

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE GOVERNANCE
AND PERFORMANCE REVIEW COMMITTEE

OPEN SESSION

Tuesday, July 23, 2013

8:35 a.m.

Warwick Hotel
Millennium Ballroom
1776 Grant Street
Denver, Colorado 80203

COMMITTEE MEMBERS PRESENT:

Martha L. Minow, Chairperson (by telephone)
Sharon L. Browne
Charles N.W. Keckler
Julie A. Reiskin
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

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

STAFF AND PUBLIC PRESENT:

James J. Sandman, President
Lynn Jennings, Vice President for Grants Management
Wendy Rhein, Chief Development Officer
Richard L. Sloane, Special Assistant to the President
Rebecca Fertig, Special Assistant to the President
Ronald S. Flagg, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary
Mark Freedman, Senior Assistant General Counsel,
Office of Legal Affairs
Carol A. Bergman, Director, Office of Government
Relations and Public Affairs
Carl Rauscher, Director of Media Relations, Office of
Government Relations and Public Affairs
Jeffrey E. Schanz, Inspector General
Laurie Tarantowicz, Assistant Inspector General and
Legal Counsel, Office of the Inspector General
Ronald "Dutch" Merryman, Assistant Inspector General
for Audit, Office of the Inspector General
David Maddox, Assistant Inspector General for
Management and Evaluation, Office of the
Inspector General
Lora M. Rath, Deputy Director, Office of Compliance
and Enforcement
Janet LaBella, Director, Office of Program
Performance

Chuck Greenfield, National Legal Aid and Defender
Association (NLADA)
Don Saunders, NLADA
Lisa Wood, American Bar Association, Chair, SCLAID
Bev Groudine, American Bar Association Commission
on IOLTA/SCLAID

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

2 (8:35 a.m.)

3 CHAIRMAN MINOW: Hello, everybody. This is
4 Martha Minow. I'd like to call to order the meeting of
5 the Governance and Performance Review Committee. And
6 I'm just so sorry not to be there in person, though
7 what I've heard on the phone makes me believe this is
8 one of the best meetings ever.

9 I'd like to invite someone to move to approve
10 the agenda.

11 M O T I O N

12 MS. BROWNE: I'll move. This is Sharon.

13 CHAIRMAN MINOW: Thank you, Sharon. Nice to
14 hear you. Second?

15 MS. REISKIN: I'll second.

16 CHAIRMAN MINOW: All in favor?

17 (A chorus of ayes.)

18 CHAIRMAN MINOW: Great. Approval of the
19 minutes of the meeting of April 14th?

20 M O T I O N

21 MS. BROWNE: I'll move the minutes.

22 CHAIRMAN MINOW: Thank you.

1 MR. KECKLER: I will second them.

2 CHAIRMAN MINOW: Wonderful. All in favor?

3 (A chorus of ayes.)

4 CHAIRMAN MINOW: Great. And my goal is to
5 have a more interesting set of minutes from this
6 meeting.

7 Let's have the report on progress in
8 implementing the GAO recommendations.

9 MS. BERGMAN: Thanks, Martha. This is Carol
10 Bergman for the record.

11 CHAIRMAN MINOW: Thank you, Carol.

12 MS. BERGMAN: We miss you.

13 CHAIRMAN MINOW: Thank you. I miss you, too.

14 MS. BERGMAN: As folks remember, in June 2010
15 GAO made 17 recommendations to improve grantmaking and
16 internal operations, and LSC accepted all of the
17 recommendations and has been working to implement them.

18 So GAO has closed 12 of the 17. There have
19 been no additional closures since the April 2013 board
20 meeting. GAO updated its online tracking system in
21 March of 2013. So 11 of the 17 are listed as closed.
22 GAO considers recommendation 4 closed as our April 2013

1 update was provided, but their online tracking system
2 is not going to be updated until the end of July. So 4
3 is outstanding if you went onto their website, but it
4 is not longstanding in terms of how they're considered.

5 The four recommendations that continue to be
6 open are 9, 10, 11, and 12, and we talked about these
7 last time. Nine, 10, and 12 are regarding performance
8 measures and the annual assessment of employees, and
9 just to refresh people's memory, this is where LSC has
10 been in the process of developing a comprehensive
11 performance management system.

12 The draft proposal is currently being
13 evaluated by senior Management, and once finalized,
14 it's going to be subjected to a formal collective
15 bargaining process.

16 As we previously discussed, in developing the
17 new system LSC issued a job analysis questionnaire to
18 all staff. Management has analyzed the results and is
19 in the process of redrafting many position descriptions
20 and taking care specifically to tie these to LSC's
21 strategic plan that was adopted by the Board in October
22 of 2012.

1 Recommendation 11, which is the fourth in this
2 category, is the staffing needs assessment. And in
3 response to this, LSC is committed to creating a human
4 capital plan consistent with the new strategic plan.
5 Obviously, the job analysis questionnaire has been used
6 to assess position descriptions.

7 In the fall of 2012, senior Management
8 surveyed mid-level managers to gauge staffing needs and
9 analyzed the survey results, and is now developing a
10 human capital plan tied to the strategic plan.

11 I want to talk for a minute about
12 recommendation 5. This is risk-based assessment
13 criteria for scheduling site visits, and folks can find
14 it on --

15 CHAIRMAN MINOW: Page 247.

16 MS. BERGMAN: Thank you. So GAO is still
17 reviewing LSC's implementation of recommendation 5. On
18 April 19th, so just recently, LSC had a teleconference
19 with GAO to discuss the implementation of the
20 risk-based assessment criteria that appears in the OCE
21 and OPP manuals.

22 At the conclusion of the meeting, GAO had

1 requested a written memo of LSC's implementation
2 activities for its records. We submitted that memo in
3 May. GAO had followup questions, which we addressed in
4 a June 28th teleconference.

5 GAO then requested that LSC document in new
6 written policy that would be posted on LSC's intranet
7 and incorporated eventually into the manuals for OPP
8 and OCE regarding how managers should apply risk-based
9 assessment criteria during the site visit selection
10 process.

11 We are in the process of drafting this policy,
12 and we expect to submit it to GAO within the week. And
13 it's a top priority, obviously, for the Corporation.
14 GAO will then review LSC's application of the criteria
15 before formally closing the recommendation, but appears
16 to be satisfied with our approach.

17 Our intention is to ask GAO to consider the
18 fiscal year 2012 site visit selections that were based
19 on these risk criteria as the first year of
20 implementation for the purpose of their conducting a
21 two-year review process, which would then only require
22 one more year of assessment of how that risk management

1 is being handled.

2 I also want to take a minute to go back to the
3 issue of recommendation 16 and just clarify something
4 from the April meeting, where there was a little bit of
5 a discrepancy. Recommendation 16 is staff training on
6 internal controls.

7 We've previously reported in the various
8 internal tracking charts that have been provided to the
9 Board that GAO had closed recommendation 16 on October
10 13, 2011. GAO did in fact close it at that time.
11 However, they've had additional followup questions
12 about LSC staff training programs, which they wanted
13 answers before they formally closed out the
14 recommendation online.

15 Therefore, at the last meeting, I reported
16 that GAO was still reviewing LSC's implementation of
17 recommendation 16 -- I think it was in response to
18 Julie's question -- when in fact our chart has always
19 considered the recommendation to be closed. So I
20 apologize for any confusion that resulted at that time.

21 I went back and reviewed what had actually happened
22 there.

1 I think that's it on GAO. Obviously, happy to
2 answer any questions if I can.

3 CHAIRMAN MINOW: Thank you, Carol. And thank
4 you for moving these along so very well.

5 May I ask, in a minute, Jim, maybe, to give us
6 some estimate of the time frame for the underlying
7 activity that's reflected in recommendations 9, 10, 11,
8 and 12?

9 But first, just to you, Carol, on 5, is it the
10 case that the kind of followup questions GAO had on our
11 risk criteria were procedural? Or is there some
12 dispute about the actual way that we've gone about
13 this?

14 MS. BERGMAN: No. I think that the
15 issue -- and I think if Lynn is here she can probably
16 address it more fully -- is that OPP's manual has
17 clarified how they weighted the risk factors. OPP's
18 (sic) manual does not clarify how the different risk
19 factors were weighted; however, they have been
20 implementing it by weighting risk factors.

21 So the issue was getting into writing what in
22 fact managers have been doing and what has taken place

1 at the site visits, and making sure that we had a
2 written policy that complied with what it looked like.

3 CHAIRMAN MINOW: So that's what I meant by
4 procedural. It's really about the form; it's not about
5 any of the actual contents of what we're doing.

6 MS. BERGMAN: Right. I just want to clarify.
7 It was OPP that has had weighted criteria and OCE that
8 did not. I don't know if I misspoke when I said that.

9 CHAIRMAN MINOW: Thank you.

10 MS. JENNINGS: This is Lynn Jennings for the
11 record, Vice President for Grants Management.

12 For some time, since about 2008/2009, both OCE
13 and OPP have used risk criteria in its assessment of
14 where to conduct site visits. But where we want to go
15 will be having a universal risk assessment program and
16 regimen that we can use in assessing site visits for
17 both OCE and OPP, and we have embarked on initial
18 meetings related to that and assume that that will be
19 where we go for fiscal year 2015. Thank you.

20 CHAIRMAN MINOW: Thank you very much.

21 MS. BROWNE: This is Sharon. Can I ask one
22 question?

1 CHAIRMAN MINOW: I wonder, Jim, might you give
2 us some sense of the time frame, what you predict will
3 be the time frame for resolving the collective
4 bargaining and the related activities that's reflected
5 in recommendations 9, 10, 11, and 12?

6 PRESIDENT SANDMAN: Yes. Our performance
7 management plan will be tied to position descriptions
8 for every position within the bargaining units. We
9 have been working over the course of the past year on
10 revising all position descriptions, which had not been
11 updated in some number of years. And in some
12 instances, significant changes were necessary.

13 To the extent that those changes involve
14 changes in material terms and conditions of employment
15 of people currently in those positions, those changes
16 need to be negotiated.

17 We are, I hope, in the course of finalizing
18 the position descriptions and identifying those
19 subjects that need to be bargained, and I would hope
20 that we would have that process concluded by the
21 October board meeting and be on our way toward
22 implementing a performance management plan based on the

1 position descriptions. It's been a slow process.

2 CHAIRMAN MINOW: Understood. It's many levels
3 of a process, but a very important one, and right to
4 get it done right. I do believe that this is related
5 to the discussion we had in the Finance Committee about
6 the amount of money that has not been spent because of
7 positions that have not been filled. Is that correct?

8 PRESIDENT SANDMAN: No.

9 CHAIRMAN MINOW: No? Okay.

10 PRESIDENT SANDMAN: No. We have --

11 CHAIRMAN MINOW: It's not related to that?

12 PRESIDENT SANDMAN: No. Some positions have
13 not been filled pending our reorganization and followup
14 on the recommendations of the Fiscal Oversight Task
15 Force. But that's separate from what's going on in
16 collective bargaining.

17 CHAIRMAN MINOW: No. Of course, of course. I
18 just wondered whether these are comprehensively looking
19 at all of the staffing and involved budget implications
20 as well.

21 MR. LEVI: Sharon Browne had a question.

22 CHAIRMAN MINOW: Oh, I was just going to ask,

1 does anyone else have a question. So Sharon, please.

2 MS. BROWNE: I had a question on No. 5 dealing
3 with the development and implementation of grantee site
4 visits. Is there any relationship to what was being
5 discussed in the Audit Committee and the LSC risk
6 management matrix that was developed?

7 Do we have some sort of a relationship there
8 between these two items? Because you say you're
9 developing a policy, and I know that we've got a long
10 list of items on the risk management matrix. So I want
11 to know if there's a relationship there.

12 PRESIDENT SANDMAN: I can answer that. They
13 are related. I think we're at a point -- I hope we're
14 at a point -- with the GAO where we're talking about
15 documenting and presenting to them evidence of what our
16 current practice is.

17 I think our current practice reflects our
18 efforts to address the risk factors that are in the
19 matrix relating to grantee risks. But they're related,
20 but also independent of one another.

21 The matrix deals with ongoing efforts over
22 time, not related simply to complying with the GAO

1 recommendation to identify a range of risks that might
2 affect our grantees -- fiscal risks, quality
3 risks -- and be sure that we have a robust system in
4 place to be evaluating those on an ongoing basis.

5 MS. BROWNE: And so the policy that's being
6 developed will reflect those items identified as
7 potential factors under the risk management matrix?

8 PRESIDENT SANDMAN: It identifies some of
9 them. It is focused on risks that we want to take into
10 account in identifying those programs that should be
11 top of the list to be visited. Those clearly would be
12 those that we think, for a variety of reasons, we
13 should be monitoring carefully.

14 I want to qualify that, though. One of the
15 most important factors that we look at in evaluating
16 which programs should be visited is how long it's been
17 since they were last visited. And that could be a
18 neutral factor.

19 The program may be performing just fine, but
20 if it's been a while since we've been onsite to review
21 records, to interview people, we think that that should
22 be a significant criterion in determining what programs

1 should be visited when.

2 MS. BROWNE: Thanks.

3 CHAIRMAN MINOW: I guess I'm hearing, from the
4 question, is should there be more alignment. But Jim,
5 you're saying that really they're asking different
6 questions.

7 MR. LEVI: Charles has a question.

8 CHAIRMAN MINOW: Charles? Thank you, John.

9 MR. KECKLER: This is sort of a followup, but
10 a little bit more specific. What's our timeline from
11 the human capital plan?

12 PRESIDENT SANDMAN: It will follow the
13 completion of the position descriptions. My best
14 estimate is early 2014.

15 MR. LEVI: Hearing these two issues, they're
16 holdover issues, both of them. I think your team
17 should be prepared in October to give fairly
18 significant reports on both of these items to this
19 committee so it can go to the Board because this has been
20 lying around for quite a while.

21 I think the union ought to -- I don't want to
22 get in the middle of negotiations here, obviously. But

1 it's time we had position descriptions. It's time we
2 had performance reviews. This has gone on long enough,
3 from my perspective. And I think it's just
4 inappropriate to consider this rolling over into yet
5 another fiscal year.

6 So my own view is Management should be
7 reporting on both of these topics, the risk criteria
8 and the job descriptions, and where we are on
9 implementing performance review management system, at
10 the October meeting with a sense that by the turn of
11 the calendar year, both will be in place. That's my
12 hope.

13 I don't know whether, Martha, you -- I'm
14 jumping in here on your Committee.

15 CHAIRMAN MINOW: I share that hope. I share
16 that hope, and I think expecting a report on both items
17 is appropriate. I do understand that not every element
18 necessary to complete them is within the control of
19 Management, and so a report seems like the appropriate
20 next step.

21 MS. REISKIN: I have a question.

22 CHAIRMAN MINOW: Any other questions about the

1 GAO recommendations?

2 MS. REISKIN: Yes. This is Julie. I just
3 want to clarify that when you're -- well, I have a
4 clarification and a question.

5 The clarification is when you're talking about
6 reorganization, that's where we're not going to have
7 all different places going out to different -- like
8 kind of uncoordinated visits to grantees so they're not
9 having to deal with a visit by one division in January
10 and another one in March, with the overlap. Is that
11 part of what the reorganization is doing?

12 MS. JENNINGS: That is the goal. But there
13 might be intervening circumstances --

14 MS. REISKIN: Of course.

15 MS. JENNINGS: -- where something's going
16 wrong and we would have to do both.

17 MS. REISKIN: Absent that.

18 MS. JENNINGS: Yes. So that is the ultimate
19 goal. And it's also to -- as part of this
20 reorganization, we're also having a number of
21 functional meetings to break down the steps each
22 process that we undergo so that we can streamline the

1 visit process for both the LSC side and the grantee
2 side. We hope to.

3 MS. REISKIN: Okay. And this --

4 PRESIDENT SANDMAN: Julie, if I could just
5 supplement that, we are already coordinating visits.
6 It does not happen in ordinary circumstances that OCE
7 visits in January and OPP visits in March. There might
8 be some exceptions, but it would be truly exceptional.

9 Those offices meet. They also coordinate with
10 OIG to find out what's on their schedule to try to
11 minimize burdens on grantees.

12 MS. REISKIN: That's good to hear. And then
13 this might be a really stupid question, but a human
14 capital plan, how is that different than a staffing
15 plan? And what's a human capital manager?

16 PRESIDENT SANDMAN: A human capital plan
17 is -- GAO has guidance on the components of that, but
18 it is something that's related to an organization's
19 strategic plan that tries to align staffing with the
20 achievement of the strategic goals of the organization.

21 Our human capital manager we hired recently.

22 She's in charge of things like professional

1 development, training, orientation for new employees,
2 providing ongoing development of the people that we
3 have on staff. She's also closely involved in the
4 recruiting process.

5 CHAIRMAN MINOW: Thank you.

6 PRESIDENT SANDMAN: She's like one level below
7 the Director of Human Resources.

8 MS. REISKIN: So she works with Tracy, for
9 Tracy?

10 PRESIDENT SANDMAN: Yes. She works -- yes.

11 CHAIRMAN MINOW: Well, that's real progress
12 that it's in practice, even if all of the details
13 aren't worked out.

14 I wonder, Lynn, if there's anything in
15 particular by way of short-term resources that would
16 help you move along?

17 MS. JENNINGS: I'm just in the process of
18 preparing a memo for Jim about the reorganization. So
19 I think we'll be good to go by October, or hopefully it
20 will be implemented by October. We will continue on
21 with the functional meetings even after the
22 reorganization is announced. Of course, the

1 implementation of that will take more time than just
2 developing the plan for the reorganization.

3 CHAIRMAN MINOW: Sure. Absolutely.

4 Okay. Ready to move on, everyone, to the
5 report on Public Welfare Foundation grant and LSC
6 research agenda? Okay. May we hear from Jim?

7 MR. LEVI: Wait a minute. Carol's still at
8 the table. She's got more to talk about.

9 CHAIRMAN MINOW: Oh, Carol has more to talk
10 about? Sorry.

11 MS. BROWNE: The next item is on Board
12 evaluations. It'll be very quick.

13 CHAIRMAN MINOW: Oh, I skipped it. I'm so
14 sorry. Board evaluations.

15 MS. BERGMAN: That's okay. All right. This
16 is a followup to the conversation we had in January.
17 Folks remember this Committee is responsible for
18 evaluations of Board service and Committee service. So
19 in your Board packet, after the minutes of the meeting
20 and everything, there are draft evaluation forms.

21 When we talked about this in January, I had
22 suggested that we might want to make some edits on the

1 forms, and there had been some feedback from folks on
2 the Board.

3 So these are drafts in response to that
4 conversation for folks to just review and provide edits
5 back to me by the end of the summer, by August 30th, if
6 you would. And then we will take the final forms and
7 they'll be included in the October Board meeting.

8 We tried to simplify it by taking -- there had
9 been three forms. There are now two, one that just
10 evaluates everybody's service on the Board and one that
11 evaluates your service on each Committee that you're
12 on. And we are going to make these electronic in
13 response to everybody's feedback. They will not be
14 sent out as PDFs, so that you can do this online.

15 But the goal was just to simplify this and
16 create much more room for comment so that we could get
17 more feedback that would be helpful for folks. So if
18 you just want to take a look at these at your leisure
19 and get any comments back to us, that would be helpful,
20 and then we can finalize something for the October
21 board meeting.

22 CHAIRMAN MINOW: Thank you, Carol, and thanks

1 for the revisions. I would just say to everyone, do
2 take a moment to review them, and if you can, take on
3 two hats. One is as simply a member: What do you find
4 is a good way to capture your own experiences? And the
5 second is as a Committee chair or potential chair, what
6 would you want to know back from people? Thanks very
7 much.

8 MS. BERGMAN: You're welcome.

9 CHAIRMAN MINOW: Now can we hear from Jim?

10 PRESIDENT SANDMAN: Yes. I'd like to provide
11 an update on the status of our work on the Public
12 Welfare Foundation grant.

13 As you'll recall, our project under the grant
14 has three major objectives. The first is improving the
15 collection and analysis of data that LSC receives from
16 its grantees. The second is to develop a toolkit that
17 grantees themselves can use for their own internal
18 purposes in improving their management, something that
19 they can adapt and customize based on the specifics of
20 their program; and third, to provide technical
21 assistance and training to grantees and how they can do
22 a better job of collecting and analyzing data.

1 Our consultants over the course of the past
2 few months concluded comprehensive telephone interviews
3 of 32 people. Each interview was anywhere from 45
4 minutes to an hour and a half.

5 The interviewees had been identified as people
6 who are currently making good use of data and might be
7 able to provide information about best practices. They
8 talked to people both within LSC grantee organizations
9 and outside. They talked to other funders to get a
10 sense of what they're doing in collection and analysis
11 of data. And the results were very informative.

12 They showed a strong desire to improve
13 measurement across the organizations that they talked
14 to. They uncovered examples of good practice and
15 innovation that we can learn from.

16 They heard concerns about the purpose and use
17 of new data collection, how this might be turned
18 against grantees, how it might be misused or
19 misinterpreted if it's not understood in the context of
20 the operations of a particular program.

21 And they heard about the need to balance
22 standardization, uniformity, against a recognition of

1 individual program characteristics. People are very
2 concerned about what they call uniform national outcome
3 measurements that they think might be inappropriately
4 applied to a range of programs that go from telephone
5 intake hotline to full-service statewide legal aid
6 programs.

7 We are having monthly calls with our
8 seven-member advisory committee. The advisory
9 committee, as you will recall, is Alan Houseman at
10 CLASP, Colleen Cotter at the Legal Aid Society of
11 Cleveland, Ramon Arias at Bay Area in the San Francisco
12 area, Anthony Young at Southern Arizona Legal Aid,
13 Robert Barge at Rhode Island Legal Aid, Betty Balli
14 Torres from the Texas Legal Aid Foundation, another
15 funder, and Bonnie Huff, who is with the California
16 state court system, which funds a variety of legal aid
17 initiatives in California.

18 Our goal in this process is to develop
19 collection and analysis systems that are integrated
20 into and accepted by our programs. If what we end up
21 with here is something that is simply imposed by LSC
22 and that grantees do solely because we require them to,

1 we will have failed.

2 Our goal is to work with LSC grantees to get
3 them to embrace smart data collection and analysis, all
4 in the interest of improving client service. At the
5 end of the day, this is all about our first strategic
6 goal, improving the availability, quality, and
7 effectiveness of the legal services programs that our
8 grantees provide.

9 Everything we've heard from our consultants
10 and what I've read indicates that when requirements are
11 simply funder-imposed and not integrated into the
12 operations of a grantee, they are not successful. So
13 our consultants are focused on running a process that
14 is transparent and inclusive, and where we have good
15 communication with grantees about what's going on, and
16 involve them in the development of what we're doing.

17 In pursuance of that goal, one of our
18 consultants, David Bonbright, Colleen Cotter, and I
19 made a presentation at a meeting last week of executive
20 directors convened by MIE in Chicago. We wanted to
21 tell them what we're doing, get their thoughts, tell
22 them what's upcoming, and what our process is.

1 I think it was a very useful meeting. We plan
2 to do more of that. We've put in a proposal to get on
3 the agenda at the NLADA annual meeting in Los Angeles
4 in November to get further input.

5 Colleen made a presentation to demonstrate
6 what it is that her program is doing with data and how
7 they've used it to enhance client service. It's a
8 presentation I've seen her give before, but really,
9 this is data collection and analysis initiated by a
10 legal services program, not imposed by a funder.

11 Colleen can demonstrate how the clients of the
12 Legal Aid Society of Cleveland are better off and how
13 her program is better managed because of the data
14 collection and analysis they're doing. She closed her
15 presentation at the conference last week with a story I
16 love.

17 The Legal Aid Society of Cleveland recently
18 made a proposal to a local foundation in Cleveland for
19 a grant of \$250,000 over a one-year period. The funder
20 came in, visited the Legal Aid Society of Cleveland,
21 interviewed the client members of their board, got an
22 extensive presentation about the work of the program,

1 and decided that they were not going to make an award
2 of \$250,000 over one year. They were going to make an
3 award of a million dollars over three years because
4 they were so impressed with what the Legal Aid Society
5 is doing.

6 One of the factors that caused them to make
7 that decision was data collection and analysis, but not
8 in and of itself, in relation to everything else that
9 the program was doing. They could see the connection
10 between the quality of service and the information that
11 the program was collecting.

12 As Colleen told the audience, this is a very
13 sophisticated foundation. If they thought that the
14 data collection and analysis was solely to please
15 funders and solely to make a case for funding, they
16 would have seen right through it and would not have
17 been impressed. It was the integration of that effort
18 with everything else that the Legal Aid Society is
19 doing that made them so positive about the work of the
20 Legal Aid Society.

21 I thought it was a great way to express the
22 point that we've been trying to make about what we're

1 aiming for as an end product here. It is all about
2 client service. It's not about funder needs.

3 The next step is to do an online survey, a
4 comprehensive survey, or all 134 LSC grantees so that
5 we and our consultants can have a sense of what data
6 collection they are currently doing independent of LSC
7 requirements, what they wish they had, what they think
8 might be helpful to them in their operations, and to
9 give them an opportunity to express their concerns so
10 that we can take account of those in coming up with our
11 final approach.

12 That survey is in development. We have had
13 some back-and-forth with the consultants and sent our
14 revision of something that they had drafted back to
15 them last week, and we're hopeful that we can get that
16 out within four weeks or so and have the benefit of
17 that analysis at the time of our next presentation at
18 the NLADA meeting in Los Angeles.

19 So I think we're making good progress
20 developing some good ideas and suggestions and getting
21 good input and feedback from the field. The reaction
22 at the conference last week was positive. People did

1 express concerns; there's no question that they're out
2 there.

3 But by the end of the session, people were
4 coming up with all sorts of information it would be
5 useful for LSC to collect. And my reaction was, be
6 careful what you ask for.

7 (Laughter.)

8 PRESIDENT SANDMAN: And I emphasize that we're
9 really talking about two levels of information: what
10 LSC collects for its purposes, and what each grantee at
11 its own level might decide it wants to do for internal
12 purposes. Those can be two different things, and we
13 don't necessarily need or want reported to LSC every
14 jot and tittle of what every individual program is
15 collecting on its own.

16 But the number of suggestions for helpful data
17 was surprising to me in a good way, and I think
18 indicated that people are beginning to see the utility
19 of what we're doing.

20 CHAIRMAN MINOW: That's a great report, Jim.
21 And absolutely, it's real progress and very
22 sophisticated ways of thinking about this.

1 On the two levels that you've just described,
2 I wonder --

3 MR. LEVI: Martha, Harry has a question.

4 MR. KORRELL: If Martha's got a question, I'm
5 happy to wait for that.

6 CHAIRMAN MINOW: I had a question.

7 MR. LEVI: All right. Go ahead, Martha.

8 CHAIRMAN MINOW: You just described two
9 levels, and I wonder if there isn't a third or a 1.5,
10 which is, should LSC take a view about the methods or
11 scope of the data collection that is done by each
12 grantee so that it has the kind of program relevance
13 and tool, formative tool, the way that Colleen Cotter
14 has used it.

15 The reason I say that is I've also heard her
16 presentation, and I just don't think others have done
17 what she's done to her organization, which is literally
18 devote resources that otherwise would go to pay for a
19 lawyer to pay for a data collection process that's
20 integrated into the rest of the operation.

21 I'm not going to prejudge it, but it certainly
22 looks like a really great practice. And is that the

1 kind of thing that LSC ought to be pushing for, even if
2 we don't want to collect all the data that the grantee
3 itself should be collecting?

4 PRESIDENT SANDMAN: Yes. I think we should be
5 encouraging that, and I think we should be evaluating
6 and getting information about what grantees are doing
7 on their own. That's one of the purposes of the
8 toolkit and the training that we'll provide for that,
9 not simply to leave programs to their own devices but
10 to try to develop, encourage and promote best practices
11 among them.

12 So I agree with you. I think there is a 1.5
13 step between the 1 and the 2. And I can well envision
14 a process under which we ask grantees to tell us, what
15 are you doing in terms of data collection and analysis,
16 and give them guidance and feedback based on what we
17 receive.

18 And I'd hope that we could -- this is an
19 example of an area where we could serve as a
20 clearinghouse of information and propagate information
21 and promote information-sharing because I think
22 providing forums for people like Colleen to demonstrate

1 what they're doing -- this is grassroots data analysis
2 and collection. It comes across much better when
3 executive directors are hearing it from each other than
4 when they're hearing it prescribed by a funder. I
5 think there is very definitely a role for us to play
6 there.

7 CHAIRMAN MINOW: Great. Okay. Who wanted to
8 speak next?

9 MR. LEVI: Harry and then Charles.

10 CHAIRMAN MINOW: Great. Harry?

11 MR. KORRELL: Thanks, Martha. One of the
12 things I've learned in being on the board is, of
13 course, how difficult it is to evaluate what programs
14 are doing a great job and what programs are concerned
15 about. And I think about the law firm experience, and
16 for us it's driven by our clients, and they come back
17 to us. Ideally, if we help our clients at LSC, they
18 don't come back to us.

19 I've been thinking about this a bit lately,
20 and it's a question and I've got a question and comment
21 for Jim. One question is, as part of this data
22 collection, are we going to be surveying clients, grant

1 recipients, clients, for their input on their
2 experiences with LSC?

3 PRESIDENT SANDMAN: The answer is yes. We've
4 talked to our consultants about that in general terms.
5 We haven't discussed specifically how to do it yet,
6 but that's definitely on the agenda.

7 And I should note that one of the things that
8 Colleen presents is information about how her program
9 follows up with clients. They have to survey them;
10 they don't judge by repeat business. But they follow
11 up with all of their clients.

12 They get a much better return rate from
13 clients who have had the benefit of extended service,
14 than those who've gotten brief advice and counsel.
15 That's not at all surprising. But their percentage
16 return rate on the surveys they send out was higher in
17 both categories than I would have expected.

18 But I think that should be a part of ongoing
19 data collection.

20 MR. KORRELL: For a followup on that, are we
21 also contemplating surveying vendors and others who
22 deal with our grantees? What I'm getting at here is

1 that it is hard to gauge the professionalism, level of
2 service, and whatnot of a grantee from where we sit.

3 But we've all had the experience of going into
4 the Gap or McDonald's or someplace, and you get a
5 survey form or you get a link to the survey; if you do
6 this, you get a free small fry or whatever.

7 Individual reports probably aren't terribly
8 valuable, but I wonder if by collecting data from a
9 wide range of sources -- grantee clients, vendors,
10 whoever that comes in contact with these folks -- that
11 over time we might generate data across all of the
12 grantees that might be useful for taking a look.

13 I know there's a company in Seattle that does
14 this. As a service to their clients, they go out and
15 they develop the surveys. They help crunch the survey
16 data. And over time, you could look at stores across a
17 region and say, you know what?

18 This store just routinely gets good marks for
19 customer service, and this other store just doesn't.
20 Even if their profitability numbers look about the
21 same, you've got important data about which store needs
22 improvement.

1 I wonder if -- I know you've answered, but
2 suggest that something like that that would collect
3 data from the clients of the grant recipients and even
4 also from vendors who work with the grant recipients
5 about their experience might give us some data that
6 would be useful.

7 CHAIRMAN MINOW: Courts might be a place to
8 survey in that context.

9 MR. MADDOX: Yes. Thank you, Martha. I agree
10 completely. That would be a terrific spot.

11 PRESIDENT SANDMAN: That is something that we
12 do in the course of program visits. When OPP goes out
13 to visit programs, talking to local judges who deal
14 with lawyers from the program as a part of the
15 protocol, that is a goal.

16 It's not done by surveys on the scale that you
17 suggest, Harry. But it is something that's an integral
18 part of OPP program visits.

19 MR. LEVI: I would say add courts, court
20 administrators, and maybe access to justice
21 commissions.

22 CHAIRMAN MINOW: Other -- Charles?

1 MR. KECKLER: Thank you, Martha.

2 In your discussions, Jim, with the programs,
3 and I suppose the consultants as well, and I realize
4 this doesn't necessarily jell, how are people thinking
5 about the issue of time records, timekeeping, and that
6 form of data as a potential source of information for
7 LSC?

8 PRESIDENT SANDMAN: It hasn't come up yet
9 specifically.

10 CHAIRMAN MINOW: Do you have something to
11 suggest, Charles?

12 MR. KECKLER: Well, my suggest is that that's
13 an important form of data for, really, any -- obviously
14 for lawyers and any other part of the profession, but
15 also in other human services industries.

16 It's just always been very frustrating to me.
17 I've expressed this frustration before, and others
18 have as well, that our output measure, our immediate
19 whatever you want to call it is cases closed, and cases
20 closed is a highly variable thing. They're really not
21 comparable.

22 Ours are a very basic form of data. You would

1 never, never stop there, and law firms never do,
2 either. But it's a form of basic output data that I
3 think could be useful, and presumably is useful to the
4 grantees themselves.

5 I certainly hope that they're collecting it
6 and analyzing it carefully. And it's something that
7 I've always thought would be very, very useful for the
8 Corporation to have access to and analysis of. So I'm
9 curious about that as an obvious source of information
10 and analysis and how that's playing in this particular
11 project.

12 CHAIRMAN MINOW: Very good. Thank you.

13 Anyone else want to comment? Have a question?

14 MR. LEVI: Gloria, then Julie, and then me.

15 PROFESSOR VALENCIA-WEBER: I'd like to pick up
16 on what Harry just put on the table, and that is, a
17 number of our grantees are in collaboratives or
18 coalitions with other service providers in the
19 community. We hear Julie reporting the relationship
20 with Jon Asher and Colorado Legal Services
21 specifically. They are more like the return client,
22 that is, the organization that funnels individual

1 clients.

2 Or in some instances, some of these
3 collaborative relationships involve funding, sometimes
4 sharing similar space, intake places. It could be
5 senior centers where you're picking up elderly with
6 problems. I know that the domestic violence
7 coalitions, service providers, are often in a
8 relationship.

9 And there is a reputation built over time
10 about our grantees, how good they are, collaborative
11 they are. And I think that says a lot. And that also
12 affects in some communities how you're going to get to
13 the potential donors in that community because those
14 potential donors are going to check with other
15 organizations.

16 What do you know about these people? How do
17 they work with you? That is the closest we have to
18 return client information, and that can tell us a lot,
19 too.

20 MS. REISKIN: A comment and a question. I
21 wanted to really agree with Charles on the timekeeping.
22 What I've noticed in my own organization is that we

1 use the timekeeping for two pieces. One is to be able
2 to explain to funders, if our numbers are
3 low -- because when we take on really difficult cases
4 and clients, yes, we closed one client, but it was 30
5 hours on this particular issue.

6 So it really helps to be able -- but it also
7 helps to know what you're doing when. So if what a
8 client really needs -- if you're spending a whole bunch
9 of time on intake, it might be that the client maybe
10 could use a peer to help with some of the emotional
11 stuff. And then you're not having the lawyer deal with
12 that; you can have a different level.

13 So it's really helpful, I think, to a manager
14 to know what's happening, where, when, and then also to
15 explain to funders. We want to make sure that
16 we're -- I think collecting it is good. We certainly
17 don't want to judge. But that's where I think we get
18 away from just the pure numbers thing.

19 Lower numbers might not be bad and might mean
20 they're doing the really tough work and representing
21 people that no one else really will. But you can't
22 judge that without the time.

1 A question is, for evaluators, is that
2 something -- when you're surveying, could you maybe ask
3 what they think they need? And is that something we
4 could at some point incorporate into pro bono to get
5 some pro bono evaluators in universities and the people
6 that do that?

7 Because that's very expensive, good
8 evaluators, and maybe that's something we could look
9 for either pro bono to our grantees or maybe low bono
10 or something. It just seems like that would be a great
11 service if we could -- I don't know how to make that
12 happen, but with all the university folks around here,
13 maybe some of you guys could help figure that out.

14 CHAIRMAN MINOW: I think that's a good
15 comment, both of those sets of comments. Just on
16 Julie's last thing, again I think that helping grantees
17 understand that data analysis is something they should
18 build into their operations rather than have periodic
19 would call for actually making it hardwired in their
20 budget and maybe separate from periodic evaluations
21 that are done by outsiders.

22 But I also think that your point is so well

1 taken about -- it doesn't get seen by crude measures,
2 numbers of cases resolved or -- the way that time
3 matters. But I wouldn't want to lose expertise as
4 well. So somebody who really knows an agency may be
5 able to resolve something more quickly. So finding
6 some way to assess that would also be important.

7 John?

8 MR. LEVI: I wanted to make sure I understood
9 the relationship. Is the Public Welfare Foundation
10 grant broad enough that it encompasses any kind of data
11 collection in the field? Or is it for a particular
12 purpose?

13 PRESIDENT SANDMAN: It is broad enough to
14 cover any kind of data collection. But IT is focused
15 on first steps that LSC can take in improving its own
16 data collection and analysis. This is going to be an
17 iterative process. We're not going to be able to
18 completely overhaul our data collection in one fell
19 swoop and also to work with grantees on what they might
20 do.

21 But this started with some describe to get
22 more information about client outcomes, to get beyond

1 outputs, which is all we get currently. Our primary
2 metric now is cases closed, which has many deficiencies
3 and doesn't really tell us anything about what it is
4 that programs are doing for their clients.

5 So that's our first order of business, to get
6 a handle on things like what makes a difference? If
7 you're closing 70 percent of your cases with brief
8 advice and service, what happens to the clients who get
9 that level of service? Does it make any difference to
10 them?

11 Should programs be thinking about a
12 reallocation of their resources toward more or less
13 extended service? That's the kind of thing we're
14 focused on initially.

15 MR. LEVI: And I guess my point is, I'm not
16 sure there's enough money in the grant to do all of the
17 wonderful suggestions made here. That's the first
18 issue. And then the second is, of course, okay, we
19 come up with all of these wonderful ideas.

20 Is there going to be enough money in the grant
21 to help our grantees evolve their systems in such a way
22 as to be able to pay for that in an ongoing way, or are

1 we just going to get a one-year snapshot?

2 Now, I understand that's a relationship to a
3 funder, but --

4 PRESIDENT SANDMAN: The short answer is no,
5 there's not enough money, not nearly enough money in
6 the grant to do all of that. But I think one of our
7 goals needs to be --

8 MR. LEVI: Where do you think --

9 PRESIDENT SANDMAN: -- where can we and
10 grantees get the biggest bang for the buck in changing
11 their data collection process? We don't want the
12 perfect to be the enemy of the good here. There's only
13 so much that we can accomplish.

14 There's a lot of data that might be nice to
15 have, but ranked in relative utility isn't worth it and
16 isn't affordable right now.

17 MR. LEVI: Well, research is on the 40th
18 anniversary list.

19 CHAIRMAN MINOW: I think that's a great
20 exchange, and just one small thought, Jim. If it's
21 possible to understand the completion of this grant as
22 having two levels, I think that might be very

1 successful.

2 Level one is identifying what's the minimum
3 good enough data that we ought to be collecting for LSC
4 as well as recommendations for the grantees. The
5 second, though, is an agenda for the next iteration of
6 our pursuit of the data collection process so that we
7 use this as a way to position ourselves to seek other
8 kinds of funding to continue this process because it's
9 so overdue and so very welcome.

10 MR. LEVI: I agree with that completely.

11 CHAIRMAN MINOW: I think we're going to have a
12 Board meeting start very soon, so I think we should
13 round out the discussion of this item and, if we can,
14 turn to the amendment proposed to the LSC bylaws, to
15 include a temporary recess provision.

16 It gives me a chance to formally say hi, Ron,
17 and it's wonderful that you're here.

18 MR. FLAGG: Good morning. Thank you. This
19 amendment is covered at pages 264 to 267 of your Board
20 books. Briefly, the proposed amendment: Management
21 proposes an amendment to the LSC bylaws to include a
22 temporary recess provision for Committee meetings.

1 The bylaws, specifically section 4.06(b),
2 which govern meetings of the full Board, already
3 provide that these full Board meetings may be
4 temporarily recessed, and in particular, that when a
5 meeting is temporarily recessed to a date not more than
6 five business days following such recess, it shall not
7 be necessary to give any notice of the recessed meeting
8 or of the business to be transacted thereat otherwise
9 than by an announcement at the meeting at which such
10 recess is taken. And of course, presumably the meeting
11 at which such recess is taken has already been noticed
12 publicly in compliance with the Sunshine Act.

13 The bylaws, specifically 5.02, which govern
14 meetings of Board Committees, do not expressly contain
15 a comparable recess provision. And it Management's
16 recommendation to the Board that this issue be
17 clarified by adding language to section 5.02,
18 specifically in a new section, subsection 5.02(f),
19 which would basically mirror the provision that governs
20 Board meetings.

21 As indicated in the memo, the Office of Legal
22 Affairs is of the opinion that both the existing

1 provision governing Board meetings as well as the
2 proposed amendment would be fully consistent with the
3 Sunshine Act and LSC's regulation which implements the
4 Act.

5 CHAIRMAN MINOW: This is a very sensible idea
6 because sometimes Committee activity will go over the
7 time allotted, or there's a fact or some other
8 information that's needed. And to avoid having the
9 delays associated with having to give new formal
10 notice, just to be able to finish up the existing
11 meeting within a short period of time makes a lot of
12 sense.

13 Given that the legal analysis shows that it
14 would comply with the Sunshine Act, I think that I
15 welcome a motion and a second so we can vote on it,
16 unless there's further discussion.

17 MS. REISKIN: Yes.

18 MR. LEVI: Julie had --

19 CHAIRMAN MINOW: Julie?

20 MS. REISKIN: Yes. I have a question and a
21 small request. The request is, I think this makes
22 total sense. Could we have -- it doesn't have to be in

1 a motion or anything formal -- but an understanding and
2 policy that when this happens, can we put something on
3 our website for stakeholders so they know when the next
4 discussion is going to be?

5 We don't have to notice, but like if someone
6 missed a meeting but they're interested in following
7 it, just to make sure that we're being clear that we're
8 committed to transparency. This is about --

9 CHAIRMAN MINOW: That's a good idea.

10 MR. LEVI: Well, let me tell you that -- so I
11 want to congratulate Ron. This happened, I think,
12 about three weeks ago or four weeks ago that we were on
13 an Institutional Advancement Committee. I had to stop
14 in an hour. We weren't done with the conversation.
15 And the question was -- because I had to go to a client
16 call -- could we recess the discussion to the next day?

17 When they looked, we didn't know the answer.
18 So we re-noticed the meeting. But that's what we're
19 talking about, Julie.

20 MS. REISKIN: Right. And so again, it doesn't
21 have to be a big deal. But just whenever it's
22 practical or possible, I'm not saying we make a big

1 deal out of it but just do that whenever possible.

2 MR. LEVI: What we would do is, I guess,
3 publish when the next call is -- the time, and we can
4 put it on the website. Yes.

5 MS. REISKIN: Just put it on the website. And
6 then my other question is --

7 CHAIRMAN MINOW: Put it on the website.
8 That's a good suggestion.

9 MS. REISKIN: -- why five days? Why not ten?
10 Just because sometimes things can't happen quite that
11 quickly. Is there something magic about five days?

12 MR. FLAGG: The rationale is that if it's more
13 than five business days, you would then have enough
14 time to publicly notice the meeting more than seven
15 days in advance of the meeting.

16 So this is to cover the contingency that John
17 just alluded to, particularly where you want to go into
18 the next day. Hopefully this will never happen, but if
19 a Committee or the Board was meeting into an evening
20 and wanted to discontinue business at that time and
21 begin the next day, obviously that would be a situation
22 where you'd want the flexibility.

1 But if you're going to go out a week in time,
2 then you have time to publicly notice the meeting.

3 CHAIRMAN MINOW: And I like sticking to that
4 because it shows that we're not trying to avoid the
5 Sunshine Act.

6 So may we vote?

7 M O T I O N

8 MR. KECKLER: Yes. I'm going to move the
9 resolution, Martha.

10 CHAIRMAN MINOW: Thank you, Charles.

11 MR. KECKLER: There's a typo on the
12 resolution, though, that I want to correct.

13 CHAIRMAN MINOW: Oh, please correct it. Where
14 is that?

15 MR. KECKLER: So at the top, where it's
16 quoting the current provision, 406(b), it says, "A
17 majority of the Committee members." Well, that's what
18 we're putting in. It should say, "A majority of the
19 Directors," because that's the existing provision for
20 the Board.

21 CHAIRMAN MINOW: Thank you.

22 MR. KECKLER: So if you strike "Committee

1 members" and put "Directors," that will be the quote.

2 CHAIRMAN MINOW: That's the actual quote. And
3 when we adopt this, it will change to be "Committee
4 members."

5 MR. KECKLER: Right. The new provision in
6 section 5 will be "Committee members."

7 CHAIRMAN MINOW: Ron, are you fine with that?

8 MR. FLAGG: Yes. The correct
9 language -- that's a good catch. The correct language
10 from the current version of the bylaws in section
11 4.06(b) is on the first page of the memo, and Charles
12 is completely correct.

13 CHAIRMAN MINOW: Great.

14 MR. FLAGG: We should amend the resolution to
15 put in Directors rather than Committee members.

16 CHAIRMAN MINOW: Yes. Thank you. And
17 Directors is capitalized.

18 MR. KECKLER: So with that amendment --

19 CHAIRMAN MINOW: We have a motion. Do we
20 have -- sorry?

21 MR. KECKLER: Yes. I move the resolution.

22 MS. BROWNE: And I'll second.

1 CHAIRMAN MINOW: Thank you. So all in favor?

2 (A chorus of ayes.)

3 CHAIRMAN MINOW: Great. The motion carries.

4 Thank you very much. Wonderful.

5 And now we will consider and act on a
6 resolution to appoint a new Ethics Officer, with thanks
7 to the interim Ethics Officer, who has served very
8 well. Thank you to Robert -- Richard, I'm sorry,
9 Richard Sloane. Is there a motion for this?

10 M O T I O N

11 MS. REISKIN: This is Julie. I'll move the
12 resolution that's in the Board book.

13 CHAIRMAN MINOW: Is there a second?

14 MS. BROWNE: This is Sharon. I'll second.

15 CHAIRMAN MINOW: All in favor?

16 (A chorus of ayes.)

17 CHAIRMAN MINOW: Great. Okay. Ron, you can't
18 leave. Wonderful.

19 Now is there any other business anyone wants
20 to suggest?

21 (No response.)

22 CHAIRMAN MINOW: Any public comment?

1 (No response.)

2 CHAIRMAN MINOW: I would then welcome a motion
3 to adjourn the meeting.

4 M O T I O N

5 MR. LEVI: So moved.

6 MS. BROWNE: Second.

7 CHAIRMAN MINOW: Second. All in favor?

8 (A chorus of ayes.)

9 CHAIRMAN MINOW: Thank you all. That was a
10 more interesting meeting, and it will be reflected in
11 the minutes.

12 (Whereupon, at 9:31 a.m., the Committee was
13 adjourned.)

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