

**Legal Services Corporation
Meeting of the Operations and Regulations Committee
Open Session
Thursday, January 19, 2012**

MINUTES

Chairman Charles N.W. Keckler convened an *open session* meeting of the Legal Services Corporation's ("LSC") Operations and Regulations Committee ("the Committee") at 4:42 p.m. on Thursday, January 19, 2012. The meeting was held at Legal Aid Society of San Diego, 1764 San Diego Avenue, Suite 200, San Diego, CA 92110.

The following Committee members were present:

Charles N.W. Keckler, Chairman
Harry J.F. Korrell, III
Robert J. Grey, Jr.
Laurie I. Mikva

Other Board Members Present:

Sharon L. Browne
Victor B. Maddox
Father Pius Pietrzyk
Julie A. Reiskin
Gloria Valencia-Weber

Also attending were:

James J. Sandman	President
Richard Sloane	Special Assistant to the President
Victor M. Fortunato	Vice President for Legal Affairs, General Counsel, and Corporate Secretary
Katherine Ward	Executive Assistant, Office of Legal Affairs

Mattie Cohan	Senior Assistant General Counsel, Office of Legal Affairs
David Richardson	Comptroller and Treasurer
Jeffrey E. Schanz	Inspector General
Joel Gally	Special Counsel to the Inspector General
David Maddox	Assistant Inspector General for Management and Evaluation
Laurie Tarantowicz	Assistant Inspector General and Legal Counsel
John Constance	Director, Office of Government Relations and Public Affairs (GRPA)
Stephen Barr	Communications Director, GRPA
Janet LaBella	Director, Office of Program Performance
Dennis Holz	Managing Attorney, Legal Aid Society of San Diego
Toby Rothschild	General Counsel, Legal Aid Foundation of Los Angeles
Chuck Greenfield	National Legal Aid and Defender Association (NLADA)
Don Saunders	NLADA
Justice Earl Johnson, Jr.	American Bar Association (ABA) Standing Committee on Legal Aid and Indigent Defendants (SCLAID)

The following summarizes actions taken by, and presentations made to, the Committee:

Chairman Keckler called the *open session* meeting to order and noted the presence of a quorum.

MOTION

Mr. Korrell moved to approve the agenda. Ms. Mikva seconded the motion.

VOTE

The motion passed by voice vote.

MOTION

Mr. Korrell moved to approve the minutes of the October 17, 2011 meeting and December 16, 2011 telephonic meeting. Ms. Mikva seconded the motion.

VOTE

The motion passed by voice vote.

Ms. Cohan, Senior Assistant General Counsel, Office of Legal Affairs, presented the draft notice of proposed rulemaking (NPRM) on enforcement mechanisms and sanctions, and provided detailed background information on the prior work that had been done on this matter and how the draft NPRM reached its current state. Chairman Keckler invited Ms. Tarantowicz, Assistant Inspector General and Legal Counsel, Office of Inspector General, to comment on the draft NPRM. Ms. Cohan and Ms. Tarantowicz answered Committee members' questions.

Chairman Keckler invited public comment on publication of the proposed rule. Mr. Saunders, NLADA, introduced Mr. Greenfield, NLADA's new Chief Counsel for Civil Programs. Mr. Greenfield summarized NLADA's objections to publishing the proposed rule: 1) LSC currently already has sufficient enforcement tools; 2) reduction in funding or restricting use of funds during a suspension period harms the clients and potential clients; 3) the Board should implement evidence-based decision-making on this matter before taking action; 4) the proposal lacks adequate due process; 5) this proposal will be viewed as a negative message to programs that are struggling, which is all of them in this economic climate; and 6) there are technical problems with the proposed regulation. Mr. Johnson, a former member of ABA's SCLAID, communicated SCLAID's comments from a letter sent to LSC back in 2008, when this matter was last addressed, objecting publication of the proposed rule. He stressed that these comments are not reflective of SCLAID's views of the current proposal.

Chairman Keckler stated that because there is such great interest in this issue, the Committee should recommend to the Board to publish the NPRM so that the Committee may receive and carefully consider all public comments.

MOTION

Mr. Grey moved to recommend to the Board to publish the draft NPRM.

VOTE

The motion passed by a 3-1 voice vote, Ms. Mikva cast a nay vote.

Chairman Keckler thanked the Committee members for filling out the self-evaluations and providing comments. He stated that further discussion of the Committee's goals would be taken up at the next meeting.

Chairman Keckler suggested that the Committee members read the staff report on notice and comment, publication requirement of the LSC Act and Board review of LSC promulgations for discussion at a future meeting.

Chairman Keckler noted that during the last telephonic meeting, Chairman Levi asked the Committee to review LSC protocols, in particular, the fundraising protocols. These items will be included on the Committee's agenda in the near future.

There was no new business to consider.

MOTION

Mr. Grey moved to adjourn the meeting. Mr. Korrell seconded the motion.

VOTE

The motion passed by voice vote.

The *open session* meeting of the Committee adjourned at 5:57 p.m.

I hereby certify that this is a true and correct copy of the minutes adopted by the Legal Services Corporation Board of Directors Operations & Regulations Committee on February 29, 2012.



Victor M. Fortuno
Vice President for Legal Affairs,
General Counsel & Corporate Secretary