee, and
11 we have a comprehensive listing of all of the states
12 and the rules that they have adopted or not adopted, as
13 the case may be, to foster pro bono in their states.
14 And so, that will be submitted to the Rules Change
15 Subcommittee to look at, and to determine the strategy
16 for moving forward, how they want to move forward with
17 engaging stakeholders in this and moving forward, and
18 that is the next step there.

19 We also have the -- had the Fellowship
20 Subcommittee, but that, due to duplication of effort
21 with the Institutional Advancement Committee, we
22 developed a number of recommendations from working with

1 the Subcommittee members there, and those have been
2 transferred to the Institutional Advancement Committee.

3 And then, we are still working with the
4 Culture Change Committee, who has a broad base, and we
5 need to get back on track with them.

6 So, we are not moving fast enough, and so we
7 are, per Martha's recommendation, engaging Ron Flagg to
8 become a full partner in working with us on pro bono
9 implementation, and I look forward to that a great
10 deal.

11 MS. MINOW: Lynn, you are doing a fabulous
12 job, and you have moved along the part that I thought
13 was the hardest part. So we are going to get a rule
14 change? This is kind of amazing.

15 But it is, of course, my desire, as a dean, to
16 make everybody else work all the time. And so I am
17 delighted that Ron is willing to step in here, too.

18 MS. JENNINGS: Well, I think he brings an
19 expertise that, obviously, Jim has, but certainly none
20 of the other folks at LSC have. So I am very much
21 looking forward to it.

22 CHAIRMAN LEVI: Well, Ron was Chairman of our

1 firm's Pro Bono Committee --

2 MS. JENNINGS: Right, exactly.

3 CHAIRMAN LEVI: -- and did a fantastic job
4 over many years. And I can certainly say that from
5 firsthand knowledge. So he is a terrific partner in
6 this. And thank you for doing it, Ron, and also for
7 everything else you are doing. Appreciate it.

8 MS. REISKIN: I had a question. Are you
9 still -- is there still talk about making the PAI
10 reports, like, electronic, and having them all -- like,
11 figuring out what are the right questions, and doing it
12 one way, so that you can have better data to track, and
13 have it electronic, so it is available to everyone?

14 MS. JENNINGS: That is -- I think making it
15 electronic so it is usable is, as Jim reported --

16 MS. REISKIN: Right.

17 MS. JENNINGS: -- looking at all of our online
18 and technology, so we want to get to that point. But
19 right now, the analysis will be what is it that we are
20 asking for, what are we getting, and how useful is
21 it --

22 MS. REISKIN: Right.

1 MS. JENNINGS: -- and what would be more
2 useful.

3 MS. REISKIN: Right.

4 MS. JENNINGS: And so, that is the exercise
5 right now --

6 MS. REISKIN: Yes, I know that has to happen
7 first, but I just wanted to know if that was still the
8 plan, the longer-term plan.

9 MS. JENNINGS: Yes.

10 CHAIRMAN LEVI: One thing that I -- as I was
11 sitting there yesterday, listening to the panel, the
12 pro bono partnerships panel, I thought -- and I think
13 we videoed that, didn't we?

14 MS. JENNINGS: Yes.

15 CHAIRMAN LEVI: I would make sure that
16 everybody on the Pro Bono Task Force, particularly the
17 culture change group, sees that in real -- I
18 assume -- not leave it to chance that they happen to
19 click on it. But I --

20 MS. JENNINGS: Push it out?

21 CHAIRMAN LEVI: I would make that video really
22 available to all of the members of these implementation

1 committees, because I think they will learn wonderful
2 things from it. It will give them ideas about ways
3 that other collaborations can be formed. And it was
4 just one of the -- I think they will feel energized in
5 their own work.

6 So, I thought particularly for the culture
7 change group, that making that available to them -- and
8 then possibly even having a follow-up discussion with
9 some of the panel members.

10 MS. JENNINGS: That is a great idea.

11 CHAIRMAN LEVI: Because, in fact, two things
12 happened. I don't know if you all were aware of this,
13 but I think you may have seen it happen at the end of
14 the -- Alex Golatta is becoming Bay Area Legal's head.

15 And there was the -- I forgot her first name -- from
16 Wal-Mart, talking about wanting to do something in the
17 Bay Area. He hopped right up onto the -- and that
18 happened right there, and it is going to happen.

19 So, I think when people see that, you know,
20 this -- these synergies can happen. And that is part
21 of what we are doing here.

22 MS. JENNINGS: Thank you. Any other

1 questions?

2 (No response.)

3 MS. JENNINGS: Thank you all for your help.

4 CHAIRMAN LEVI: I think -- were there other
5 questions? Okay. Thank you very much.

6 Robert? Did you have any -- is he on the
7 phone?

8 MR. GREY: Yes, John, thank you. I have got
9 to tell you, I just echo the remarks that they
10 had -- thanking not only the volunteers and the staff,
11 but welcoming Ron to providing assistance. But it
12 is -- I think we have got an awful lot of opportunity
13 with pro bono, and it is starting to give us a path
14 forward in providing more access.

15 And I think, if we just continue our effort
16 and our focus, that it will make a substantial
17 difference. But I have enjoyed working with everyone
18 involved in this, and look forward, with my co-chair,
19 Vic Maddox, in seeing that we achieve some significant
20 results, particularly as we approach the 40th
21 anniversary. Thank you.

22 CHAIRMAN LEVI: Thank you. Vic, anything you

1 want to say on that?

2 MR. MADDOX: I was just observing. I didn't
3 realize this until I looked at Lynn's memo, that the
4 House had actually recommended more money for the Pro
5 Bono Innovation Fund than the Senate did, like \$1
6 million more, which I thought was notable, because it
7 is -- the whole pro bono initiative is obviously
8 something I think is embraced by a lot more of the
9 House and the Republicans, generally, than some other
10 elements of legal services. So it is a great
11 initiative to be pursuing.

12 CHAIRMAN LEVI: Thank you. Any other?

13 (No response.)

14 CHAIRMAN LEVI: Okay, Promotion and Provision
15 Committee, which is about to change its name. How
16 about your report?

17 FATHER PIUS: Oh, we hope so. Two things in
18 the reports. I will get to the one that takes action
19 second.

20 The first is we had a wonderful presentation
21 from the LSC on the performance criteria. I think many
22 people, this was the first time they really have dealt

1 into the role of the performance criteria, and the
2 extent of it. And I think the discussion about it was
3 very good. I think we will probably be seeing it more
4 and talking about it more in the future, but I think
5 the discussion was excellent.

6 The second thing, of course, is the action
7 item, and that is the change to the charter. And I
8 just wanted to give just a thank you to everybody who
9 has been involved on this. I think for a time -- for a
10 long time -- and I know, Laurie, you have sort of
11 suffered from the frustration of it, as well, as did we
12 all, is trying to sort of figure out what this
13 Committee was all about. And I think, unfortunately,
14 under Laurie, we had just been so busy with everything
15 else, that we just never really kind of got to it. And
16 I think that now that the Pro Bono Task Force is in
17 order, and the Financial Oversight is in order, we are
18 sort of finally being able to sort of look at some
19 other things. And I think one of those is this.

20 And so, I wanted to really thank Laurie,
21 especially for her leadership in the Committed and her
22 work with this Committee, which I think just sort of

1 laid the preparatory work for us to be able to revise
2 the charter.

3 So, you all have it in front of you. You
4 should have a revised copy, based on -- mostly on
5 Sharon's comments yesterday, both a clean and a
6 blackline. And I assume those are okay for everyone.
7 I just wanted to see if there are any questions or
8 comments before I submit it to the Board for a vote.

9 MS. MINOW: This is about the charter, not the
10 name change.

11 FATHER PIUS: Well, the name change is within
12 the charter --

13 MS. MINOW: Within the charter.

14 FATHER PIUS: -- so it would include the name
15 change, as well, yes.

16 MS. MINOW: I just thought the name was
17 clunky.

18 FATHER PIUS: Okay.

19 MS. MINOW: Maybe --

20 MS. REISKIN: The new name, or the --

21 MS. MINOW: The new name, the new name. And
22 it sounded kind of bureaucratic.

1 FATHER PIUS: It is from Jim. He is
2 bureaucratic --

3 (Laughter.)

4 MS. MINOW: Well, I don't know. I mean I
5 understand the review point is just right, and the
6 assessment point. But it loses the promotion idea, and
7 it also just seemed like someone outside of the
8 conversations might not know what this is.

9 FATHER PIUS: Any suggestions?

10 CHAIRMAN LEVI: Any amendment? You want to
11 just say "Grantee Review Committee"? I am not sure
12 that accomplishes what we want --

13 FATHER PIUS: No, that is far too broad.

14 CHAIRMAN LEVI: We want it to be both positive
15 and --

16 MR. KECKLER: Well, I mean, it is contained in
17 the charter what you are going to do. The question is,
18 how much does it need to reflect, in the name, exactly
19 what you are going to do?

20 The Committee is focused on grantees and
21 clients. And so, then, there is just some other little
22 sort of word that is maybe needing to delimit exactly

1 what you are going to do with that.

2 I jokingly told Father Pius yesterday that you
3 could have the "User Experience," the UX Committee,
4 right?

5 (Laughter.)

6 MR. KECKLER: And that is if we really wanted
7 to be -- I said no.

8 But it is about that, it is about the end
9 result. It is about the delivery and the final -- the
10 outcome, the grantees, the clients, the end users. And
11 I don't have a -- that is prefatory to saying I don't
12 have a better name in mind, but those are what the
13 Committee reflects.

14 CHAIRMAN LEVI: Delivery of Legal Services
15 Committee?

16 FATHER PIUS: The Committee on the Delivery of
17 Legal Services?

18 CHAIRMAN LEVI: Yes.

19 FATHER PIUS: Okay. I think -- does anybody
20 have any objection to that?

21 (No response.)

22 FATHER PIUS: I will take that as a friendly

1 amendment and consider it adopted, unless there are any
2 objections. Okay. Ron, did you get that?

3 MR. FLAGG: Yes.

4 FATHER PIUS: Good. Is there any more? Thank
5 you. I think that is real -- and I agree with you,
6 Martha. The name -- it is not everything, but it
7 really helps to summarize, in many ways, your focus,
8 and the direction of the Committee. So I do think that
9 is helpful.

10 MS. MINOW: I am just literally thinking if
11 people get an email from this, or with this reference,
12 and it just -- this will be better. This is good.

13 CHAIRMAN LEVI: It can be the "dolls"
14 committee, Delivery of Legal --

15 FATHER PIUS: John, that is not winning me
16 over, John.

17 (Laughter.)

18 MS. REISKIN: It is also more accurate,
19 because it is really staff that does performance
20 review. And we are not, as a board, sitting there and,
21 like, reviewing each grantee or anything.

22 CHAIRMAN LEVI: So then, the amended -- does a

1 resolution need to have a vote on the -- I don't think
2 we have to vote --

3 FATHER PIUS: No, I am adopting Robert's Rules
4 of Order and taking that as a friendly amendment, and
5 not having a vote on it. So --

6 CHAIRMAN LEVI: So --

7 MS. VALENCIA-WEBER: I have no objections to
8 the name change. I really think the greater
9 achievement of what we have been struggling with is
10 simply the clean-up and the focusing of the charter.
11 That is much more important.

12 MS. MINOW: I am sorry, I should have said
13 that. I think it is really a good development.

14 CHAIRMAN LEVI: Terrific job, really. So, all
15 in -- or you have to present?

16 FATHER PIUS: Yes. I am leading this one,
17 John.

18 (Laughter.)

19 M O T I O N

20 FATHER PIUS: Since it has already been
21 approved by the Board, there is no need for a motion
22 and a second, so I just submit it to the Board. All

1 those in favor of changing the charter according to the
2 document you have in front of you, as amended by John,
3 please signify by saying aye.

4 (Chorus of ayes.)

5 FATHER PIUS: All those who are opposed?

6 (No response.)

7 FATHER PIUS: And there you go.

8 CHAIRMAN LEVI: That concludes your report?

9 FATHER PIUS: That concludes our report, John.

10 CHAIRMAN LEVI: Okay. Finance Committee?

11 MS. MINOW: Shall I do the report? I think I
12 should do the report, just to save Robert's voice.

13 MS. MINOW: The Finance Committee met today.
14 And, after a review of the eleventh-month actual
15 budget, we also considered the proposed working budget
16 in a climate of uncertainty. We voted to recommend to
17 the full Board a resolution to adopt this understanding
18 that we will, no doubt, be in conversation again soon.

19 M O T I O N

20 MS. MINOW: So, would the Board like to vote
21 on it, as a whole? Should we vote on it, as a whole?
22 How many people in favor?

1 (Chorus of ayes.)

2 MS. MINOW: Okay. I think that concludes the
3 report of the Finance Committee.

4 CHAIRMAN LEVI: The Audit Committee?

5 MR. MADDOX: Thank you, Mr. Chairman. The
6 Audit Committee participated on October 16 in the Audit
7 Entrance Conference conducted by the OIG with the
8 external auditors. And we were pleased to learn that
9 the process has been improved substantially. I think
10 Dutch Merryman and Jeff Schanz and his team have done a
11 great job with that.

12 We will have the draft report of the audit by
13 December 15th, and I think the final report by December
14 19th. There is a timeline if anyone would like to see
15 it.

16 We met yesterday, and received a number of
17 briefings. We had an excellent briefing on internal
18 financial controls by the -- President Sandman and the
19 comptroller, David Richardson. The President reported
20 that he had instituted an Internal Risk Management
21 Committee, consisting, I believe, mostly of the senior
22 management of the Corporation, and they have taken

1 steps to enhance the monitoring of financial internal
2 controls. And it sounds like they have done a great
3 job of improving that process. We received a detailed
4 report on the financial control process itself from the
5 comptroller, and it sounds like that process is robust
6 and effective. So that was very helpful.

7 We had a briefing by the Office of the
8 Inspector General and the Director of Compliance
9 Enforcement on the matters that we had discussed
10 previously, including the OIG interaction with the
11 independent public accountants and their audits of the
12 IPAs, as well as the OIG's quality control review
13 process concerning the independent public accountants,
14 and that was very helpful and informative.

15 Finally -- well, before I get to that, we also
16 received a memo from Tracy Higgins regarding the 403(b)
17 plan performance. All of the plan's funds are doing
18 well, so far as the memo indicates. And there are no
19 problems there.

20 I think the last thing we did was to receive
21 the -- management's memo on the risk management matrix,
22 which recommends the allocation of various areas of

1 risk management oversight to the different committees
2 of the Board. The Committee adopted a resolution
3 submitting that plan and recommending its adoption by
4 the Board. And so that remains for the Board's action
5 today.

6 I think that resolution can be found in the
7 Board book at tab number 48. And I am not sure where
8 it is in the --

9 MR. FLAGG: Page 115 in the hard copy Board
10 book.

11 MR. MADDOX: Thank you, Ron. So that
12 resolution remains for adoption.

13 MS. MINOW: 115.

14 MR. MADDOX: The "Resolve that the Board
15 hereby adopts the assignment of risk areas to Board
16 committees, as set forth in the attached matrix, and
17 directs management to report periodically on indicated
18 risk areas to the specified committee on a schedule to
19 be determined by each committee, in consultation with
20 management." So that is the resolution.

21 M O T I O N

22 CHAIRMAN LEVI: All in favor?

1 (Chorus of ayes.)

2 CHAIRMAN LEVI: Opposed?

3 (No response.)

4 CHAIRMAN LEVI: Anything else?

5 MR. MADDOX: That completes our report. Thank
6 you, Mr. Chairman.

7 CHAIRMAN LEVI: Thank you. The Ops and Regs
8 Committee?

9 MR. KECKLER: Thank you, Mr. Chairman. The
10 Operations and Regulations Committee met on Sunday. We
11 received a briefing on a matter that will eventually
12 come to the Board on reconsidering the allocation of
13 our grants with regard to migrant workers, at the very
14 least acquiring updated data on the distribution of
15 that population. That will recur at some point next
16 year.

17 In addition, we are going to be, in January,
18 receiving a presentation on the performance of the
19 Corporation with regard to the strategic plan. That is
20 something that, of course, the Committee is doing on
21 behalf of the Board, as a whole. So I just wanted to
22 highlight that to other members.

1 We do have one action item today, which is the
2 issuance of a notice of proposed rulemaking with regard
3 to our Regulation 1613, based on updating that
4 regulation in response to the Tribal Law and Order Act.

5 In discussions during the Committee, we made
6 some revisions to the NPRM, and those revisions have
7 been directed to the Board members on a single sheet,
8 listing them with the additional text that has been
9 -- in one case, one change has been deleted from
10 1613.3, and then the other language has been added to
11 the preamble. The -- there is also a redline of the
12 changes, and a clean version of the changes.

13 I don't know if you have had a chance to look
14 over those. If you could look where the highlighted
15 materials are, some of this is material on -- some of
16 the legal precedents on this area appear in the
17 memorandum received earlier.

18 I would like to draw your attention to page 13
19 of the redlined version, which is the end of the
20 preamble, the end of the revised preamble. This
21 material is designed to make clear the powers of our
22 grantees to, after considering -- I would hope

1 seriously -- any request of appointment by tribal
2 court, they have the capacity to decline such an
3 appointment.

4 I would like to -- yes, Father Pius?

5 FATHER PIUS: Just on that point, one thing
6 that we had talked about -- and you might not have had
7 this explicitly -- but in those factors, one thing was
8 the conflict in the priorities, especially in regards
9 to violence against women, against offenders and
10 victims.

11 And I think that we should probably include a
12 line something like -- the factors should include
13 "conflicts with existing case priorities," or even
14 ethical conflicts with regards to that. I don't know
15 if you want to include that specifically, but that was
16 one thing that we had certainly talked about, and one
17 thing we think that the -- that our grantees should at
18 least be able to consider in saying no.

19 MR. KECKLER: Yes. It is not -- it is
20 implicit, but not explicit in there.

21 FATHER PIUS: Right.

22 MR. KECKLER: The question is how to make that

1 particular issue explicit. It is certainly -- I think
2 one issue would be that it is not necessarily that they
3 have an existing client, but they are going to want
4 to -- they might want to have the capacity to
5 represent --

6 FATHER PIUS: Well, it is really -- it
7 conflicts with program priorities.

8 MR. KECKLER: Yes. I think that is in -- I
9 think that part is in there, that it is program
10 priorities. I think that part we have.

11 So the -- and when you are listing the
12 factors, the legal workload -- and this is back on page
13 12 -- "Recipient may evaluate many factors: existing
14 expertise, civil workload, investigate the court," are
15 you suggesting a change to add another clause -- and
16 this would be on the bottom of page 12 -- and say, "The
17 recipient's" -- after "The recipient's existing
18 expertise in tribal criminal law"? You could add a
19 phrase that says, "The recipient's existing program
20 priorities."

21 FATHER PIUS: Right, or something like
22 "conflicts with existing program priorities," or, even

1 if you want to make it even more specific, "ethical
2 conflicts with existing program priorities."

3 MR. KECKLER: My suggestion would be, in terms
4 of placement, to put it after "civil legal workload" --

5 FATHER PIUS: Okay.

6 MR. KECKLER: -- to just put "recipient's
7 program priorities". I think that would reflect
8 the -- a focus, a concern of -- if domestic violence is
9 a particular concern of the program.

10 FATHER PIUS: And then did you want to add
11 language to the sentence to make sure that these list
12 of factors are not exclusive, but merely exemplary?

13 MR. KECKLER: Let's see. "Recipient may
14 evaluate" -- it says, "including".

15 MR. FLAGG: "Including, but not limited to".

16 MR. KECKLER: "Including, but not limited to,"
17 okay?

18 MS. REISKIN: Can you read the whole sentence?

19 CHAIRMAN LEVI: Yes, read the sentence.

20 MR. KECKLER: Yes. Well, okay. I will read
21 it, and then you can see if you got the same thing.

22 "A recipient may evaluate many factors in

1 determining whether impairment will occur, including,
2 but not limited to, the recipient's civil legal
3 workload, the recipient's program priorities, the
4 recipient's existing expertise in tribal criminal law,
5 the recipient's capacity to investigate and defend a
6 criminal case competently, the frequency and number of
7 proceedings in the case, and the distance to the court
8 where the proceedings will take place."

9 MR. FLAGG: And, just to be clear, if you read
10 on, it goes on to discuss in some detail the issue
11 about financial impact of taking the case, and whether
12 or not there will be compensation. So that factor is
13 explicitly --

14 MR. KECKLER: Yes. I would like to also, upon
15 reading it, suggest and get the reaction of the Board
16 to another minor change in that sentence, which is
17 currently reading, "The fact that a tribal court will
18 compensate the recipient may not be dispositive."

19 Just -- although, again, it is very -- it is
20 certainly implicit, I would suggest that it say, "The
21 fact that a tribal court will or will not compensate
22 the recipient."

1 MS. MINOW: Oh, very good.

2 MR. KECKLER: Because I want it to be clear
3 that in some -- they should go ahead and take that, and
4 they will find that.

5 MS. MINOW: Yes.

6 MR. KECKLER: So, if you will accept that
7 conclusion.

8 Okay. So we fiddled around with that
9 particular area of it. Are there other suggestions
10 from the Board regarding the text that you have before
11 you?

12 Gloria?

13 MS. VALENCIA-WEBER: I like the changes we
14 have made. And, additionally, as we look at what the
15 text is of the VAWA Act, some of our grantees have VAWA
16 grants, as well. So this just makes it quite parallel
17 and very integrated with what -- if you take VAWA
18 money, and you got domestic violence as your grantees
19 already -- set priority, they all come together and
20 work together. And this makes it much more fitting.

21 MR. KECKLER: Thank you, Gloria. Yes?

22 FATHER PIUS: Not a question, but just a

1 comment.

2 MR. KECKLER: Yes?

3 FATHER PIUS: Obviously, this is just a
4 request, or a change -- potentially changing the rules.
5 So we are not at the final stage yet.

6 MR. KECKLER: Right.

7 FATHER PIUS: But sort of just to give my view
8 on this is that the focus of our grantees is on civil
9 legal aid. And to the extent that, in the past, they
10 were allowed to do some Indian tribal work, it was
11 because those offenses were kind of like civil cases.
12 And this expansion, although it has been given by the
13 Congress, seems to be contrary to the overall purpose
14 of the Corporation.

15 So, I think the Congress has made a terrible
16 decision. But, nonetheless, we have to follow even
17 Congress's bad decisions. But doing so, I think, means
18 that we should, at least from my point of view,
19 interpret it quite narrowly. When it comes to
20 the -- our grantees helping civil, in civil legal
21 cases, we should try to interpret that as broadly as we
22 can under existing interpretations and statutes,

1 because this seems to run, to me, so contrary to what
2 we do, I think. At least from my view, I said, that
3 this should be done very narrowly.

4 And I think that this, the language that you
5 have in here, and the approach that the Committee has
6 taken, does that. And I think that we should keep that
7 in mind and try to interpret this grant on the part of
8 our grantees -- or this new avenue on the part of our
9 grantees -- as narrowly as we can.

10 MR. KECKLER: Thank you, Father. Any further
11 comments?

12 Yes, Julie?

13 MS. REISKIN: Once this -- I assume this will
14 go forward and probably pass. Will there be, like a
15 tickler to ask a year down the line who is using it,
16 and how it is used? Or is that not -- or is it not
17 going to be used, or --

18 MR. KECKLER: You know, we --

19 MS. VALENCIA-WEBER: That --

20 MR. KECKLER: Oh, I am sorry, Gloria.

21 MS. VALENCIA-WEBER: I am sorry.

22 MR. KECKLER: I was just going to say that it

1 is not something that is currently built into it. And
2 as we do have an opportunity to change things in the
3 final rule to put in certain things such as specific
4 reporting requirements -- but, I mean, we are going to
5 have -- in general, these rules aren't going to sit
6 there. They are going to be used, and we are going to
7 revisit it.

8 As Gloria mentioned yesterday, there are
9 ongoing changes in this area that -- and certainly the
10 expansion of tribal courts' use of the authorities
11 within the Tribal Law and Order Act over time we are
12 going to have to be kept aware of. And whether it
13 involves a further regulatory change or not, we are
14 going to have to be aware of this dynamic area.

15 MS. VALENCIA-WEBER: I would be really
16 hesitant about putting in this early -- we are not
17 going to know for a year, maybe 18 months. And we
18 should have sort of a mental tickler for our own Board
19 to, at that time, take advantage of these intervening
20 reports that are going to be issued in the next six to
21 eight months, and to guide us, and help us guide our
22 grantees about where in the United States these

1 requests for permissive representation of criminal
2 defendants might arise. And that is about the best we
3 know now.

4 MR. KECKLER: Yes. And the only thing I would
5 add to -- before putting this forward for a vote is
6 that what we -- one of the key highlights that we
7 picked up from our panel in July -- and I want to say
8 that this rule is the product of, obviously, of hard
9 work by OLA, but also of many excellent comments and
10 Gloria helping convene an excellent panel that -- I
11 think that this reflects that work, and as an outcome
12 of it.

13 But one of the highlights of that panel was
14 that there is a bit of a Catch-22 in this situation,
15 and to the extent that -- will tribal courts proceed
16 further, well, they would like to know where LSC
17 stands. And so, by being able to move forward with
18 this, we are creating some knowledge out there on which
19 further planning can occur within both the grantees and
20 the tribes and -- to provide some clarity.

21 M O T I O N

22 MR. KECKLER: So, with that, the Committee has

1 voted to recommend the publication of this Notice of
2 Proposed Rulemaking, and I propose it to the Board with
3 the amendments made during discussion.

4 CHAIRMAN LEVI: And is that a motion that
5 needs a second?

6 MR. KECKLER: It is a motion.

7 CHAIRMAN LEVI: I think it needs a second.

8 MR. KECKLER: It doesn't need a second,
9 because --

10 MS. MINOW: Oh, it comes from the Committee.

11 CHAIRMAN LEVI: It comes from the Committee, a
12 committee report --

13 MR. KECKLER: Because it is a committee
14 report.

15 CHAIRMAN LEVI: And the amendments
16 are -- okay.

17 MS. MINOW: Right, right.

18 CHAIRMAN LEVI: All in favor?

19 (Chorus of ayes.)

20 CHAIRMAN LEVI: Opposed?

21 (No response.)

22 MS. MINOW: I think this reflected an enormous

1 amount of work. And I think it is a real
2 accomplishment.

3 CHAIRMAN LEVI: And I think really
4 thoughtfully threaded the needle here. It is a tough
5 one.

6 MR. KECKLER: That concludes the report of the
7 Operations and Regulations Committee.

8 CHAIRMAN LEVI: Thank you, Charles. The
9 Governance Committee.

10 MS. MINOW: Yes.

11 CHAIRMAN LEVI: Martha Minow.

12 MS. MINOW: Governance Committee had a meeting
13 on Sunday, and I think there is only really one thing
14 that requires any kind of action by us. We had a very,
15 very good report on implementation of GAO
16 recommendations. There is only one outstanding one,
17 and this is real progress. And we commend Carol
18 Bergman for her great work on that. There will be a
19 follow-up that will come back to our Committee. And so
20 we are not entirely done.

21 We also talked about the revised forms for
22 Board evaluations, which I thought were just fine, and

1 had a good update on the Public Welfare Foundation
2 grant and the LSC research agenda.

3 The action item involves a proposed revision
4 of the Conflicts of Interest Policy. And I see Ron
5 Flagg, who can tell us anything you want to tell us,
6 although we all have copies of the redlined version,
7 and I think it includes alphabetizing the elements and
8 a good tweak to the definition of "family members," and
9 other fixes that came from our discussion.

10 Are there any discussions anyone wants to
11 make? Ron, you want to say anything?

12 MR. FLAGG: I think that captures it. You
13 should have gotten electronically -- I don't see the
14 hard copy -- a revised version of the resolution --

15 MS. MINOW: Yes.

16 MR. FLAGG: -- which adopts --

17 MS. MINOW: We have hard copies.

18 MR. FLAGG: It should say, in the third
19 whereas clause, "will" instead of "would". That is,
20 management --

21 MS. MINOW: Yes.

22 MR. FLAGG: And then the resolved clause, at

1 least as I had requested it, be amended it, consistent
2 with Sharon's suggestion, I believe. "Now, therefore,
3 be it resolved that the Board of Directors adopts the
4 attached Conflicts of Interest Policy, and directs that
5 the policy supersede any prior existing conflict of
6 interest policies.

7 MS. MINOW: That is great. Very good. Any
8 questions? Yes, Julie?

9 MS. REISKIN: I don't know if this is a
10 question. Is "domestic partner" and "civil union" the
11 same thing?

12 MR. FLAGG: I believe our conclusion was that
13 the amendment of -- modification of "partner" to
14 "domestic partner" made it clear what the intent of
15 the --

16 MS. MINOW: Or, moreover, the final clause,
17 "any other family member," I think covers the belt and
18 suspenders.

19 MR. FLAGG: Any other --

20 MS. MINOW: Household member, I mean,
21 household member.

22 //

1 M O T I O N

2 MS. MINOW: All right? So I think we are
3 ready to recommend this for a vote, Mr. Chair.

4 CHAIRMAN LEVI: All in favor?

5 (Chorus of ayes.)

6 CHAIRMAN LEVI: Opposed?

7 (No response.)

8 CHAIRMAN LEVI: And when will we receive these
9 to execute them?

10 MR. FLAGG: Promptly.

11 (Laughter.)

12 MS. MINOW: And then it will be --

13 CHAIRMAN LEVI: They don't have to
14 wait -- what I am saying is it doesn't have to wait
15 until the next Board meeting. They should be sent out
16 to us --

17 MR. FLAGG: No, it will be done this week.

18 MS. MINOW: Great. And everyone will, by
19 their vote, turn in their forms very quickly. So I
20 think that is great. That concludes the report of the
21 Committee.

22 CHAIRMAN LEVI: The Institutional Advancement

1 Committee has met a number of times since the last
2 Board meeting, and it has really focused its energies
3 on, I think, three areas.

4 The first was supporting our new Development
5 Director, Wendy Rhein, who -- you might want to come up
6 here, Wendy -- who has been doing a terrific job in
7 getting us together with the OLA staff, certified or
8 whatever -- registered, so that we could actually seek
9 funds in -- 38 states, is it? And we are still waiting
10 on a couple.

11 MS. RHEIN: Registrations are required in 38
12 states and the District, and we are waiting on 4.

13 CHAIRMAN LEVI: And so, that is the first
14 thing.

15 The second has been to identify potential
16 prospects, those who might be interested, we think, in
17 providing support for the 40th and for the projects
18 that we think deserve support. And so, that has been a
19 process that we will continue to bring before the Board
20 in closed session, where the Board asks that all names
21 be pre-cleared, and that is what -- we have adhered to
22 that. Between last minute and this meeting, we have

1 had a few more names added, and certainly we look for
2 many more.

3 The third thing that we focused on and spent a
4 lot of time on is consistent with our mission,
5 consistent with the strategic plan to come up with a
6 case statement, and a case statement that was done in a
7 way that people could review easily. And it is still a
8 quiet phase case statement, but it is now in a place
9 where the Committee has approved it, felt that it was
10 appropriate to present it to the Board for your
11 consideration. And we will try to move it forward.
12 And that is our report.

13 So, I don't know whether the case statement
14 actually needs an approval vote, but I think it
15 probably is a good thing, if it hasn't. What do you
16 think?

17 FATHER PIUS: I don't think it needs a vote.

18 CHAIRMAN LEVI: All right. Well, it has been
19 made available. Are there any comments from the Board?

20 We did get some good ones in the Committee meeting.

21 (No response.)

22 CHAIRMAN LEVI: Well, that concludes our

1 report.

2 CHAIRMAN LEVI: Is there public comment? Don
3 Saunders?

4 MR. SAUNDERS: Thank you, Mr. Chairman. I am
5 Don Saunders, the Vice President for Civil Legal
6 Services for the National Legal Aid and Defenders
7 Association.

8 Like the Inspector General, I just wanted to
9 take a moment to talk -- of personal privilege to talk
10 about a couple developments at our organization that
11 will have an impact on our interaction both with this
12 Board and with your staff.

13 For over 30 years, NLADA and the entire civil
14 justice community has been served by the extraordinary
15 career of Alan Houseman. Alan has served as our
16 counsel since the early 1980s, was instrumental in not
17 only the development of the Legal Services Corporation
18 Act, but throughout the years he has been a leading
19 voice for a vision of equal justice in this country
20 that is personified by the 11 members of this Board.

21 Alan has announced his retirement at the end
22 of this year. We will be honoring his extraordinary

1 career at our conference in Los Angeles. Alan, if you
2 know him, will not be disappearing from the scene of
3 civil legal aid. But in terms of his formal role with
4 NLADA, that will be coming to an end at the end of the
5 year.

6 Two years ago, at your October meeting, I
7 happily reported on our successful raid of the Legal
8 Services Corporation staff in hiring Chuck Greenfield
9 to serve as our Chief Counsel for Civil Programs.
10 Chuck succeeded Alan's longtime colleague, Linda
11 Pearle, who, again, had an extraordinary career of
12 service. So we are in something of a transitional
13 change. But I just wanted to take a moment to thank
14 Chuck for the extraordinary service he provided to your
15 grantees, to NLADA, and certainly he had a wonderful
16 career as one of your key staff people, as well.

17 So, we will, next week, begin hiring,
18 interviewing for Chuck's replacement. But I just want
19 to take a moment. You probably know Chuck is
20 relocating at the end of November to Hanoi, where his
21 wife has been hired as the chief counsel for the World
22 Bank's legal operations in the country of Vietnam.

1 Chuck has lived about everywhere in the world, but he
2 is, I am sure, not leaving the community at all. But I
3 did just want to take a moment to recognize him. As
4 you know, he has never been shy before this board. And
5 we look forward to finding somebody at your next
6 meeting who will be completely up to speed, a resource
7 to your grantees as they review compliance matters, and
8 a strong advocate before this Board.

9 So, thank you, Mr. Chairman.

10 CHAIRMAN LEVI: Thank you, Don. And, Chuck,
11 why don't you stand, so that we can recognize you and
12 your service, not only to NLADA --

13 (Applause.)

14 CHAIRMAN LEVI: I am glad it is NLADA that
15 sent you off to Hanoi, and not us.

16 (Laughter.)

17 CHAIRMAN LEVI: Finally --

18 MR. RACUNIS: If I could, Mr. Chairman?

19 CHAIRMAN LEVI: Sure, yes.

20 MR. RACUNIS: For the record, my name is Bob
21 Racunis. I am the Director of Neighborhood Legal
22 Services here, in Pittsburgh. And I want to personally

1 thank the Board for coming to Pittsburgh and learning
2 about the important work we do in Pittsburgh, our
3 surrounding areas, and the Commonwealth of
4 Pennsylvania. I hope you can all come back some time
5 and spend more time in the city in your personal
6 capacity, not as a Board, for some time.

7 I want to transition that into a thanks to
8 Becky and Bernie. Becky was great to work with. I
9 think it went smoothly because everything we had to do
10 on our end, she was very helpful, she was very
11 professional, and she was very thorough, I can assure
12 you.

13 I want to thank Yvette Long for explaining, in
14 a far better way than I or my project directors here in
15 Pennsylvania could do, about the importance of the
16 client role that they need to play in the programs.

17 And I lastly want to thank President Sandman.

18 I think the Board should know that the presentation on
19 pro bono went so smoothly yesterday because he
20 personally took the time to convene a call with us,
21 where we describe what we were doing in our programs.
22 He took that and structured it into the format that we

1 had yesterday. So we appreciate him making our jobs
2 easier.

3 And lastly, as a former president of the
4 Allegheny County Bar Association, I know you have
5 thanked the K&L Group for hosting the reception last
6 night, but I think the record should reflect our
7 appreciation for the financial support that the
8 Allegheny County Bar Association and Bar Foundation
9 gave to help the event last night be such a success.

10 CHAIRMAN LEVI: Thank you very much, and I
11 certainly agree. And sorry for that oversight.

12 MS. COYLE: Good afternoon. My name is Vicki
13 Coyle, I am the Executive Director at NorthPenn Legal
14 Services. I have the program that is in the
15 northeastern corner of the state, with the New York/New
16 Jersey border.

17 I just had two issues that I would like the
18 Board to consider as it moves forward. One, on pro
19 bono, I am extremely grateful for the push that this
20 board has given toward pro bono. The focus seems to me
21 not to include, however, small, rural counties, which
22 several of us in Pennsylvania have to deal with. And I

1 can't imagine that that is also not an issue for many
2 programs throughout the country.

3 And using big firms, for example, in
4 metropolitan areas to provide telephone advice to small
5 counties is not an option. It doesn't happen. And my
6 colleagues really wouldn't appreciate it if I called
7 into Philadelphia or Pittsburgh and started
8 cherry-picking firms and lawyers and ask them to do pro
9 bono in my territory. So it really doesn't work,
10 despite maybe what big committees might say about that
11 option.

12 I have 20 small counties. Another colleague
13 of mine here has 18 counties. In those small, rural
14 counties, which are primarily composed of single
15 practitioners or firms of two or three attorneys, there
16 is no substitute for just trying to get people to do
17 it, general encouragement. And that is really, really
18 hard, and takes tons of my resources, and tons of staff
19 resources. So I end up really assigning a lot of staff
20 time to trying to work with these small firms and
21 trying to work with bar associations of 20 people to
22 try and get pro bono. And in those small counties

1 there are a high number of conflicts of interest when
2 you have these small practitioners.

3 So, just please keep that in mind, and that
4 interest, as you move forward. That is what I would
5 ask.

6 And my second issue, which is one I
7 continually bring up, is I would like more than
8 anything for the regulation regarding board composition
9 to be amended to include non-lawyers on our boards. I
10 really feel hamstrung when I am trying to compete with
11 other non-profits in the community.

12 CHAIRMAN LEVI: That is a statutory matter,
13 not a regulation.

14 MS. MINOW: Yes, we would have to get the
15 Congress to do it.

16 MS. COYLE: I know. But if someone asks you
17 if it is a priority at the -- if your LSC staff are
18 bringing it up. And the reason I always say that
19 is -- and the reason you can give, if it is a
20 congressional issue -- is I can't get someone, for
21 example, on AirProducts, who happens to be a big
22 corporation in my area, or Olympus, I can't get

1 someone -- their general counsel is not likely to be
2 appointed by the local bar association, because general
3 counsels aren't usually active members in the smaller
4 bar associations. I can't get someone from a local
5 foundation to be on my board to assist my development
6 director.

7 So, I know it is not you, but it really is an
8 issue for us.

9 MS. MINOW: We know it is an issue. There are
10 other issues at Congress right now.

11 MS. COYLE: I understand.

12 MS. MINOW: So I don't think it is -- but one
13 thing I would suggest is it is possible to create other
14 boards besides -- that help give you advice. You can
15 create an advisory board that amplifies your board of
16 directors.

17 MS. COYLE: True.

18 MS. MINOW: And bring in boards of advisors or
19 "friends of," and they can play exactly the role that
20 you are talking about.

21 CHAIRMAN LEVI: So we have the same issue
22 here, actually. And so, we extended this board by

1 having some non-director members of our committees that
2 bring skills that we, here at this table, don't
3 possess.

4 Now, I know that lots of people don't want to
5 be on boards as adjuncts, because they think that they
6 are --

7 MS. MINOW: Right.

8 CHAIRMAN LEVI: But I think there is ways to
9 be creative and give them appropriate recognition and
10 responsibility. And, if you include them enough, they
11 may feel like they are really part of the team.

12 So, we have tried that here, and it is
13 working. And I would suggest --

14 MS. COYLE: Yes, there is that.

15 CHAIRMAN LEVI: And on the first point, I
16 should tell you that probably in terms of the focus of
17 this discussion here in Pittsburgh about pro bono, it
18 may have sounded to you like we were just focused on
19 the big firms.

20 In fact, the Board and the Pro Bono Task Force
21 have had members from the rural community all across
22 the country, and we are at -- John Whitfield comes to

1 mind and the bar association, his bar association that
2 has -- every member of the bar takes one case. In Blue
3 Ridge, we have heard from -- and Jim Moyer, who is
4 magistrate in Kentucky, he has had this issue on his
5 plate, and been really calling our attention to the
6 special problems of rural communities.

7 And, frankly, we -- so, I don't want you to
8 think that just the focus of one meeting describes the
9 breadth of our concern.

10 MS. COYLE: Yes, I understand.

11 CHAIRMAN LEVI: Okay. Yes, Harry?

12 MR. KORRELL: And, John, to follow up on that,
13 it hasn't really just been -- it has not just been an
14 ad hoc collection of information.

15 CHAIRMAN LEVI: Yes.

16 MS. COYLE: No, I understand.

17 MR. KORRELL: One of the groups that was
18 looking at these best practices and focusing on ways to
19 collect the data, get the information, and spread the
20 information back out focused specifically on the
21 challenges you have talked about in encouraging pro
22 bono in rural communities.

1 It is important to keep reminding us, but it
2 is definitely something that we have got on our --

3 CHAIRMAN LEVI: In fact, so if you look at our
4 task force report, there is a whole section on rural --

5 MS. COYLE: No, and I appreciate it. And one
6 of the ideas yesterday I plan on taking back and
7 modifying in my area. So it was good to hear.

8 MS. MINOW: But you were right, that we should
9 be cautious to imagine that technology, or just calling
10 people up in another city is going to help. That is
11 just a really important reminder, so appreciate that.

12 MS. COYLE: Thank you.

13 MS. VALENCIA-WEBER: Yes, I want you to know
14 that I come from a state that is largely rural. And we
15 have had, at the Board, panels from our rural area
16 providers who continuously voice what you have, as
17 well, begun to point out to us, ways that -- John has
18 just summarized some of them, that you can't do the big
19 city way of doing pro bono.

20 In many of our rural areas, it is not even
21 that you don't have but a small number of lawyers, you
22 have to go five or six counties over to find a lawyer,

1 even if you could hire them -- her, him. So, I will
2 give you my own pledge that this isn't going away.

3 MS. COYLE: Thank you very much.

4 CHAIRMAN LEVI: Jim?

5 MR. SANDMAN: I wanted to thank you for your
6 point about board composition, but you raised an
7 additional point that I think might have been glossed
8 over. It has to do with the way attorney members are
9 appointed to boards.

10 There are two different requirements here.
11 One is that 60 percent of the board be made up of
12 attorneys. The other requirement is that 50 percent of
13 the board be made up of attorneys appointed by a bar
14 association, which you are saying deprives you of the
15 flexibility you need to get --

16 MS. COYLE: Sometimes.

17 MR. SANDMAN: Sometimes. And I would make two
18 points in response.

19 First, there is a little bit of opportunity
20 between that 50 percent requirement and the 60 percent
21 requirement that gives your board some discretion about
22 appointing, say, a general counsel or --

1 MS. COYLE: Sure.

2 MR. SANDMAN: -- someone from a corporate
3 legal department to your board.

4 But, secondly, I think there may be a role for
5 us to play in educating bar associations about being a
6 little more open-minded about whom they designate for
7 the LSC spots. My understanding is that that
8 requirement of bar association appointment was intended
9 to avoid clubiness among the boards of LSC-funded
10 organizations, to bring an outside perspective to bear.

11 But there is a different risk of clubiness
12 when you say it is going to be a bar association that
13 appoints, that they might limit themselves to their
14 membership or their active membership in thinking about
15 candidates for a board. We need to broaden the
16 thinking about who has the right skill set and the
17 connections that can be beneficial to the organization
18 of which the board member is going to be a fiduciary in
19 making those appointments.

20 MS. COYLE: Well, that is the important point,
21 because in a lot of small bar associations you don't
22 have people with good fiscal backgrounds, you don't

1 have lawyers who are also CPAs, or may have that kind
2 of background. Whereas, you can get into the corporate
3 realm, and you might be able to get a few of those.
4 And that is what we need.

5 So, thank you very much.

6 CHAIRMAN LEVI: Thank you very much. Any
7 other public comment?

8 (No response.)

9 CHAIRMAN LEVI: Other business?

10 (No response.)

11 M O T I O N

12 CHAIRMAN LEVI: Well, the Board will then
13 entertain a motion to go into Executive Session.

14 MS. MINOW: I so move.

15 FATHER PIUS: Second.

16 CHAIRMAN LEVI: All in favor?

17 (Chorus of ayes.)

18 CHAIRMAN LEVI: And lunch is out there, and
19 you can have the lunch and then come in.

20 (Whereupon, at 12:09 p.m., the Board of
21 Directors meeting adjourned to closed session.)

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