

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
GOVERNANCE AND PERFORMANCE REVIEW COMMITTEE
OPEN SESSION

Monday, October 5, 2015

4:19 p.m.

Hyatt Regency San Francisco
5 Embarcadero Center
San Francisco, California 94111

COMMITTEE MEMBERS PRESENT:

Martha L. Minow, Chairperson
Charles N.W. Keckler
Julie A. Reiskin
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

Robert J. Grey Jr.
Victor B. Maddox
Harry J.F. Korrell, III
Laurie Mikva
Father Pius Pietrzyk, O.P.
Gloria Valencia-Weber

STAFF AND PUBLIC PRESENT:

James J. Sandman, President
 Ronald S. Flagg, Vice President for Legal Affairs,
 General Counsel, and Corporate Secretary
 Lynn Jennings, Vice President for Grants Management
 Rebecca Fertig Cohen, Chief of Staff
 Mayealie Adams, Special Assistant to the President for
 the Board
 Wendy Rhein, Chief Development Officer
 David L. Richardson, Comptroller and Treasurer,
 Office of Financial and Administrative Services
 Carol A. Bergman, Director, Office of Government
 Relations and Public Affairs
 Jeffrey E. Schanz, Inspector General
 Laurie Tarantowicz, Assistant Inspector General and
 Legal Counsel, Office of the Inspector General
 John Seeba, Assistant Inspector General for Audit,
 Office of the Inspector General
 Daniel O'Rourke, Assistant Inspector General for
 Investigations, Office of the Inspector General
 David Maddox, Assistant Inspector General for
 Management and Evaluation, Office of the
 Inspector General
 Lora M. Rath, Director, Office of Compliance
 and Enforcement
 Janet LaBella, Director, Office of Program
 Performance
 Herbert S. Garten, Non-Director Member, Institutional
 Advancement Committee
 Allan J. Tanenbaum, Non-Director Member, Finance
 Committee
 Michael Smith, Legal Services Corporation
 Jose R. Padilla, California Rural Legal Services

 Don Saunders, National Legal Aid and Defenders
 Association (NLADA)
 The Honorable Lora Livingston (Judge), SCLAID

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

2 (4:19 p.m.)

3 CHAIRMAN MINOW: We're moving right into the
4 next Committee meeting, which is Governance and
5 Performance Review Committee.

6 I would welcome a motion to approve the
7 agenda.

8 M O T I O N

9 MR. KECKLER: So moved.

10 CHAIRMAN MINOW: Second?

11 MS. REISKIN: Second.

12 CHAIRMAN MINOW: All in favor?

13 (A chorus of ayes.)

14 CHAIRMAN MINOW: Great. Approval of the
15 minutes? Motion?

16 M O T I O N

17 MR. KECKLER: So moved.

18 CHAIRMAN MINOW: Second?

19 MS. REISKIN: Second.

20 CHAIRMAN MINOW: We got them. All in favor?

21 (A chorus of ayes.)

22 CHAIRMAN MINOW: Our first topic is to review

1 the Committee charter. And I will send around a
2 proposed amendment that grows from the new task which
3 our chair asked us to take on. So please take a look
4 at this. But meantime, I would like to recognize both
5 Carol Bergman and Ron Flagg.

6 I think that from my point of view, that is
7 the main reason we're reviewing the charter. But if
8 others have comments on the charter, you can let me
9 know. Does everyone have a copy? Still coming?

10 MR. FLAGG: I would say on behalf of
11 Management, we had no other comments. I think the one
12 catch-all provision that is included in the document
13 that has just been circulated is one that is found in
14 some of the other Committee charters.

15 CHAIRMAN MINOW: That's great. I think it's
16 just good governance hygiene in general to periodically
17 review the charter, so I'm glad to be doing this. But
18 the particular occasion is, as we have done now for the
19 last several meetings, we will at this meeting have an
20 update about research agenda and outside foundation
21 grants and so forth.

22 So that's not within the explicit terms of our

1 previous charter. So this is an amendment proposed
2 that would add that duty, and then, in addition, as Ron
3 just said, a catch-all that would indicate that we
4 could take on other responsibilities that are appointed
5 to us by the Board.

6 On that, John, it's not an invitation to give
7 this Committee more duties.

8 (Laughter.)

9 CHAIRMAN MINOW: Does anyone have any
10 questions or comments? Julie?

11 MS. REISKIN: Does this require a motion?

12 CHAIRMAN MINOW: It does require a motion.

13 M O T I O N

14 MS. REISKIN: I'll move that we recommend to
15 the Board to amend this language in our charter.

16 CHAIRMAN MINOW: Wonderful.

17 MR. KECKLER: I will second the motion.

18 CHAIRMAN MINOW: Great. Any discussion? Yes?

19 MR. FLAGG: At the risk of raising something
20 belatedly, but I think this is really a question to the
21 chair of the Board, I'm optimistic that at some point
22 in the near future we will have a CBA and we will ask

1 the Board to review it. And I believe you'll probably
2 want to refer it to a Committee first.

3 MR. LEVI: It comes to this Committee under
4 "Other duties," I guess, such other responsibilities. I
5 think it would come to this Committee.

6 MR. FLAGG: Well, I guess the question would
7 be -- again, Management is not taking a position on
8 what Committee it should come to, but just flagging
9 that.

10 MR. LEVI: Well, there are a group of
11 Committees it could go to. It could go to Ops and
12 Regs.

13 CHAIRMAN MINOW: It could.

14 MR. LEVI: It could go to this Committee. It
15 actually could go to the Finance Committee. But to
16 some extent, I'm thinking of it as a division of labor
17 among the Committees, and that this Committee has had
18 more to do with personnel-type responsibility, so it
19 feels more comfortably located here.

20 CHAIRMAN MINOW: It doesn't have to be decided
21 now.

22 MR. LEVI: But I don't have a strong feeling

1 if the Board feels it wants it somewhere else. And if
2 some other Committee chair is doing handstands that
3 they really want this responsibility, they should stand
4 up, and Martha will be as thrilled.

5 CHAIRMAN MINOW: Completely. Julie?

6 MS. REISKIN: What is a CBA?

7 CHAIRMAN MINOW: Collective bargaining.

8 MR. LEVI: Collective bargaining agreement.

9 CHAIRMAN MINOW: No, good question.

10 MR. LEVI: Charles, that would be you, would
11 be the main --

12 MR. KECKLER: Well, I'm thinking about it
13 right here. I'm not going to be doing any acrobatics
14 over here in need of it. So let's table it and think
15 about it a little bit. I think if you compare it, it
16 seems more like it would be objectively more like Ops
17 and Regs in terms of dealing with the internal
18 operations and the policies of the Corporation
19 vis-a-vis its workforce.

20 But, on the other hand, you could consider
21 it -- it's not exactly preceded in the sense that
22 you can think of it as sort of an overall corporate

1 issue that covers the Corporation as an entirety.

2 CHAIRMAN MINOW: As a whole.

3 MR. KECKLER: As a whole. Obviously, I sit on
4 both Committees, so that one doesn't really -- but
5 let's think about it and think if there's an issue.
6 And maybe do get Ron's input, as our General Counsel,
7 about the different charters and where it might fit.

8 The only thing that I worry about about that
9 issue is certainly not the discussion of the CBA itself
10 and when that comes. But if we're going to do that and
11 assign it to a Committee, does that mean there's going
12 to be ongoing responsibilities for that Committee
13 vis-a-vis the provisions of the CBA, and do we want to
14 put that in this Committee?

15 So the one-off thing, as needed, as a division
16 of labor, as you say. But anyway, something to think
17 about.

18 CHAIRMAN MINOW: That's very helpful, Charles.

19 And I would also note Finance has some relevance here
20 as well. And so there's no reason to make this
21 decision at this point. I think that the proposed
22 amendment to our charter would give the chair some

1 flexibility on this. I think Ron's expert input -- I'm
2 going to say when, not if this eventuality arrives. So
3 I'm going to table it.

4 Can I now have a vote on this proposed
5 resolution? All in favor?

6 (A chorus of ayes.)

7 CHAIRMAN MINOW: All opposed?

8 (No response.)

9 CHAIRMAN MINOW: Great. The next --

10 MR. LEVI: I guess I should say on some boards
11 the finance committee does have it.

12 CHAIRMAN MINOW: It is.

13 MR. LEVI: And so I want to be clear on that
14 because it has financial implications. And it's
15 actually quite typical for it to be in the finance
16 committee.

17 CHAIRMAN MINOW: I'm familiar with it being in
18 finance. And there's no acrobatics going on over here.

19 MR. LEVI: No, no.

20 (Laughter.)

21 CHAIRMAN MINOW: But whatever the chair wants.

22 The next topic is succession because, rightly,

1 the risk analysis has identified this as an area that
2 belongs with this Committee, and an area of high risk.

3 And therefore I thought we ought to spend some time on
4 succession planning.

5 There are really two topics. There are two
6 areas. The one that's pressing is Board succession.
7 What, if any, materials should we be developing? What
8 kinds of planning should we be doing? And, longer
9 term, not for us right now, is presidential succession.

10 So Carol, may I turn to you on this?

11 MS. BERGMAN: Actually, Ron is the one who put
12 this material together.

13 CHAIRMAN MINOW: Ron? Okay. Sorry. Ron?
14 Thank you.

15 MR. FLAGG: I think we view this in two steps.

16 Step one, which is what we've done here, is marshal
17 the resources and tell you what we have on hand.

18 Then step two, with the guidance of this
19 Committee and the Board -- and not just the Board as
20 Board members, but as Board members who went through an
21 orientation, presumably, at some point and can think
22 back as to how that went and what they know now that

1 you wish you had known earlier -- so to take the
2 materials that we already have on hand -- all of these
3 are electronic -- and identify for us what you think
4 ought to be included in a future orientation, and how
5 that might be presented.

6 So the materials that we have on hand are in
7 three categories or three different places. Attachment
8 A is a list of resources that now exist. So all of
9 these bullet points that you see on this page are
10 electronic resources, and I think the category headings
11 are, at least if I were a Board member, things that I'd
12 be interested in.

13 Clearly, one would not, in an orientation or a
14 briefing or a series of discussions with a new Board,
15 talk about each of these items necessarily. But I
16 think you would want, or I would want, I think, Board
17 members to be aware of these resources so that they
18 could, as questions come up, know where to look.
19 Obviously, you all have been free to ask questions of
20 Management, and that will, I'm sure, always be the
21 case.

22 The second set of resources, Attachment B, is,

1 I would say, one level of detail below Attachment A.
2 This is really quite granular. These are in many
3 instances individual provisions in our bylaws or, in
4 the LSC Act, or individual resolutions of the Board in
5 the past, that cover different topics.

6 Again, I wouldn't see necessarily each of
7 these things being covered in any detail. But it would
8 be good if -- it will be nice for the next Board to
9 start off with this list. It took us two or three
10 years into your tenure to develop it, and thanks to
11 your work, it will exist.

12 Then the last attachment is, I believe, the
13 last briefing memo that our office put together, which
14 was 2011. And I just --

15 MR. LEVI: Just the table of contents?

16 MR. FLAGG: Table of contents, yes. It's on
17 pages 216 and 217 of the Board book. And I just
18 included that to give you a sense as to what was
19 covered in that memo. I didn't obviously spell out the
20 entirety of it.

21 My sense would be that the materials in this
22 memo are, by topic, appropriate and useful, and that it

1 would be good to add some topics. So I would conclude
2 by suggesting that the Committee take a look at these
3 materials and provide us some guidance as to where
4 you'd like us to go in terms of organizing them in a
5 way that would be helpful to a new Board.

6 CHAIRMAN MINOW: Wonderful, Ron. I'm going to
7 say a couple things, but then I'd look to the Committee
8 for discussion.

9 I think that this is a very, very good place
10 to start. I think that updating the materials or the
11 memorandum that Victor Fortuno put together is a task
12 to start to do. There's not obviously any urgency, but
13 at some point we have changed some of the elements that
14 are represented by the table of contents, and there are
15 at least two topics that I can think would be relevant
16 to add.

17 One would be the LSC relationship to
18 fundraising and private publicity, so both the
19 fundraising and the PR that grew out of our strategic
20 plan. And the second is the emerging area of
21 evaluation, assessment, and so forth, which really was
22 not anything we discussed at the time that we were

1 oriented, which I think is not only a report on the
2 status of any evaluations, but also what we think is
3 the obligation of the Board to build the capacity here.

4 Some of it, of course, awaits the building of
5 the staff information management function. But the
6 evaluation is something I think this Board has taken
7 very seriously, certainly raised outside funds for it,
8 and trying to do more.

9 One other thing that is not really represented
10 here, and I confess was a surprise to me -- but I don't
11 know if it needs to be separately pulled out; I'd be
12 interested in other people's views -- is technology.

13 That was not something we were told about at
14 all. We weren't really told about TIG grants. We
15 weren't told about either the content of them or the
16 governance of them or anything. And so since it's
17 coming to be a significant part of our work, it might
18 well warrant a separate heading and thinking hard about
19 what the right materials are.

20 We don't have a committee that's in charge of
21 that. It's not particularly a Board responsibility.
22 That one I don't have as strong a view as I do about

1 the other two, where I think the Board has taken a
2 leadership role. But it strikes me that it was a
3 surprise to me about how significant that is in the
4 work that we do.

5 So thoughts? Father Pius?

6 FATHER PIUS: No. I think this is very good.

7 Just as a person on the Board, the way of thinking
8 about it, in terms of the resources for the Board,
9 there are two things to think about.

10 There's the things that you, as a new Board
11 member, just have to read. And then there's other
12 things that you just have to have for reference, and to
13 think about what falls -- obviously some things fall in
14 both, but how we think about those two groups.

15 So if I'm a new Board member, what are the
16 things that I need to read first? Because you just get
17 this list of documents and you have no idea what's
18 important and what isn't. Right? You just think, oh,
19 my goodness, there are a lot of documents, doing that.

20 It might be also to look at it not simply at
21 the level of the Board but at the level of the
22 Committees. So if you're on the Board, you might not

1 have to read this document. But if you're on the
2 Committee, you really should be on that as well.

3 Second, it's not an issue now, although maybe
4 we should do it as an historical record, are the GAO
5 reports, or at least a list of previous GAO reports, in
6 case people want to do research and to understand that
7 those exist. And obviously, of course, if there are
8 any outstanding GAO reports, those would definitely
9 have to be.

10 The other thing that's not on here which
11 probably should be, at least in mention, would be LSC's
12 presence online. So that is a very quick -- this is
13 half a page, but a Twitter address, your Facebook page,
14 website address, anything where you're online and that
15 you can be accessible, that new Board members should
16 just be able to plug into that very easily.

17 The other thing that I was thinking, too, is
18 when you're organizing this, to think about this -- it
19 looks like you were doing it on the next one -- but to
20 think about this in a way that's accessible if you want
21 to find things quickly, and that is with hotlinks, a
22 regularly updated list of hotlinks for those things

1 that are publicly available.

2 How you do it is up to you; whether you log on
3 to something and get all these things is one thing.
4 But this should be a way in which I can, online,
5 just -- I don't have to have all these things on my
6 computer all the time. I can just hotlink to them as
7 well.

8 MR. FLAGG: Yes. Just to be clear, and
9 obviously this format would not be the format in which
10 it would be presented to a new Board --

11 FATHER PIUS: Right. Right.

12 MR. FLAGG: -- but all of the materials on
13 Attachment A are hotlinks.

14 FATHER PIUS: Yes. And the only other thing
15 that I might add is just a list because I certainly
16 still have no idea what this is, but the list of all
17 Board resolutions, just a list of them. It doesn't
18 have to be the actual ones. In Exhibit B you actually
19 give the ones that are important.

20 But you should at least have lists of what
21 Boards are doing from year to year so that when you're
22 on a Board -- one of the things as a Board member I

1 want to know that's helpful is, well, what has the
2 Board been doing for the last five -- and it doesn't
3 maybe have to go back to the beginning, five, ten years
4 back.

5 What's the Board been doing in terms of its
6 resolutions for the past five or ten years? So that I
7 have a sense of the output historically of what the
8 Board has done. If we can go back all the way to the
9 beginning with a list, that's fine. I don't know if
10 that's possible. But at least five to ten years back,
11 just a reference to a Board member for that.

12 So those were my thoughts in going over this.

13 As a Board member, what would have been helpful to me?

14 CHAIRMAN MINOW: That's really helpful. It
15 prompts from me these four thoughts. One, on tech, I
16 think a link to the summit report would be helpful.
17 Two, on this summary of what has the Board been doing,
18 it strikes me that pointing out not only the strategic
19 plan and whatever else we do as a new strategic plan,
20 but also something about what did we end up doing that
21 was on the plan versus not, some kind of checklist or
22 check-in.

1 Third, I think it would be very helpful to
2 identify what kind of in-person meeting would be useful
3 with what people, and to understand the relationship
4 with the Inspector General's office, to understand the
5 relationship with Congress -- just the basic structure
6 doesn't really come through here. And that would be, I
7 think, part of an orientation meeting.

8 Finally, I guess I would wonder if we as Board
9 members might think about like a letter to my
10 successor. What is a set of pointers or guidelines, or
11 the letter that goes in the desk when somebody arrives,
12 something like that. Whether we do collectively or
13 individually, it's just something to think about again.

14 We have lots of time. But I think there's a
15 lot of learning and knowledge on this Board.

16 MR. LEVI: Pro Bono Task Force report and the
17 Fiscal Oversight Task Force report should be included
18 in the materials that they get. Are they in here? I
19 don't think so.

20 CHAIRMAN MINOW: That's fine. Robert Grey has
21 his hand up, but Carol wants --

22 MR. FLAGG: Yes. I think they're all

1 referenced on it. Again, this --

2 MR. LEVI: They're referenced in the link
3 thing?

4 MR. FLAGG: Yes. Yes.

5 MS. BERGMAN: Yes. The first attachment.

6 CHAIRMAN MINOW: Carol?

7 MS. BERGMAN: I just wanted to add one thing.

8 Martha and I had talked also about the importance of
9 thinking about the Board preparing or the organization
10 preparing a transition document for the next incoming
11 administration.

12 It wouldn't be the same as this, but some of
13 the aspects, when you think in terms of articulating a
14 letter to the next Board, could in large part be summed
15 up by the kinds of things that one might outline in
16 such a document for the next administration about what
17 has been accomplished. What's the agenda? What do you
18 see going forward? And that might provide a framework
19 in terms of thinking about some of those issues.

20 CHAIRMAN MINOW: I think that's very good.
21 And this is a nonpartisan question. What are the
22 governance questions? What are the labor relations?

1 What are the GAO? What are the operations, really? So

2 I think that's a really useful suggestion.

3 I see, boy, everybody. Robert, Vic, in that
4 order, and then Harry, and then Julie.

5 MR. LEVI: And not much time. Thirty minutes
6 more for the entire meeting.

7 CHAIRMAN MINOW: Robert?

8 MR. GREY: I'll be very brief. When you start
9 thinking about what is different, everything is
10 different in many ways. And it seems to me rather than
11 picking at it piecemeal, that the idea of looking at it
12 more from a macro standpoint and then filtering down to
13 the various topics would be a good exercise.

14 You don't have to do that -- to Carol's point,
15 there is a point at which it works for everybody, and
16 then it starts to splinter off. This would be a good
17 presentation for the administration. This would be a
18 good presentation for Congress.

19 There is a part of this that seems to me that
20 you have to plug the President into as well so that it
21 is a complete explanation and appreciation for the work
22 of the Board as it has a relationship with its own

1 administration.

2 But maybe what we ought to do is rather than
3 try to do all of this making spaghetti at one time is
4 to give ourselves a chance to look at this from a more
5 macro point of view and then start breaking it down and
6 saying, what are the basic components of this? What
7 would it look like? And not burden ourselves with
8 creating a library that would be very hard to index
9 from the back end.

10 CHAIRMAN MINOW: That's very constructive. It
11 does strike me that one of the curious parts of our
12 structure is that there will be 100 percent turnover of
13 the Board. And so the capacity to carry on any history
14 is a real challenge. We don't have an annual report to
15 our successors. We have an annual report to the world,
16 and it's a different kind of report.

17 Vic?

18 MR. MADDUX: I was just going to add that it
19 may be in Ron's list, but one of the things that I
20 would have liked to have learned about much earlier
21 than I did was the performance criteria themselves
22 because I think if I had spent three or four hours over

1 the course of a month or two studying those, I would
2 have had a much more thorough understanding about what
3 the Corporation does and how it interacts with its
4 grantees.

5 That took me a good 18 months to come to
6 understand. And I don't know when I first became aware
7 of them, but I know it wasn't early enough.

8 CHAIRMAN MINOW: Well, and you beat me because
9 it was when you started asking questions about it,
10 that's when I started studying it.

11 Harry?

12 MR. KORRELL: Thanks. I think it would also
13 help Board members, and it would have helped me, to
14 have an understanding -- and maybe this is really for
15 the new Board chairman -- but to understand our
16 non-governance responsibilities.

17 We do a lot that's governing LSC. But some of
18 my fellow Board members, Robert and Julie, are much
19 more active in bar associations, the nonprofit world.
20 For someone communication from just private practice,
21 what are the opportunities for involvement in the
22 broader community? What does the Board chairman

1 expect?

2 I've done it on an ad-hoc basis as
3 opportunities come up. But I'm sure there are
4 opportunities, places where I could have been waving
5 the flag for the Board, for the Corporation,
6 participating in conversations, and the like that I
7 haven't done, mostly because I've been busy with other
8 things.

9 But I think if there was some direction from
10 either the Corporation or from the Board chair about
11 what kinds of things you would like to see new Board
12 members do in the community apart from just Board
13 governance stuff, I think that would be a helpful thing
14 to have.

15 CHAIRMAN MINOW: This is a wonderful point.
16 John said to me yesterday, wouldn't it be something if
17 before we all step off, each of us goes to visit one or
18 two or three more states and the grantees in them, not
19 as a whole Board, which I thought was a really
20 interesting point.

21 MR. LEVI: I want to cover 50 states.

22 CHAIRMAN MINOW: So that we will have touched

1 all 50.

2 MR. LEVI: With our ten, and I think we can do
3 it.

4 CHAIRMAN MINOW: But who's going to Guam?

5 (Laughter.)

6 CHAIRMAN MINOW: But in addition, I think
7 about very specific non-governance work that some
8 members of the Board have done. And that includes
9 outreach to non-lawyer Board members of grantees, that
10 Julie has done so wonderfully; outreach to Indian Tribe
11 grantees, which Gloria has led so magnificently; and
12 the TIG participation that many members of the Board
13 have done. So that's a really important point.

14 MR. KORRELL: Yes. We've done a lot. I just
15 think it has been ad hoc, and it's been driven by the
16 interests of the individual Board members and their
17 connections and facility. I think that's another area
18 where if we had a little more direction and planning,
19 we could have been even better.

20 MR. LEVI: And I will say where I got this
21 idea that I mentioned to Martha is -- and I think Jim's
22 had this privilege -- but going to L.A. on Friday and

1 spending two hours at NLSLA and then two hours at
2 LAFLA, they brought in their senior staff. They all
3 presented something about what they were doing to me.

4 It was extremely impressive. And we don't
5 normally have that opportunity in these meetings where
6 we're hearing from the executive group at the top as we
7 did today, and we're time-pressed.

8 So I thought, well, gosh, I learned a lot.
9 There were things I thought I'd weave into a future
10 meeting. But I thought all of you ought to have that
11 opportunity, too, and that's how I -- and I think Neal
12 Dudovitz I was the first LSC Board member to formally
13 visit their program.

14 CHAIRMAN MINOW: So I think this is a great
15 suggestion. My template, coming from the world that
16 I'm in, is peer site review. And it might be that at
17 some point we decide that we divide up pieces and each
18 of us writes a paragraph or two, which is how that's
19 usually done, to carry on, here's what we did and
20 here's what we didn't do.

21 I see the IG here. I think about how much we
22 learned about fraud, fraud prevention. I think about

1 how I didn't really understand our ecosystem with the
2 ABA, with NLADA. Those of us who are not in that
3 world, it was something we had to learn and understand
4 then who are the constituencies with whom we work.

5 SO we might divide up tasks like, describe the
6 ecosystem. Describe the calendar and what are the
7 kinds of rhythms of the year and the work. Describe
8 the governance obligations. Describe the progress on
9 particular fronts that have been identified. What
10 remains to be done. Non-governance activities.

11 I have Julie and Charles.

12 MS. REISKIN: What I was going to say has been
13 said.

14 CHAIRMAN MINOW: Okay. Great. Charles?

15 MR. KECKLER: Just a quick note to Carol, as
16 I'm sure is aware of it, but we as a Board are going to
17 have a strategic decision about the presidential
18 transition teams on when to communicate -- as well as
19 what to communicate, on when to communicate with them.

20 Because under the current law, the transition
21 teams will form officially after the conventions.
22 There will be two transition teams that will form after

1 each convention. And so we'll have a decision of
2 whether we want to communicate to both of them or wait
3 until the election to communicate at that time. So
4 that will be a choice that's worth thinking about.

5 MR. LEVI: Do we know what we've done in the
6 past?

7 PRESIDENT SANDMAN: Yes. We have materials
8 that have been prepared in the past.

9 CHAIRMAN MINOW: And have they been given to
10 both party transition teams formed after the
11 conventions?

12 PRESIDENT SANDMAN: Oh, that I don't know.

13 CHAIRMAN MINOW: That would be a good thing to
14 track down.

15 MR. KECKLER: That's a new provision starting
16 in 2010 that they form prior to election as an official
17 matter.

18 CHAIRMAN MINOW: So it would not have been
19 done in the past.

20 MR. KECKLER: It might have been done in 2012
21 to the Romney team, but maybe not.

22 CHAIRMAN MINOW: Well, I think that's a really

1 interesting idea, and it certainly would speed up our
2 time frame. But if we want to equip whoever is elected
3 to be able to hit the ground running, that's a very
4 smart thing to do, to put it on their radar.

5 Well, this is a very good, I think, initial
6 discussion about this. I think that our next Committee
7 meeting we will continue the discussion. I think we
8 might at that meeting actually start to frame
9 assignments. So don't miss the meeting.

10 (Laughter.)

11 CHAIRMAN MINOW: Any further comments on this
12 succession issue? I do want to get it off the red,
13 high-risk level on the risk analysis. That's my main
14 goal here.

15 (No response.)

16 CHAIRMAN MINOW: Great. Next topic is Board
17 assessments? No. I skipped one.

18 MS. BERGMAN: The GAO report.

19 CHAIRMAN MINOW: Oh, go ahead report. Sorry.

20 MS. BERGMAN: This is very brief. This is a
21 GAO inquiry that was initiated over a year ago
22 regarding low poverty programs throughout the country,

1 and there was interest in the Committee in my reporting
2 back.

3 They came out with their final report in July.

4 And then they had 30 days where the agencies got to
5 review, so it didn't become public until August. On
6 page 219 of your Board book is the executive summary
7 from GAO regarding the findings.

8 This had been requested by Senator Jeff
9 Sessions, Republican from Alabama, and Congressman Gary
10 Palmer, Republican from Alabama as well. Basically,
11 GAO reviewed the costs and participants'
12 characteristics and impacts of 80 federal programs that
13 provide assistance to people with low incomes.

14 LSC was on the list as one of those programs.

15 It was all done by email. This was just very pro
16 forma. And I provided in here -- in the executive
17 summary there's a link to the full report, and I'm
18 happy to send that out if anybody needs further
19 information. But there's not much there. There's
20 virtually no reference to LSC in the actual report.

21 CHAIRMAN MINOW: As you had told us in
22 advance, we were just a minor part of this.

1 MS. BERGMAN: Yes.

2 CHAIRMAN MINOW: At the same time, having read
3 the summary, it looks as though there's a focus, at
4 least in the last paragraph, about labor force
5 participation that's affected by the work. If there
6 indeed is interest in the Congress about the effect of
7 programs on labor force participation, might we gather
8 information about the effect of our services?

9 I do know the Cleveland office, for example,
10 did a study about the effect of their services on
11 helping people get to the workforce with disability
12 accommodations and other kinds of things.

13 If it's not something that we currently
14 collect, then forget it. But if it's something that we
15 have information on, I don't think anyone had it in
16 their minds, but if they were focusing on how do these
17 programs, federal low income programs, affect labor
18 force participation, it is something that we do.

19 MS. BERGMAN: I don't believe that's something
20 that we currently collect data on. Obviously, we can
21 have that conversation.

22 CHAIRMAN MINOW: Charles?

1 MR. KECKLER: I think that's a great idea,
2 Martha. And I think even if we don't have it, I don't
3 think we should forget it. I think we should keep that
4 in mind, and that's a possible something for a grant
5 opportunity in the future because it would be of value.

6 CHAIRMAN MINOW: It would be of value.
7 Absolutely. Well, then, that's something that maybe we
8 can connect with further evaluation studies.

9 Thank you, Carol. That's very helpful.
10 Anybody have questions of Carol about this?

11 (No response.)

12 CHAIRMAN MINOW: Okay. Now we go to the
13 report on Board and Committee 2015 evaluations. And
14 again, it's Carol.

15 MS. BERGMAN: And again, there's not much to
16 report. I have a copy in the Board book, a hard copy
17 of what will be sent out electronically. Last year we
18 did this as a Survey Monkey. That is our intention on
19 how we would do it again.

20 The idea is that there are two sets of
21 evaluations. Everybody, including the nonvoting
22 members of the Board, are asked to evaluate their

1 experience on the Board, and then every person is asked
2 to evaluate separately each Committee on which they
3 serve.

4 So what it will require, and we'll do our best
5 to be really clear in the instructions, is that when
6 you go into the Survey Monkey, there'll be a drop-down
7 menu of each of the Committees. So if you serve on
8 more than one Committee, you're going to have to do it
9 for -- if you serve on three Committees, you're going
10 to have to do it three times.

11 You can't do one evaluation of each of the
12 three Committees. You have to go in and do it of one
13 Committee, and then you have to go out, and then you
14 have to go in and do it of the next Committee. If we
15 can make it a little simpler, we will try. But that's
16 the way it is set up.

17 I anticipate getting these out to folks by the
18 end of October, with hopefully a deadline of early
19 December so that we can put all the materials together
20 in enough time that Committee chairs will have time to
21 look at it in advance of the January Board meeting.

22 CHAIRMAN MINOW: Well, that's great. I

1 thought Survey Monkey worked very well last year. I
2 was one of the people who didn't understand that I had
3 to fill it out three times, however, I'm wondering if
4 now -- my reading about behavioral economics suggests
5 that a nudge is very helpful.

6 MS. BERGMAN: Oh, yes.

7 CHAIRMAN MINOW: So that each of us receives a
8 message saying, and you are on the following
9 Committees, and please fill it out for each of these.
10 I think that, sadly, that would be very, very helpful
11 for all of us.

12 MS. BERGMAN: So noted.

13 CHAIRMAN MINOW: Thank you.

14 Any comments? Questions? I know everybody
15 participated wonderfully last year, and you will this
16 year, and we treated it as a holiday present to all
17 Committee chairs to receive these evaluations.

18 Great. So I think now we turn to the report
19 on foundation grants and our research agenda, and Jim
20 Sandman is on deck.

21 PRESIDENT SANDMAN: I'd like to report on four
22 grants that we've received since the Committee last

1 met, tell you about three pending grant proposals that
2 we have, and then tell you some things we're doing to
3 pursue research through academia to advance our
4 research agenda.

5 The grants we've received are, first, from the
6 Hewlett Foundation, \$100,000 to fund an update of our
7 Justice Gap study, which was last done in 2009. We got
8 that matched by the Kresge Foundation with another
9 \$100,000, so we have \$200,000 to do an update on the
10 Justice Gap study.

11 What we'll be doing is not simply repeating
12 the methodology that was used the last time, but
13 starting fresh and hiring a consultant to advise us on
14 how best to go about measuring the justice gap, not
15 necessarily to write on a clean slate, but neither just
16 to adopt the methodology that was used the last time.

17 We've received a grant of \$100,000 from the
18 Mellon Foundation. This is a planning grant to begin
19 to develop a curriculum that can be used with public
20 librarians to educate them about legal aid resources to
21 which they can refer library users.

22 We've received a new grant from the Public

1 Welfare Foundation of \$100,000. This is related to the
2 prior grant, which had to do with measuring outcomes in
3 extended service cases.

4 This grant would entail looking at grantees in
5 states where IOLTA funders have required outcomes
6 reporting for some time to see what the results of that
7 reporting have been, and how grantees in those states
8 have used or could use the outcomes data they've
9 collected to improve the management of their programs,
10 and with that, then, to develop recommendations and
11 case studies that we can add to the toolkit that we've
12 developed with the first Public Welfare Foundation
13 grant.

14 In addition, the Public Welfare Foundation has
15 given us a no-cost extension on the first grant that
16 they made. There was about \$66,000 left over on that
17 grant which we hadn't spent. They've authorized us to
18 spend that to develop e-learning tools to educate
19 grantees on what to do with the outcomes data that
20 they'll now be required to collect.

21 We have three grant proposals pending. One is
22 to fund an evaluation of statewide legal aid websites.

1 Every state, as you know, as a result funding from our
2 technology initiative grants, has for some time had a
3 statewide website with basic resources, both for
4 self-help and for pro bono lawyers serving low income
5 people.

6 But the quality of those websites varies a
7 lot, and we think we could benefit from an objective
8 evaluation of what works well, what doesn't, and
9 provide some advice on best practices.

10 We have a proposal pending to do an evaluation
11 of our technology initiative grants, focusing on two
12 categories of grants, two large categories of grants.
13 We have funded many online intake systems, and we've
14 funded many document assembly programs. The latter
15 refers to the TurboTax-like programs that you've heard
16 discussed earlier today.

17 We've given more than 500, about 550, TIGs
18 over time, so it wouldn't be feasible to do a
19 retrospective evaluation of all of them. But we think
20 it would make sense to focus on those two major
21 categories, again to determine what's worked well,
22 where are the success stories, what hasn't worked so

1 well, and what learning can we take from that in making
2 future grants and making recommendations to our
3 grantees.

4 Finally, we have a proposal pending for a
5 significant increase in the money that would be
6 available for technology-related grants. It would
7 really be a program parallel to but separate from our
8 TIG grants, and would allow us to make grants to
9 entities that are not currently LSC grantees using
10 private funds.

11 We're also pursuing academic research. The
12 Justice Department's Access to Justice office had a
13 convening back in May of academics and people on the
14 ground in the legal aid world to talk about developing
15 a research agenda to try to identify issues that
16 academics should be pursuing and to try to match the
17 academics who might be interested in doing that up with
18 legal aid programs that could provide data to them.

19 As a result of that, I had a conversation with
20 Deborah Rhode at Stanford Law School. She's always
21 looking for projects. Deborah, as many of you probably
22 know, is incredibly prolific. And I told her that one

1 thing that would be useful to us as a supplement to the
2 work that was funded by the Public Welfare Foundation
3 is research on the effectiveness of brief services in
4 the legal aid world.

5 The vast majority of cases closed in legal aid
6 are done with brief services, not with soup-to-nuts,
7 start-to-finish representation. Does it make a
8 difference? Does it help? There isn't good research
9 on that, and people talk about the difficulty of doing
10 that research for majority reasons.

11 Among them, it can be often difficult to
12 follow-up with the client, to locate the client after
13 you may have had only one telephone call or a brief
14 meeting, and six months later when it might be time to
15 figure out what happened, you can't locate the client.

16 So Deborah said she would be happy to do that,
17 but needed a willing participant. And I lined her up
18 with the Alaska Legal Services Corporation. And they
19 are using students at Stanford and Deborah herself to
20 develop tools to try to measure the effectiveness of
21 brief services in at least one category of cases
22 handled by the Alaska Legal Services Corporation.

1 So I hope that we might be able to develop
2 more relationships like that and that something might
3 come out of the convening that the Justice Department
4 had because that's a great resource, academics who have
5 law students available to help them.

6 Jim Greiner at Harvard does a lot of research,
7 particularly doing randomized, controlled trials in
8 this area. And we don't have to fund that work, so I
9 think that we should consider that to be something that
10 we try to stimulate separate and apart from what we're
11 trying to raise money for.

12 CHAIRMAN MINOW: Wonderful. It's just
13 extraordinary successes and great promise in what's
14 emerging. And this is all brand-new. None of this was
15 ever done before, so it's really outstanding.

16 I have two small questions. One is on the
17 outcome data study. Obviously, that's very helpful to
18 grantees. But I also wondered about its relationship
19 to other funders, both the ways in which our outcome
20 measures do and do not match what other funders want,
21 and also in the efforts by our grantees to secure funds
22 from others. So that's my first question.

1 PRESIDENT SANDMAN: Well, on the first part,
2 the toolkit that we've developed incorporates all of
3 the measures that have been used by others,
4 particularly IOLTA funders, because we're not mandating
5 any particular type of outcomes measurement to be used
6 by our grantees.

7 We learned through extensive consultation with
8 the field that one-size-fits-all outcomes measurement
9 and reporting --

10 CHAIRMAN MINOW: Does not work.

11 PRESIDENT SANDMAN: -- was not going to be
12 successful. So we have, and Peter Campbell, our Chief
13 Information Officer, will be demonstrating tomorrow, a
14 toolkit that lays out a complete menu for grantees to
15 pick and choose from. And that avoids any
16 inconsistency with the requirements of other funders.

17 I'm not sure I understood the second part of
18 your question.

19 CHAIRMAN MINOW: Well, the second is
20 only -- maybe just you were focusing on the ways in
21 which the results here will be helpful to internal
22 management of our grantees. But it also seemed to me

1 to be helpful in their search for funds from others.

2 PRESIDENT SANDMAN: Oh, yes. Oh, absolutely.

3 We've always emphasized that there are two benefits to
4 having good outcomes data to report. One is to help
5 you make better decisions about how to allocate scarce
6 resources, but the second is to be able to make a more
7 effective case to funders.

8 Here's what we do with the money that we've
9 received. Here are our success stories. Here are our
10 numbers. All funders, including individual donors, are
11 increasingly interested in information like that, and
12 are getting used to seeing it from other nonprofits to
13 which they donate.

14 CHAIRMAN MINOW: Exactly. My other question
15 really grows from this effort to match academics with
16 grantees, and I really think that is a great idea. It
17 turns out some law schools have people who do empirical
18 research. Most don't.

19 So I'm wondering how to connect with the vast
20 amount of academic work that is empirical, and at most,
21 if it's not in law schools. The Law Society
22 Association meeting is one example. I'm just

1 wondering, is it worth it to send somebody to that
2 meeting, or to the American Economic Association
3 Meeting, or whatever, some of the other meetings, to
4 have a table?

5 Because I'll tell you, every doctoral student
6 needs a dissertation topic, and we don't have doctoral
7 students who do dissertations in law schools in quite
8 the same way. So most of the empirical work and
9 evaluative work that we could imagine getting is not
10 going to be done by law people.

11 PRESIDENT SANDMAN: I think that's a great
12 idea. I've talked to Jim Greiner at Harvard about the
13 paucity of people who are doing research in this area,
14 and he said one of the problems is that legal aid is
15 not on the radar screens of academics out there in any
16 discipline.

17 CHAIRMAN MINOW: Correct.

18 PRESIDENT SANDMAN: It's the problem we face
19 over and over again. Nobody knows what we do and why
20 they should care about it. So the first step has to be
21 to educate them.

22 I think if we can do that, we can offer an

1 enormous opportunity here. This is a vastly
2 under-researched area. You're not going to be
3 duplicating the research that others -- you're not
4 going to be doing it for the 50th time.

5 For somebody who's really looking to make a
6 mark and to treat new ground, we can offer that. And
7 I'm hoping that with the data that our grantees will
8 begin to collect on outcomes, with the mountain of data
9 that LSC sits on itself, with the help of our new
10 director of our Office of Data Governance and Analysis,
11 that we might be able to offer tempting resources to
12 somebody who's looking to get started so that they
13 don't have to do it from scratch.

14 CHAIRMAN MINOW: Well, we might actually ask
15 Jim Greiner to organize a panel at the Las Society or
16 some other meeting. And we have several ties to other
17 academic institutions here, and if it were presented in
18 the form of, here are data sets that you can use, it's
19 a whole different story than, here's legal aid and why
20 you should care about it.

21 Charles?

22 MR. KECKLER: I think one of the

1 organizations -- you can go to the Law Society, too.
2 But there is a Conference on Empirical Legal Studies,
3 and it's --

4 CHAIRMAN MINOW: Absolutely. It's a great
5 example.

6 MR. KECKLER: It's at the end of this month
7 right now.

8 CHAIRMAN MINOW: Right. That's great.

9 MR. KECKLER: So for next year, Professor
10 Greiner or somebody else organizing a panel, or somehow
11 LSC concentrating and somehow organizing itself or
12 encouraging that, might be of some use. But I would
13 definitely suggest the Conference on Empirical Legal
14 Studies because it is attended by people who are
15 looking for data sets.

16 CHAIRMAN MINOW: It's a really great idea.
17 And here's something that the American Bar Foundation
18 has done with not a lot of money, is to offer a
19 graduate or undergraduate fellowship, \$3,000, something
20 like that, that supports a student in doing their pilot
21 study that can then be the basis for the rest of their
22 career, frankly. So that might be something to add to

1 the possibilities for raising outside funds.

2 Julie?

3 MS. REISKIN: Yes. I just want to go back to
4 the evaluation of brief services. Do you know what
5 type of brief services? And does that include the
6 information and referral piece?

7 PRESIDENT SANDMAN: I don't know. That's the
8 kind of thing that Deborah was going to be working out
9 with Nikole, the executive director at Alaska.

10 CHAIRMAN MINOW: Great. Any other questions
11 for Jim about this very exciting report about the
12 research agenda and outside funding?

13 MR. LEVI: I think, if this is going to be the
14 Committee that oversees how the grants are being
15 managed, probably have to have a regular check-in as it
16 relates to that because some of them are one-year
17 projects.

18 CHAIRMAN MINOW: Right.

19 MR. LEVI: I don't think the reports on that
20 are going to come to Institutional Advancement. So
21 again, is this a thing that comes to this Committee, or
22 does it go to a different Committee?

1 MR. FLAGG: I think, based on the amendment
2 that you just voted on, it can come to this Committee.

3 MR. LEVI: Yes. Right. So would it be Lynn
4 who is presenting that? That's what I'm suggesting
5 here.

6 CHAIRMAN MINOW: I think there are really two
7 questions that we would look forward to reports. One
8 is, how has the money been spent? Is all of it spent
9 or is some of it not spent? And the other is, so what
10 are the findings, and what are the audiences for the
11 findings, and how can LSC contribute to making sure
12 that the findings are taken up by the right audiences?

13 MR. FLAGG: I think it would be a combination
14 of Lynn and the director of the new Office of Data
15 Governance and Analysis.

16 CHAIRMAN MINOW: Great.

17 MR. LEVI: Thank you.

18 CHAIRMAN MINOW: Excellent. So I think now we
19 can turn to consider and act on any other business.
20 Does anyone have any other business?

21 (No response.)

22 CHAIRMAN MINOW: Public comment?

1 Any public comment?

2 (No response.)

3 CHAIRMAN MINOW: Consider a motion to adjourn.

4 M O T I O N

5 MR. LEVI: So move.

6 CHAIRMAN MINOW: Second?

7 MS. REISKIN: Second.

8 CHAIRMAN MINOW: All in favor?

9 (A chorus of ayes.)

10 CHAIRMAN MINOW: Thank you.

11 (Whereupon, at 5:09 p.m., the Committee was
12 adjourned.)

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