

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
PROMOTION AND PROVISION FOR
THE DELIVERY OF LEGAL SERVICES COMMITTEE

OPEN SESSION

Monday, October 21, 2013

3:30 p.m.

Renaissance Pittsburgh Hotel
107 Sixth Street
Pittsburgh, Pennsylvania 15222

COMMITTEE MEMBERS PRESENT:

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

OTHER BOARD MEMBERS PRESENT:

Harry J.F. Korrell, III
Victor B. Maddox
Martha L. Minow
Laurie Mikva

ALSO PRESENT:

James J. Sandman, President

STAFF AND PUBLIC PRESENT:

James J. Sandman, President
Richard L. Sloane, Chief of Staff & Special Assistant to the President
Lynn Jennings, Vice President for Grants Management
Rebecca Fertig, Special Assistant to the President
Janet LaBella, Director, Office of Program Performance
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
Wendy Rhein, Chief Development Officer
David L. Richardson, Comptroller and Treasurer, Office of Financial and Administrative Services
Thomas Coogan, Assistant Inspector General for Investigations, Office of the Inspector General
David Maddox, Assistant Inspector General for Management and Evaluation, Office of the Inspector General
Lora M. Rath, Deputy Director, Office of Compliance and Enforcement
Allan J. Tanenbaum, Non-Director Member, Finance Committee (General Counsel, Equicorp Partners)
Terry Brooks, ABA
Don Saunders, National Legal Aid and Defenders Association (NLADA)
Katia Garrett, D.C. Bar Foundation
Alex Gulotta, Legal Aid Justice Center
Yvonne Mariajimenez, Neighborhood Legal Services of Los Angeles County
Anita Santos-Singh, Philadelphia Legal Assistance
Sam Milkes, Pennsylvania Legal Aid Network
Susan Lucas, Pennsylvania Legal Aid Network
Dveera Segal, Villanova University School of Law
Kathleen D. Wilkinson, Chancellor-Philadelphia Bar Association
Catherine Carr, CLS Philadelphia
Chet Harhut

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

2 (3:30 p.m.)

3 CO-CHAIRMAN FATHER PIUS: All right. This is
4 Father Pius. It looks like we have a quorum here, so I am
5 calling to order the meeting of the Promotion and Provision
6 for the Delivery of Legal Services Committee meeting, duly
7 noticed.

8 M O T I O N

9 CO-CHAIRMAN FATHER PIUS: The first item for
10 business is the approval of our agenda. Do I have a motion?

11 MS. BROWNE: I will move.

12 CO-CHAIR VALENCIA-WEBER: I will second.

13 CO-CHAIRMAN FATHER PIUS: All in favor?

14 (Chorus of ayes.)

15 CO-CHAIRMAN FATHER PIUS: Any opposed?

16 (No response.)

17 CO-CHAIRMAN FATHER PIUS: And the agenda is
18 approved. We only have a few items on the agenda.

19 CO-CHAIRMAN FATHER PIUS: The first one of business
20 is the charter. Just for people who may not know, we met by
21 conference call some weeks ago to discuss a draft of the

1 charter. Some additional changes were made, based on some of
2 the original drafts from the last meeting, which you have in
3 front of you. So I will just open that up for any sort of
4 discussion or ideas.

5 You should have both a clean form of the charter, a
6 redline with the previous version you received, and a redline
7 comparing it with the current version of the charter. So
8 that should give you all the changes, I hope. I hope that is
9 enough.

10 So, anybody have any comments or suggestions or
11 motions, or the like?

12 Sharon?

13 MS. BROWNE: I want to thank both you, Father Pius,
14 and Gloria for doing this. I think this has been an absolute
15 necessity, for this Committee to have the charter reviewed
16 and amended. And I think you guys have done a yeoman's job
17 in performing this.

18 I had a couple questions or suggestions. On the
19 duties and responsibilities, we have core responsibilities.
20 And I know the changes have been really good.

21 Number eight is dealing with Section 10078 of the

1 LSC Act. And then it goes on to limit 10078 review to the
2 client eligibility. Whereas, 10078 in our LSC Act actually
3 covers the entire LSC grantee board. And so, what I would
4 suggest, because -- to make it more inclusive, is to put a
5 period after "LSC Act" on the first line, and delete the rest
6 of it, which specifically highlights the eligible clients. I
7 think that could be -- is certainly included within 10078.

8 I don't like to exclude any potential issues that
9 might come up by having it so confined, but to leave it more
10 broad. So that is -- if people want, we could do "including,
11 but not limited to eligible clients." I don't think that is
12 necessary, but that is an alternative.

13 CO-CHAIRMAN FATHER PIUS: Let's just do the
14 initial -- anybody? Did you have a comment on that one?

15 MS. REISKIN: Yes, yes.

16 CO-CHAIRMAN FATHER PIUS: Go ahead, Julie.

17 MS. REISKIN: Yes, I agree, we shouldn't -- it
18 shouldn't be only about clients, but I would like to have
19 something. Because I think that, like I just said a little
20 while ago, if there isn't intentionality around the piece, it
21 doesn't happen effectively or at all. And so I would like to

1 have something. But I agree, it shouldn't be -- so either
2 the language you just used, or something that just
3 says -- just to kind of message that we are paying attention
4 and that we want it to be effective, not just checking a box.
5 So --

6 CO-CHAIRMAN FATHER PIUS: Something like just
7 adding "particularly", or "especially", or --

8 MS. BROWNE: Or "not limited to" --

9 CO-CHAIRMAN FATHER PIUS: Okay, "including, but not
10 limited to" --

11 MS. REISKIN: "Including" --

12 CO-CHAIR VALENCIA-WEBER: "But not limited to" is
13 fine.

14 MS. REISKIN: I think that is fine.

15 CO-CHAIRMAN FATHER PIUS: Sure. So I will amend
16 that to just to say, "Review with management -- LSC Act,
17 including, but not limited to," et cetera. I will fix the
18 grammar, but including but not limited to, as it relates
19 to --

20 MS. BROWNE: That works great.

21 CO-CHAIRMAN FATHER PIUS: Okay.

1 MS. BROWNE: My other comment was on B, the
2 responsibilities, and subsection three. It says,
3 "Periodically assess the Committee's performance under the
4 charter." And I think what we want to do, instead of
5 "periodically" -- that seems to be kind of amorphous -- that
6 we say that it is annually assess the Committee's
7 performance. And I think that is also more consistent with
8 the evaluations that we do annually.

9 And so, I would just suggest that "periodically" be
10 changed to "annually".

11 CO-CHAIRMAN FATHER PIUS: I think that is -- it is
12 just meant to cover existing practice; I think that is what
13 we do anyway.

14 CO-CHAIR VALENCIA-WEBER: Yes, we do that, anyway.

15 CO-CHAIRMAN FATHER PIUS: I don't see any reason
16 not to do it.

17 MS. BROWNE: Yes, we do it anyway.

18 CO-CHAIRMAN FATHER PIUS: Sure. So, yes, yes.

19 MR. MADDOX: Well, I hope it wouldn't have to
20 reassess the charter annually, because it also says that.

21 CO-CHAIRMAN FATHER PIUS: We will -- how about,

1 "Annually assess the Committee's performance under the
2 charter, and periodically assess the adequacy of the
3 charter"?

4 MS. BROWNE: The only reason why I would think we
5 would want to change it to "annually" on both assess the
6 Committee's performance as well as the charter, is that we
7 are making so many substantial changes to the charter to give
8 this Committee a purpose behind it.

9 And so, I think at least initially, I would like to
10 see more of an annual assessment of the charter, and then
11 period -- but the term "periodically" is fine, as long as we
12 do it annually for the first couple of years, to make sure we
13 are on a substantive track.

14 MR. MADDUX: What if we just said "assess or
15 reassess, as needed, the charter, the performance," and the
16 like. I just don't want to put in the charter an obligation
17 of future committees to reassess the charter every year. I
18 don't think that makes good -- I wouldn't want somebody to do
19 that to me. And having gone through the Audit Committee
20 charter --

21 (Laughter.)

1 MS. BROWNE: No, I agree, as long as we do it more
2 than once every seven years, or however long it has been
3 since this charter has been reviewed.

4 CO-CHAIRMAN FATHER PIUS: The question is -- I am
5 sort of inclined, with Vic, not to put in a time limit and
6 leave that to the discretion of the Committee. But I think
7 we can sort of agree together as a Committee that -- you are
8 right, I agree with you, that in the year's time we should
9 reassess the charter. But I don't want to incorporate that
10 officially into the words, except with regards to the -- our
11 performance reviews --

12 MR. LEVI: He was adding the words "as needed," I
13 think.

14 CO-CHAIRMAN FATHER PIUS: Yes, and I think that is
15 what it is. You should read it to say, "Annually assess the
16 Committee's performance of the charter, and reassess the
17 adequacy of the charter, as needed, and report to the Board
18 the results of any evaluation." I think that works.

19 MS. BROWNE: That works for me, too.

20 CO-CHAIR VALENCIA-WEBER: Yes, and it also fits
21 with what we have been doing on other committees, like on the

1 Audit Committee with the risk analysis chart. We are clearly
2 changing some things and that is still sort of a work in
3 progress. And as a result of that work, we may have to fine
4 tune this charter and -- besides other activities that the
5 Board is carrying on.

6 So, I feel more comfortable with "as needed,"
7 because of the different kinds of refinements we are doing
8 that have effect in other committees.

9 And then, on the refinement of this charter, I do
10 want to point out that Ron Flagg, after we did various forms
11 of tweaking with it, took it and restructured it into a much
12 more readable and much more understandable chart.

13 MS. BROWNE: And I had one last comment on the
14 draft charter. And it is the first sentence, dealing with
15 purpose.

16 The way it has been rephrased, there is really only
17 one purpose, to encourage high quality and the delivery of
18 legal services to the poor by grantees. But we,
19 unfortunately, left in some of the language from the prior
20 charter, which says "the purposes", with "purposes" being
21 plural.

1 CO-CHAIR VALENCIA-WEBER: Yes.

2 MS. BROWNE: So I would just --

3 CO-CHAIR VALENCIA-WEBER: It is a grammar --

4 MS. BROWNE: It is just a small grammar issue.

5 And that was my comments. But, again, I think this
6 was a very effective revision.

7 CO-CHAIRMAN FATHER PIUS: Those comments are very
8 helpful, Sharon. Thank you very much. Thank you for that.

9 MR. LEVI: And they are all consistent with the
10 strategic plan, and that is --

11 CO-CHAIRMAN FATHER PIUS: Well, and I think that
12 has really been -- at least in my goal in doing this is to
13 reflect the strategic plan a little bit better, and to
14 provide, first, some discussion amongst the Committee and the
15 Board on to what the purpose of this Committee should be, and
16 management, and management's -- as Gloria mentioned,
17 management's contribution to this has been extraordinarily
18 helpful -- to provide some discussion on this, and then to
19 give us some purpose.

20 And I agree with Sharon. This isn't a closed
21 project. I think our experience over the next year will help

1 to shape the way in which we have thought about this. You
2 know, you deal with these things in the abstract, and you
3 hope, with time, you reflect on them and review them. So I
4 am certainly hopeful that, in a year's time, we will look at
5 this charter again to see if there are any changes that need
6 to be made.

7 M O T I O N

8 CO-CHAIRMAN FATHER PIUS: With those, can I
9 entertain a motion, then, to forward this charter, revised in
10 the way we have discussed, for the Board for its
11 consideration at the Board meeting?

12 MS. BROWNE: So moved.

13 CO-CHAIR VALENCIA-WEBER: Second.

14 CO-CHAIRMAN FATHER PIUS: Second? All those in
15 favor?

16 (Chorus of ayes.)

17 CO-CHAIRMAN FATHER PIUS: All those opposed?

18 (No response.)

19 CO-CHAIRMAN FATHER PIUS: Okay, and we will forward
20 this to the Board later tomorrow.

21 And then I will hand this over to Gloria for the

1 rest of the meeting.

2 CO-CHAIR VALENCIA-WEBER: Okay. At this time it is
3 my pleasure to present a panel for us regarding the
4 performance criteria that LSC has been using. And the
5 moderator for the panel will be Janet LaBella, our Director
6 of Office of Program Performance. And I will turn it over to
7 Janet, and she is going to introduce us to a very
8 distinguished and informed panel for us.

9 MS. LABELLA: Thank you, Gloria. I am very pleased
10 today to introduce the panel that will be discussing how the
11 LSC performance criteria is used by LSC, by our LSC-funded
12 programs, and also externally.

13 To my right is Yvonne Mariajimenez, who is the
14 Deputy Director of Neighborhood Legal Services of LA County.

15 To my immediate left is Alex Gulotta, who is currently the
16 Director of the Legal Aid Justice Center, which is
17 headquartered in Charlottesville, Virginia, but who, in
18 mid-January, will become the Director of the LSC-funded Bay
19 Area Legal Aid in Oakland, and we will be very happy to
20 welcome Alex to our group of LSC-funded executive directors.

21 And to Alex's left is Katia Garrett, who is the Director of

1 the D.C. Bar Foundation, which is the largest private funder
2 of civil legal services in the District of Columbia.

3 And I would like to refer all of you to their bios,
4 which are in your materials, which can give you some more
5 extensive background information on the panelists.

6 So, as I said, I would like to start out with a
7 brief overview of the performance criteria, their history,
8 including the 2007 revisions.

9 Now, the performance criteria were adopted in 1993
10 by LSC, and had been part of a demonstration initiative to
11 examine the feasibility of making LSC grants on a competitive
12 basis. Now, the aspects of the performance criteria that
13 were present then remain today. And they are that the
14 criteria were designed for peer review, they provide
15 reference points for what was then to be the new competitive
16 grants process, and they also provide a guide for internal
17 program evaluation and assistance.

18 Now, the structure, as you know, is somewhat
19 unique. There are four performance areas in the criteria.
20 The first is needs assessment and allocation of resources.
21 The second is engaging the client population. The third is

1 legal representation. And the fourth covers all aspects of
2 program governance, leadership, and administration.

3 Now, under each performance area are a set of
4 individual criteria, which are specific topics that inform
5 the performance area. And under them are indicators which
6 are performance markers, or factors, for each criteria, and
7 also a series of inquiries which are questions to be asked to
8 see about how the performance measures against the
9 indicators, the criteria, and, ultimately, the performances
10 areas.

11 Now, in 2007, the performance criteria were
12 revised. And these revisions were prompted by several
13 things, including major changes in the delivery structure,
14 which included, for example, hotlines, the advent of more pro
15 se assistance, larger programs, greater diversity and
16 complexity in funding, and also a desire to revitalize the
17 performance criteria as part of LSC's quality agenda.

18 Now, the 2007 performance criteria placed a much
19 greater emphasis on technology and on the changing
20 demographics of the client population, including limited
21 English proficiency and cultural competency, and also on

1 performance area four, which got a major facelift in 2007.

2 Now, as part of the revisions that occurred, there
3 was a significant process that included an advisory committee
4 and also some draft reviewers. And, Yvonne, you served on
5 the advisory committee. Could you tell us what that
6 experience was, in terms of revising the performance
7 criteria?

8 MS. MARIAJIMENEZ: Thank you, Janet. Yes, I think
9 the purpose of the advisory committee was to really lend the
10 perspective of the field programs and what exactly the
11 changes had occurred, and what updates were really necessary.

12 As Janet indicated, much had come into being, the
13 Internet and technology. And so, for the field programs, I
14 think that it served as a guide to implement a guide that
15 provided a framework for the best practices within the
16 program, but also the framework by which they would be
17 evaluated by external sources.

18 Now, the advisory committee worked on the
19 revisions, along with the committee that was working on the
20 revisions for the ABA standards. And the ABA standards, as
21 you know, are speaking to an audience that is basically all

1 civil legal services providers, whereas the LSC performance
2 criteria are laser-focused on legal services programs,
3 programs that serve poor, that serve with limited resources,
4 and yet are expected to provide comprehensive legal services
5 for the poor.

6 So, what the advisory committee lent was the
7 perspective of what, in fact, programs -- the perspective of
8 what was happening in the field, and how those performance
9 criteria could assist the programs within their own programs
10 to evaluate their own systems, and also what expectations
11 there were from LSC as to what would be evaluated by the LSC
12 program staff, as they came in to evaluate.

13 It served -- and I have got a story for you that
14 lends some perspective to this. In the early -- late 1990s,
15 we had an unlawful detainer clinic in Los Angeles. There are
16 two programs in Los Angeles. And we put a lot of resources
17 into these unlawful detainer clinics that would prepare
18 answers for clients that would then appear pro per.

19 We then, one summer, decided to do an evaluation of
20 those clinics. And utilizing students and reviewing court
21 records, we found to our dismay that over 90 percent of those

1 tenants or clients lost their cases. It didn't matter the
2 degree of the preparation, what the documents looked like,
3 and how they were documented. The fact is that they were
4 losing, or not prevailing, in court.

5 At that point we stopped the clinics, stepped back
6 to make an evaluation, and what would be a better system to
7 assist these clients, and then to evaluate this program to
8 see if it was effective. And I think the performance
9 criteria served as a framework for that.

10 MS. LABELLA: Thank you, Yvonne. Now I would like
11 to tell you a little bit more about how we use the
12 performance criteria here, at LSC.

13 As I mentioned earlier, one of the major focuses
14 for the formation of the performance criteria was its use in
15 the competitive grants process. And we definitely use them
16 throughout the competitive grants process.

17 If you look at the RFP, which is posted on the
18 website every year as the RFP season begins, you will see
19 that it follows very closely the performance criteria. Now,
20 this has some real advantages to the field, because they know
21 the expectation. They have the performance criteria, they

1 can look at the inquiries in the RFP, and they can match them
2 up with the performance criteria, and understand what LSC's
3 expectation is for performance in each of the performance
4 areas.

5 At LSC we also use the performance criteria as our
6 guide in evaluating the proposals that we receive. We have
7 extensive materials that we use in the competitive grants
8 process that includes an evaluation guide. And that guide,
9 again, follows very closely what the indicators would be in
10 the performance criteria.

11 We also use the performance criteria as a basis if
12 we do capability assessment visits. And we do those visits
13 if we have multi-applicants for a service area. We will
14 visit both of the applicants. And, again, the performance
15 criteria is a guide to that on-site visit.

16 We also do on-site visits if we have a new
17 applicant. And on occasion, if we have serious concerns or a
18 lot of questions about a proposal we have received, we will
19 do a capability assessment visit, and we use the performance
20 criteria as our guide for that.

21 And as we use it for capability assessment visits,

1 we also use the performance criteria as our guide when OPP
2 does program quality visits. We do approximately, at this
3 time, about 21 program quality visits a year. They are
4 selected by employing a risk assessment process, where we
5 look at the date of the last visit, and also any concerns
6 that we have about program performance.

7 And the performance criteria form the basis of
8 every aspect, from pre-visit through the preparation and
9 delivery of the report. We send out fairly extensive
10 document requests. And I think Yvonne can attest to that
11 when she talks about how they were on the receiving end of a
12 program quality visit. And even the document requests follow
13 the performance criteria, so that the documents that are
14 requested can be compared to the performance criteria, and
15 the significance and the reason for why we are requesting
16 them can become apparent.

17 So it is not just to request a load of documents,
18 but it is to inform the visit, it is to inform the team, and
19 to inform how the program performs in comparison to the
20 performance criteria.

21 When we are on site, again, we interview staff, we

1 interview stakeholders, and they are all related, again, to
2 different aspects of the performance criteria. They are
3 going to inform the administration of the program, they are
4 going to inform how is technology used, board governance, we
5 will interview several board members, we will always
6 interview some client-eligible board members, as well. We
7 interview a lot of the staff, we interview judges and other
8 members of the justice community, so that the entirety of the
9 visit ties into the performance criteria.

10 And then, of course, there is the exit conference,
11 which leads up to the report. And the report is organized
12 along the performance criteria, as well.

13 Now, one of the things that is very important, I
14 think, about the performance criteria is that they are not
15 prescriptive. It is not a checklist. And one of the strong
16 messages and themes throughout the criteria is that each
17 service area is somewhat different, and that the starting
18 point is the compelling legal needs of the clients in that
19 particular service area. And that is the starting point.

20 And also, that the performance criteria -- and LSC
21 recognizes that they are somewhat aspirational. They are the

1 gold standard for program performance. But we recognize that
2 there are some balances out there, in terms of resources,
3 that we must consider when we evaluate programs.

4 So, we do not look at them as a checklist. And if
5 you look at the performance criteria and you see the areas of
6 inquiry, we don't go through and check them off and say,
7 "Well, they met this," or, "They met that." It is a much
8 more holistic evaluation of the entirety of the program.

9 And the recommendations that we make at the
10 conclusion of the visit and that are in the report are in two
11 tiers. The tier one recommendations are those that we find
12 are the most significant that relate to program performance.

13 And the programs are required to follow up with those in
14 their next competitive grant cycle. And they have to respond
15 as to whether the recommendation has been implemented, is
16 being implemented, is being implemented in part, is being
17 considered, or even is not going to be implemented. And then
18 they need to explain why. And it forms a systematic basis
19 for us to follow up with the programs on how they have
20 responded to the recommendations that we have made.

21 And again, they all relate back to the organization

1 of the performance criteria, and also the substance of the
2 performance criteria.

3 And now, what I would like to do is --

4 MS. REISKIN: What is tier two?

5 MS. LABELLA: Tier two are those recommendations
6 that are important, but don't necessarily rise to the same
7 level of significance. And often, programs will still
8 respond to us and tell us how they have adhered to those
9 recommendations, and what they have done in response to those
10 recommendations, but they are not part of the formal
11 follow-up in the competitive grants process.

12 However, when we follow up with programs, we will
13 also check in on them to see what they have done with respect
14 to the tier two recommendations. But the ones that become
15 part of the competitive grants process are the tier one
16 recommendations.

17 Now, Alex has served as a reviewer, as a temporary
18 employees for LSC, on numerous program quality visits. And I
19 would like now to ask Alex about his impression of using the
20 performance criteria as one of the reviewers on our PQV's.

21 MR. GULOTTA: Okay, thank you. So I am the

1 director of a non-LSC program that periodically works as a
2 temporary employee for the LSC doing visits of programs
3 through program quality visits. And I just want to say this
4 is a really practical and useful tool, and that is really the
5 way I look at it.

6 Sometimes our policies and procedures don't
7 actually translate into reality, and I just think this one is
8 a really practical one that allows us to all, if you will,
9 given the same -- in the same construct, to try and figure
10 out if what is going on in a program is quality or not
11 quality. To expect a group of people who don't know a
12 program to come in and make some assessment about whether or
13 not what is happening there is quality or not is a pretty
14 high expectation. And this tool really actually makes it
15 fair, if you will. It provides a baseline that everyone is
16 using.

17 And the way these visits go, there are a group of
18 us, and we may descend upon a program, and we may be there
19 for three or four days, and two people go here, and four
20 people go there, and all of that information then needs to,
21 like, come back and be brought together into one group of

1 findings about what the quality of the program is. And this
2 is useful, because all of us are using, if you will, the same
3 lens to look at the program.

4 And if you look at these four steps, the way I like
5 to think about it, does the program figure out what clients
6 need and allocate resources to meet those needs? Do they
7 treat clients with dignity and respect, and actually include
8 them in the thought process of how the program should
9 operate? Number three, is the legal work high quality? And,
10 four, is the non-profit operation professional? Do we run
11 our non-profit like a law firm? Is it run professionally?

12 And the criteria, they make us focus on those
13 things. And they really have these very kind of granular
14 questions that we are all asking of the people. And I know
15 that I have seen four or five different versions of, "Here is
16 the questions that someone asked of the executive director,"
17 but they all look the same, because they are all based on
18 these same indicators, because we are all looking to the same
19 document to try and figure out what questions should we ask
20 and how do we use them.

21 So, from that point of view, I think they provide a

1 really fair and practical basis for this team to try and go
2 in and form some opinions about whether or not what is
3 happening at the program is quality.

4 I think it is fair for the program, because the
5 program knows that is what the tool is. They know that is
6 what the construct is. And anybody who is going to be
7 subjected to one of these assessments can really prepare for
8 it by looking at the criteria and doing, if you will, a
9 little self-assessment. When they do those documents, if
10 they don't have a good sense of where they stand on these
11 criteria, it is just because they are not really -- they are
12 not paying close enough attention, because the document
13 requests completely track what the criteria are.

14 And so, the program can be looking at where they
15 are strong and where they are weak. And, in my experience,
16 the best directors start out in their initial interview
17 talking about, "We have got some really great things going
18 on, here is what they are, and we have some weaknesses, and
19 here is where they are, and we would actually like you to
20 help us think about how we can address those weaknesses."
21 And those are the most gratifying visits. And those are the

1 folks that are keyed in to these criteria, and they
2 understand what we are looking for and they understand how
3 they can respond to those requests.

4 I have also done a number of these visits for
5 non-LSC funders, like IOLTA funders, or other programs like
6 that. And sometimes those are really based on -- at least in
7 some circumstances it is sort of like you are given the grant
8 that was written, and you are trying to measure people
9 against the deliverables in the grant. And it is not nearly
10 as sort of broad an overview of is this a high-performing
11 agency, and it is more did folks meet what they promised in
12 the grant. And I have found that, even on those, I get out
13 the LSC performance criteria, and I sort of model my
14 questions around that, and try and have those discussions
15 follow that.

16 And just as a last aside, when I go to San
17 Francisco, to Oakland, in the spring, it is my intent to meet
18 with every staff person to just try and form a relationship
19 with the folks on the staff. But what I plan to do is use
20 this exact same construct to just try and get a feel from
21 people how are we doing in each of these four critical areas,

1 what could we be doing better, and get real feedback from the
2 staff, like they would give to an LSC visitor, get some
3 feedback from the people in the program. Are we doing what
4 we should be doing? Where are we strong? Where are we weak?
5 Where can we improve? And I think this will provide a very
6 useful construct for doing that.

7 CO-CHAIRMAN FATHER PIUS: And just a quick question
8 on that. I think that is great, it is very helpful. So when
9 you are providing your -- when you do one of the visits, and
10 you provide your report -- obviously, you are doing a written
11 report -- do you generally follow, then, the organizational
12 outline of the four performance criteria when you give the
13 written report, or do you usually follow a different
14 organizational structure when doing that, or --

15 MR. GULOTTA: So we prepare -- we basically have an
16 exit interview. So we are involved in the exit interview.
17 Usually the LSC staff person does a first draft of the
18 report, which follows the criteria. But, in my opinion, the
19 best ones are the ones where we don't go, like, boom, boom,
20 boom, like this is a little checklist, but where we really
21 identify two or three kind of key themes. Like, "You are

1 really strong in these areas, and here are a few areas where,
2 like, your legal work supervision and some of your other
3 things are really weak, and you really need to make some
4 improvements there."

5 And so, from my point of view, I think the most
6 compelling reports are the ones that really focus on the
7 things -- instead of, like, a checklist, like, "Here is
8 everything that didn't meet the gold standard," to really
9 identify a few areas where you really need to work here, and
10 you really have excelled here, and to highlight those, like,
11 in the beginning of the report. I think it is then easier to
12 then read through the more mundane, if you will,
13 criteria-by-criteria recommendations.

14 CO-CHAIRMAN FATHER PIUS: Thank you.

15 MS. LABELLA: Thank you, Alex. So, Yvonne, as the
16 Deputy Director of an LSC-funded program, could you tell us
17 how you use the performance criteria internally?

18 MS. MARIAJIMENEZ: Oh, absolutely. First of all,
19 the performance criteria is distributed to every member on
20 our staff. We use it as an over-arching guide for program
21 operations. However, supervisors also use it within their

1 own departments at looking at standards they should be
2 looking at as they implement projects and do their day-to-day
3 work.

4 One of the things of -- the visit that we just had
5 in September, all programs -- the performance criteria
6 provides a known standard for all LSC programs. This is a
7 standard by which your program will be assessed. And, as
8 Alex said, it is a guide for evaluating yourself and knowing
9 where are your weaknesses and what you need to improve. So
10 it is a very good measuring tool for that.

11 I think it was also, prior to the visit, an
12 opportunity to take an internal evaluation at the time.
13 Where are we with respect to the performance criteria? The
14 Office of Program Performance does do a request for document
15 production. It is a significant request.

16 And for us it highlighted manuals that needed to be
17 updated, a disaster manual that needed to be updated, or
18 looking -- our LSC compliance is always updated, but looking
19 at other things that we do on training that -- for example,
20 injury and illness prevention, which is something we don't
21 usually think of in day-to-day operations. But it provided

1 us an opportunity to review quickly what is it that we need
2 to do in administrative, as well as programmatic, level.

3 We found that the documentation we submitted to the
4 Office of Program Performance was reviewed. The team came in
5 very well prepared and very knowledgeable and familiar with
6 the casework that we had reported with statistics, with the
7 kind of projects that we had implemented. And, as they did
8 their interviews and visits with our program staff, it became
9 a conversation. And staff was pleased to see that they came
10 in familiar with the projects, or their own casework, and
11 asked questions about it.

12 So, I think that it serves as not just an
13 assessment tool for your major funder, but also as a peer
14 assessment tool, as your own internal assessment tool, for
15 the program overall operations, as well as within the program
16 itself. So --

17 MS. LABELLA: Now, Yvonne, have you used the
18 performance criteria for any training purposes?

19 MS. MARIAJIMENEZ: We have. And one of the things
20 that we have done is spent a great deal of time training our
21 board of directors. Over an 18-month period, when the

1 revisions first came out, we had the performance criteria on
2 our board meeting agenda, it was a standing agenda item. And
3 we went through it, in general, but focus -- we were
4 laser-focused on performance criteria area number four, which
5 is board governance.

6 And one of the areas that -- the board did a
7 self-evaluation. They prepared a survey to ask themselves
8 where they thought they were performing well, and what areas
9 needed improvement.

10 Neighborhood Legal Services of LA County has been
11 in existence for almost 50 years, but we are the new kids on
12 the block on development, on fundraising. It has only been
13 within the last eight years that our board has been looking
14 at development and actually fundraising. And it is an area
15 where they determined they were extremely weak.

16 And so, a great deal of training, time, and
17 assessment has gone into the board, as well as looking at the
18 need to change the -- who is on the board, and what members
19 of the business sector of foundations or of other areas need
20 to be recruited to serve on the board in order to enhance our
21 development efforts. So, they did do the assessment of what

1 was -- where they were strong, and then focused on the
2 weaknesses, which is development.

3 MR. LEVI: And when you meet with the board -- or
4 do you meet with the board when you are out doing a program
5 visit?

6 MS. LABELLA: Oh, do we?

7 MR. LEVI: Yes.

8 MS. LABELLA: Yes, we do. We meet with not every
9 board member, but we meet with the board chair, we meet
10 always with the people on the finance committee. We also
11 meet, as I said, with not always every, but a representative
12 sampling of the client board members, as well.

13 So, again, depending on the size of the board, we
14 will interview anywhere from five or more board members.

15 Julie?

16 MS. REISKIN: Yes, are you ready for questions or
17 comments?

18 MS. LABELLA: Oh, sure. We can -- questions at any
19 time are welcome.

20 MS. REISKIN: I just wanted to -- I am so -- I was
21 so happy to hear about what Alex said about rewarding -- I

1 think that the better non-profits are those that can talk
2 about weaknesses, and to really do honest, rigorous
3 self-evaluation.

4 And so, I was glad to hear that we are creating
5 that culture of learning, and that we are not slapping down
6 someone that is identified in saying, "I am struggling with
7 this, how do we fix it," because that is how you -- in my
8 opinion, anyway, and what I have seen, is that is how you get
9 real excellence. And too few funders do that.

10 And I was also glad to see that this wasn't a
11 checklist, like a lot of grants are. I wish there was
12 something this robust for the whole non-profit world,
13 because, I mean, I would love to have a tool like this. And
14 most of what you get in the regular non-profit world is much
15 more regimented.

16 My question is, as -- what do you see in the
17 field -- how does this mesh with organizational strategic
18 planning? Because I see this as a good thing to kind of
19 report -- I mean, even as an ED -- to report to your board
20 to, and to look at this and, like, giving every new staff
21 person this. And that is the kind of thing that a lot of us

1 in non-profits do with our strategic plan, is you report to
2 it, you measure yourself against it, you give it to all new
3 staff, you discuss it every board meeting.

4 What is your experience -- really, for anyone -- of
5 how those things mesh, if that question makes sense?

6 MS. LABELLA: Yvonne, do you want to answer that?

7 MS. MARIAJIMENEZ: Sure. How those things mesh?

8 MS. REISKIN: Like the performance criteria and the
9 strategic plan in terms of, like, how do you manage to both,
10 and do you mesh them, or is it parallel, is it braided?

11 MS. MARIAJIMENEZ: Well, actually, the performance
12 criteria, we are using it as a tool for strategic planning
13 now. We are in restructuring mode in the program, and laying
14 out a strategic plan. And so, the performance criteria has
15 been a very valuable tool in determining what are those areas
16 that we need to look at.

17 Obviously, priority-setting is something that will
18 begin that process. And so -- but it is also the framework
19 by which to even begin the process of strategic planning and
20 coming up with a strategic plan, and also engaging staff in
21 that conversation and having ownership, not just by board,

1 but by staff, as well. So, they integrate well.

2 MS. REISKIN: And one other question is do any of
3 you have a way to make clients -- not just client board
4 members, but clients or community advocates -- aware of what
5 these are? And, like, how would a client know if what they
6 are getting is quality, or --

7 MS. MARIAJIMENEZ: In our program, we do evaluation
8 of our services. We give client questionnaires, client
9 satisfaction questionnaires. And a very valuable tool,
10 because, through those questionnaires, we have gotten
11 feedback as to how to tweak programs, how to change
12 procedures or processes, or even our hours of service, in
13 order to serve the needs more effectively.

14 And so, that is one thing we have learned quite
15 well the last 20 years that we have been measuring
16 effectiveness, is to really get input from the client
17 community.

18 We also do focus groups, where we bring people in
19 and actually have a conversation with clients as to how they
20 felt everywhere from -- did they feel respected? What were
21 their waiting times? How was access to the actual quality of

1 the legal work and how they felt about the attorneys and
2 advocates that assisted them.

3 MS. LABELLA: Sure, Alex.

4 MR. GULOTTA: I would just say, too, we used these
5 when we did a strategic planning process a year-and-a-half
6 ago also, and we used them just that way, with client-focused
7 groups. We basically kind of went through this construct:
8 Do you feel like we are identifying the right issues? Are
9 you having issues that are -- we went through a process to
10 try and, like, figure out where we were missing things. Then
11 we talked about how people felt they were treated by our
12 program when they interacted with us, what the phone was
13 like, what the waiting rooms were like. Did they feel
14 treated with dignity and respect? Did they feel like they
15 got quality services from us?

16 And so, we have basically followed this construct
17 when we had our focus groups, to try and get feedback from
18 client groups as part of our process.

19 MS. LABELLA: All right. Katia, as a funder that
20 is a non-LSC funder, could you tell us how and what ways you
21 have referenced the performance criteria?

1 MS. GARRETT: Sure. First of all, let me just put
2 this in context. The D.C. Bar Foundation is a small
3 foundation. When I started there, I was the only staff. We
4 had about 25 to 30 grantees. And we had a competitive grants
5 process. Within two years of starting, our grant portfolio
6 more than doubled. We now have about 40 grants that we make
7 to between 20 and 25 organizations. The number of total
8 organizations has dropped because of some priority decisions
9 that have been made by the board and by some consolidation of
10 services in the field.

11 So, I will get back to that point, because it is an
12 important one, that there are small foundations out there
13 with competitive grant processes that are looking for
14 criteria to use in making their award decisions.

15 And we use the performance criteria, we use the ABA
16 standards. I find the performance criteria to be invaluable,
17 for many of the reasons that Alex outlined. They are
18 common-sense. They look at, really, what, as a funder, you
19 want to be looking at, which is whether you are making an
20 investment that is a sustainable investment in a quality
21 organization.

1 The criteria themselves have significant value,
2 because they have both the imprimatur of LSC, which is the
3 gold standard when it comes for funding legal services, and
4 the credibility of having developed the criteria through
5 extensive work in the field, and with input from the field.
6 So you kind of get the best of both worlds when you use the
7 criteria.

8 We -- when I started at the Bar Foundation, we also
9 started to develop for the first time a program to evaluate
10 our grantees, to begin a peer review process. And, as you
11 can imagine, when I reached out to the community on that
12 issue, there was a lot of anxiety about what that meant, what
13 would we be doing. Was this just an excuse to defund
14 programs? What criteria are you going to be using?

15 Well, we did it through focus groups -- again, we
16 called them listening sessions -- with our grantees to walk
17 through those anxieties, and made clear that we would be
18 using the standards that are the gold standard, which is the
19 performance criteria and others that are out there, the ABA
20 standards, and tailoring them, really, to the reality of the
21 program that was being evaluated, so that it would not be a

1 checklist.

2 So, these criteria are used in our peer reviews
3 that we do. We only managed to only have funding to do
4 between one and two a year. But we also have a pretty robust
5 application process, where we bring in the grantees for the
6 applicants for grants, to interview them about their
7 proposal.

8 And in that process, I personally have a series of
9 questions that I asked that are very open-ended questions,
10 but they pretty much track what the criteria are: "Tell me
11 how your board functions. Tell me how you decided that this
12 was the program that you thought was the most important one
13 to fund this next year." And the answers are extraordinarily
14 revealing to me, in large measure because we have got these
15 indicators against which to measure the substance of the
16 response that we are getting.

17 So, we -- in many ways, the Bar Foundation is able
18 to be bigger than we are because we have access to a set of
19 criteria like these. We use them for our applicant
20 interviews, we use them for our site visits. And we
21 encourage programs to use them for their self-assessments.

1 We are trying to create a culture of evaluation in
2 the District, so that -- and, by doing so, we are able to
3 point to programs to say this is a program that evaluated
4 what it was doing, concluded that it needed to make changes.

5 And we see that as a significant programmatic strength, not
6 as a weakness.

7 We need to say that often, because it is hard for
8 organizations to come to a funder and say anything other than
9 they are the best thing since sliced bread. But we do try to
10 encourage that openness in the application process.

11 We -- because we fund locally, we only serve legal
12 services non-profits, we only fund in the District, we are
13 able to drill down into the elements that are reflected in
14 these criteria in ways that are probably quirkily unique to
15 the District.

16 We can tell by looking at the membership on the
17 boards when that -- and at what level -- that board is
18 functioning. And so that enables us to -- we call it board
19 penetration. Like, really, has the board penetrated the
20 community? And, more broadly, do they have the right
21 heavy-hitters and knowledgeable people on the board to

1 accomplish what that organization is trying to accomplish
2 within the community?

3 But I have to say that the criteria for me,
4 starting out at this foundation as a one-staff foundation
5 with a -- at that time -- a \$1 million grant budget, they
6 were invaluable in making informed decisions and helping our
7 board, a board of nine, also a small board, feel that it was
8 able to drill into the applications and the recommendations
9 that it was getting and make sound decisions.

10 CO-CHAIRMAN FATHER PIUS: I think -- Vic, did you
11 have a question?

12 MR. MADDOX: I do. Thank you, Father Pius. It is
13 actually to Janet right now.

14 We get evaluated, as a board member, based on our
15 understanding of the LSC programs and its missions and what
16 not. And I am continually learning more about that. As part
17 of this meeting, I spent some time looking at the performance
18 criteria. And I have got some questions, Janet, about how
19 the OPP uses what goes on in the field, as Alex was
20 describing, and what you guys do with your own teams in
21 evaluating a program.

1 So, for instance, I mean, I assume that our
2 performance criteria are derived from the LSC Act,
3 ultimately.

4 MS. LABELLA: Well, I think that that is the
5 beginning point for the performance criteria. The
6 performance criteria also relate to the ABA standards. And,
7 as you can see, the ABA standards are referenced throughout
8 the performance criteria.

9 MR. MADDOX: Yes, they are. I guess my question
10 is, if you look at, for instance, performance criterion
11 number three --

12 MS. LABELLA: Performance area three?

13 MR. MADDOX: Performance area number three, and
14 then criterion number three -- let me see. I need to -- this
15 is a little confusing, this document.

16 If we go to page 19 -- so we have introduced -- no,
17 it is not there. It is on -- so if we actually look at page
18 21, Janet, we have criterion performance area 3,
19 "Effectiveness of legal representation and other program
20 activities intended to benefit the low-income population in
21 the service area," and then we have the three criterion. And

1 in number --

2 MS. REISKIN: What page? I am sorry.

3 MR. MADDOX: Twenty-one is the version I am looking
4 at, Julie. This is the one signed by Helaine Barnett.

5 MS. LABELLA: Well, the outline of performance area
6 3 starts on page 19 --

7 MR. MADDOX: Yes, it --

8 MS. LABELLA: Are we all looking at the same thing?
9 And then that is the outline. And, then, when you get to
10 page 22 is when it goes into the indicators and the areas of
11 inquiry for each of the criteria.

12 MR. MADDOX: Okay. And if we go, then -- I think
13 it is to page 29, where we have some of the areas of
14 inquiry --

15 MS. LABELLA: All right, now. Page 29 on the one I
16 am looking at is criterion two, "Private attorney
17 involvement."

18 MR. MADDOX: Well, I am looking at a version that
19 has performance area three, criterion number one --

20 MS. LABELLA: Okay.

21 MR. MADDOX: Then it is, "The program's legal

1 representation achieves as much as is reasonably attainable
2 for the client, given the extent of the representation, the
3 client's objectives" --

4 MS. LABELLA: Right.

5 MR. MADDOX: -- "and the circumstances."

6 MS. LABELLA: And so you are looking at Subsection
7 C, which I think is on page 28.

8 MR. MADDOX: Okay. Well, I have a different
9 version, because mine is on 29. But then it says --

10 MS. LABELLA: Okay.

11 MR. MADDOX: And it introduces this concept, Janet,
12 where I am trying to understand where it comes from, where
13 LSC introduces the concept of "similarly situated systemic
14 solutions into the evaluation of a program and its
15 representation of a client." Because it says the program's
16 legal representation achieves as much as is reasonably
17 attainable for the client, which I assume is any woman, any
18 individual who has a legal issue. But then we are evaluating
19 the program based on the extent to which the program
20 achieves, in its representation work, the greatest possible
21 benefits and systemic solutions for other low-income people

1 who maybe face similar problems.

2 And if you go to the indicators, we say, "Has it
3 achieved as much as is reasonably possible for other
4 low-income people similarly situated," which sounds like
5 class actions. So --

6 MS. MINOW: Well, that is what deterrents theory is
7 in law, that you actually enforce a single case and it deters
8 wrongdoers from committing the same -- it is the exact same
9 theory of any individual action.

10 MR. MADDOX: Okay. Here --

11 MS. LABELLA: And, Vic, if I could just respond
12 very quickly to that, I think it ties into efficiency and
13 effectiveness of your overall management and administration
14 of the program and your legal representation.

15 MR. MADDOX: Here is my question, Janet. How do
16 we, in practice, evaluate a program based on the extent to
17 which its representation of a client achieves benefits for
18 other people similarly situated?

19 MS. LABELLA: Well, it --

20 MR. MADDOX: I mean is there some sort of template
21 we use when we ask questions of people that we say, okay, you

1 could have taken another case, rather than this case, and if
2 you had taken this other case, you would have been able to
3 somehow, in some theoretical world, affect greater systemic
4 change?

5 And so, you are being judged less favorably because
6 you took Mrs. Jones's case, and not Mrs. Smith's? Is that
7 something that goes on?

8 MS. LABELLA: Not at all in that way. Now, for
9 example, let's assume that the program has represented some
10 public housing tenants and there has been a series of issues.

11 And so they have serial cases all dealing with the very same
12 issue, and they have a series of trials, all dealing with the
13 very same issue.

14 We may be looking at that to see is there a way you
15 could have accomplished that more efficiently, as opposed to
16 relitigating the same issue over and over and over again.
17 But it is not a situation where we go in there and
18 second-guess the legal strategy or the client, who the
19 program represents.

20 Julie, did you have a question?

21 MS. REISKIN: Just another example of what I have

1 seen happen is -- so there might be a couple -- like some
2 counties that are having, like, food stamps or Medicaid, or
3 those kind of cases, and there might be kind of a bunch of
4 them. And especially when they work well with non-attorney
5 advocates, what I have seen is there are a bunch of them, so
6 the legal services people with the real lawyers take the
7 difficult and complicated ones, and then that paves the way
8 for other people to do -- to kind of come behind and help a
9 broader number of people, because they have done, I guess,
10 the heavy lifting, or something like that. It is -- no one
11 is doing a class action, it is not -- it is just that is
12 taking one lawyer and spreading their effort.

13 MR. MADDOX: Makes perfect sense, Julie.

14 And to your point, Martha, in looking at these
15 performance criteria, there is 50 pages of stuff. And I have
16 never seen these before, but it looks like we have, embedded
17 in our evaluation of grantees, this notion of impact
18 litigation, which I think is inconsistent with the LSC Act.

19 MS. MINOW: Well, so, of course, it is inconsistent
20 with the Act, so, of course, it is not part of the criteria.

21 But, at the same time, efficient use of resources is

1 embedded in the Act.

2 MR. MADDUX: No doubt.

3 MS. MINOW: And so, efficient use of resources
4 requires an assessment, whether or not the use of the -- each
5 hour of the attorney's time actually is the best use. And
6 that involves actually looking to see whether or not the
7 misconduct or the violations that were -- that actually
8 occurred have changed, not just in the one case, but over
9 time.

10 It may be that a strategy of a serial set of cases
11 actually brings to the attention of the authorities a reason
12 that, oh, we really should -- that is a strategy. It is not
13 a class action. But it may be that, in fact, there might be
14 a more efficient solution even there.

15 So, I hear what you are saying, but I think
16 everybody is aware that we are not supposed to depart from
17 the standards in the Act. And it is, in fact, something that
18 is in the forefront of people's minds when they decide
19 whether or not this is for a grantee organization or another
20 organization. Because if it is anything that is going to tip
21 over into class action strategy, you just don't do it.

1 MR. MADDOX: Well, I appreciate that. I just -- I
2 mean I would be troubled if our grantees were being evaluated
3 as a practical matter in the field, and then ultimately at
4 LSC headquarters, based on the extent to which they either do
5 or don't engage in, effectively, impact litigation. If there
6 are opportunities to do that that make sense, that is fine.

7 I was surprised to see this concept of "systemic
8 impact and benefits for others similarly situated" as part of
9 our performance criteria for grantees, when it is, as Martha
10 says, plainly prohibited by our authorizing legislation.

11 MS. LABELLA: Well, I think we need to make the
12 distinction between a class action and having impactful
13 advocacy. And what we look for when we go on visits is
14 having impactful advocacy. And that can definitely be -- and
15 very frequently, and the vast majority of it is -- on behalf
16 of an individual. However, you can also have impactful
17 advocacy which is far more efficient in some circumstances on
18 behalf of -- it could be a group.

19 So, for example, in the public housing situation,
20 if you represent the tenant advisory board and you go in and
21 negotiate the lease, and you have then changed some

1 provisions of the lease that are now more favorable to the
2 tenants, you have had an impact beyond an individual tenant,
3 and your client has been the public housing tenant group.

4 But I think Yvonne also has an example.

5 MS. MARIAJIMENEZ: Right. And I think that it is
6 looking at solutions to legal problems that not only impact
7 our clients, but also the institutions themselves.

8 So, for example, in Los Angeles we had a case of
9 clients coming in, where their cash benefits were stolen. In
10 years past, they would receive a check every month from the
11 county, Department of Social Services. With new technology,
12 they now have an electronic transfer card. When the checks
13 were stolen, they would be replaced. Now that they are using
14 technology and electronic banking transfers, if those
15 benefits were then stolen, they would not be replaced. The
16 electronic banking cards would not be replaced.

17 Well, it was an issue that we brought up to the
18 county and to the state. And it was a situation where the
19 state had not caught up to the technology and the way things
20 were now done. The state knew that they were open to
21 litigation and had exposure, and they worked with us in order

1 to change that. They were alerted to the problem. It was
2 changed so that clients that received their benefits now
3 through electronic banking transmission would have their
4 benefits replaced if they were stolen.

5 We collaborated in co-counsel with the Western
6 Center on Law and Poverty, which is not an LSC program.
7 They, on their own, then worked with the legislature to
8 change legislation and bring about new, current rules. So
9 that is an example of where it not only benefitted our
10 clients, but the state itself. And the institution impacted
11 and saved them a lot of litigation.

12 CO-CHAIRMAN FATHER PIUS: Thank you. Gloria?

13 CO-CHAIR VALENCIA-WEBER: Yes. Father Pius, from
14 the clinic operations I have seen, as well as those in my own
15 law school, when you have a recurring wrong and a resistant
16 institution, at some point, even among collaborative
17 organizations, you may have non-profits who have been also
18 engaging in having effect for individual clients, but the
19 continuing wrong repeats and repeats.

20 And at that point there can be a strategic decision
21 that the clinic -- and we have undertaken at our law school

1 clinic, okay, it is time to do an appeal, to take it further,
2 to do a truly legal challenge to what is not at this point
3 being corrected.

4 And I think it is a very effective choice. I
5 realize to do an appeal means the choice to use resources
6 that perhaps could represent another client. But at this
7 point, when you have a recurring history of wrongs not
8 seemingly responding to any correction, I think it is an
9 efficient choice, and it is ultimately a systemic affecting
10 choice.

11 CO-CHAIRMAN FATHER PIUS: Sharon?

12 MS. BROWNE: I think this dialogue is very
13 worthwhile, and I am very appreciative that the performance
14 criteria has been highlighted here today.

15 And I understand Vic's concern because, as I was
16 reading the performance criteria, I too have -- certain red
17 flags seem to pop up occasionally with the word "systemic".
18 I was focusing on page 32, where it talks about the program
19 staff is aware of legislative developments that affects the
20 low-income population. And do they work to correct or
21 address these problems through system impacts?

1 So, I am wondering if it is just a matter of
2 phrasing, as opposed to anything else, that is causing the
3 confusion that raised red flags for me, raised red flags for
4 Vic. And it could just be you, Janet, and Yvonne, and Alex,
5 have all worked with these, you understand the nuances. I am
6 looking at it for the first time. I am seeing all these
7 strange words that make me catch my breath. So it could be
8 just a matter of phrasing words.

9 Could we maybe go through this, have somebody go
10 through this, and do some modifications? Because I think,
11 overall, these are terrific criteria, and I applaud you for
12 getting these together. But some of the phrasing is just a
13 little off.

14 CO-CHAIRMAN FATHER PIUS: Yes, I am just going to
15 intervene real quick.

16 Sharon, I think -- I mean one of my goals in
17 bringing up the performance criteria as something that we
18 should look at, they obviously haven't been revised or
19 evaluated in the seven years that they have been done. And I
20 think we are not going to do it today, but I think it is
21 something that needs to be on the radar. I think we need to

1 look back at the way in which these performance criteria have
2 been implemented since they have been adopted seven years
3 ago, and --

4 MR. LEVI: They weren't adopted by the Board.
5 They --

6 CO-CHAIRMAN FATHER PIUS: No, no, but adopted
7 by -- but it is part of our oversight responsibility, I
8 think, to see that management is examining the performance
9 criteria, and seeing that they are implemented, and --

10 MR. LEVI: So the first question would be whether
11 they have conducted that --

12 CO-CHAIRMAN FATHER PIUS: Right, right, yes.

13 MR. LEVI: Not whether the Board --

14 CO-CHAIRMAN FATHER PIUS: No, no, I absolutely
15 agree with you that it is not the Board's role to be the
16 mover in evaluating the performance criteria. It is the
17 Board's role to make sure that management is regularly
18 reviewing how it has been implemented, to see whether there
19 are things that are missing, or whether it can be improved.
20 And especially since it has been seven years, I think, since
21 it has been done. And I certainly -- that is going to stay

1 on my radar.

2 But I take the caution, and I agree that we have to
3 be careful about doing that ourselves. It is not our role to
4 evaluate and to make changes to this ourselves, but it is our
5 role to make sure that management is doing its job, in terms
6 of evaluating.

7 And this is -- as we have heard, this is a crucial
8 document, not only for our grantees, but throughout the legal
9 services community. And I think we have at least some
10 responsibility to make sure that we are evaluating it. I did
11 a stint with General Electric. And sic sigma is a big thing.
12 You evaluate what you do. And it is a huge part of
13 what -- you evaluate your evaluations. And once in a while
14 those things are helpful.

15 So I take all of these, and I take Vic's point, as
16 well. I think one of the things that we have encountered is
17 there are people -- we have encountered some grantees who
18 will say that they want to make systemic changes. And what
19 they mean is not efficiency or a better application of the
20 law, but ideological and policy changes. And we -- I think
21 that the concern is to make sure -- nobody is concerned with

1 a better application of the law, but the worry that people
2 are going to be using federal funds and using the poor as a
3 means to effect policy change. That is not intended by the
4 Act.

5 So, the extent at which I think some of us are
6 sensitive to the way in which that might be interpreted along
7 those lines is -- that is what we want to avoid, is using the
8 poor, using federal funds as my means to implement my
9 ideological view. And that, I think, is something we want to
10 avoid. And some of this language triggers some of that in
11 some ears. So that is, I think, where the concern is.

12 Martha?

13 MS. MINOW: Sharon's comment and Father Pius's
14 comments are very well taken. And seven years is a pretty
15 long time not to reassess. It has been a new Board, it is
16 certainly timely to do this kind of review.

17 I am always impressed at the way that a standard
18 military operation is. At the end of each day you stand up
19 and you say, "What did I do well today? What did not do well
20 today?" That is every day. We could do this seven years
21 later.

1 I do want to say that maybe there is a language
2 issue. And, Sharon, you are so attuned to language and the
3 connotation. So the word "systemic" sounds to be the one
4 that is most problematic for people.

5 I guess I do also want to invite Vic -- some other
6 time, though -- to connect the concern with the word
7 "systemic" to your often well-put question. How many of the
8 demands for legal services come from the mis-design of the
9 institutions in which the poor have to deal? And the answer
10 is a lot.

11 And so, whether the word "systemic" is struck or
12 not, it would seem to me a misunderstanding of the mission if
13 we don't offer legal services that address exactly that, the
14 mis-design of the institutional arrangements in which the
15 poor have to defend themselves. And that is not ideological,
16 Father Pius, that is not policy change.

17 MR. MADDOX: No, I don't disagree with you at all,
18 Martha. And I certainly -- the tension between the point I
19 have raised and the point you have just made so well is very
20 clear.

21 I think Father Pius's point is clear, as well. I

1 mean one of the major risks for LSC is a lack of
2 congressional funding. And one of the major potential causes
3 for a lack of funding is the perception by some in Congress
4 that there is too much of more policy-oriented systemic
5 change and too little of individual client-helping, whether
6 that is through changing a policy that needs to be changed at
7 some administrative level, or some legislative policy.

8 So, I think you are right. It is something we
9 should be thinking about and talking about. But, I mean,
10 again, Janet, I mean this whole process, when I answer my
11 questionnaire, do I understand LSC, up until this month I
12 didn't understand any of this, and it has been very helpful
13 and very informative.

14 CO-CHAIRMAN FATHER PIUS: If there are more points
15 on this --

16 MR. LEVI: I was going to say I was thinking of the
17 example of the mold that we heard this morning. And if that
18 hospital was seeing three or four tenants from that complex,
19 and then just didn't do anything about it, that is the kind
20 of place where I would think -- I would hope our grantees
21 would say, "Geez, this is the same building. There is going

1 to be more of these. We better go talk to some people and
2 figure out what can be done here." But it is not a class
3 action; it is an approach to -- so I was thinking of that.

4 But also, I did want to ask. Is there -- and maybe
5 it is a larger question for Jim. With things like this, does
6 management or maybe -- have a regular cycle of reviewing
7 these kinds of things? And, if so, what is it?

8 MS. LABELLA: I mean, Jim, do you want to answer
9 that?

10 (Laughter.)

11 MS. LABELLA: I mean I don't know that there is a
12 regular cycle for review. I mean these, the performance
13 criteria, were enacted or adopted in 1993, and they were
14 revised in 2007. And that was after a very lengthy process
15 that took well -- I mean it was about a two-year process, all
16 together, because there was the advisory committee, there was
17 a lot of drafting, it was done in connection with the --

18 MR. LEVI: Oh, sure, and I am not --

19 MS. LABELLA: So I am just saying that it is not
20 like they were neglected.

21 MR. LEVI: No, no, no --

1 MS. LABELLA: So they have been in effect now since
2 2007. And the next topic for the panelists was going to be
3 the continuing value of the performance criteria --

4 (Laughter.)

5 MS. LABELLA: -- and did they have any
6 suggestions --

7 MR. LEVI: Okay, all right.

8 MS. LABELLA: -- for how they could be made more
9 useful --

10 MR. LEVI: Well, we will shut up.

11 (Laughter.)

12 MS. LABELLA: So, every panelist -- we can start
13 with Katia, if you want, and go down the table in this
14 direction as to any suggestions for improvements or other
15 uses of the performance criteria, and some discussion of
16 their continued value, even though it has been, at this
17 point, seven years since they were adopted.

18 MS. GARRETT: Okay, yes, thank you. I think that,
19 in addition to the ways in which we use the criteria now,
20 which I think are important and are valuable, I think that
21 these criteria could be used similarly by other funders.

1 I think that we are going to see, to some degree, a
2 shifting of the center of funding out from traditional
3 sources. LSC is constantly in battles for its funding, and I
4 believe and hope that those will continue to be successful.

5 But I also manage the District's IOLTA Interest on
6 Lawyers Trust Account Program, and the marker of when
7 interest rates are going to go up keeps getting moved out.
8 So I think that a sustainable legal services network is going
9 to have to be tapping into many other sources of funding, and
10 not just law firms and lawyers, but rather, other foundations
11 and small foundations.

12 The work that Mary McClimott and the Public Welfare
13 Foundation are doing is very important to that, explaining
14 what legal services are, why they matter, and why other
15 philanthropists should fund them. That is opening the door.

16 But then, getting in the door and walking out with a grant
17 requires, I think, providing education to funders about what
18 should they be looking at when they are receiving requests
19 for funding for legal services.

20 In D.C., I sometime joke and say to folks, "Really,
21 people, not every good idea needs its own non-profit." We

1 seem to see non-profits spring up constantly, and they often
2 spring up and somebody will have gotten a grant from somebody
3 because they thought, "Oh, my God, I didn't know these people
4 weren't getting this kind of help." And had they had access
5 to -- had they known that there was a gold standard out
6 there, had they known that they should be looking for a
7 collaboration and overlap and duplication in services, as
8 well as all of these criteria, including number four, which
9 is my big one with the new non-profits, the performance area
10 four, I think we would be seeing a different and healthier
11 outcome with reaching other funders.

12 So, my sense is, yes, sure, tweak, strengthen the
13 performance criteria. Continue the message that lawyers are
14 problem-solvers, and that they should be looked at as
15 problem-solvers in this, which is what I see some of this
16 language is doing. But then, figure out how to reach out to
17 other funders, other funding groups, and educate them that
18 there is, in fact, a gold standard here that can be used when
19 you are evaluating this grant application that you get.

20 MS. LABELLA: Alex?

21 MR. GULOTTA: In my opinion, I think the criteria

1 really look toward efficiencies and trying to make sure that
2 organizations are efficient and are performing their duties
3 in an efficient manner, and really maximizing the use of the
4 dollars that they receive.

5 And so, I hope the words "systemic" and other
6 things that are triggers don't scare people away from the
7 idea that having programs focus on efficiencies and figuring
8 out how to solve underlying problems and not always, if you
9 will, putting the Band-Aid on the exact same problem, if
10 there is a way to solve the underlying cause of the problem,
11 we should be encouraging our programs to do that, because
12 that is really an efficient use of resources. And I hope
13 that we don't lose that focus as we look at the language that
14 is here.

15 I think that this is a really useful tool. I would
16 love to see it packaged in some way where programs could
17 download it and basically answer their own questions and, if
18 you will, do, like, a self-assessment -- an app on their
19 phone, I don't really know. But I would love to see a
20 technological solution where programs could actually ask
21 these questions of themselves in the privacy, if you will, of

1 their own board rooms, and really try and grade themselves,
2 if you will, or rate themselves, in terms of how they measure
3 up to other programs. And I have encouraged NLADA to look at
4 that opportunity in the past, and no one really has.

5 But I think that using this as a tool for
6 self-evaluation and making it easy for programs to do that
7 would be a really valuable thing that LSC could do.

8 And then the last thing is I do think that in the
9 area of technology there is no one area in here that really
10 focuses on technology. We sort of touch on it on overall
11 management, but it really is blended throughout this. I do
12 think that some of the indicators and areas of inquiry
13 concerning technology across the board could be beefed up,
14 because it changes. And even in five or seven years, I am
15 not sure they were maybe where they should have been at the
16 time that these were formed.

17 I do think spending some time thinking about should
18 we be out asking somewhat more specific questions where
19 people are at in terms of technological advances and
20 achievements, because our programs are strapped for cash, and
21 sometimes we defer some of those things.

1 There really are some efficiencies with technology.
2 Not all technology is great, but some technology is really
3 great. And making programs think about, "Should we make that
4 investment because in the long run it makes us more
5 efficient," there could be things incorporated into these
6 that would strengthen that inquiry that right now I think are
7 a little more ambiguous.

8 CO-CHAIRMAN FATHER PIUS: I was just going to say I
9 love that quote, "Not all technology is great, but some
10 technology is really great." I am going to be using that
11 one.

12 I am sorry, Jim. Did you have something?

13 MR. SANDMAN: Yes. I have a question for Alex and
14 Katia about performance area four, and particularly criterion
15 one, "Board Governance." I want to raise the question
16 whether this is an area that we should revisit in the
17 post-Sarbanes-Oxley era.

18 As you know, LSC has very strict Board composition
19 requirements that date from 1974, before anybody had ever
20 heard of or thought about Sarbanes-Oxley. We have to have 60
21 percent of grantee boards be lawyers, and a third be client

1 members, which doesn't leave a lot of room for other people.
2 That doesn't strike me as a post-Sarbanes-Oxley board
3 composition requirement.

4 When you look at the indicators here and the areas
5 of inquiry, one thing that seems to be missing, to me, is
6 asking whether the right skills are represented on the Board.

7 We inquire about involvement in policy decisions, whether
8 the Board members are committed to the program, whether they
9 are appropriately diverse and represent various geographical
10 areas, whether they promote reach of the program. It does
11 ask whether they exercise effective fiscal oversight, which
12 is important. But there is nothing in here that seems to
13 raise the question, "Have you thought about how to assemble
14 the right skill set in putting your board together?"

15 You, Katia, mentioned board penetration. You
16 obviously look at who is on the board and what they are
17 accomplishing. And, Alex, you have a board that isn't
18 constricted by the LSC composition requirements. Do you
19 think that this is an area that we should take another look
20 at, in light of current principles of effective board
21 governance and board composition?

1 MS. GARRETT: When we are looking at an
2 organization, particularly one that is new to us, or one that
3 is struggling, the place that we start is in this performance
4 area. Because if the board and the management of the
5 non-profit is not where it needs to be, then those problems
6 are going to be -- then problems will emerge in the delivery
7 of service and the management of funds and in just about
8 every other area of performance.

9 I think there has been a lot -- there have been
10 changes in the understanding of non-profit management in
11 board governance. I mean, heck, somebody should have in here
12 at least the questions that they ask on the 990 of what kind
13 of policies you have in place.

14 But I also think that it is important. I mean we
15 really do not go into our evaluations with a checklist. It
16 is important to understand what place this organization
17 occupies in the community, and to what does it look -- ask
18 its -- what does it ask its board to do? And that may be a
19 way of getting at the skill set issues, but I did see those
20 issues touched upon in the indicators here sufficiently, with
21 the "sufficient," "as appropriate," "where reasonable,"

1 "when", qualifiers.

2 Perhaps the areas of inquiry could be expanded to
3 include some of the changes that we have seen in the
4 non-profit governance side, so that those topics are
5 addressed with the organization. But I don't know that there
6 is a good model for an effective board. And I say that
7 seeing organizations that have very, very different
8 governance structures, some working phenomenally well and
9 some working terribly. And it is the combination of factors
10 at work.

11 MR. GULOTTA: And I guess all I would add is just
12 we are a non-LSC program, but we still have an LSC-configured
13 board, if you will. We still use your rules. And the -- but
14 we basically have a fundraising advisory -- an ad hoc
15 committee of our board that is composed of some board
16 members, and then some other people recruited from the
17 community who are not actual board members, that form our
18 fundraising advisory council.

19 And so, part of how we have been doing substantial
20 fundraising, even with an LSC-configured board, is to get, if
21 you will, heavy-hitter lawyers on the board, and then those

1 people are the folks that sit on this fundraising advisory
2 council, and then they bring in other people who aren't
3 actual board members, but then basically help the -- sort of
4 the development piece of what we do flourish. And then that
5 committee then, through those board members, reports back to
6 the board on a regular basis.

7 I also think that when we do program visits, we do
8 talk to the chair of the audit and finance committee. And
9 you certainly want to figure out, like, who that person is
10 and what their skills are. And certainly, if there were more
11 flexibility in the construction of the board, you could bring
12 in people who have development capacity and people who have
13 accounting and financial management capacity in a way that,
14 right now, is really tricky. In most places you have one
15 slot that you can put another person in, usually.

16 CO-CHAIR VALENCIA-WEBER: Alex, how do you handle,
17 for your board, the fiscal oversight with the management, the
18 administration, that -- even if you are not reporting to LSC,
19 you are reporting to your donors -- that you have a
20 well-managed, accountable organization?

21 MR. GULOTTA: Right. And so we -- I mean we have

1 IOLTA funders and other funders. So we have -- everyone has
2 people they are accountable to. And so we are accountable in
3 the same ways, in that -- so we have a regular system of the
4 audit and finance committee meeting on a periodic basis to
5 review the proposed budget and recommend that to the whole
6 board.

7 And so, we function the way any other high-quality
8 non-profit would, in terms of making sure that there is good
9 interaction between the staff and the board.

10 We try and do, at least every other month,
11 financials to the board, and we are working on trying to get
12 that to every month. NLADA just implemented this really
13 useful one-page sort of -- I can't remember what we call it,
14 I don't know, snapshot? Dashboard, right. And so, it is
15 just a one-pager that gives you a bunch of information about,
16 basically, the organization's fiscal health, all on one page
17 with some graphs and charts. And it was really well done
18 that the staff at NLADA did, and we are working on sort of
19 implementing that on our program, because it seems like a
20 best practice. It is a visual way for the board members,
21 when they get the packet and all the financials, to really

1 drill down to here is where we are at, and it is presented in
2 a visually appealing way that makes people pay attention to
3 it.

4 I mean I think the biggest problem is sometimes
5 board members don't pay close enough attention to the
6 financials, and it can be whatever. They are not uncomplex.

7 We have many funding sources. And so they are fairly
8 complex financials, usually with many cost centers.

9 And so, having people on the board that have a
10 degree of financial sophistication that can get into that,
11 and then I think also presenting the information in a way
12 that it is accessible to folks, I would recommend people the
13 NLADA dashboard. It is a really useful one-pager that gives
14 you an idea, "Okay, here is where we stand."

15 MS. MARIAJIMENEZ: Well, I would echo the comments
16 Alex made on technology. I do think that we have made a lot
17 of strides on technology, and the performance criteria needs
18 to catch up.

19 I would also echo your thoughts, Jim, on the makeup
20 of the board. We are in Los Angeles. Los Angeles is
21 saturated with legal services programs, LSC-funded and

1 non-LSC-funded. And the ability to go out and be able to
2 recruit resources that could have a great impact on resource
3 development would really go a long way for programs in areas
4 where we have a saturation with the law firms.

5 The other area I think that we also need to look at
6 is the services to the limited English-speaking populations,
7 and the changing client demographics that have occurred over
8 time, even the last seven years. I think that the
9 performance criteria does touch upon some areas, but not
10 in-depth the way it is now. LSC has since come out with a
11 policy on -- an NLAP policy that should be incorporated into
12 the performance criteria, and to pay attention more to what
13 are the best practices and standards for serving such
14 populations.

15 In our program we have a very formal expert
16 training of interpreters and explicit procedures and policies
17 that we must follow in order to ensure effective
18 communication with limited English-speaking population, and
19 also that we recruit and retain staff that represents the
20 make-up of communities we serve.

21 CO-CHAIRMAN FATHER PIUS: Gloria?

1 CO-CHAIR VALENCIA-WEBER: Are there any more
2 questions?

3 CO-CHAIRMAN FATHER PIUS: Oh, I have a couple,
4 then.

5 One question I have, it is really more for
6 management, is the extent to which we -- or maybe
7 Janet -- the extent to which we kind of aggregate this to
8 look at general trends in terms of quality among our
9 grantees, and whether we can provide kind of executive
10 summaries, at least to this Committee, to see that we are
11 collecting this data and seeing where the problems are, where
12 the successes are that will help our oversight with regards
13 to quality control. Because I think that is something -- the
14 direction I think this Committee wants to take is to make
15 sure that that oversight, in terms of quality control, has
16 that kind of broader perspective over our grantees.

17 At least without getting into the specifics of
18 individual programs -- obviously, that shouldn't be done
19 publicly -- at least some oversight or some overview and some
20 aggregation of some of this data on either a regional or a
21 national basis, whether that is being done, whether that can

1 be done, and how we might be able to encourage that.

2 MS. LABELLA: I mean that can be done fairly
3 easily, in many respects. Because, as I said, we get
4 responses in the competition cycle, and it is actually in
5 both competition, as well as in renewal, as to how the
6 programs have responded to your recommendations.

7 And so, we tally those every year, as to the number
8 of recommendations, how many were implemented, how many were
9 being implemented, or being considered. And we can dig down
10 deeper and get to some of the trends with respect to the
11 different performance area and criteria. So, if something
12 like that is what you are interested in, we can certainly do
13 that.

14 CO-CHAIRMAN FATHER PIUS: I think Lynn had -- do
15 you want to come up to the microphone?

16 MS. JENNINGS: This is Lynn Jennings. Actually, it
17 is being done right now. We have a new intern from the
18 University of Chicago, who --

19 CO-CHAIRMAN FATHER PIUS: Great university.

20 MS. JENNINGS: -- I have tasked to look at the last
21 five years of PQV report and start assessing what the

1 recommendations are. And then that way we can put that into
2 a form of technical assistance and training that we need.

3 CO-CHAIRMAN FATHER PIUS: As the co-chair on this
4 Committee, I think that is something that should begin to be
5 a regular part of the briefing of this Committee, in terms of
6 those kinds of numbers and assessments, not so much that -- I
7 am not doing it because I want to drill in and to do
8 oversight of the grantees; that is not our role. But we do
9 have a role to make sure that the management is doing that,
10 and to see that some of that information is being provided.

11 It is not my role to make changes or
12 recommendations on how you do that. But it is, I think, up
13 to us to make sure that that assessment is actually being
14 done. So hopefully that will be an ongoing part of the role
15 of this Committee, assuming the Board accepts the changes to
16 the charter.

17 MR. SANDMAN: Father Pius, I have a specific
18 suggestion on how we might follow up on that, one of the ways
19 we might follow up, and it would be to take a model that we
20 already have with the Office of Compliance and Enforcement,
21 which, every year, looks back at the reviews it has done in

1 the prior year, and identifies themes. What were the
2 recurring problems that they saw across programs?

3 They put out an advisory to programs: "These are
4 the major things that we saw last year that you should all be
5 aware of and taking a look at." We can come up with kind of
6 a -- I guess it is a reverse Greatest Hits list --

7 (Laughter.)

8 MR. SANDMAN: -- based on the similar reviews that
9 we do within OPP. It is a little different, because every
10 report is keyed to the operations of the particular program
11 under review. But if we saw recurring themes, that is
12 something that we should flag and put an alert out on, and
13 notify the Board of.

14 CO-CHAIRMAN FATHER PIUS: And even more, and
15 especially in terms of the confidential briefings, if there
16 huge quality problems in a particular program, those things
17 too are something that maybe should be addressed to either
18 the Committee or to the Board in a private discussion. And I
19 think that is something that is really part of our oversight
20 responsibility, especially as a committee.

21 So, just for me to conclude, I would suggest that

1 that is the role of this Committee, is to do a little bit
2 more of information from management to the Board on these
3 quality assessments. And, at the same time -- and I have
4 sort of mentioned it before, but I will mention it
5 again -- you don't have to do it by the next meeting, but it
6 is going to stay on my radar, this assessment of these
7 performance criteria. I don't think we need to rewrite it
8 the way we did in 2007.

9 I don't think we need a two-year process. But I
10 think there needs to be, and within the next few years, at
11 least some reflection on the way in which these have been
12 implemented over the last seven years, to take some polling
13 from some of the grantees and the non-grantees, and ask us.
14 Are there things that we are missing in here? Are there
15 things that we are asking about that we shouldn't be asking
16 about? Are these things that we are just phrasing the wrong
17 way? And are there better ways to get the grantees to start
18 thinking about these, like the use of technology?

19 So, I would -- this is going to stay in the back of
20 my mind, but I would recommend that, at least for the
21 management to think about, in terms of its long-term strategy

1 and activities.

2 John?

3 MR. LEVI: And could I suggest, without
4 over-complicating this, that sometimes the themes or things
5 you may see, or that management may become aware of, are
6 actually positive developments that they would like to share
7 more broadly, so that a program alert on the positive side is
8 also just as valuable, in a sense, for our community --

9 CO-CHAIRMAN FATHER PIUS: Yes. Agreed, absolutely.

10 MR. LEVI: Okay.

11 CO-CHAIRMAN FATHER PIUS: Absolutely agreed. Yes,
12 this isn't -- I don't mean this just to be a negative
13 assessment --

14 MR. LEVI: It is an opportunity to also -- so that
15 people see --

16 CO-CHAIRMAN FATHER PIUS: What I mean is that this
17 Committee is changing its focus to be a kind of quality
18 control. And that means that we should have an overview of
19 the quality of the grantees. That means not just the
20 negative, but the positive, as well.

21 And so, that should be a regular part of the

1 reporting by management to this Committee, in terms of the
2 overall health, and not just of regulatory compliance or
3 fiscal compliance, but also of quality. And the extent that
4 this is a basis for that, I think it is going to be the basis
5 of the report.

6 MR. LEVI: People are more willing to hear some of
7 the negative when the positive is appropriately celebrated.

8 CO-CHAIR VALENCIA-WEBER: Are there any more
9 questions?

10 (No response.)

11 CO-CHAIR VALENCIA-WEBER: We have had a long two
12 days. I am going to -- we still have one more to go. I
13 suggest that we close the discussion. And I do want to thank
14 the panel for the very informative discussion of this whole
15 performance set of standards.

16 I think, for the Board, the comments from Father
17 Pius, from Victor, and from Sharon are -- I take them
18 seriously. And I think it means, at some appropriate time,
19 we want to get back to this subject. Maybe it means we are
20 going to have to drill down for writing with clarity and
21 elegance so that we can somehow remove some of the lightning

1 effect that the term "systemic" has. But, in any case, that
2 is for another day.

3 Again, I want to thank you very much, and I hope
4 that we keep learning from you again. Thank you.

5 (Applause.)

6 CO-CHAIRMAN FATHER PIUS: Now we open this up. Is
7 there any public comment?

8 (No response.)

9 CO-CHAIRMAN FATHER PIUS: Is there any other new
10 business before the Committee?

11 MR. LEVI: I just want to congratulate the
12 Committee on having -- Jim just mentioned it to me and I
13 thought somebody should say it. This was probably the finest
14 meeting of this Committee since I have been on the Board.

15 CO-CHAIRMAN FATHER PIUS: Thank you, John.

16 MR. MADDOX: We owe it to our co-chairmen.

17 CO-CHAIRMAN FATHER PIUS: Thank you, John.

18 (Laughter.)

19 M O T I O N

20 CO-CHAIRMAN FATHER PIUS: Seeing no further
21 business, do I have a motion to adjourn the meeting?

1 MS. VALENCIA-WEBER: I move.

2 MS. BROWNE: Second.

3 CO-CHAIRMAN FATHER PIUS: And seconded? All in
4 favor?

5 (Chorus of ayes.)

6 CO-CHAIRMAN FATHER PIUS: Is there any opposition?

7 (No response.)

8 CO-CHAIRMAN FATHER PIUS: And the Committee is
9 closed. Thank you, everybody.

10 (Whereupon, at 5:05 p.m., the Promotion and
11 Provision for the Delivery of Legal Services Committee was
12 adjourned.)

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