

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE BOARD OF DIRECTORS

Saturday, September 8, 2001

10:05 a.m.

Hilton Alexandria Mark Center
5000 Seminary Road
Alexandria, Virginia

BOARD MEMBERS PRESENT:

Douglas S. Eakeley, Chairman
LaVeeda M. Battle, Vice Chair
Hulett H. Askew
John T. Broderick, Jr.
Edna Fairbanks-Williams
F. Wm. McCalpin
Maria Luisa Mercado
Nancy H. Rogers (via telephone)
Thomas F. Smegal, Jr.
Ernestine P. Watlington

STAFF AND PUBLIC PRESENT:

Randi Youells, Vice President for Programs
Mauricio Vivero, Vice President for Government
Relations & Public Affairs
Michael A. Genz, Director, Office of Program
Performance
David L. Richardson, Treasurer & Comptroller
Leslie Q. Russell, Director, Office of Information
Technology
Leonard J. Koczur, Acting Inspector General
Laurie Tarantowicz, Acting Inspector General and
Legal Counsel
Robert D. Gross, Senior Program Counsel III/State
Planning
Julie Clark, NLADA
Don Saunders, NLADA
D. Miller, Legal Services of New Jersey

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

2 CHAIRMAN EAKELEY: Let me then call the meeting of
3 the board of directors to order, and welcome, everyone.

4 You have circulated in advance of the board meeting
5 an agenda. I have one proposed amendment to make to that
6 agenda; there may be others. But I propose that we amend
7 item 11, which is, "Consider an act on an interim report of
8 the Task Force on State Planning and Configuration," to spell
9 out that we also have to consider an act on the report to the
10 Congress concerning state planning and configuration.

11 With that modification, is the agenda approved?

12 MS. BATTLE: I would so move. The only question
13 that I have is, do you still want that to be number 11 or do
14 you want to move that up?

15 CHAIRMAN EAKELEY: I think we should be okay.
16 Thank you for the helpful comment. Why don't we bring that
17 up and make item 11 now item 8, and just move everything
18 back, so it follows the president's report.

19 With those two modifications, Mr. Smegal has moved
20 for the approval of the agenda.

21 MR. SMEGAL: Even as complicated as it is.

1 MS. BATTLE: Yes. I moved and he seconded it.

2 CHAIRMAN EAKELEY: All right. All those in favor?

3 (A chorus of ayes.)

4 CHAIRMAN EAKELEY: Opposed?

5 (No response.)

6 CHAIRMAN EAKELEY: The ayes have it. The agenda is
7 approved.

8 You have in the packet of materials minutes of the
9 board's meeting of June 30. I have a few suggested changes,
10 and then I anticipate that Mr. McCalpin, our historian, has a
11 few himself.

12 MR. McCALPIN: Only historian because I'm so old.

13 CHAIRMAN EAKELEY: Let's go through them page by
14 page, if we could. Any changes on page 1 other than I have
15 the -- I would suggest adding my name among the board members
16 in attendance at the meeting, since I convened the meeting
17 but I'm not listed.

18 Page 2?

19 MR. McCALPIN: Wait a minute. You're right at the
20 very top. It says, "Douglas Eakeley convened the meeting."

21 CHAIRMAN EAKELEY: But it doesn't say I was in

1 attendance.

2 MR. SMEGAL: We never list you below. You've never
3 been there before and I don't think we should start now.

4 CHAIRMAN EAKELEY: Okay. It's too late to change.
5 Changes on the next page, or page 77 of the board -- I've
6 got a change in the word "so" to "to" in the first line of
7 the motion. "Chairman Eakeley requested a motion to approve
8 the minutes to the board's" -- or it should be "of the
9 board's meeting."

10 Next page, under "Vote," I would just add, where it
11 says, "Chairman Eakeley invited Jonathan Ross," I'd say, "ABA
12 SCLADE Chair Jonathan Ross."

13 On page 79, in that first full paragraph, in the
14 sixth line there's a random letter A that doesn't belong
15 before the word "acquiring." I'm just trying to beat you to
16 the punch for once, Bill, before I --

17 MS. WATLINGTON: I was going to say, that's the
18 first I ever hear you say that --

19 CHAIRMAN EAKELEY: Page 81, I --

20 MR. McCALPIN: I feel superfluous. No, don't skip
21 80.

1 CHAIRMAN EAKELEY: Okay.

2 MR. McCALPIN: I would like to suggest that there's
3 a problem with -- the consideration on the bottom of 79 and
4 80 is that the content of that resolution is not very well
5 explained, and so when you get a motion to amend this and
6 that, and so thereafter there are other motions here which
7 are adequately explained.

8 When we have a motion which is multi-faceted, I
9 think it ought to be better explained and laid out. Because
10 when it says, "Move to strike item number 2," you can't tell
11 what that's talking about.

12 So I would just -- it's late in the day for us to
13 talk about looking at minutes, and these may be the last
14 minutes I'll ever see. But I think in the future, either we
15 ought to have a motion like this verbatim in the minutes or
16 it ought to be sufficiently explained so that when you say,
17 "Strike item 2," we know what it is. CHAIRMAN

18 EAKELEY: Yes. I agree with that. I agree with that. But I
19 would propose that we -- we have to go back to the transcript
20 to find out what item 2 is now. But there's really no point
21 for the minutes to get to that detail.

1 MS. BATTLE: Are the resolutions generally attached
2 as items to the minutes?

3 CHAIRMAN EAKELEY: They are -- that's a good
4 question. The final minutes should have them attached as
5 part of the formal record of the corporation. Victor is not
6 here to confirm that, but that is my understanding of the way
7 it should happen because it's -- where else are you going to
8 keep the resolutions unless there's a resolution book?

9 Eighty-one, very minor, I'd just take out the comma
10 after "June 30, 2001" on the fourth line.

11 MR. McCALPIN: I also think on page 80, I doubt
12 that the Chair requests that a motion be approved.

13 CHAIRMAN EAKELEY: Yes.

14 MR. McCALPIN: The very last line on the page.

15 MS. MERCADO: Page 80?

16 CHAIRMAN EAKELEY: It's really -- it's basically --

17 MR. McCALPIN: I don't think you take a position
18 with respect to the merits. You announced that the
19 resolution was approved.

20 CHAIRMAN EAKELEY: I think that it ought to just
21 say, "Resolution 2001-008 was then approved as amended by a

1 voice vote."

2 MR. McCALPIN: Or, "The Chair called for a vote on
3 the resolution."

4 MS. MERCADO: Well, it goes on on the following
5 page, 81, "Vote: The motion passed by a voice vote." So
6 somebody else must have made that motion.

7 CHAIRMAN EAKELEY: Okay. So, "The Chair called for
8 the vote on Resolution 2001-008, as amended."

9 MR. McCALPIN: Yes.

10 CHAIRMAN EAKELEY: Okay. And then, "The motion
11 passed by a voice vote." That works.

12 I go to page 83 for my next suggestion. Anybody
13 else before then? Just before you get to the motion, the
14 last sentence of the full paragraph in the middle,
15 "Resolution 2001-007 authorizes Mr. Erlenborn to continue to
16 receive compensation from the Georgetown University Law
17 Center.

18 Then I go to 86, top of the page. I thought we
19 ought to add the words "as well as" on the first line before
20 "18 requests." It was just unclear. I'm talking about, "OCE
21 has reviewed and approved numerous PAI and fund balance

1 waivers as well as 18 requests for purchases of equipment."

2 And then finally, for me, on 87, I don't know
3 whether we've done this. I haven't reviewed these minutes so
4 carefully in recent past. But it seems to me we ought to say
5 that at this point we voted to go into executive session
6 because all that happens is that Mr. Richardson is appointed
7 as vice president for administration.

8 Then, "Concluding that the board had addressed all
9 of its agenda items, Mr. Erlenborn requested a motion to
10 adjourn." But in fact, the board adjourned to executive
11 session, went into executive session, came out of executive
12 session, and then there was a motion to adjourn after asking
13 for public -- anyone from the public.

14 MR. McCALPIN: I concluded, not to raise the issue
15 on page 87, that while one motion was pending, we considered
16 another motion and then went back to the pending motion all
17 out of order. But we did it.

18 CHAIRMAN EAKELEY: Okay. Any other suggested
19 modifications or amendments? If not, is there a motion to
20 approve the minutes as modified?

21 MR. McCALPIN: So move.

1 CHAIRMAN EAKELEY: Second?

2 MS. FAIRBANKS-WILLIAMS: Second.

3 CHAIRMAN EAKELEY: All those in favor?

4 (A chorus of ayes.)

5 CHAIRMAN EAKELEY: Opposed?

6 (No response.)

7 CHAIRMAN EAKELEY: The ayes have it.

8 Next we have the draft minutes of the executive
9 session that start on page 89 of the board materials. Are
10 there any modifications or deletions, suggestions, to be
11 made?

12 (No response.)

13 CHAIRMAN EAKELEY: Hearing none, is there a motion
14 to approve as circulated?

15 MS. FAIRBANKS-WILLIAMS: So move.

16 MS. BATTLE: So move.

17 CHAIRMAN EAKELEY: Which of you wants to call it a
18 second instead of a motion?

19 MS. BATTLE: Who moved it? Is that Ernestine?

20 CHAIRMAN EAKELEY: Edna.

21 MS. WATLINGTON: Edna.

1 MS. BATTLE: Edna? I'll second it.

2 CHAIRMAN EAKELEY: Edna moved and LaVeeda seconded.

3 All those in favor?

4 (A chorus of ayes.)

5 CHAIRMAN EAKELEY: Opposed?

6 (No response.)

7 CHAIRMAN EAKELEY: The ayes have it, and the motion
8 is approved.

9 All right. Let's go into reports, then. I don't
10 have too much, but I debated whether to make this somewhat
11 lengthier. But since there is or may be some chance of the
12 board meeting again, I will forego -- I will forego saying a
13 few things at the moment.

14 I do want to mention, however, that since we last
15 convened in New Hampshire, I've had the opportunity to visit
16 Washington several times and to confer on a number of
17 occasions with John Erlenborn and his management team.

18 And I just want to commend John and the management
19 team for a very smooth transition indeed. I think we're
20 seeing just a wonderful level of cooperation, and I think
21 that the -- when we met earlier in the year, I think we said

1 that the biggest challenge we confront as a board in our
2 waning days was to assure a successful transition.

3 And I think that John Erlenborn's leadership has
4 gone a long way towards that. I think that his reception on
5 the Hill and in the White House has also been very favorable,
6 and again, stands the corporation in good stead going
7 forward.

8 I want to quote Bill McCalpin, if I could, or
9 paraphrase Bill McCalpin, if I could. And this is stealing
10 from what I was going to say and probably stealing from his
11 thunder.

12 But Bill said at dinner Thursday night that in his
13 50-plus years of practice, the single greatest source of
14 leavening for him personally and professionally was service
15 on behalf of the cause of equal justice and with the Legal
16 Services Corporation and NLADA. And I just wanted to echo
17 that sentiment.

18 I also want to paraphrase something Bill said at
19 breakfast today, that maybe this board just isn't going to
20 die; we might just fade away.

21 In any event, also noteworthy in the last sessions

1 have been the contributions that a number of board members
2 have made in various activities. We heard yesterday about
3 the participation and contributions that Maria Luisa Mercado
4 and LaVeeda Morgan Battle have made to the initiative on
5 diversity, and I also wanted to congratulate LaVeeda for her
6 recognition by the African American project directors.

7 Four of our board members have participated
8 actively in a very -- good morning -- a very active task
9 force on state planning and reconfiguration. And I wanted to
10 thank Ernestine and John Broderick for co-chairing that, and
11 for Maria Luisa and Bucky Askew for participating in it.

12 I also just wanted to single out Len Koczur, our
13 Inspector General, for his quiet but calm and capable support
14 during the transition, but also just for keeping things on an
15 even keel and the corporation accountable, the corporation
16 and its grantees accountable.

17 And that's my report. Let's move on to -- oh, I'm
18 sorry. One other thing I just should report: Unfortunately,
19 John Erlenborn became violently ill this morning just before
20 breakfast, and he's been taken to the hospital and we hope
21 he's okay. He should be okay.

1 But nonetheless, he obviously will be unable to be
2 with us today and we regret his absence and wish him a speedy
3 recovery.

4 All right. Other members' reports, starting with
5 Ernestine, if we could, please.

6 MS. WATLINGTON: I'll just wait and I'll report
7 with the committee.

8 CHAIRMAN EAKELEY: Edna?

9 MS. FAIRBANKS-WILLIAMS: The only thing that I have
10 to report from Vermont is that we have nearly finished the
11 Access to Justice draft report survey. We've talked to the
12 poor; we've talked to court personnel; we've talked to
13 organizations; we've done a telephone survey; and we're
14 putting it all together.

15 CHAIRMAN EAKELEY: Great. And you've been painting
16 houses in your spare time.

17 MS. FAIRBANKS-WILLIAMS: Yes.

18 CHAIRMAN EAKELEY: John Broderick?

19 MR. BRODERICK: Nothing to report, Mr. Chairman.

20 CHAIRMAN EAKELEY: Tom Smegal, I forgot to say
21 thank you for your leadership in the Friends for Legal

1 Services as well as for that able chairing of the finance
2 committee in a pinch today.

3 MR. SMEGAL: Thank you. I appreciate particularly
4 the short notice. I do a lot better on no notice at all,
5 though.

6 (Laughter)

7 MR. SMEGAL: So next time if we could arrange that,
8 please.

9 The only thing I have to report is I attended the
10 American Bar Association annual meeting, as some of the other
11 board members did, and took part in some of the legal service
12 activities as a member of the board. Thank you.

13 CHAIRMAN EAKELEY: LaVeeda?

14 MS. BATTLE: That's essentially my same report.
15 And I also had the opportunity to attend the Southeast
16 Project Directors meeting along with some of the other
17 members of the staff and enjoyed that.

18 CHAIRMAN EAKELEY: Bucky?

19 MR. ASKEW: Nothing to report. I would mention
20 that Mr. Smegal has become a grandfather again for the second
21 time, and he has photographs with him. And he was too shy to

1 share those with us, but he'll be happy to if you ask.

2 CHAIRMAN EAKELEY: If prodded.

3 MR. ASKEW: On a moment's notice.

4 MR. SMEGAL: I have a beautiful granddaughter.

5 MR. ASKEW: Another beautiful granddaughter.

6 CHAIRMAN EAKELEY: Maria Luisa?

7 MS. MERCADO: Yes. Since our last board meeting,
8 we've had another session, diversity session, in San Diego
9 with NLADA, and which gave us some additional productive
10 ideas.

11 And I'm very glad that Mr. Richardson told us that
12 we are in fact going to continue to fund the diversity
13 initiative, which is very important, especially in our
14 recruitment of new attorneys and new staff to the legal
15 services community.

16 And I also wanted to thank the African American
17 project directors for their recognition. I received a plaque
18 in the mail, so I was very --

19 CHAIRMAN EAKELEY: Oh, I'm sorry.

20 MS. MERCADO: -- I was very grateful for that as
21 well.

1 CHAIRMAN EAKELEY: Well, congratulations to you as
2 well.

3 MS. MERCADO: And, you know, we certainly
4 appreciate their work as well. And, of course, we've been
5 very active with the task force on state planning and
6 reconfiguration, but I'm sure we'll have a report on that
7 later.

8 CHAIRMAN EAKELEY: Bill McCalpin?

9 MR. McCALPIN: Thank you, Mr. Chairman. I'm
10 conscious of the fact that there are some time constraints,
11 but I think it's worth taking a few moments to tell you about
12 the meaning of the Association of Legal Aid Plans of Canada,
13 which I attended last week for the 17th and I assume last
14 time. It's a very interesting and, I think,
15 rewarding relationship. I think you will be interested to
16 know that one of the major topics on the agenda was
17 performance measures. Another was technology plans, as well
18 as adherence to both long-range planning and what they call
19 business plans.

20 I have collected a number of materials on those
21 subjects which are in the process of being sent to the

1 president for distribution among the staff to those are
2 involved in those topics.

3 Another interesting topic was one that they put
4 under the heading of attrition. It's the same sort of thing
5 roughly that Don Saunders and others were talking about this
6 morning.

7 There's very great difficulty in attracting lawyers to
8 do legal aid work in Canada, although, as you know, very much
9 of the representation there is done under the system that we
10 would call Judicare and they pay for it.

11 But even with payment, they're having very great
12 difficulty attracting lawyers to do the work either from the
13 private bar perspective or as compensated staff.

14 They talked a lot about raising what they call the
15 tariff, the fees, and making conditions of practice and
16 representation more favorable for the lawyers, but I had an
17 opportunity to say something to them about our plans dealing
18 with loan forgiveness. And they had not really focused in on
19 that particularly, and I think I was able to add something
20 along those lines.

21 Finally, I remarked to them that I had been with

1 them a very long period of time. I think maybe there were
2 only three directors there who had been at more of their
3 meetings that I have been.

4 And I said to them that I would urge our successors
5 to continue the relationship and maintain that relationship.

6 One of the interesting things is that they are so interested
7 in policy development and pilot projects to explore policy
8 development.

9 One interesting thing, Ontario is by all odds the
10 largest plan in Canada. It has funding at the provincial
11 level of something over \$270 million Canadian for one
12 province. They have 1100 employees in 125 offices in the
13 province.

14 And the vice president for operations of that
15 program has recently moved over to head an office in policy,
16 and he will have ten people in that office just exploring and
17 developing policy.

18 The Canadian Ministry of Justice also has a policy
19 development arm related directly and only to legal aid, and a
20 fellow named Ed Curry, whom Randi Youells and others met in
21 Australia, has been the representative of that. And they

1 research all kinds of issues related to legal aid and are
2 regularly in attendance at the annual meeting and other
3 meetings.

4 There are a lot of interesting aspects of the
5 Canadian experience that I hope we can pass on to our
6 successors, and that they will continue the relationship.
7 Thank you.

8 CHAIRMAN EAKELEY: They may ask you to do that
9 continuation.

10 MR. McCALPIN: Well, not me.

11 (Laughter)

12 CHAIRMAN EAKELEY: Nancy Hurdin Rogers?

13 MS. ROGERS: My report is a thanks to Tom Smegal
14 for taking over this morning, and an apology for my
15 technology problems here.

16 MR. SMEGAL: You're welcome, Nancy.

17 CHAIRMAN EAKELEY: How is your new job going,
18 Nancy?

19 MS. ROGERS: Oh, I'm having a wonderful time.

20 CHAIRMAN EAKELEY: Next we have the report of the
21 Inspector General.

1 MR. KOCZUR: Thank you, Mr. Chairman.

2 In the executive session we'll discuss the
3 litigation we've involved with and some of our investigative
4 activities.

5 As to the audits, we're continuing with our program
6 integrity audits. We completed one in Hawaii at LASH last
7 spring. We recently completed one, a program integrity
8 audit, in Pine Creek, which is in Maine.

9 And we've issued reports on both of these audits.
10 Basically, there were no program integrity issues. We found
11 some minor reporting type problems where not all the cases
12 that had been filed in court had been reported to the
13 corporation.

14 We regard this as a reporting problem. We looked
15 at the cases. They were allowable cases. There were no
16 prohibited activities or anything of that type. So in the
17 perspective of program integrity, we regarded them as a
18 rather minor issue.

19 We completed the Lane County audit within the last
20 two weeks and we plan to issue a draft report next week and
21 hopefully a final report by the end of the fiscal year,

1 September 30th.

2 Our corporate audit will start next week, the
3 annual financial audit. We have a new auditor this year,
4 M.D. Oppenheimer & Company, which is a Washington firm with
5 some offices on the East Coast. As I said, we have an
6 entrance conference scheduled with Dave Richardson and his
7 staff next Wednesday, I believe.

8 At the last meeting, I talked about the survey that
9 GAO was doing on small agency inspector generals. The two
10 issues being addressed were the presidential appointment of
11 the inspector general for small agencies, and consolidation
12 of the smaller agency IGs into either a large existing IG
13 office such as, in our case, they suggested Department of
14 Justice, or creation of a new IG office that would oversee
15 all the current small agency IGs.

16 GAO issued a survey. They're still evaluating the
17 survey. There's no timetable for completion of the work.
18 The original timetable was for June, but that has slipped,
19 obviously, and there's no new timetable.

20 The survey, I might say, was commissioned by
21 Congressman Burton, and according to some of my colleagues,

1 it appears that there's been a lack of interest in this. Now
2 the congressman's interest has waned, and GAO certainly is
3 not putting a high priority on it.

4 As I indicated before, I had some problems with the
5 questionnaire. I thought it was superficial and I expressed
6 that to GAO and I haven't heard anything back on that. So I
7 don't see that really being a major issue in the immediate
8 future.

9 We are continuing our project for a mapping
10 project, a pilot project, of using computer technology to map
11 where clients are. This is a program we have with the -- two
12 programs in Georgia. As I reported last time, we settled our
13 litigation and we're moving forward with completing the first
14 part of the project, which is a conversion of their data to
15 an electronic file that we can use for evaluation and
16 mapping.

17 And I plan to go to Georgia and talk with the two
18 program directors before the end of the month to get them
19 read in on where we're going on the evaluation and to get
20 their input on areas that they would be interested in,
21 questions that they think we should ask as part of our

1 evaluation.

2 So that project we expect to move forward. It's a
3 little more complicated than we originally thought and it's
4 taken us longer, but we think it's moving forward now and we
5 should have it completed. Our plan is by next spring at the
6 latest.

7 And finally, we continue to do our client trust
8 fund inspections, which basically are a couple of our staff
9 members look at the controls the various programs have over
10 their client trust funds from a standpoint of, are they
11 following the rules and regulations in our accounting guide,
12 and are there other issues?

13 Client trust funds are kind of vulnerable. There's
14 not a whole lot of money, but it's client money and there is
15 some laxness in just basic things like making sure when
16 clients bring money, they're given receipts, particularly in
17 the case they bring cash in or if they bring a money order
18 in, so that there is some record that the money was received.

19 And we had eight planned for this year. We've
20 finished seven and the final one will start on the 17th of
21 this month in Cincinnati.

1 And that, Mr. Chairman, covers everything I have
2 for the open session.

3 CHAIRMAN EAKELEY: Thank you. Any questions of the
4 Inspector General?

5 MS. BATTLE: This survey that's underway about the
6 consolidation of the inspector generals, you mentioned that
7 there is no time frame on it. Do you know how many small
8 agencies are involved in it?

9 MR. KOCZUR: It's all the IGs that have -- that
10 were not presidentially appointed, that are -- where the head
11 of the agency, in this case the board of directors or in some
12 cases the chairman of a commission, for example, appoints the
13 inspector general.

14 One of the concerns that Congressman Burton
15 originally raised was that there was a perception that the
16 IGs that were appointed by the head of the agency weren't
17 independent. And that was kind of the thrust of it.

18 And in my response to them -- and the GAO
19 questionnaire kind of was directed -- well, somehow if you
20 have a presidentially appointed IG, that that automatically
21 makes the person independent. And in responding, I pointed

1 out that I thought it was more the person in the job as well
2 as the agency head that decided independence as opposed to
3 who apptd that person.

4 And some of my colleagues in the other small agency
5 IGs had the same viewpoint.

6 CHAIRMAN EAKELEY: I had a question, Len, really
7 more of a clarification. You said we have new auditors this
8 year to conduct the financial audit of the books and records
9 of the corporation.

10 MR. KOCZUR: Yes.

11 CHAIRMAN EAKELEY: I take it that's as a normal --
12 as normal course to change auditors rather than as a result
13 of our prior auditors refusing to continue with the
14 assignment?

15 MR. KOCZUR: Right. Our prior auditor had been --
16 had done the audit three years, and my predecessor had
17 established a policy that -- of changing the auditor every
18 three years. And we just went ahead and competed the award
19 and selected a new auditor.

20 The work the prior auditor did was acceptable, and
21 I'm sure that we have a good auditor this time. We have used

1 some of the -- used them on some prior projects and been very
2 happy with the quality of the staff they provided.

3 CHAIRMAN EAKELEY: Thank you. Any other questions?

4 (No response.)

5 CHAIRMAN EAKELEY: All right. Well, thank you very
6 much.

7 MR. KOCZUR: Thank you.

8 CHAIRMAN EAKELEY: I'm going to ask Mauricio Vivero
9 to come up and undertake the president's report in the
10 absence of John Erlenborn.

11 MR. VIVERO: Thank you, Mr. Chairman. I would
12 first like to report on status in Congress and our
13 legislation.

14 Mr. Erlenborn and the staff continue our busy
15 schedule in meeting with members of Congress. Recent
16 meetings have been conducted with Chairman Wolf, Congressman
17 Bonilla, and Senator Smith, just to name a few.

18 As you know, the bill which funds us has passed the
19 house at the current level, 330 million. It is expected that
20 on Monday, the Senate version of the CJS bill will go the
21 Senate floor. We do not expect any challenges to our funding

1 level.

2 We expect that some time during the process, there
3 will be a friendly amendment offered to expand legal services
4 to a group that to date has been denied those services.
5 Current law provides for an exception to the alien
6 restriction on LSC-funded programs to use non-LSC funds to
7 assist undocumented aliens who are victims of domestic
8 violence.

9 Unfortunately, it only covers domestic violence
10 victims who are abused by a spouse, and we anticipate that in
11 the manager's amendment and with the support of the majority
12 leader, that will be corrected in the Senate version of the
13 bill, allowing our programs to assist all aliens who qualify
14 for protection from abuse under state domestic violence
15 statutes.

16 Only five of the 13 bills are ready for conference.

17 It is unlikely Congress will conclude their work before the
18 beginning of the new fiscal year, and there are several
19 proposals for stopgap spending measures being considered
20 before Congress.

21 Mr. Erlenborn represented LSC at the recent ABA

1 meeting in Chicago. He was received very warmly by the ABA
2 board and was able to speak to the board. Martha Barnett,
3 Bob Hirschon, A.P. Carleton, and the entire board of the ABA
4 reaffirmed their support of our mission and our work, and
5 reaffirmed their pledge to help us as we move forward.

6 Part of John's focus over the last several months
7 has been to increase our visibility through technology
8 announcement grants. We've had several very successful press
9 conferences with state chief justices and members of Congress
10 in various states.

11 Randi Youells represented LSC with Senator Cantwell
12 recently in Seattle, a very successful event announcing a
13 large grant. Mr. Erlenborn has planned announcements with
14 Judy Biggert and Chairman Wolf in Virginia, and we are
15 working to have at least a dozen or so of those announcements
16 around the country.

17 They're an excellent opportunity to get our message
18 out and to highlight the way that our grants leverage other
19 resources, so that's going to be a -- that's been very
20 successful to date and that will be a big part of his
21 schedule over the next few weeks.

1 Finally, I'd just like to report that Mr. Erlenborn
2 has participated in all the task force meetings on
3 reconfiguration of state planning.

4 And let me just close by highlighting one document
5 that you have before you that we recently prepared, which is
6 a congressional directory prepared by our office, which gives
7 you the voting record on the LSC issue for every member of
8 Congress currently in Congress.

9 That's the report.

10 CHAIRMAN EAKELEY: Thank you, Mauricio. I forgot
11 to do one other thing, which is to congratulate you publicly
12 on your new marital status.

13 MR. VIVERO: Thank you.

14 MS. BATTLE: Which is he got married?

15 CHAIRMAN EAKELEY: Yes, which means he's married.

16 VOICE: He did it twice.

17 (Laughter)

18 CHAIRMAN EAKELEY: Any questions of Mauricio?

19 MS. MERCADO: No. You know, the only thing that I
20 was going to mention, because I notice one of the other clips
21 that we saw earlier in another committee, that I think the

1 newscasters, the people that were talking about the
2 technological grants, didn't give credit to Legal Services
3 Corporation.

4 They talk about federal money that they got from
5 Congress, but they never mention us as an entity. And
6 obviously in marketing it, it's important for them to
7 recognize that it is Legal Services Corporation.

8 MR. VIVERO: Yes, that's true. The one clip that
9 you saw mentioned the federal government. Luckily, the TV
10 clip in Seattle had a very good picture of Senator Cantwell
11 standing behind a podium with our logo on it. All of the
12 press coverage has clearly identified LSC as the federal
13 agency making the funding request.

14 CHAIRMAN EAKELEY: Well, it was a very nice job,
15 too, and you and your staff are to be commended. All right.
16

17 MR. SMEGAL: A quick comment on this.

18 CHAIRMAN EAKELEY: Yes, Tom?

19 MR. SMEGAL: Something Mauricio said reminded me,
20 during this American Bar Association meeting, I had the
21 opportunity to address my fellow board members at one point

1 and introduce John, and I put in proper perspective his
2 commitment to the legal services concept all the way back to
3 1974. In fact, I think my introduction was longer than his
4 remarks.

5 MR. VIVERO: Thank you.

6 CHAIRMAN EAKELEY: Thank you again.

7 Next I'd like to take up new agenda item 8, which
8 is in two parts. And the first is to ask Ernestine
9 Watlington and John Broderick to give us a report on the work
10 of the task force on state planning and configuration.

11 MS. WATLINGTON: First do you want me to report on
12 the provision committee meeting? We don't have anything.

13 CHAIRMAN EAKELEY: We were going to move the task
14 force report up first and deal with that first because that
15 might be the most lengthy of the discussions. So --

16 MS. WATLINGTON: Yes. I was just trying to get rid
17 of that because there was nothing to report and the board
18 don't have anything to do with that.

19 And I'll turn it over to John for the task force
20 report.

21 MR. BRODERICK: Thank you, Ernestine. My report,

1 Mr. Chairman, will be somewhat brief.

2 The task force on configuration, or
3 reconfiguration, has been hard at work. We met in
4 Washington --

5 CHAIRMAN EAKELEY: John, could you just move the
6 microphone a little closer? I'm not sure Nancy can hear you.

7 MR. BRODERICK: Sure. Nancy, can you hear that?

8 MS. ROGERS: Yes, thank you.

9 MR. BRODERICK: All right. I was saying the task
10 force has been hard at work, and I want to thank the members
11 of the task force for their efforts to date. We have not
12 completed our work. The expectation was we would make an
13 interim report today, which I'm prepared to do. That was the
14 guideline we were given in New Hampshire in June.

15 We met in Washington, all members of the task
16 force, I think on August 16th. And since that date -- and we
17 had a very productive meeting, I think. And I also want to
18 thank at the outset the staff of the Corporation, which did
19 an enormous amount of work, Bob Gross and Randi in
20 particular, getting us materials and distilling materials for
21 us to review.

1 I also want to acknowledge and thank the NLADA for
2 the very helpful materials they provided us as well. A lot
3 of people did a lot of work so the task force could do its
4 work more productively.

5 But we met in August for about five hours here in
6 Washington, and since that date we've had two lengthy
7 telephone conference calls, one of them being over Labor Day
8 Weekend. So that was a big smash hit with everyone.

9 My expectation is and my hope is that the task
10 force will meet one more time face to face in Washington, not
11 next week but perhaps the following week. I think we need to
12 do that.

13 Without going into very much detail, I think it's
14 fair to say that at this point there is fairly broad
15 consensus on a number of issues that we will be recommending
16 to the board relative to reconfiguration. There is still
17 disagreement, good faith disagreement, on some aspects of our
18 examination of reconfiguration.

19 But people have been helpful and they have been
20 offering language and proposals. So we may be disagreeing,
21 but at least we're working towards resolution.

1 And so I am optimistic that by the end of this
2 month, certainly by very early October, we would be to
3 circulate to all members of this board a proposal for
4 adoption relative to reconfiguration.

5 I will say that at this point, the review process,
6 by agreement struck between the Corporation and others, has
7 been changed so that there already is some change in place,
8 which I think has served all interests well.

9 And I think in our final report, although I don't
10 want to prejudge it totally, that we will recommend that that
11 change remain in place, perhaps or perhaps not with some
12 slight modifications.

13 But in any event, some changes have already been
14 made, and I suspect that we will have a report for this board
15 within the next month at the latest which will have unanimous
16 or very broad consensus among the members of the task force.

17 And I want to thank the people who have been so
18 involved in this, have been very helpful in the staff, as I
19 mentioned. And if Ernestine would like to make any comments,
20 or Maria or Bucky, all of them are active in that.

21 But my own sense is it's somewhat premature to come

1 down on this issue because we haven't concluded our work.
2 But we are close to doing so, and I think we are close to
3 doing so in a very strong and uniform way. But there may
4 still be some dissent on certain issues, but I hope not. I
5 think we can come to resolution on them.

6 CHAIRMAN EAKELEY: Ernestine?

7 MS. WATLINGTON: I concur with John on the
8 committee, which I can say is just a very working committee
9 on trying to come up with a product that can be presented.
10 And as he said, there was nothing that we have to bring
11 before the board, but we had a very good session in committee
12 yesterday. So that's two in one.

13 CHAIRMAN EAKELEY: Comments from the other two
14 board task force members?

15 MR. ASKEW: When our chairman appointed me to this,
16 I wasn't that hopeful about what we were going to be able to
17 accomplish. But I think because of the quality of the
18 written products we got before we had our first meeting, the
19 narrowing of the issues, that when I came to that first
20 meeting, I said, and I think all of us ultimately came to
21 agree, that we were not as far apart as we initially thought

1 we were and we had fewer issues that we had to resolve than I
2 expected.

3 And I think whoever appointed the members,
4 particularly the non-LSC board members, did a remarkable job
5 of picking people who are quite helpful to us and quite
6 actively engaged in it. James Head, Faith Rivers, Dee
7 Miller, and Jean Charn were all quite remarkably engaged and
8 worked very hard on this and deserve a great deal of credit.

9 But I think with John's help, we were able to make
10 a lot of progress and we're very close to it. And I agree
11 with John that I think one more meeting to wrap it up would
12 be quite advisable.

13 And since Mr. Erlenborn has assured us that given
14 where we are with Congress, we have the time to do that, I
15 think it's well advised that we do it and we get it wrapped
16 up before the new board comes in place.

17 So I'm very hopeful that it's going to come out at
18 a place where we're all going to be quite happy with the
19 progress that's been made.

20 CHAIRMAN EAKELEY: Maria Luisa?

21 MS. MERCADO: Yes. No, I don't think I have a

1 whole lot more to add than what Bucky and John have added to
2 it, but only to say that we have been very fortunate to have
3 task force members that have really spent the time and energy
4 to work on it.

5 And in particular, it was very helpful to get some
6 of the written materials, and that included outside task
7 force members like Dee Miller, that sort of narrow and focus
8 the issues that we had to spend time on.

9 And all I would say is I know that our staff is
10 overburdened. They're doing a hundred things in different
11 directions at the same time.

12 But inasmuch as we could get the materials, you
13 know, with sufficient time to be able to review it and
14 dissect it, other than the actual task force day, it would
15 make our work a whole lot easier and we could probably get
16 done in a way that is reflected and takes into account how
17 our decisions that as a task force we'll be recommending to
18 the board will affect our legal services grantees out in the
19 field and our stakeholders in those states with the plans
20 that we've put in place.

21 MR. ASKEW: I'm sorry. On my list, I forgot to

1 mention John Ross, who was quite important to this process.

2 CHAIRMAN EAKELEY: Yes.

3 MR. ASKEW: An oversight on my part.

4 CHAIRMAN EAKELEY: I must say I pushed a lot of
5 people pretty hard over the last couple of months, but I do
6 think that this is one of the most important items of
7 unfinished business left for this board to resolve before we
8 depart the stage.

9 And I'd like to get a sense of the board of whether
10 we should convene by telephone conference call or in person
11 to receive and discuss the final report of the task force as
12 well.

13 But let's just hold onto that thought for a moment.
14 I want to get other comments or questions from other members
15 of the board first.

16 MS. BATTLE: My only suggestion, since we've got
17 such a short time frame between now and when we have to make
18 a final decision about this, will be for those board members
19 that are not members --

20 CHAIRMAN EAKELEY: Nancy, we're having technical
21 problems, as you may hear.

1 MS. ROGERS: I can hear.

2 MS. BATTLE: I hope that's not in your ear.

3 MS. ROGERS: No. It's all right.

4 MS. BATTLE: Okay. If we could be available by
5 teleconference just to listen in so that we have a sense for
6 what's going on, we of course trust the work of the
7 committee, but being brought up to snuff in a day or two may
8 be tougher for us that are outside of the loop. Just let us
9 know when they're --

10 CHAIRMAN EAKELEY: Yes. I don't know whether --
11 certainly, if we haven't already done so, maybe John and
12 Ernestine and Randy could consider circulating the materials
13 that were made available to the task force.

14 I know we made some copies of a few things
15 available yesterday, at request, but maybe think about how we
16 bring the rest of the board up to the same level of
17 comprehension of what the issues were and what their
18 resolution means prior to the time when we come together,
19 either telephonically or in person, would be good.

20 And then I think -- if, technologically, sitting in
21 by phone works, fine; or maybe just sitting in at the meeting

1 might work if that's okay with --

2 MS. BATTLE: However we can do it. Yes.

3 CHAIRMAN EAKELEY: Bill McCalpin?

4 MR. McCALPIN: Well, I guess I'm old-fashioned. I
5 think I get more out of face-to-face meetings and can see and
6 hear. And one of the problems is, I don't hear very well if
7 more than one person is speaking at a time, and sometimes
8 that happens on telephone conferences.

9 I would suggest that maybe what we can afford to do
10 is keep track of the progress of the nominations and Senate
11 action on our successors, and if it looks like they may not
12 be confirmed before early November or thereabouts, we can
13 either perhaps move up the November meeting from the middle
14 of the month to a week or so earlier and actually do it face
15 to face.

16 But, you know, I'm willing to do it either way, but
17 I think I'd prefer face to face.

18 CHAIRMAN EAKELEY: I think that would be my
19 inclination, too. I'm not as inclined to move the board
20 meeting up because it seems to me that if confirmation is
21 imminent, then they should defer that meeting to the next

1 board and let them have their organizational meeting.

2 But this is definitely unfinished business that
3 this board should try to resolve as we see it so that the
4 next board has a foundation from which to act or move after
5 us.

6 MS. FAIRBANKS-WILLIAMS: The NLADA meeting is the
7 week before we have our regular meeting scheduled.

8 CHAIRMAN EAKELEY: I think we're meeting November
9 16-17.

10 MS. FAIRBANKS-WILLIAMS: Yes.

11 CHAIRMAN EAKELEY: Well, let me suggest -- how do
12 other people -- I was thinking, if the task force is going to
13 reconvene in the third or fourth week in September, we might
14 be in a position, assuming finality to the task force work at
15 that point, to convene in mid to late October for a day or
16 less. Those who could get here and leave in a single day
17 could do that.

18 What would be your reaction to that, folks?

19 MS. BATTLE: I agree that face-to-face is more
20 effective.

21 MS. MERCADO: Can we try and do it on a weekend?

1 VOICE: This is a very important issue.

2 MS. MERCADO: Because I know I have trials the
3 first two weeks in October.

4 CHAIRMAN EAKELEY: We could try and do it on a
5 weekend. Is that going to tax staff too much, Randi?

6 MS. YOUELLS: Tell us what you want us to do.

7 CHAIRMAN EAKELEY: All right. Well, let's see how
8 things proceed, both on the Hill and with the task force.
9 And we will confer by phone in fairly short order. I would
10 expect shortly following the next task force meeting, when we
11 know what we're dealing with, to see whether we can find the
12 time to convene.

13 MR. BRODERICK: Mr. Chairman, I hope the next and
14 hopefully final meeting of the task force will be during the
15 week of September 17th or September 24th. So I would hope at
16 the very latest we would have the work product by the first
17 of October, which is a Monday.

18 CHAIRMAN EAKELEY: Well, that would suggest
19 Saturday, October 13 as a possibility, the 20th, although
20 I'll be out of the country, or the 27th.

21 Do we have a -- do people know what their schedules

1 are for those days? Do you want to just pencil in a date
2 now, subject to confirmation later?

3 MS. FAIRBANKS-WILLIAMS: The 27th, I would be busy.

4 CHAIRMAN EAKELEY: Of October?

5 MS. FAIRBANKS-WILLIAMS: Yes.

6 MR. McCALPIN: What day of the week is the 27th?

7 CHAIRMAN EAKELEY: These are -- Saturday, October
8 13, or Saturday, October 27, would be two possible dates.

9 MR. McCALPIN: Either one is available to me. I'm
10 available either one.

11 CHAIRMAN EAKELEY: Should we aim for the 27th?
12 Would that be okay? Of October?

13 MR. ASKEW: It's getting pretty close to our board
14 meeting.

15 CHAIRMAN EAKELEY: It's two weeks away from our --
16 it's three weeks away from our board meeting. And I think
17 that's okay because we may defer that board meeting.

18 MS. MERCADO: What is the first weekend in October?

19 CHAIRMAN EAKELEY: I think that's too --

20 MS. MERCADO: Is that too close?

21 CHAIRMAN EAKELEY: Yes. It's too close.

1 MR. McCALPIN: I can't do that.

2 MS. FAIRBANKS-WILLIAMS: I will be busy on the
3 27th. I won't be able to be here on the 27th.

4 CHAIRMAN EAKELEY: Tom can't make it the 13th.

5 VOICE: I can't make the 13th.

6 MR. McCALPIN: You're talking about a one-day
7 meeting here in Washington?

8 CHAIRMAN EAKELEY: Yes.

9 MR. McCALPIN: Well, unless you start in the
10 afternoon, with the airline schedules and such, I can't make
11 it here in time for a morning meeting.

12 CHAIRMAN EAKELEY: Well, we would encourage you to
13 come the night before.

14 MR. McCALPIN: Okay.

15 CHAIRMAN EAKELEY: Let's pencil in the 27th and
16 doublecheck. John Erlenborn is not here. Several people
17 don't have schedules. Edna, forgive me, but there's only one
18 person who -- I've got three people who can't make it the
19 other alternative date, so --

20 MS. FAIRBANKS-WILLIAMS: Now, it would be in the
21 Saturday, not on the Sunday of the 28th?

1 CHAIRMAN EAKELEY: Yes.

2 MS. FAIRBANKS-WILLIAMS: Okay.

3 CHAIRMAN EAKELEY: All right. Any other questions,
4 comments, on the interim report of the task force?

5 If not, then let me turn to the draft report to the
6 Congress.

7 MS. ROGERS: John?

8 CHAIRMAN EAKELEY: Yes, Nancy?

9 MS. ROGERS: Unfortunately, I have to leave at this
10 point. So good luck to all. Thank you. You, too.

11 In the appropriations language that came out of the
12 House appropriations subcommittee on commerce, justice,
13 state, and the judiciary, the Corporation is required to
14 report back to the Congress with respect to the state
15 planning process and concerns raised with respect to
16 suggestions that the corporation had rejected reconfiguration
17 plans developed and approved by all relevant stakeholders and
18 provided no opportunity for the state to appeal; and also to
19 respond with a proposal that articulates the reconfiguration
20 standards in process for states to appeal LSC's decisions.

21 Now, to a significant degree, I think the first

1 part of that, which had to do with reconfiguration issues
2 relating to Michigan and Wisconsin and also Texas, the
3 Corporation has attempted to address those and we
4 specifically addressed the Michigan situation at our last
5 board meeting.

6 We have a task force in process to review standards
7 and procedures and policies, to report back to the board, and
8 to have at the next board meeting so that the board may adopt
9 as its policy statement the Corporation's position on state
10 planning and reconfiguration.

11 But we have to report in the interim to the
12 Congress. The deadline of September 4th has been extended to
13 next Wednesday, whatever next Wednesday is -- September 11th?

14 MR. VIVERO: The 12th.

15 CHAIRMAN EAKELEY: September 12th. And we
16 circulated yesterday to the board members a draft report that
17 would be intended to go to the Congress next Wednesday. This
18 should be a special report to the Congress from the board.

19 We concededly haven't had a lot of time to go over
20 it. I think a number of us have a number of editorial
21 suggestions to make. But I'd like to start perhaps by just

1 asking Mauricio to explain where we are with the Congress and
2 what the expectations are with respect to the report.

3 MR. VIVERO: That sounds like an easy question, but
4 it's really not. Chairman Wolf expects LSC to report in
5 detail on the three issues raised in the request to us.
6 Other members of Congress, particularly in the House, some on
7 the appropriations committee and some not on the
8 appropriations committee, as you know have expressed concerns
9 and questions to us about the process.

10 We feel that the expectation of Congress is that we
11 answer these questions as best we can, and I think it will go
12 a long way to alleviating their concerns, especially the ones
13 that have been most vocal, by explaining that the task force
14 has been set up and that the task force is taking a serious
15 look at these issues and will make recommendations, and that
16 the task force has broad stakeholder participation, which is
17 specifically referenced in the request to us by Congress.
18 That's general the lay of the land.

19 CHAIRMAN EAKELEY: I'm sorry John Erlenborn is not
20 here. But I should state for the record that following --
21 actually, during the New Hampshire meetings and following the

1 meetings, I discussed with John at length this general issue
2 and asked John to look specifically into the concerns
3 expressed in the appropriations language by the Congress.

4 And I think that we have taken some midterm
5 corrections. And in addition, equally as importantly,
6 although I don't want to prejudge the task force report, the
7 procedural changes that were implemented effective June of
8 whatever date the program letter went out in response to
9 NLADA's concern with respect to internal review procedures,
10 the timing of them, the undertaking by the corporation to let
11 state planners know in advance whether the corporation had
12 problems with the planning process or with the
13 reconfiguration recommendations of the state planners, and a
14 further opportunity for appellate review by the president of
15 the Corporation after the vice president of operations had
16 that review and discussion and articulated reasons, has gone
17 a long way to address the procedure part of the issue -- not
18 the standards, and ultimately not the policy and the board's
19 role in that.

20 But I think that that was a very important first
21 step to take even before the task force was launched.

1 I want to do editorial comments in a minute. But
2 first I want to deal with this procedure and substance and
3 any questions any board member might have about what ought to
4 go into this report.

5 MS. MERCADO: I've just got a question.

6 CHAIRMAN EAKELEY: Maria Luisa?

7 MS. MERCADO: Yes. I just had a question for
8 Mr. Vivero.

9 In the three areas that Congress asked us to
10 address, which you have listed in page 4 of your draft, in
11 the third item, where they say, "The process to appeal LSC's
12 reconfiguration decisions," and I don't know, you might have
13 better sense of that.

14 Does that mean LSC in total as an entity, assuming
15 that there's somebody else reviewing the process, or do they
16 mean internally difference parts of LSC? It's not real clear
17 to me, that question that they're asking, whether they're
18 implying or indicating that there ought to be some other
19 independent body reviewing this.

20 MR. VIVERO: We didn't read it as them implying one
21 way or the other. We read it as they would like to know what

1 the status is and whether or not we have such an appeals
2 process, as they call it, and to report fully on what we're
3 doing about it.

4 It's obviously a concern that's been raised by some
5 members. There has been no specific instruction to the
6 committee on that point beyond what is written here.

7 CHAIRMAN EAKELEY: And it's my understanding that
8 the task force has looked and is looking specifically at this
9 issue, among others, in its deliberations.

10 MS. MERCADO: Yes. And the reason I was asking,
11 because I don't think that, at least from the information
12 that I've gotten from the task force, that it's not really
13 clear to me that this particular item that Congress asked
14 about is implying one way or the other, or whether there's
15 any kind of legislative history or anything like that -- you
16 know, they're wanting us to look at anything beyond LSC or
17 just only within LSC.

18 CHAIRMAN EAKELEY: I think this is brand new,
19 without legislative history, and arose out of several
20 different coinciding events. And I think that it should be a
21 necessary and sufficient step for the board to address the

1 issue upon receipt of the task force report. But we'll have
2 to wait and see.

3 Bill?

4 MR. McCALPIN: Well, as you know, we only got a
5 chance to look at this yesterday. And I gather from the --
6 you mentioned in the comment you made a few moments ago, you
7 don't want the mechanical editing issues raised at this time.

8 It's clear that this was put together in a hurry,
9 that it's not very well put together. There are a number, a
10 great number, of mechanical problems, which I think can be
11 taken care of in the editing process.

12 CHAIRMAN EAKELEY: Well, I don't mean to forego
13 that process today, this morning. I'm just saying, let's --
14 if there are other questions of Mauricio or whatever, let's
15 get them out of the way.

16 But I do think that we ought to give the drafters
17 the benefit of the board views of how this could be fashioned
18 to represent a report by the board.

19 MR. McCALPIN: Well, I think that there are a lot
20 more serious problems in this than the mechanical ones that
21 could be taken care of by editing. The Congress has said

1 that they wanted -- page 4 articulates the reconfiguration
2 standards and the process for states to appeal.

3 As I read this, the document says at one point,
4 there is one overarching standard, and it states what that
5 overarching standard is. Then the document goes on beginning
6 at page 8, "LSC Reconfiguration Standard Number 1." And in
7 the following pages, there are standards 2, 3, 4, and 5.

8 Then in the misplaced footnote 8 on page 9, and you
9 have to go over to page 12 to find the bottom of the
10 footnote, it says that there are state planning
11 considerations which include five items and five program
12 letters.

13 And finally, in the review process in paragraphs 5
14 and 7, it says that the review by the vice president and the
15 president will be guided by three program letters.

16 We have a mishmash of standards here, an
17 overarching standard, five standards, a document which
18 lists -- purports to list standards which includes a lot of
19 other things, and then we say we're going to review it
20 according to three program letters independent of the
21 standards.

1 CHAIRMAN EAKELEY: I see Randi has anticipated my
2 request that she join Mauricio at the table.

3 MR. McCALPIN: I am confused, and I can't help but
4 think that anybody whose plan is going to be judged would be
5 confused about what are the standards by which they will be
6 judged on review. I think it's a mishmash.

7 And I think the standards, the five standards that
8 are listed in here, are themselves not very clear and
9 precise. And if you look at the explanatory material
10 underneath it, what they do is they mash everything in the
11 first program letter that had seven paragraphs, in which
12 paragraph seven was reconfigured.

13 You mash them all together as though
14 reconfiguration will --

15 CHAIRMAN EAKELEY: Well, you've hit a -- that's a
16 different issue than the mishmash, but it's a real issue.
17 And the -- I think we can say what we say here more clearly.

18 But one of the things that we don't say here as
19 clearly as we should is that we have a task force. We have a
20 board meeting. We expect to be grappling with some of these
21 very issues in the near future and will report back to the

1 Congress on changes, if any, made to this description of
2 standards and procedures.

3 But I think that the intent of this document is to
4 articulate as well as we can in the short time provided the
5 existing standards, the existing procedures, and also flag
6 the fact that there is this task force that is going ahead.

7 I mean, one of my reactions was that we elevate the
8 significance of state planning to the point where it seems as
9 if it's more important than federal funding, and then we tend
10 to place too much emphasis on reconfiguration, that it is the
11 focal point of state planning, when it is not.

12 And one of the policy statements I expect to see
13 emerge out of the task force is a recognition that state
14 planning is the objective and that reconfiguration is an
15 important but hopefully not all that necessary to be wielded
16 tool in the process, and then only as it advances state
17 planning and develops communities of justice and enhances
18 access.

19 LaVeeda?

20 MS. BATTLE: I'd like to say, again, I just
21 received this and neglected to read it last night but did

1 read it today, that the concern I have kind of echoes your
2 concern.

3 I don't know that this board ever articulated its
4 policies about the issue of reconfiguration, and that, I'm
5 understanding, the task force is designed to undertake both
6 standards and appellate processes regarding reconfiguration.

7 So I have some concern about going to Congress with
8 a list of standards without making it very clear that these
9 were standards developed in an interim prior to the
10 development of standards by the board.

11 CHAIRMAN EAKELEY: Let me welcome Bob Gross to the
12 hot seat also. But can you pause there for a moment? I
13 think that's a really good suggestion. I think that maybe at
14 the beginning of the document, we talk about state planning
15 and reconfiguration as an evolutionary process starting with
16 Program Letter Number 96 dash whatever it was --

17 MS. YOUELLS: Ninety-five.

18 CHAIRMAN EAKELEY: -- 95, and that although the
19 board in its strategic directions strongly endorsed state
20 planning as a means of accomplishing the end of equal access
21 to justice and with it reconfiguration, has not prior to the

1 convening of the task force and the anticipated next meeting
2 specifically addressed the issue or its appropriate role in
3 the process, but that we intend to do so shortly.

4 But in the meantime, here is the current state of
5 state planning and reconfiguration, the standards that have
6 been articulated in the program letters as adjusted, and
7 indeed the new process that came about and was announced at
8 the New Hampshire board meeting which addresses some of the
9 concerns of some of the stakeholders, and that the
10 evolutionary process is continuing.

11 And I think putting it in that framework will help
12 address the first set of concerns about, this isn't perfect
13 but nobody is and we're working to improve it.

14 MS. BATTLE: That gets it -- and the other thing
15 is, for the first time as I read this, I was involved when we
16 did our strategic planning. But I didn't understand our
17 strategic plan to elevate state planning as the primary
18 vehicle for all of this.

19 And I don't recall really any significant
20 discussions about reconfiguration as we were doing our
21 strategic plan. So that, at least from my standpoint of

1 view, having been involved in that process came as a
2 surprise, that that was an intent that was being implemented
3 by the staff. Because from a board standpoint of view, I
4 didn't see that as part of that process.

5 CHAIRMAN EAKELEY: Well, we definitely embraced
6 state planning as an important initiative for the corporation
7 and its grantees and the other stakeholders in each state,
8 which hopefully aspired to be a community of justice.

9 And we did not -- I don't even think strategic
10 directions mentions reconfiguration, but we did not engage in
11 much of a discussion about it. And we have not, and we need
12 to, and we will be.

13 So I think right now the trick is to capture where
14 we are, where the board is, where we think we're going with
15 the task force. I'd ask Randi or Bob perhaps to address
16 Bill's concern of the so-called mishmash, the one standard,
17 the five standards, the three. I don't think the one
18 overarching standard, followed with the five, is necessarily
19 inconsistent, but when you get to reducing the five to three,
20 you might want to explain that or expand upon that a little
21 bit, Randi.

1 MS. YOUELLS: I'll certainly try. It's certainly
2 the fact that the reality that we had to submit this report
3 to Congress, while at the same time the task force has not
4 finished its work, has presented us some unique challenges in
5 addressing the concerns of Congress but knowing that there
6 will have to be a supplementary report to Congress as soon as
7 the task force finishes its work.

8 What this document attempts to do is something
9 that's been working through in the task force, and that is a
10 recognition that although in numerous program letters we have
11 talked about configuration and reconfiguration and we have
12 set out in those program letters what we go through as a
13 Corporation staff in making decisions about reconfiguration,
14 it is also equally true and has been brought out by many task
15 force members that those exist in several documents, that
16 they do not exist in one document.

17 They may appear some in 98-1. They may appear some
18 in 98-6. They may appear some in 2000-7. And so one of the
19 things that the task force has been struggling with is
20 attempting to codify, for lack of a better word, all of those
21 standards into one document that would say, for those of you

1 who are confused about what are the operating standards, LSC
2 believes it has standards but it acknowledges that those
3 standards exist in many documents.

4 So here's a place, a codification of all the
5 standards in one document. But the task force hasn't
6 finished with that codification yet, so we can't point to
7 that document as a place where configuration standards
8 appear.

9 It is also equally true that despite the fact that
10 standards appear in several other documents, several
11 documents, including several program letters, LSC has
12 consistently maintained and has maintained within the
13 conversation of the task force that we have one overarching
14 standard when it comes to configuration, and that standard
15 is, does the configuration of programs that are being funded
16 by LSC as currently situated, are they the optimal
17 configuration for the effective, efficient delivery of high
18 quality legal services?

19 And then there are some sub-standards, or things we
20 look for in making that determination. So I certainly can
21 understand why it might appear, Bill, as a mishmash, and I

1 certainly agree with you that there is value, and I think the
2 task force has been dealing with that task, of getting all of
3 those together in one place, in one document, so we say,
4 these are the standards.

5 But the fact of the matter remains that that work
6 has not yet been completed. And we're struggling with that,
7 and I think we're very close. It's just struggling with
8 that.

9 So this document is an attempt to say to the
10 Congress, here are the standards that are currently in place.

11 Here is everything we look at. We agree that it's not
12 optimal, and that's why the task force is looking at it.

13 MR. McCALPIN: How do the five standards which you
14 have listed relate to the content of the various documents
15 that you have referred to, and why don't you tell the
16 Congress if you're going to evaluate according to the five
17 standards?

18 CHAIRMAN EAKELEY: I think the answer to the latter
19 is, we should. The answer to the first question is, I don't
20 know. I mean, I think there is a fair amount of debate about
21 whether or not the standards have sufficient -- one question

1 is, do the standards have sufficient content to be informing
2 and have a predictive value, and also have a means of
3 assuring accountability by the Corporation, as well as
4 predictability that can be anticipated by the --

5 MR. McCALPIN: Well, why put the five standards
6 there? Congress asked for standards, and then tell them
7 you're going to -- the appeal process is going to look at
8 something different?

9 CHAIRMAN EAKELEY: No, no. But I don't think
10 that -- Randi, could you just clarify that? The appeal
11 process is still going to go back and engage in a debate
12 about whether or not the state planners' view of the
13 application of the standards to the recommended configuration
14 fits or it doesn't fit. I don't think the idea is that there
15 are different standards to be applied in the review. And we
16 say that, but that's not the intention.

17 MR. McCALPIN: Read 5. It says, "In making the
18 recommendation, the program shall be guided by the criteria
19 outlined in program letters 98-1, 98-6, and 2000-7." It
20 doesn't refer to these standards at all.

21 CHAIRMAN EAKELEY: Shouldn't it?

1 MS. YOUELLS: All right. I think I can answer
2 that. I'm going to try. First, it's important in the
3 historical context to understand that the program letter
4 which sets out this review process was developed on the heels
5 of the New Hampshire board meeting and on the heels of an
6 agreement that NLADA made with our two presidents, John McKay
7 and John Erlenborn, that would set into place a review
8 process that would allow for some reconsideration of
9 decisions at the level of the Corporation.

10 It's also equally true, though, that that's being
11 tweaked itself. There have already been some suggestions
12 within the task force that 2000-1 be amended or replaced. So
13 that's under consideration.

14 So I agree with you that this document, 2001-4,
15 which is referred to in this document, predates the work of
16 the task force. It was put together at the time that we were
17 trying to get something out to the field to anticipate their
18 questions because they had seen Mr. Lyons' letter to Mr.
19 McKay and Mr. McKay and Mr. Erlenborn's letter back that laid
20 out a review process.

21 And so we sent out a program letter that

1 articulated the state of the review process at that
2 particular point in time. And it's going to be changed.

3 And at that particular point in time, we were
4 trying clearly to indicate to the field that we would take a
5 look at the standards articulated in the three major program
6 letters on state planning as part of that review process that
7 we were being developed in July.

8 Now, if you're saying -- and I think you're saying
9 this, but don't let me put words in your mouth -- if you're
10 saying that perhaps what gets confusing is the layout of this
11 document with the standards coming down on the right-hand
12 side of the page, we could certainly take that out.

13 CHAIRMAN EAKELEY: Randi, no, no, no. Wait. I
14 think it's the other way around.

15 MS. YOUELLS: He's not saying that?

16 CHAIRMAN EAKELEY: I think you go through an
17 articulation of the five standards, and then when you get to
18 page 14 of the document, you fall back to a reference not to
19 the standards to guide what the state planning team is going
20 to do or what the appellate process is going to be, but
21 instead you fall back to program letters 98-1, 98-6, and

1 2000-7. I mean, that's where the standards come from, but
2 you shift gear on us.

3 MR. GROSS: Maybe I can cut through this.

4 MS. BATTLE: Can I --

5 CHAIRMAN EAKELEY: Yes. Hold on and let her --

6 MS. BATTLE: Just one small point. That program
7 letter that came on the heels of the New Hampshire meeting
8 did not say it was an interim measure. And that was of some
9 concern to me since we were in the midst at that juncture of
10 having a board task force take up the issue.

11 And when I received it, I was confused as to what
12 it was responding to, and I'm sure that there were others who
13 were likewise confused about the prospective measure in place
14 and whether it was interim or final.

15 MS. YOUELLS: And I apologize for that, LaVeeda. I
16 think you and I have exchanged communication on that. It was
17 an interim step. It probably should have said interim step.

18 It was done with the best of intentions and motives, and
19 that was to get something out to the field immediately to
20 clearly implement the letters that had been exchanged between
21 Mr. McKay, Mr. Erlenborn, and Mr. Lyons.

1 It was not an attempt to end-run the task force or
2 to even end discussion on that point. And clearly in the
3 conversations that we have had with the task force, it is
4 clear that that document is going to be amended and another
5 program letter or some other way to implement policy will go
6 out at that time when the task force finishes its work.

7 CHAIRMAN EAKELEY: Bob, before you get -- we
8 don't -- in pages 14 and 15, in terms of the appellate review
9 process or the review and appeal process, we don't even refer
10 to program letter 2001-1, which is also a source for the five
11 standards that are articulated.

12 But maybe I would just put it in a question rather
13 than expressing an assumption: Was there any -- wouldn't it
14 be easier just to say, in lieu of program letters whatever,
15 that we're going to do this in any way the foregoing
16 standards that we refer to here? Or is there something
17 that's left out?

18 MR. GROSS: This is where I wanted to -- remember
19 the history of this. The task force, I think, made a good
20 observation, as Randi mentioned, that we have these different
21 program letters. And so they asked essentially for a

1 codification in one place.

2 I, with others, worked on the codification of
3 pulling together into one document. I believe that this
4 report was borrowed from that document. That was not a
5 finished piece of work. One thing that everyone has noted is
6 it refers back to the program letters as opposed to itself.

7 CHAIRMAN EAKELEY: Yes. Exactly.

8 MR. GROSS: That will be corrected, I am sure.

9 CHAIRMAN EAKELEY: That, I think, will meet the mismatch
10 point that Bill --

11 MR. GROSS: And that will have to be carried
12 through in any other documents such as the review process so
13 that it again refers to the set of standards which will be
14 recodified, I believe, will be the task force recommendation
15 in one place. I don't know what we'll call them yet, but --

16 CHAIRMAN EAKELEY: Yes. But at the moment, the
17 seven tenets of state planning -- and I wouldn't put optimal
18 configuration of service areas in solid caps on page 5 of the
19 document; that suggests that that's more important than
20 anything else -- but once we get to the standards that start
21 on page 8, should we not just be referring to the standards

1 when we get to pages 14 and 15? Or is something left out in
2 the program letters that's not in the standards?

3 MR. GROSS: Yes. This is how --

4 CHAIRMAN EAKELEY: Okay. Well, if you do that, I
5 think you'll meet one of Bill's -- I mean, you will
6 definitely reduce the confusion in the document.

7 I also -- I think we've already said it, but we
8 want to say, I think, a little bit more clearly that we have
9 this anticipated board meeting and task force report and the
10 like, and that should be an important part of describing or
11 illustrating that this is an evolutionary process that is
12 still in process of evolving.

13 MR. VIVERO: The reference on page 12 of the task
14 force will be expanded to reflect that.

15 CHAIRMAN EAKELEY: Yes. Good. I would even say --
16 I would even put a Roman numeral IV and put it at the end to
17 say, the task force -- I would give an expanded view of
18 the -- I mean, you can move that to that new section.

19 MR. GROSS: To Roman numeral I.

20 CHAIRMAN EAKELEY: Well, do it to Roman numeral I
21 and Roman numeral IV, say we expect a report back. That

1 could --

2 MS. BATTLE: I really think that, if I could
3 simplify at least in my own mind, my vision of a way to
4 approach this is to say to the Congress, this is what we have
5 in place. This is how it worked. The board is looking at
6 this, and the board will give you a report very shortly on
7 what the standards in response to their concerns.

8 CHAIRMAN EAKELEY: But I think it's also important
9 to note that since the language in the appropriations bill
10 was introduced, there has been meaningful modification to the
11 procedures in place, as well as the appointment of a task
12 force that has been deliberating and reached out for various
13 stakeholders.

14 MS. BATTLE: And my final suggestion is that going
15 back to page 4, there's a specific statement about LSC having
16 attempted to impose its own reconfiguration plans on states.

17 We need to give our response to that and our design for the
18 future, it seems to me.

19 CHAIRMAN EAKELEY: Design for the future coming?

20 MS. BATTLE: Yes.

21 CHAIRMAN EAKELEY: And response. Yes. I mean, I

1 think there -- I don't know what you want to say, but I think
2 there would be an appropriate moment to say, the board and
3 staff have conferred with the Michigan state planners and
4 Michigan has requested and received permission to continue
5 with their state planning efforts in consultation with the
6 Corporation, and we've suspended competition in Michigan. Do
7 you want --

8 MR. McCALPIN: Do you want to say that if you
9 haven't done it for others?

10 MS. MERCADO: I think that you're going to open the
11 door for a lot of other states to say, now, wait a minute.
12 Why weren't we considered?

13 CHAIRMAN EAKELEY: Randi?

14 MS. YOUELLS: I think Mauricio wanted to respond to
15 that, and then I wanted to.

16 MR. VIVERO: I would -- just on that point, I would
17 recommend that we not talk about specific states. Those
18 things are evolving. What we might say now about a
19 particular state -- I mean -- so that's my recommendation.
20 They didn't ask for a specific report on those states.

21 CHAIRMAN EAKELEY: We are addressing -- we are

1 definitely addressing the concerns, and we've been investing
2 a lot of time and effort in addressing the concerns. And
3 we're not perfect, but we're addressing them.

4 MS. YOUELLS: One point that I would like to make
5 in response to something that Ms. Battle said is just to make
6 sure that the board understands that one of the reasons we
7 talked about the existing standards or criteria that we use
8 right now, currently in state planning, while understanding
9 that modifications need to be made by this task force, is to
10 respond to some language that was included in the
11 appropriation, which said that we had not clearly articulated
12 standards for such decisions and we did not want the Congress
13 to believe that we had not clearly articulated standards.

14 We believe we have, and we wanted to say that to
15 them, while understanding and agreeing that more clarity and
16 articulation of new standards is most assuredly in order.

17 But we didn't want that in this -- MS. BATTLE: I
18 agree. I agree.

19 MS. MERCADO: I do, too.

20 MR. BRODERICK: I just want to jump in briefly.
21 And I was going to make that point. When I was asked to

1 chair this task force, the ramp up to that was that we had no
2 standards. That's what I heard repeatedly.

3 CHAIRMAN EAKELEY: Yes.

4 MR. BRODERICK: That is not true. We do have
5 standards, and we can quarrel about whether they are the
6 appropriate standards or whether they need to be tweaked here
7 or there. But the notion that we are making decisions
8 without a rudder is just not accurate.

9 And when the task force met and we had received
10 input from NLADA and others, no one, to my knowledge, on the
11 task force took the position at the end of the day that we
12 were without standards.

13 There may have been some disagreement as to whether
14 they needed to be modified or whether some changes could be
15 made. But I agree with Randi 100 percent. I think we should
16 not send a message to the Congress that were it not for their
17 inquiry, we wouldn't be getting around to writing standards.

18 CHAIRMAN EAKELEY: Actually, I think another part
19 of the message is that the board did not set up a task force
20 in response to the Congress, either. We were doing this on
21 an independent drive because we had been interested in this

1 for a long time but had not had the opportunity we should
2 have, or made for ourselves, to review it. And that
3 opportunity is now, and that's what we're doing.

4 MS. BATTLE: And finally, in response to the
5 question in our appropriations language, I guess we need to
6 send to Congress some assurance that LSC will not be imposing
7 its reconfiguration plan on states without standards.

8 In other words, we're saying, have you done this?
9 And we need to respond, no, and we need to in our policy make
10 sure that we clearly articulate a way to assure to Congress
11 that that is not a part of how we operate.

12 CHAIRMAN EAKELEY: Yes. I think --

13 MS. MERCADO: But then I think it's important -- I
14 know that someone mentioned a little while ago about -- I
15 mean, I understand some of the confusion about referring to
16 all the different program letters. But I think for
17 historical perspective, as far as LSC having had standards,
18 whether or not we agreed that they were clear or not clear,
19 that it's important to include in the document the different
20 program letters or at least, you know, some citation to them
21 so that, in effect, we've been working on this quite some

1 time. It's not something that just happened today.

2 CHAIRMAN EAKELEY: Yes. No, I agree, and maybe
3 even highlighting to a certain extent the exchange of letters
4 between Clint Lyons and John McKay in May and June of this
5 year, which itself preceded the creation of the task force.

6 MR. McCALPIN: Let me ask you a question. Are the
7 standards for evaluating configuration different from the
8 standards that apply to the evaluation of every other
9 component of a state plan?

10 MS. YOUELLS: I believe that it has been
11 unfortunate that we have taken configuration out of the whole
12 umbrella of state planning and somehow treated it as if it
13 were a separate component.

14 It is certainly true and it's certainly my
15 position, Bill, that when you look at a state plan, you have
16 to look at it in its entirety to determine whether or not it
17 has enough answers to the various questions that we ask about
18 the various components of state plans. And only one of those
19 seven questions involves the appropriate structure in the
20 program to breathe life into a coordinated, integrated
21 delivery system.

1 So I would say no to you, that you cannot
2 independently evaluate configuration without taking a look at
3 the totality of circulates that are existing in the
4 particular state at that particular point in time.

5 MR. McCALPIN: My particular question was, are the
6 standards the same for evaluating intake or training or
7 whatever as for configuration?

8 MS. YOUELLS: We have -- I think I understand your
9 question, and Bob might be better at answering this. But we
10 have standards that help us evaluate each of the components
11 in a state plan that we have set out in 98-1.

12 So yes, when we talk about coordinated intake
13 systems, we have areas of inquiry that we ask to look at that
14 time. When we talk about training and integration of the
15 practice of law, we have different things that we look at to
16 insure that that's going on.

17 When we talk about resource development and the
18 development of private bar initiatives in the delivery of
19 legal services, we have standards or areas of inquiry, just
20 as we have explanatory standards when we talk about whether
21 or not the configuration of a particular state makes all of

1 that come into being or existence.

2 MR. McCALPIN: So I guess your answer to me is yes,
3 there are different standards and there's -- I foresee when
4 we get the report on the task force, all it's going to do was
5 set standards for reconfiguration and not standards for all
6 the other elements of a state plan.

7 MS. YOUELLS: That, as I understand it, was the
8 charge of Congress, that when Congress asked us to report to
9 them, and that was the resolution adopted by the board.

10 Unfortunately, the resolution adopted by the board,
11 it refers to configuration. And so the task force scope of
12 inquiry has been configuration.

13 MR. McCALPIN: I understand that that's what the
14 Congress asked for. But I've raised the question whether or
15 not it's the responsibility of this board to consider the
16 standards for all elements of the state plan and not just
17 one, the Congress aside.

18 MS. YOUELLS: And I would agree with that. I would
19 think that if we were going to take a comprehensive look at
20 state planning, that's something that we should do. The
21 resolution that the board adopted at its New Hampshire

1 meeting put squarely on this task force the responsibility
2 for configuration.

3 I would also say that such a review would take a
4 very long period of time. And I understand that it was --
5 I'm sensing that it was the sense of this board that the
6 priority was configuration and that's why they gave the
7 charge to the task force at that time.

8 It would be a very long inquiry -- I agree with
9 you. It probably is an inquiry that needs to happen.

10 CHAIRMAN EAKELEY: Well, may I just say in response
11 to that, we have a document entitled Strategic Directions
12 that we adopted in January of 2000. We really don't have a
13 strategic plan, and it really ought to be part of a strategic
14 planning process for the board and our successor board to be
15 inquiring into important initiatives and policy areas such as
16 state planning to see whether we can improve them and to see
17 how we performed against our own goals on an annual basis.

18 That's one of the recommendations I see bequeathing
19 to the next board, that we get the Corporation more engaged
20 in strategic planning as an ongoing matter, and that would
21 definitely include as a high priority seeing whether or not

1 the process of state planning can be improved as guided by
2 the Corporation.

3 But clearly, as an area of emphasis and initiative,
4 this is something that we have consistently embraced, and I
5 think so has the community.

6 MR. ASKEW: I would second that, and I think also
7 it would be a model for the states that we expect state
8 planning to continue after the production of this report.
9 And it's not a process that ends on a certain day and then
10 you're over and done with it.

11 Not to create too much more work for the staff or
12 to be too cute about it, I think we may need to reconfigure
13 this report, at least my opinion. It would be helpful to us
14 to reconfigure this report by putting up front what Justice
15 Broderick said about, we do have standards. We've been
16 following those standards.

17 And now we've created this task force, and the
18 language that's on page 12 be moved up to the front of when
19 we start talking about this to say we have this task force
20 addressing these issues. It involves the people they asked
21 us to involve, the stakeholders. It's working away, and it's

1 going to have a report.

2 That being said, here's the way we're operating
3 today and have been operating historically. There are
4 standards. Here's what they are. But we're reviewing them.
5 We'll have a further report to you down the road.

6 It shouldn't be defensive, but I think it should
7 say up front, we have not been operating without standards.
8 That's a very dangerous thing to allow anybody to perceive as
9 going on.

10 CHAIRMAN EAKELEY: I think that the nods around the
11 table suggest that we have a rare -- not a rare consensus,
12 but a consensus on that reconfiguration of the report.

13 Maria Luisa?

14 MS. MERCADO: I think that the overriding
15 principle, though, to this document that goes to them is that
16 reconfiguration is one of many aspects of state planning,
17 that state planning is not solely that.

18 I understand that they're concerned with that
19 particular issue, but I think we ought to be very clear in
20 the document --

21 CHAIRMAN EAKELEY: Yes. Put it back in

1 perspective.

2 MS. MERCADO: -- that state planning does not
3 necessarily anticipate that in every situation there's going
4 to be reconfiguration. But dealing with that particular
5 issue, this is what we have as standards.

6 CHAIRMAN EAKELEY: Dee Miller is a member of the
7 task force. Do you have something to --

8 MR. MILLER: Yes. Just one observation on our
9 program.

10 CHAIRMAN EAKELEY: We need a mike. Pick up the one
11 on the corner there.

12 MR. MILLER: One observation I would make by way of
13 recommendation to the board regarding this report, picking up
14 on something that the vice president suggested a few minutes
15 ago: I think in what is Roman numeral II of the report on
16 page 8, whatever Roman numeral that becomes, that's one of
17 the places where you pick up the consensus that the board has
18 about these standards -- standards have been in place all
19 along.

20 I think it's important to give the history and the
21 documents. I think it's important also, though, not to lay

1 it out in this way, and frankly, not -- I would suggest not
2 highlighting or even mentioning it. I didn't know that it
3 was a public release, on the next page, this document called
4 "State Planning Configuration Standards," because that's
5 precisely the kind of thing that's going to get very
6 confusing, not just to Congress, but to everyone else.

7 There were all these historical standards. Then
8 there was another group of standards in August 2001, and now
9 there's a -- and there was also a task force that even sort
10 of paralleled that.

11 I think that it's much better just to set out the
12 historical record up to and including 2007, which
13 incorporates the public releases you've done, and then let it
14 rest at that and let the rest go to the task force report and
15 the board action on that.

16 That would be my suggestion. This creates an
17 impression that this -- there was a new document creating a
18 new set of standards. It makes me scratch my head, and I'm
19 probably pretty close to this. Thank you.

20 CHAIRMAN EAKELEY: Randi?

21 MS. YOUELLS: I would just agree with that. When

1 I -- one of the things that has happened, and I think it's
2 important for this board to understand, is the task force
3 first met on August 21. And since that period of time, two
4 and a half weeks, we have been writing fast and furiously.

5 LSC State Planning Configuration Standards is not a
6 published document and has not been released. That was a
7 working document that was prepared at the task force request
8 for the task force. So it's just a part of the tweaking of
9 the language that we didn't catch this before this meeting.

10 So I would agree with that. It has not been a
11 document that has been released. It's a working document.

12 CHAIRMAN EAKELEY: Okay. Why don't we just take
13 that paragraph out, then. And there's a reference in the
14 footnote 8.

15 MR. McCALPIN: You've reduced the "mish."

16 MS. YOUELLS: I aim to do that.

17 CHAIRMAN EAKELEY: Any other questions? Comments?
18 Suggestions?

19 (No response.)

20 CHAIRMAN EAKELEY: All right. Thank you. Well,
21 wait. Hold on. Yes, right. This is due Wednesday. What's

1 the -- here are your options, board and staff, although there
2 are physical -- 24 hours in a day and tomorrow's a Sunday and
3 there's been a lot of hard work put into this coordinating
4 and preparing for it.

5 One option is for the staff to rewrite the draft
6 and float it by me and maybe the co-chairs of the task force
7 to see whether or not the staff has captured the sense of the
8 board.

9 The alternative, competing option is to circulate
10 the document to all board members, and then there are options
11 A and B within that option 2.

12 Option A would be get comments from everybody and
13 try and mesh them by Wednesday. Option B would be send it to
14 everybody, circulate it to everybody, to see whether or not
15 there are any serious concerns, reservations, changes to be
16 made, and then feed them back through -- unfortunately, I'm
17 going to be in depositions out of state Tuesday and Wednesday
18 so that makes it logically more difficult -- but at least
19 give everyone a sense of where we're going and an opportunity
20 to be heard, but don't invite recommendations that are
21 editorial in nature, but simply check for substance.

1 MS. BATTLE: I think circulating it at least to
2 everyone -- this is fairly important at this juncture -- is a
3 piece of what I would suggest.

4 CHAIRMAN EAKELEY: Okay. Can we do that? Now,
5 anticipating -- how much time do we -- if we get to the point
6 where there are irreconcilable substantive differences, a
7 point that I don't think we will reach, we may need to
8 schedule a conference call. Hopefully not.

9 But what's the -- when does this have to get put to
10 bed in order to be --

11 MS. MERCADO: Doesn't the Federal Register require
12 seven days?

13 CHAIRMAN EAKELEY: No, no, no. This is not the
14 Federal Register. This is not. This is just a question of
15 logistically when does our staff require sign-off from the
16 board in order to get this to the Hill on time?

17 MR. McCALPIN: Let me ask Mauricio a question.
18 What are the possibilities of an extension of time beyond
19 Wednesday?

20 MR. VIVERO: Well, there is some possibility of
21 that. We called and asked for an extension from the first

1 deadline because we knew that the board would want to
2 consider it here and perhaps act on something the task force
3 recommended.

4 I could certainly, if it's, you know, the will of
5 the board, seek a delay, but I'm hesitant to because I know
6 that those in Congress who have been -- a few who have been
7 concerned about this issue are expecting this report.

8 The chairman of the committee, I don't believe, is
9 that engaged on the issue. But other members are, and they
10 expect some answer soon. If a few days helps you and that's
11 what you'd like me to do, I can certainly seek that, but --

12 MR. McCALPIN: Well, given the fact that Doug is
13 going to be unavailable Tuesday and Wednesday, why not an
14 extension till Friday of next week?

15 MS. YOUELLS: The danger is if they say no. I
16 think we're going to have to have a plan for getting it in.

17 MR. McCALPIN: Well, I can't believe they wouldn't
18 give you two days.

19 CHAIRMAN EAKELEY: I can turn something around if I
20 get it Monday afternoon.

21 MR. McCALPIN: Yes. But how can they get it to us

1 by then?

2 CHAIRMAN EAKELEY: Well, the idea would be to
3 circulate it back to everybody Tuesday morning and have
4 somebody else pick up where I left off with the final
5 edits -- the hopefully final edits.

6 I would suggest making the attempt and see how
7 close we get, and if we then come to the last minute and say,
8 we just can't do it, we need another day or two, then go to
9 the Congress.

10 But if it's not -- I'm looking -- I mean, it's as
11 much -- it's really going to be -- there's a great onus on
12 our staff to turn this around in time and to try and figure
13 out what exactly each of us meant when we said this, and are
14 we in agreement or disagreement. But if they can get
15 something out Monday, other than a meeting in the middle of
16 the day I can drop everything and turn to it and then we can
17 go back and we can circulate it after I have a first cut.

18 MR. McCALPIN: Can't they circulate it to everybody
19 when they circulate it to you?

20 CHAIRMAN EAKELEY: They can do that, too.
21 Actually, that might be even better because if there are

1 particular issues that people have, then if they could e-mail
2 me or -- preferably email me, but call me, then I could then
3 coordinate that response initially, put it in, and then would
4 have to turn it over to, I would say, John Broderick if
5 he's -- are you in -- your court is back in session. Right?

6 MR. BRODERICK: We're back in session, but I'm
7 around all next week, so --

8 CHAIRMAN EAKELEY: Okay. Why don't we try for
9 that. Fair enough? So when the next draft is ready,
10 circulate it to everybody. I will undertake to coordinate
11 first wave comments. Please be restrained. And then we'll
12 turn over final product to John Broderick to coordinate with
13 staff.

14 MR. BRODERICK: Mr. Chairman, I just wanted to make
15 a comment about the substance of this report.

16 Looking at page 12, which I understand will
17 probably be moved and perhaps revised, I don't think our
18 answer to the Congress should be solely that we have a task
19 force. That sounds like, you know, a waltz down a blind
20 alley.

21 I think we should say, "And it is anticipated that

1 the task force will complete its work and the board will take
2 action on the task force's recommendations during the month
3 of October," so it looks as if this is actually going to come
4 to closure.

5 CHAIRMAN EAKELEY: Yes.

6 MR. BRODERICK: So I think if we feel that's true,
7 I think we should tell the Congress that that's what's
8 expected so they won't think this is without end.

9 CHAIRMAN EAKELEY: Okay. Is that it for now on
10 this issue?

11 MR. McCALPIN: Well, we didn't address at all the
12 mechanical editing. I'm perfectly willing to pass it on
13 to --

14 CHAIRMAN EAKELEY: That would be my suggestion.

15 MR. McCALPIN: There are a number of minute Ops and
16 Regs type issues.

17 MS. YOUELLS: We expect that you would give them to
18 us.

19 VOICE: Just send them along, Bill. Glad to get
20 them.

21 MR. BRODERICK: Would it be possible to have a

1 conference call to hear those edits? I would like to do
2 that.

3 MR. McCALPIN: I didn't hear you.

4 MR. BRODERICK: I said would it be possible to be
5 on a conference call to hear those edits? I would like to be
6 part of that. If not, I understand.

7 (Laughter)

8 MR. SMEGAL: I've got an unlisted number as of
9 today.

10 (Laughter)

11 CHAIRMAN EAKELEY: Okay. Thank you very much.
12 This is a really good step. Hopefully, the comments have
13 been helpful.

14 All right. Next is, consider and act on the report
15 of the Board's Committee on Provision for the Delivery of
16 Legal Services.

17 Now, Ernestine, you have already kind of reported.

18 Is there anything --

19 MS. WATLINGTON: Yes. We had a very good meeting
20 but we didn't do anything and we -- to take to the --
21 hesitate to make any resolution on. It was very updated

1 on -- and I know everyone enjoyed the -- and touring on
2 Micronesia and Guam.

3 CHAIRMAN EAKELEY: And it was also nice meeting the
4 five new members.

5 MS. WATLINGTON: And the five new members of --
6 staff members. So, I mean, that's -- you know, it was a very
7 good meeting, as I said, but it was nothing we have to make a
8 vote on or anything.

9 CHAIRMAN EAKELEY: Next, John Broderick. Consider
10 and act on the report of the Board's Operations and
11 Regulations Committee.

12 MR. BRODERICK: Yes, Mr. Chairman. I'll be brief
13 on it. There are really three issues I want to bring to the
14 board's attention.

15 Yesterday during our meeting we had a report from
16 Victor Fortuno and Mattie Condray on the final report of the
17 regulations review task force, which I think everyone now
18 has.

19 We talked about it briefly at the meeting. It is a
20 follow-along on many months of work by this particular task
21 force, which has taken a look at the direction of the board

1 and various regulations of the Corporation in an effort to
2 make recommendation at the preliminary level as to what the
3 priorities ought to be, and are looking at those regulations
4 going forward.

5 And a report was accepted yesterday by our
6 committee with the suggestion that perhaps they issue their
7 reports for comment, and that at the next meeting of our
8 committee they synthesize those comments and perhaps further
9 prioritize their recommended sequence of examining those
10 regulations so that we can make an intelligent presentation
11 to the board.

12 They did a lot of work on it and it was well
13 received by us, and so I suspect that by the next board
14 meeting, if we're all here in November, we will have
15 something a little more definitive to present to you.

16 With respect to rulemaking, we received a status
17 report that 45 CFR 1626, which relates to restrictions on
18 legal assistance to aliens, and 45 CFR part 1611 on
19 eligibility, have been identified as appropriate subjects for
20 rulemaking.

21 It's been determined that will be done on a

1 negotiated basis, and notice will be published, I hope,
2 within a week. We saw a draft of the notice to solicit names
3 for a working group. So presumably that will be done in
4 short order, and Mr. Erlenborn and myself, with consultation
5 with the Ops and Regs committee, will recommend people to be
6 appointed to that group.

7 With respect to 45 CFR 1639, welfare reform and
8 follow-along to the Velazquez decision, notice and comment
9 rulemaking will go forward to conform the kind of regulations
10 to the mandate of that decision.

11 And lastly, I'm proud to say that on my
12 tombstone -- hopefully not being carved as we speak -- it
13 will say that I was a facilitator assisting in the adoption
14 of the PAMM -- not exactly Jeffersonian, but it may be there
15 nonetheless.

16 The Property Acquisition and Management Manual,
17 which has been such a topic of great interest to so many, was
18 discussed in New Hampshire, and we had some good comments in
19 New Hampshire about how it might be modified.

20 The staff, Mattie Condray in particular and Victor,
21 took those comments and came back to us at our meeting

1 yesterday, and we had a good discussion about those comments.

2 And we heard from others relative to those comments.

3 Our committee recommended a change, and I guess
4 only a single change, although it may require alterations in
5 several places but it's one change, to the definition of
6 property.

7 And we have recommended, and I guess there's a
8 revision to the PAMM that's now out, to change the definition
9 of property to make it consistent with OMB Circular A-110,
10 which applies across the board to the federal government, to
11 change the threshold for that definition from \$1,000 to
12 \$5,000.

13 And I think that will be well received by the
14 field, and I think it's certainly received the approval of
15 the Office of Legal Counsel. There is some legitimate
16 discussion within the Corporation as to why that shouldn't be
17 amended because it gives us greater oversight if it's 1,000
18 as opposed to 5,000, and it may result in some economic
19 impact as we go forward, particularly with reconfiguration
20 issues. But the unanimous view of the committee was that we
21 make that amendment.

1 And there were other areas discussed, which I don't
2 think I need to bother the full committee or the full board
3 with now. But if you'd like to answer any questions, I can
4 do that. But we recommend no other changes to the draft of
5 the PAMM other than along that line, and at the various
6 locations, Section 1, Section 6, and Section 1, where the
7 \$1,000 to \$5,000 issue appears.

8 And so there is a revised PAMM out. I don't know
9 whether all of you have seen it. I know I keep getting calls
10 from CBS News, and I'm holding off.

11 (Laughter)

12 MR. BRODERICK: Because I think you should see it
13 before Dan Rather.

14 CHAIRMAN EAKELEY: John, do we have to adopt this
15 by resolution?

16 MR. BRODERICK: I think we should adopt it by
17 resolution, and then I think it will be published, and as I
18 understand, 30 days after publication it becomes effective.
19 But yes, it is an action item.

20 CHAIRMAN EAKELEY: Do you want to put your
21 recommendation in the form of a motion?

1 MR. BRODERICK: I will try to do that,
2 Mr. Chairman. I would move -- I don't know if there's some
3 identification on this --

4 MR. ASKEW: Maybe the number at the top, John,
5 7050-01-P, might be the way to identify it.

6 MR. BRODERICK: The document I've been handed
7 entitled Property Acquisition and Management Manual, numbered
8 7050-01-P, which contains the revisions at page 17326 that I
9 have referenced, namely, the \$1,000 to \$5,000 change.

10 And I would move that this board adopt the Property
11 Acquisition and Management Manual, as amended, and as
12 contained in 7050-01-P, so that it may be published and
13 formally adopted.

14 CHAIRMAN EAKELEY: Is there a second?

15 MS. BATTLE: I would second.

16 CHAIRMAN EAKELEY: Comment?

17 (No response.)

18 CHAIRMAN EAKELEY: All in favor?

19 (A chorus of ayes.)

20 CHAIRMAN EAKELEY: Opposed?

21 (No response.)

1 CHAIRMAN EAKELEY: The ayes have it. The motion
2 carries.

3 MR. BRODERICK: And that is all I have to report,
4 Mr. Chairman.

5 CHAIRMAN EAKELEY: Thank you, John.

6 Tom Smegal, report of the finance committee?

7 MR. SMEGAL: Thank you, Mr. Chair. We have several
8 matters that will require votes of the full board. And let
9 me start with the first one.

10 That is the practice that we experienced over the
11 last eight years. As the year goes on, we discover that our
12 budgetary projections don't necessarily track with the real
13 world of expenditures. And for that reason, we have the
14 benefit of a periodic review of our consolidated operating
15 budget. We had that input this morning from Mr. Richardson.

16 And as a consequence of that, we have a resolution,
17 identified as 2001-012, by which, through the attached
18 documents, there will be modifications in the use of the
19 funding we have for this fiscal year. And I would -- I
20 believe it's in front of all of you, and I would move its
21 adoption.

1 CHAIRMAN EAKELEY: Is there a second?

2 MS. BATTLE: I'll second it.

3 CHAIRMAN EAKELEY: Any discussion?

4 (No response.)

5 CHAIRMAN EAKELEY: All those in favor of adopting
6 Resolution Number 2001-012, say aye.

7 (A chorus of ayes.)

8 CHAIRMAN EAKELEY: Opposed?

9 (No response.)

10 CHAIRMAN EAKELEY: The ayes have it. The
11 resolution carries.

12 MR. SMEGAL: Thank you. Again, at this time of the
13 year, we recognize that Congress's task with respect to the
14 fiscal year 2002 budget may not be completed by the end of
15 October, and as a consequence of that, we project where we
16 might need to be as the new fiscal year starts.

17 And the way we do that is to normally adopt a
18 continuing resolution that would carry forward the funding
19 from the prior year. We have more optimism this year with
20 respect to what that funding level will be because of acts of
21 various components of the Congress and carry-over funds that

1 we'd anticipate.

2 And for that reason, our Resolution 2001-011
3 reflects ongoing funding or ongoing operation of the Legal
4 Services Corporation at numbers slightly more optimistic than
5 they would otherwise be.

6 And I have before you, adopted by the finance
7 committee, unanimously, I might add, Resolution 2001-011.
8 And I move its adoption by the full board.

9 MS. WATLINGTON: Second.

10 MS. BATTLE: Second.

11 MS. WATLINGTON: Edna seconded.

12 CHAIRMAN EAKELEY: Any discussion?

13 (No response.)

14 CHAIRMAN EAKELEY: All those in favor?

15 (A chorus of ayes.)

16 CHAIRMAN EAKELEY: Opposed?

17 (No response.)

18 CHAIRMAN EAKELEY: The ayes have it. The motion
19 carries.

20 MR. SMEGAL: Again, at this time of year when the
21 leaves are changing, we look forward to the year further out

1 in the distance. And we have before you Resolution 2001-013,
2 which is a budget mark for fiscal year 2003, a year which
3 would start in October of 2003.

4 CHAIRMAN EAKELEY: 2002.

5 MR. SMEGAL: Oh, you're right, 2002. Thank you.
6 We have before you a Resolution 2001-013 which would propose
7 as a budget mark the amount of \$296 million.

8 CHAIRMAN EAKELEY: \$396 million.

9 MR. SMEGAL: \$396 million, which represents 66 --
10 roughly 66 million more than our current funding of 329
11 million and some odd cents.

12 We did have a presentation from NLADA through Don
13 Saunders, which would propose that the funding level be
14 somewhat higher than that based upon adjustments for
15 inflation from 1995 figures. After a thorough discussion and
16 consideration, the finance committee unanimously adopted this
17 resolution as you see before you.

18 If this passes, there are some comments to be made
19 with respect to its components.

20 CHAIRMAN EAKELEY: Is there a -- that's a motion?

21 MR. SMEGAL: That's a motion.

1 CHAIRMAN EAKELEY: Is there a second?

2 MS. FAIRBANKS-WILLIAMS: Second.

3 CHAIRMAN EAKELEY: All those in favor?

4 (A chorus of ayes.)

5 CHAIRMAN EAKELEY: All those opposed?

6 MS. MERCADO: Nay.

7 CHAIRMAN EAKELEY: The ayes have it. The motion
8 carries.

9 MR. SMEGAL: Among the discussion points that Mr.
10 Saunders raised are one that the board embraced or the
11 committee embraced, which was some sort of mechanism by which
12 there could be a loan repayment procedure set up.

13 The current president of the American Bar
14 Association has adopted two primary activities during his
15 year, Bob Hirschon, one of which is this, that somehow or
16 other those who go into the legal services community as the
17 new wave of volunteer lawyers, in a sense, would have an
18 opportunity to get out from under the load of their law
19 school loans.

20 And while our budget does not have that in, the
21 presentation by NLADA did focus on that, and at least one of

1 our committee members feels very strongly about that, as do
2 I.

3 CHAIRMAN EAKELEY: Well, there are actually two
4 issues. One to report is that John Erlenborn has been asked
5 to serve on that ABA commission looking at student loan
6 forgiveness as part of recruiting legal services lawyers into
7 the program.

8 Bucky spoke in favor of the corporation exploring
9 how we might participate and how funding sources might be
10 made available for that purpose.

11 And while I don't think we want to tie the hands of
12 the next board on this subject, I think it might be
13 worthwhile, if the board were so inclined, to express our
14 strong support for exploring and supporting a loan
15 forgiveness program for law students planning to enter into
16 public service -- public interest legal careers with legal
17 services providers.

18 How do you all feel about that?

19 MR. McCALPIN: So move.

20 VOICE: Make that in the form of a motion.

21 MR. SMEGAL: Sense of the board?

1 CHAIRMAN EAKELEY: Yes.

2 MR. McCALPIN: Absolutely.

3 CHAIRMAN EAKELEY: We'll leave it to Victor, who's
4 not here, to better articulate it. But I think that it has
5 been moved and seconded that the sense of the board be
6 expressed that loan forgiveness -- student loan forgiveness
7 for law students contemplating careers in legal services for
8 the poor should be explored and supported.

9 MS. MERCADO: And, Mr. Chairman, I do believe that
10 at the committee meeting in the finance committee, Mr.
11 Richardson, our treasurer, was specifically asked whether or
12 not the budget mark that is being requested, the \$396
13 million, would incorporate the amount that NLADA was looking
14 at as a possible range for the student debt assistance of 17
15 million, and that our treasurer did in fact say that it
16 would -- it could cover that.

17 CHAIRMAN EAKELEY: It could, if it were reached.
18 On the other hand, the next board will have to decide with
19 the Congress how much additional funds should go to programs
20 and how to allocate.

21 So I would not -- this is what I meant by not tying

1 the hands of the board, but I think that the sense of this
2 board is that student loan forgiveness programs are
3 important, important to the vitality of legal services
4 programs across the country, and therefore we have registered
5 our support.

6 Edna?

7 MS. FAIRBANKS-WILLIAMS: Would we be putting in
8 some of the rules and regulations, or would the grantees be
9 doing it? Because we've had some experience in Vermont with
10 dentists who have had loan forgiveness and then they have
11 decided to leave the state and we have not received our money
12 back.

13 CHAIRMAN EAKELEY: I think these are issues that
14 will be pursued by this committee, this task force that the
15 ABA has set up.

16 Anything else?

17 MR. SMEGAL: That completes the report of the
18 finance committee, Mr. Chair.

19 CHAIRMAN EAKELEY: Let me turn to one other item
20 before leaving to return home so I can have dinner with my
21 daughter before she returns to France. That's item 12,

1 consider and act on an appointment to the board of directors
2 of Friends of LSC.

3 As you know, Friends of LSC is 501(c)(3) charitable
4 organization that has been set up to hopefully solicit and
5 receive funds with which possibly to acquire title to and
6 develop a permanent residence for the Legal Services
7 Corporation.

8 It's in its startup phase. John Erlenborn serves
9 as chair. Tom Smegal has served as a founding trustee and
10 has really been the driving force behind Friends, along with
11 John McKay.

12 And the concept is to authorize the LSC board chair
13 to designate or make an appointment to the board of Friends
14 of the Legal Services Corporation, with the authorization of
15 the board. We're in discussion with one particular
16 individual, but there's been no commitment yet.

17 But I solicit your delegation of authority for me
18 to make that appointment to the board of Friends of LSC.

19 MS. BATTLE: I would so move, in conformity with
20 Resolution 2001-009.

21 MS. MERCADO: Second.

1 CHAIRMAN EAKELEY: Any discussion or questions?

2 (No response.)

3 CHAIRMAN EAKELEY: All those in favor?

4 (A chorus of ayes.)

5 CHAIRMAN EAKELEY: All those opposed?

6 (No response.)

7 CHAIRMAN EAKELEY: The motion carries.

8 And I will now turn the chair and gavel over to
9 LaVeeda Morgan Battle, and thank you all for your indulgence.

10 MS. WATLINGTON: I wanted to make one comment that
11 I didn't of the nice presentation we had from our friend
12 from -- who's come to our committee meeting on -- yesterday.

13 CHAIRMAN EAKELEY: It's all yours, LaVeeda.

14 MS. BATTLE: Thank you. We have one other item on
15 our agenda before closed session, which is, consider and act
16 on the change in location of the April 2001 Board of
17 Directors meeting.

18 Do we have someone from the staff to articulate
19 what that particular item is on our agenda? Where is
20 Mauricio?

21 MS. WATLINGTON: Are we going to be dealing with

1 that, or that's the other board?

2 MS. BATTLE: That's the new board. I think what
3 they try to do is to designate times and places so they can
4 begin negotiations with hotels and others.

5 MR. McCALPIN: Where is it presently scheduled?

6 MS. BATTLE: I have no idea. So that's why you
7 need somebody from the staff to tell us what that --

8 MS. MERCADO: Well, generally they do that one in
9 Washington, D.C., don't they, the April meeting?

10 MS. BATTLE: I see Randi and Mauricio have
11 returned.

12 MS. YOUELLS: Could you tell us what the question
13 is?

14 MR. ASKEW: No. You have to answer it without
15 knowing the question.

16 MS. YOUELLS: I am a wonderful vice president. Was
17 that the question? No.

18 MS. BATTLE: Item 13 on our agenda has to do with
19 the location of the 2002 April board meeting. And we want
20 you to tell us what that is and what we need to do.

21 MS. YOUELLS: Yes. We've been -- we had

1 tentatively been scheduled, as I understand it, to go to
2 Tampa, Florida. And in conversations with the president, he
3 has expressed to me a strong preference for only traveling
4 where there is a definite programmatic connection.

5 And I then suggested to him that we look at that
6 April meeting -- if we were in fact going to go offsite, we
7 look at two places that needed to be recognized and rewarded
8 for their very, very hard work within the past several years
9 to build a state community of justice.

10 And I suggested that we either look at Charleston,
11 South Carolina, which is a state that has just done
12 tremendous work and is in the process of just really being on
13 the cusp of a new day; and Charleston, West Virginia, which
14 is also a state that has done tremendous work.

15 And I thought those would be two good reasons, two
16 good places to go that had a definite programmatic vantage
17 point.

18 I also believed, and I talked to both of the
19 states, those would be states where the board would be very
20 welcome. Those would be states in which the judiciary and
21 the bar would like to engage with the LSC board of directors

1 and showcase their wonderful work. And there would be good
2 reasons to go to both states.

3 I also then, however, suggested that April in South
4 Carolina, Charleston, would be glorious, although Charleston,
5 West Virginia, would be nice, too. And the president then
6 thought that there were good reasons to go to Charleston,
7 South Carolina.

8 And that would be our suggestion, that you make a
9 motion or adopt a motion to move the April 2002 board meeting
10 to Charleston, South Carolina.

11 MS. BATTLE: The only question I have is, I
12 understand that we really do need lead time in order to
13 contract. Is this an issue that really we should undertake
14 now because of the need to contract in advance, or is that an
15 issue that we can defer to the new board, given --

16 MS. YOUELLS: It's an issue you would have to do
17 now. It is important for purposes of getting economical
18 arrangements that we begin our negotiations now.

19 We have been in contract with program directors in
20 South Carolina, and they have put two wonderful locations on
21 the table for us. And we have had some tentative just

1 conversations about getting a good rate, and it seems
2 possible.

3 But, of course, the longer that you wait, you are
4 no longer to get those kinds of arrangements.

5 MS. BATTLE: Okay. Are there any other questions
6 on this item?

7 MR. ASKEW: I would say this: Reflecting back on
8 our beginnings as a board, we met in Washington every time
9 for maybe the first two years, certainly for a long time
10 because of the need to interact with staff, the need to get a
11 handle on things, the need to have a lot of people accessible
12 to us. And I think this new board is going to have that same
13 sort of issue in front of it.

14 On the other hand, I think it's going to be very
15 important for that board to move out around the country as
16 quickly as possible and be seen and see people.

17 What I would -- and if we meet in November, then
18 there'll be the annual meeting in January, which would occur
19 in Washington, and this would be the meeting immediately
20 after that. So this would be their second meeting as a
21 board, potentially.

1 I would suggest you go ahead and negotiate with
2 Charleston, but you try to have a contract that gives you a
3 cancellation opportunity without too much of a fiscal --
4 because my guess is the new board is going to say, we want to
5 come back to Washington, and maybe, you know, for several
6 meetings because they're going to start a presidential
7 search. They're going to start a number of other things that
8 may, just as it did us, say, we need to be in Washington, not
9 somewhere else, at this stage.

10 MS. YOUELLS: Okay.

11 MS. BATTLE: I don't think we need a motion.
12 That's good enough direction, I think, on that item.

13 MR. SMEGAL: It does say consider and act on it.

14 MS. BATTLE: It does say consider and act? So do
15 we --

16 MR. ASKEW: Because we already picked -- we already
17 adopted it. If we go to --

18 MS. BATTLE: Well, I'll entertain a motion. You're
19 going to move that, Bucky, what you just said?

20 MR. ASKEW: Yes. I'll put that in the form of a
21 motion.

1 MS. FAIRBANKS-WILLIAMS: Second.

2 MR. ASKEW: The motion -- everybody understand the
3 motion?

4 MS. BATTLE: Does everybody understand the motion?
5 The motion is that we would go to Charleston, South
6 Carolina, but in our negotiations have a provision which
7 would allow for cancellation without much of a penalty in
8 case the new board coming in finds the need to stay in
9 Washington at its second meeting.

10 MS. FAIRBANKS-WILLIAMS: And I seconded that
11 motion.

12 MS. BATTLE: Okay. It's been properly moved and
13 seconded. All in favor?

14 (A chorus of ayes.)

15 MS. BATTLE: All opposed?

16 (No response.)

17 MS. BATTLE: The motion carries.

18 We do have some items on our agenda that are for
19 executive session. I'll entertain a motion at this time to
20 go into executive session to address those issues that are
21 identified on our agenda.

1 MS. MERCADO: So move.

2 MS. FAIRBANKS-WILLIAMS: Second.

3 MS. BATTLE: It has been properly moved and
4 seconded. All in favor?

5 (A chorus of ayes.)

6 MS. BATTLE: Okay. All opposed?

7 (No response.)

8 MS. BATTLE: The motion carries.

9 (Whereupon, at 12:10 p.m., the meeting adjourned to
10 executive session.)

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1 MS. BATTLE: We are now back in open session. And
2 item 17 on our agenda is, consider and act on other business.

3 Is there anything else that this board needs to consider at
4 this meeting that we don't have already itemized?

5 MS. MERCADO: Madam Chair, I just want to note for
6 the record that in executive session, the board did accept a
7 resolution that will be attached to the record.

8 MS. BATTLE: Resolution 2000-010.

9 MS. MERCADO: That's correct.

10 MS. BATTLE: All right. Anything else?

11 (No response.)

12 MS. BATTLE: The final item that we have on our
13 agenda is public comment. Is there any public comment?

14 (No response.)

15 MS. BATTLE: Hearing none, I thought that I'd only
16 get to chair for 30 seconds and it's been much more than
17 that. And I want you to know that I thoroughly enjoyed
18 having a opportunity to chair.

19 MR. ASKEW: You've a vast improvement over --

20 MR. BRODERICK: Based on your performance, I
21 recommend we not tell Mr. Eakeley when the next board meeting

1 is. You move it along very nicely. I appreciate that.

2 MS. BATTLE: Thank you. If there's nothing else
3 further before this board, I'll entertain a motion that we
4 adjourn.

5 MR. McCALPIN: I move we adjourn.

6 MS. WATLINGTON: I'll second.

7 MS. BATTLE: It's been properly moved and seconded,
8 and by acclamation we are now adjourned.

9 (Whereupon, at 12:37 p.m., the meeting was
10 concluded.)

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