

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
BOARD OF DIRECTORS

OPEN SESSION

Tuesday, October 7, 2014

8:22 a.m.

Hilton Albany
40 Lodge Street
Albany, New York 12207

BOARD MEMBERS PRESENT:

John G. Levi, Chairman
Martha L. Minow, Vice Chair
Robert J. Grey Jr.
Charles N.W. Keckler
Harry J.F. Korrell, III
Victor B. Maddox
Laurie Mikva
Father Pius Pietrzyk, O.P.
Julie A. Reiskin
Gloria Valencia-Weber

STAFF AND PUBLIC PRESENT:

James J. Sandman, President

Lynn Jennings, Vice President for Grants Management

Ronald S. Flagg, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary

David Richardson, Treasurer and Comptroller

Julie Kramer, Program Counsel, Office of Compliance and
Enforcement

Jeffrey E. Schanz, Inspector General

Laurie Tarantowicz, Assistant Inspector General and
Legal Counsel, Office of the Inspector General

John Seeba, Assistant Inspector General for Audit,
Office of the Inspector General

Lora Rath, Director, Office of Compliance and
Enforcement

David Maddox, Assistant Inspector General for
Management and Evaluation, Office of the
Inspector General

Carol A. Bergman, Director, Office of Government
Relations and Public Affairs

Bernie Brady, LSC Travel Coordinator

Wendy Long, Executive Assistant, Office of Government
Relations and Public Affairs

Herbert S. Garten, Non-Director Member, Institutional
Advancement Committee

Paul J. Lupia, Executive Director, Legal Aid Society
of Mid-New York

Barbara Finkelstein, Executive Director, Legal
Services of the Hudson Valley

Lillian M. Moy, Executive Director, Legal Aid Society
of Northeastern New York

Don Saunders, National Legal Aid and Defenders
Association (NLADA)

Robin C. Murphy, NLADA

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CLOSED SESSION

- 20. Approval of minutes of the Board's Closed Session meeting of July 22, 2014
- 21. Management Briefing
- 22. Inspector General Branching
- 23. Consider and act on General Counsel's report on potential and pending litigation involving LSC
- 24. Consider and act and act on list of prospective funders
- 25. Consider and act on motion to adjourn meeting

Motions: Pages 5, 6, 49, 52, 55, 77

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

2 (8:22 a.m.)

3 CHAIRMAN LEVI: Good morning. I'm going to
4 call to order the regularly scheduled, federally
5 noticed -- what number Board meeting? Do we have any?

6 I think we now need to know the numbers. Anyway, it's
7 in the hundreds, I'm sure, maybe in the
8 thousands -- Board meeting of the Legal Services
9 Corporation, and ask that maybe -- does anybody wish to
10 lead the Pledge of our Board members this morning?

11 (No response.)

12 CHAIRMAN LEVI: Hearing no volunteers, I'll
13 ask Martha.

14 DEAN MINOW: I was just going to volunteer.

15 (Pledge of Allegiance.)

16 DEAN MINOW: Thanks for not asking me to lead
17 the Star-Spangled Banner.

18 (Laughter.)

19 CHAIRMAN LEVI: All right. Can I have a
20 motion to approve the agenda?

21 M O T I O N

22 DEAN MINOW: So moved.

1 CHAIRMAN LEVI: Second?

2 MS. MIKVA: Second.

3 CHAIRMAN LEVI: All in favor?

4 (A chorus of ayes.)

5 CHAIRMAN LEVI: Can we have a motion to
6 approve the minutes of the Board's open session of July
7 22?

8 M O T I O N

9 MS. REISKIN: So moved.

10 MR. MADDOX: Second.

11 CHAIRMAN LEVI: All in favor?

12 (A chorus of ayes.)

13 CHAIRMAN LEVI: I have a very brief report.
14 You had to put up with me so many times during the
15 meeting or gathering in Washington that I'm sure you're
16 tired of hearing my voice. And I have to say that I
17 got used to being introduced from on high, and I
18 thought it was really kind of funny, and I'm sure all
19 of you did, too.

20 But I want to say seriously that pulling off
21 that event for our staff and for all of you was a major
22 triumph. And the letters, the phone calls, how

1 everybody felt afterwards, I think gave you a good
2 sense of the kind of meeting it was, what kind of
3 gathering it was, how it impacted people.

4 And I had the experience afterwards with Don
5 and Robin of going into the bar, and so many of our
6 executive directors were hanging out there afterwards.

7 And they were just so thrilled with the conference,
8 with the opportunity to be together, to share things.
9 So many of them came up to me and said it was basically
10 the conference of a lifetime for them.

11 And I hope that we can take and capture -- I
12 think it's very important -- what we've learned from
13 that, the momentum from it. And it does pressure us.
14 We have to be aware of that. We have a small staff,
15 and I know having then this meeting right after that
16 really pressured them.

17 And so I do think -- they're not here; neither
18 Carl nor Wendy are here -- but we owe them a particular
19 level of thanks, and also everyone else -- Bernie,
20 Traci Higgins, Ashley, Patrick, Carol, Richard. Am I
21 forgetting anybody who was running around over there?
22 I'm sure I am. Lynn Jennings.

1 MS. REISKIN: Wendy.

2 CHAIRMAN LEVI: I said Wendy and Carol, yes.

3 I did say Traci, yes. And the forbearance of Jim
4 because it wasn't business as usual for a couple of
5 months, probably.

6 But as you heard from Jonathan Lippman, we
7 landed in our seats at a particular time in the history
8 of the country and the history of the civil justice
9 system. We over our tenure here have learned a lot
10 together. We have a wonderful Board. And we have an
11 opportunity to help the country, to help one another.
12 Our convening power is one of the most important things
13 that we have.

14 Coming here to New York State, I have to say,
15 it was Jim's hometown. In the centennial of the
16 country, my great-great-grandfather happened at that
17 time to be the rabbi of a temple at the time known as
18 Beth-El. It is now Emanuel. And he gave the
19 centennial sermon in the nation's oldest synagogue, at
20 the Touro Synagogue, in Rhode Island.

21 And in that sermon, he talked about the
22 founding of this country. And I thought for just a

1 second that I would just read a passage of it. He
2 talked about:

3 "The Declaration of Independence made its
4 appearance as a messenger of redemption. It promised
5 corporeal and spiritual freedom, justice for all
6 without distinction as to belief and origin, a
7 self-government which knows no other king, no other
8 fetters than a system of law regulated by an
9 enlightened constitution.

10 "Here on virgin soil, where there are no
11 decayed traditions to combat, great men sought to found
12 a people whose law should be its wisdom in the eyes of
13 all peoples.

14 "This is what attracted ever-legions of people
15 to the wonderland, where everything pressed forward and
16 nothing pushed backwards, where no old ruins were still
17 to be cleared away, no crippling remembrances were able
18 to attach themselves as to the wings of the hopeful
19 mood."

20 And here they were, eleven years after the
21 Civil War, and he worried greatly whether the country
22 was still keeping true to its founding values.

1 I think we've learned we need to ask that
2 question again at the 40th anniversary of Legal
3 Services. And we know, unfortunately, the answer is
4 that when you have a system that is leaving this many
5 people out, you do risk -- and I don't know where the
6 tipping point is.

7 So I hope that in the next few years that we
8 have remaining, that we can help move the country a bit
9 towards a place where most people are included, feel
10 that the justice system works for them, is accessible
11 to them, and then I will feel like -- and we take care
12 of our internal house and make sure we leave it in the
13 best possible shape for the next group coming in. Of
14 course, we know what we inherited there, too. And so
15 we need to be ever-vigilant with respect to that.

16 And I do very much appreciate all of the work
17 of the Committees. I cannot tell you how grateful I am
18 to each and every one of you. You're all working so
19 hard on behalf of the Board and on behalf of Legal
20 Services. And so at least this Chairman wants to
21 express his great thanks, his pride in all of your
22 work, and say one other thing.

1 The TIG conference is in January, and
2 probably, if you look at what remains of our tenure,
3 there are probably three TIG conferences coming up. I
4 think, in view of what has become its importance to LSC
5 and to the field, it would be good if we made it a
6 point, divided it up -- we won't overwhelm our staff
7 that the whole Board is coming -- but if we could
8 figure out a way to divide it up and see it, and know
9 this is something that we invest in. It's a major
10 effort, and I think a level of familiarity with it
11 would be a good thing.

12 So on that note, I will ask for members'
13 reports. Any members' reports? Yes, Father Pius?

14 FATHER PIUS: Just two things. One, just to
15 echo what John said. I've had the duty or pleasure to
16 run a few conferences myself, and I know how difficult
17 they are, especially when you're doing things with
18 issues like all the security that had to be done.

19 With the small staff that was there doing
20 this, I was absolutely amazed how smoothly everything
21 ran. I think it's a great testament to the staff that
22 Jim has brought together that it ran as well as it did.

1 Other than a comment made by the Vice
2 President, I don't think I remember any sour comments
3 made as a result of the entire conference, and that's
4 impressive. That's extraordinarily impressive.

5 Somebody made the comment, I think, that the
6 testament of the conference is that it stays with
7 people well afterwards. And I certainly think this was
8 true of this one, and I think this will stay with a lot
9 of people for a very long time and give us a lot of
10 good things that we can use, from the videos to the
11 goodwill that was created to some of the presentations
12 that we can use over and over again. So I don't think
13 it's too much to repeat a bit and to echo what a great
14 job I think that was done.

15 And then that puts responsibility on us to
16 make sure that the goodwill and the momentum that were
17 created with the 40th anniversary are not lost. It is
18 the beginning of momentum. It's not an end, it's the
19 beginning, and to take that momentum that was created
20 and to keep pushing forward with that, with the
21 goodwill and the work that we've done there. So again,
22 I am grateful.

1 And the second announcement is just in case
2 people hadn't noticed is that I am the third time Obama
3 nominee. So the Obama Administration has expressed its
4 intention to nominate me for the term that began July,
5 but that will end 2017. So my nomination was announced
6 a month or so again, a few weeks ago. That means I
7 will be on the Board until 2017.

8 CHAIRMAN LEVI: Terrific.

9 FATHER PIUS: Assuming I'm confirmed.

10 CHAIRMAN LEVI: You will be.

11 Martha?

12 DEAN MINOW: I just wanted to echo Father
13 Pius's comments and say that there was a quality in
14 this conference that I have rarely seen of each session
15 highlighting a different facet of the organization, its
16 mission, and its purposes, so that by the end there
17 really was a sense of the jewel that the organization
18 is because we saw all the different facets, from the
19 history part to the client panel. And on that, I just
20 again want to really commend Julie because I thought
21 that was just extraordinary.

22 So one person whose name has not been

1 mentioned is John Levi. I think John Levi, I joke, is
2 the Energizer Bunny, and you outdid yourself, John.
3 There was vision, purpose, and accomplishment, and I
4 think we all owe you a great debt.

5 Unfortunately, I also do think that Father
6 Pius is right. It's the beginning, not the end,
7 because the enormous investment in time and energy that
8 this conference represented, it could pay dividends if
9 we actually pursue it. Otherwise, we will lose an
10 opportunity.

11 CHAIRMAN LEVI: Thank you, Martha. And thank
12 you also for yesterday. What a representative you were
13 of Legal Services yesterday.

14 (Applause)

15 DEAN MINOW: I give thanks to everybody who
16 gave me sentences, data, everything else.

17 CHAIRMAN LEVI: Well, you pulled it all
18 together. And I know how impressive it was because we
19 were there, and I know how impressed the panel was. So
20 thank you.

21 Gloria?

22 PROFESSOR VALENCIA-WEBER: What date is the

1 TIG conference?

2 CHAIRMAN LEVI: I think it's January 13th. We
3 can get the precise date, but it's around the 13th.

4 PRESIDENT SANDMAN: Yes. It's several days.

5 CHAIRMAN LEVI: It's in San Antonio.

6 PRESIDENT SANDMAN: It's about a week before
7 the Board meeting.

8 PROFESSOR VALENCIA-WEBER: I also wanted to
9 express that that conference was extraordinary, and
10 I've spent much of my professional life at conferences,
11 because that just happens. There were a number of
12 takeaways from any number of the panels.

13 But there was also some key phrases that keep
14 ringing in my mind. And I believe it was the CEO of
15 Marriott who talked, and he mentioned not only his
16 corporation's commitment, but corporations should
17 "invest in justice." And I think we need to take that
18 kind of language and use it.

19 To me personally, the difficulty of this
20 country understanding it is that many things that
21 matter critical to keeping this really a constitutional
22 country is that we talk about the cost of things.

1 People talk about the cost of education rather
2 than investing in education. And everything is seen in
3 costs, including the cost of delivering justice. And I
4 think in seeing that those are significant core, major
5 necessities for a civil society of the kind we claim to
6 be is about investing. It's not about, can we afford
7 it.

8 For the people that came from New Mexico, I
9 have to tell you that not only was our executive
10 director thrilled to meet all the others, but the fact
11 that we brought the chair of the local boards, that was
12 amazing. And one of our clients was on the panel.

13 And they went back, and all of them had a
14 full-day information meeting to tell everybody how
15 wonderful it was. And the excitement just carried
16 over. And that just made a difference in energizing
17 our own ongoing New Mexico pro bono project, and a lot
18 of ideas just jumping out at people just because they
19 were there.

20 CHAIRMAN LEVI: Any other comments? The TIG
21 conference is January 14 to 15 in San Antonio this
22 year. Now, I think if any Board members are interested

1 this year, we should probably find out which day is the
2 best to be there. And we certainly don't want to be in
3 the way. So we can discuss that.

4 MR. MADDOX: John?

5 CHAIRMAN LEVI: Yes?

6 MR. MADDOX: What was your grandfather's name?

7 CHAIRMAN LEVI: David Einhorn. He immigrated
8 to the United States. That was the first generation.

9 And I wanted to say one other thing before the
10 President's report, that this is your Board. And we
11 haven't picked the cities for the following year, and
12 if you have suggestions or if you have issues that you
13 want to make sure are covered in addition to the
14 updating of rules and regulations, which we clearly
15 know we have to do, please let us know. Please let me
16 know.

17 We're trying to, as you see, take into account
18 as many and as much of your suggestions as we possibly
19 can. But I'm sure there are many other things that we
20 could be doing, and I want to be sensitive to that. So
21 please send me emails. Let me know.

22 Martha?

1 DEAN MINOW: I just want to note that I think
2 we're all hoping that Sharon has a speedy recovery and
3 thinking about her. I know that she had wanted to be
4 able to call in and is not up to it. So whatever is
5 the appropriate way to acknowledge that, I know we're
6 all feeling that way. And so I wanted that on the
7 record.

8 CHAIRMAN LEVI: Yes. Thank you, Martha, for
9 reminding me. She has had one knee replacement, and in
10 November will have the second. So we will keep
11 everybody posted.

12 With that, Mr. President?

13 PRESIDENT SANDMAN: Thank you. Good morning.
14 I'm going to give an abbreviated report this morning.
15 I had planned, as my agenda reflects, to report on the
16 Public Welfare Foundation grant and our new grant from
17 the Margaret A. Cargill Foundation, but I reported on
18 both of those at the meeting yesterday of the
19 Governance and Performance Review Committee, and I
20 believe all of the Board members were here to hear
21 that. I want to leave it in my PowerPoint presentation
22 for the public version, though, to provide information

1 about that more broadly.

2 So I will report on our mid-year grantee
3 information, what we've learned about activity levels
4 during the first six months of 2014. I'll give you an
5 overview of our recently-made Technology Initiative
6 Grant awards and of our Pro Bono Innovation Fund
7 awards, and then I'd like to offer a few reflections on
8 lessons we might learn from those two grant programs.

9 Together, our TIG budget and our Pro Bono
10 Innovation Fund budget constitute 1.63 percent of our
11 total appropriation. But I think we're doing some
12 remarkable things with those funds, and I have some
13 suggestions for how we might follow up on lessons we
14 can learn from them. So I will have to scroll quickly
15 through my Public Welfare Foundation and Cargill
16 Foundation slides.

17 We began collecting mid-year data from our
18 grantees in 2012. So this is just the third year that
19 we've done that. And the numbers that we received for
20 this first six months of 2014 show cases closed down
21 1.6 percent from a year ago.

22 I wouldn't make anything of that. I think

1 that the mid-year data that we get is not as robust as
2 what we get a year-end. Grantees make a very
3 determined effort at the end of the calendar year to
4 close out cases, and that relatively minor reduction is
5 in line with what our history has been.

6 Large fluctuations in cases closed from year
7 to year are relatively unusual. We did see some
8 significant reductions in the last two years when our
9 funding went down significantly, and this graph shows
10 the percentage change.

11 As you can see, from 2007 to 2011, cases
12 closed fluctuated only between 1.2 percent and 3.5
13 percent. But then we had 10 percent drop between '11
14 and '12, and another 6.3 percent drop from '12 to '13,
15 so the 1.6 percent drop that we've seen in the first
16 six months of the year is more consistent with the
17 prior experience.

18 Yes?

19 MS. REISKIN: When a case is closed, does that
20 always mean that it was resolved, or can it sometimes
21 mean that they can't find the client, or the client
22 left because they were unhappy? Do we --

1 PRESIDENT SANDMAN: It can be closed for those
2 reasons.

3 MS. REISKIN: Right. So closed could mean
4 anything, and then there's data after about --

5 PRESIDENT SANDMAN: Yes. And we have
6 information on the reason for case closure, so we can
7 get into that in more detail.

8 We see significant variations among our
9 grantees in what their experience is with cases closed.
10 So, for example, in 2013 we had 79 grantees that had a
11 change in cases closed either plus or minus of more
12 than 10 percent. This year 65 grantees had a change in
13 cases closed of plus or minus 10 percent even though
14 the average was 1.6 percent.

15 We had 62 grantees that had increases in cases
16 closed one year, and decreases in the other as between
17 '13 and '14, and 23 grantees that increased by 10
18 percent in one year and decreased by 10 percent in
19 another. There are a lot of explanations for these
20 things.

21 MS. MIKVA: I think I asked this before, but
22 do you also balance that against the matters? Because

1 it seems that as staff is cut and people are trying to
2 do more with less, there may be less cases and more
3 public information and whatever.

4 PRESIDENT SANDMAN: We do track that. We
5 don't get that information in the mid-year reports. We
6 get that in the end-of-the-year reports. And one thing
7 we look at very carefully is the percentage of cases
8 that are resolved with brief service and what's
9 resolved with extensive service.

10 We haven't seen big differences in that. This
11 is something we need to monitor carefully, though,
12 because of developments like changes in our PAI rule,
13 which may make it easier for grantees to do work that
14 doesn't result in cases closed. And if we're wed to
15 cases closed as the measure of our productivity, we're
16 understating what our grantees are doing.

17 I hate to impose more reporting requirements.
18 But if the information we're collecting is not giving
19 an accurate picture, a complete picture, of all the
20 services that our grantees are providing, we'll have to
21 figure out a way to get more information about activity
22 that doesn't result in cases closed.

1 PROFESSOR VALENCIA-WEBER: Jim?

2 PRESIDENT SANDMAN: Yes?

3 PROFESSOR VALENCIA-WEBER: Another factor
4 about what closes cases is something we don't control
5 at all, and that is that the judicial or court system
6 puts into place new ways of speeding up how cases are
7 closed.

8 A number of states have this mandatory
9 arbitration process, and if they change it and escalate
10 upwards how it's going to operate, all of a sudden you
11 move cases through. And with the decline in state
12 income for running judicial systems, this has really
13 happened.

14 In my state and a couple of others, if you're
15 a member of the bar, you will be assigned to arbitrate
16 for something above whatever is the usual small claims
17 cases.

18 PRESIDENT SANDMAN: That's an important point.

19 We also bear in mind, though, that the majority of
20 cases closed aren't in litigation. They're resolved
21 short of litigation.

22 Moving on to our TIG grants, we have recently

1 made 38 grants to 30 grantees -- some grantees got more
2 than one TIG -- in 22 states, totaling almost \$3-1/2
3 million. The average grant was \$91,263. Remember that
4 figure because I'm going to contrast it with the
5 average grant for the Pro Bono Innovation Fund in a
6 minute and explain why there's a significant difference
7 between the two.

8 So here's some examples. We're trying to
9 focus on particular needs that we've identified.

10 We've made a grant to Legal Aid of Nebraska to
11 create a rural virtual access to justice center for pro
12 bono lawyers and self-represented litigants to access
13 virtual law offices through courthouses and public
14 libraries in remote areas. So these are online
15 resources that are available to people that bring
16 information and forms to them in venues that are more
17 accessible to them.

18 Similarly, with the Legal Aid Foundation of
19 Los Angeles, we're funding videoconferencing that will
20 link the grantees' offices to community libraries.
21 Access is a critical component of our technology
22 grants.

1 We had a novel great this year to Anishinabe
2 Legal Services. For the first time, we've made a grant
3 to automate tribal court forms. We've done this for
4 various state courts, but we had an application for a
5 grant here, where the grantee wanted to take advantage
6 of what we've done with state-level forms and see if we
7 could increase the accessibility of their forms and the
8 utilization of them by automating them for their
9 clients.

10 And in Connecticut, we made a grant to
11 Statewide Legal Services to develop an interactive
12 online court simulation for self-represented litigants.

13 Here's what it's going to be like when you go to
14 court -- a very practical tool, if it develops well,
15 that we may be able to replicate or adapt in other
16 jurisdictions.

17 MR. GREY: Jim, do you --

18 FATHER PIUS: Where is Anishinabe?

19 PRESIDENT SANDMAN: It's in Minnesota.

20 MR. GREY: Would you mind making a note of
21 those four, and then at a point in which it might be
22 considered complete, that you would give us a report

1 back on those to maybe show us, for example, the
2 interactive online court simulation of self-represented
3 litigants?

4 It might be interesting for us to see the
5 actual result of some of the efforts that are being
6 made, to again pick up on what John said, if you go to
7 a TIG conference, it's a little difference than reading
8 about it.

9 And to actually see the result of the
10 applications themselves and some of the things that
11 they are actually producing may give us a better feel
12 for what it is we're doing when we have to talk about
13 it in the field.

14 PRESIDENT SANDMAN: That's a great suggestion,
15 and I'm going to volunteer for some additional work
16 beyond what you suggested. It's going to take time for
17 these things to develop. I think maybe we could go
18 back and look at TIGs that have already been completed
19 and provide a demonstration of what they've resulted in
20 at a future Board meeting.

21 MR. GREY: I think that would be terrific.

22 PRESIDENT SANDMAN: For our Pro Bono

1 Innovation Fund grants, there was great interest in
2 these grants, 79 applications from 41 states. Keep in
3 mind this is a fund of \$2-1/2 million. The requests
4 that we got totaled \$15.3 million. The average request
5 was 196,000.

6 FATHER PIUS: Please make sure this number
7 gets in our report to Congress.

8 PRESIDENT SANDMAN: Yes. One-third of the
9 applications had the involvement or the support of an
10 access to justice commission, so these were
11 collaborative submissions. The vast majority of them
12 had partners or other participants in the application
13 process.

14 We made 11 grants in 11 states, and the
15 average great was \$215,000. Now, remember that the
16 average TIG was only \$96,000. Why the difference? I
17 was surprised initially that we were not able to make
18 more Pro Bono Innovation Fund grants, 11 grants.

19 The reason is that the proposals for the Pro
20 Bono Innovation Fund all involved hiring people, not
21 buying things, whereas the technology grants are more
22 buying hardware and software. There are portions of

1 people's time attributed to them and charged against
2 the grants, but not nearly to the extent that we see
3 with the Pro Bono Innovation Fund.

4 One of the lessons is, you need people to
5 manage volunteers, and people are expensive. These
6 grants are typically running two years. If you're
7 going to hire a person or two and take account of their
8 fully loaded costs, including their benefits, that adds
9 up pretty fast. So our average grant awarded was not
10 too far off what the average request was.

11 But we need to keep that in mind in terms of
12 thinking about how we evaluate the proposals, how we
13 spread them around the country. There is good
14 geographic distribution of the grants that we made and
15 the substance of the grants that we fund.

16 We received some grants that were to do
17 similar things, both good applications, but we're
18 trying to fund as many good ideas as we can. So if
19 someone came up with a good idea for another purpose
20 where we didn't have an application of that nature, we
21 were inclined to look favorably on it.

22 DEAN MINOW: I think it's a fabulous group of

1 initial grants. I did wonder a bit about criteria
2 because, as you say, there's geographic distribution.
3 There's some overlap. There's some that are distinct.
4 There's some that actually really exemplify partners.
5 There are others that don't.

6 It would be helpful going forward to
7 understand the criteria and also, in terms of
8 evaluation, to be able to know whether or not the
9 criteria that were used actually translate into the
10 results.

11 PRESIDENT SANDMAN: That's a great point.
12 Things like geography are subsidiary factors. We don't
13 make a great just because of geography. The primary
14 criteria were innovation, addressing need, reaching
15 underserved populations, replicability.

16 We had an elaborate scoring system. Each
17 grant was reviewed by five people. There were two who
18 reviewed all 79 applications, and interestingly, the
19 two who reviewed all of them were pretty consistent in
20 their scoring. And they were different from those who
21 reviewed only a fraction of the applications.

22 But we could make a presentation at a future

1 meeting about that. It was --

2 DEAN MINOW: I think that would be helpful and
3 instructive to take even the concept of innovation and
4 to understand what that means and what we're trying to
5 accomplish with it. And what may be innovative in one
6 community may already have been done elsewhere, and so
7 I wouldn't say that's a negative, but it's worth
8 talking about that and thinking about it.

9 PRESIDENT SANDMAN: Well, that's a very
10 interesting point because one of the two reviewers who
11 reviewed all of the applications is Maureen Syracuse,
12 who is the long-time but now retired executive director
13 of the D.C. Bar pro bono program.

14 And one lesson that she took away from the
15 review was that more needs to be done to educate the
16 field, and beyond LSC grantees, about what is going on
17 and what has already been done in pro bono.

18 Some people thought that their application was
19 proposing an innovation, and her reaction was, that's
20 not innovative. That's been going on elsewhere for
21 years. But people don't know about it. So figuring
22 out a way to share that information is -- this gives us

1 a bird's eye view of what people are thinking about pro
2 bono, and we can use that information in a lot of
3 different ways.

4 CHAIRMAN LEVI: Now, I think Julie and then
5 Laurie and then Gloria. We're breaking the flow of
6 your presentation.

7 PRESIDENT SANDMAN: This is what I wanted to
8 concentrate on. Thank you.

9 MS. REISKIN: I know that those subcommittees
10 that were going on, one of the recommendations from the
11 Pro Bono Task Force was to have a repository. And so I
12 think that underscores that that was probably a good
13 idea.

14 I know one of the discussions is, well, we're
15 not the only one, and so who should keep the
16 repository? And I don't know if that ever got
17 resolved, but that might be a discussion that needs to
18 be picked up again, and whatever the answer is, to just
19 get out to people so we can -- and just because there's
20 a repository, I know that doesn't mean people are going
21 to go look. But --

22 PRESIDENT SANDMAN: Yes. I think we need to

1 think about how we disseminate the information about
2 what's out there. I'm not a big fan of putting
3 something on a website and expecting that everybody's
4 going to come to it looking for -- a website is, by its
5 nature, a passive communication vehicle. It requires
6 people to come to it.

7 Whereas I think what we need to do is be more
8 proactive in getting information out there through
9 things like webinars. When we do a webinar, we get
10 great participation. And there's something about the
11 interactivity of it, the fact that we're reaching out
12 to grantees to offer the programming, that seems to me
13 to make it a much better vehicle for communicating.

14 And as I reflect on a slide in a minute, we
15 did recently have a webinar, on September 24th, to
16 provide feedback to all of the applicants to tell them
17 what we learned in the process, what made for a
18 successful application and what not so much, what
19 explained the differences in scoring, and we've offered
20 individual one-on-one feedback for any applicant that
21 was unsuccessful and would like to know how they might
22 have a better shot the next time.

1 So those kinds of devices, I think, will be
2 more effective than just having a passive repository of
3 information. People are too busy to, on their own,
4 just think, well, I think I'll look at the LSC website
5 today.

6 MS. REISKIN: I don't know that a website is
7 the right thing. But I think the discussion was more
8 about there's the LSC stuff and then there's other
9 stuff, and I don't think we ever resolved it. And I
10 agree. I don't think just putting it up on a website
11 and letting it sit there -- but there's not only what
12 innovative, but what are best practices, what are good
13 ideas.

14 There's got to be some better way to
15 communicate this on an ongoing basis. So I just think
16 that discussion maybe needs to continue to figure it
17 out because I just don't think it ever got resolved.

18 MS. MIKVA: My question was answered.

19 CHAIRMAN LEVI: Gloria?

20 PROFESSOR VALENCIA-WEBER: Maybe it's too
21 early to ask for the information about the response to
22 the webinar and then the individualized feedback, both

1 of which I think are very important, and that maybe at
2 some point you and Lynn can figure out how you can give
3 that report to us because I think that's part of our
4 reaching out.

5 And I know there were a number of people who
6 were on the webinar. And I was caught somewhere and
7 couldn't -- I'd signed up for it and was in an
8 underground parking garage, unable to get out. But
9 anyway, Ed found me a link so I could get back on it.

10 CHAIRMAN LEVI: So are we collaborating with
11 the ABA committee?

12 MS. REISKIN: The repository.

13 PRESIDENT SANDMAN: With the ABA Center for
14 Pro Bono?

15 CHAIRMAN LEVI: Right.

16 PRESIDENT SANDMAN: Yes. We have
17 collaborating with them in getting information to put
18 on our website. But in terms of this communication
19 outreach, I think we could do more.

20 Now, by the way, we did do a briefing that Ron
21 worked on with Mytrang Nguyen, who is running this
22 program internally for us. We did a briefing for staff

1 of access to justice commissions about our experience
2 with the Pro Bono Innovation Fund, and they were
3 particularly interested in what the statistics showed
4 about participation of access to justice commissions in
5 the proposals that we received.

6 So we're really trying to use this as an
7 opportunity to increase, at a national level, our
8 collaboration with other important players.

9 CHAIRMAN LEVI: And I think it sounds like
10 something that you might want to repeat, whether it's
11 annual or every 18 months, however, because not the
12 same people will be there. There's a lot of data and
13 methodology that can be shared, but it's a lot to
14 absorb.

15 Any other --

16 PRESIDENT SANDMAN: I'd like to give just a
17 few -- oh, by the way, I wanted to explain, we issued
18 12 press releases in connection with our Pro Bono
19 Innovation Fund grants, one national one that described
20 the picture, and then one for each of the places where
21 we made a grant. And we got statements from 24 members
22 of Congress to include in the press releases that we

1 put out.

2 And a number of these made their way into the
3 mainstream media, not just the local legal press. So,
4 for example, the Denver Post had a nice story on our
5 grant there, and that's a very attractive grant. It's
6 to see if they can replicate in rural areas pro bono
7 clinics that have been successful in metropolitan
8 areas. It's a test; we'll have to see what comes of
9 it.

10 But people get that. They understand the
11 desirability of trying to make legal services more
12 accessible to people where they live, particularly in a
13 state like Colorado, which has such expansive rural
14 areas.

15 MS. REISKIN: Right. I had one more question.
16 Are you going to have any kind of teleconferences or
17 convenings of this cohort? I know that's something
18 that funders are doing more and more when they're doing
19 these kinds of projects. Is there --

20 PRESIDENT SANDMAN: Of the grantees?

21 MS. REISKIN: Yes. They're bringing the
22 grantees together to just discuss, and they're calling

1 them "convenings," really. And I'm just seeing that
2 more and more in the funding world.

3 PRESIDENT SANDMAN: Lynn would like to be
4 recognized.

5 MS. JENNINGS: Lynn Jennings, Vice President
6 for Grants Management. We're hoping to bring together
7 the 11 grantees at the Equal Justice Conference to have
8 a pre-conference.

9 But because there's only 11 grantees in the
10 cohort, it's very easy for me trying to bring them
11 together. At this point in time, it's not as
12 broad-based as the TIG program at the time. So we're
13 definitely looking to bring people together at the EJC,
14 and I would hope on at least a semiannual basis or even
15 a quarterly basis, to have a joint conference call with
16 everyone for a check-in.

17 CHAIRMAN LEVI: I gather that we need to raise
18 our voices. The back of the room is having difficulty
19 hearing us. Even the front of the room? Thank you.

20 DEAN MINOW: It's Martha Minow again. I
21 wonder if there could be some way to call out the
22 library dimension. I was very struck yesterday that

1 one of the justices asked about the use of libraries as
2 if it were a new idea. It's not a new idea.

3 But clearly here's someone very informed, very
4 involved in one of the most visible access to justice
5 task forces who didn't know about it. So finding a way
6 to even profile like once a month, here's an idea
7 that's making its way, I think that would be a great
8 thing in your speeches and in the news releases that
9 come out of LSC.

10 Secondly, I wonder about evaluation and
11 assessment. People will report on their grants, but is
12 there any external evaluation that's going to be built?
13 And can we find partners that might want to do that?
14 I think that would be a worthwhile effort.

15 PRESIDENT SANDMAN: You anticipated a
16 subsequent slide. We do plan to contract for an
17 evaluation of this initial round of grants. We have
18 prepared a request for proposals to go out to solicit
19 applications to conduct that work.

20 But it's going to take a while. We can't
21 complete the evaluation until all the grants are
22 completed. But we don't want to wait. We want them

1 involved during the process of the grant cycle.

2 DEAN MINOW: Well, just to anticipate the next
3 grant cycle, it would be, I think, valuable to include
4 an element of evaluation in the grant proposals, and
5 also the collection of data that will lend itself to
6 evaluation. Because after the fact, it's often too
7 late to actually get what's necessary to do an
8 evaluation.

9 PRESIDENT SANDMAN: That is something that
10 we're focused on. That has for a long time been a
11 requirement of TIG grants, and we're doing it here.

12 Lynn?

13 MS. JENNINGS: Can I just say, related to the
14 outcomes, applicants in their application were required
15 to submit what their proposed outcomes were. And
16 that's what they will be evaluated against.

17 DEAN MINOW: That's terrific. But innovation
18 of particulars, not just outcomes.

19 MS. JENNINGS: Right.

20 DEAN MINOW: You really want to study process.
21 You want to study learning. You want to study -- to
22 the degree to which there were staffing problems, you

1 want them to be candid about problems. So if we want
2 to learn from this, we need more than outcomes.

3 MS. JENNINGS: Right. And we'll be capturing
4 all of that. Mytrang is very focused on that.

5 DEAN MINOW: That's great. Fabulous.
6 Wonderful. And it's really terrific to see this
7 brand-new program get off to such a bang of a start.

8 PRESIDENT SANDMAN: So, as I mentioned, we
9 hosted a webinar on September 24th. We're contracting
10 for an evaluation. And I want to -- we've mentioned
11 her name, Mytrang Nguyen, who really did a spectacular
12 job in getting this program up and
13 running -- organizing the review process. She put
14 together the webinar. She's doing the individual
15 feedback for the grant applicants. It's really been an
16 amazing job.

17 (Background conversation on telephone.)

18 PRESIDENT SANDMAN: Someone on the phone is
19 not on mute. Could I ask the people on the phone to
20 mute, please, unless they're making a comment for the
21 meeting? And we'll take that at the public comment
22 section. Thank you.

1 So I'll give just a few examples of the grants
2 that we made. We made a substantial grant to the Legal
3 Aid Foundation of Los Angeles to develop a statewide
4 California Pro Bono Training Institute. Statewide
5 proposals were something that we looked very favorably
6 on.

7 One of the big challenges in getting lawyers
8 to do pro bono is their lack of familiarity with the
9 subject areas in which they're asked to practice. So
10 this is intended to create materials that will be
11 user-friendly, easily accessible to lawyers throughout
12 the state who are taking pro bono matters. It was a
13 very thoughtful proposal.

14 I mentioned the grant for Colorado.

15 The Maryland Legal Aid Bureau is getting a
16 grant to develop a statewide veterans hotline that will
17 be staffed entirely by pro bono lawyers.

18 You've heard about the grant that we made to
19 Legal Aid of Western New York. This was particularly
20 attractive to us because it's directly related to two
21 of Chief Judge Lippman's pro bono initiatives. It also
22 brings together six LSC grantees. It connects them

1 into a network of nine law schools. It was very well
2 done, and was the largest of the grants that we made.

3 So what about lessons? I think the discussion
4 here highlights something. There's something going on
5 here, and these two small, competitive grant programs
6 that we have are promoting entrepreneurship.

7 The process requires that the grantees take
8 the initiative to conceive the idea and then to sell
9 it, to make a persuasive case to us that this is
10 something that can be funded. And even though the
11 amounts of money available are not large, they generate
12 a lot of interest, 79 applications for \$2-1/2 million
13 in funding.

14 These grants have the potential for
15 on-the-ground effect for client service. This can be
16 much more effective than promulgating a regulation, or
17 even accomplishing a rule change to facilitate pro bono
18 work.

19 Pro bono work of the type that we're trying to
20 facilitate happens at the local level. It involves the
21 matching of a particular need to a particular lawyer.
22 And these projects are hitting home, literally, in a

1 way that some of our other initiatives can't, or at
2 least not as effectively.

3 Another lesson to me is that relatively small
4 awards can have outsized impact. We don't have any
5 experience with the Pro Bono Innovation Fund awards
6 yet, but we have lots of experience now with our
7 Technology Initiative Grants.

8 And over the time that that program has
9 existed, the 525-plus grants that we've made totaling
10 more than \$40 million have really transformed the use
11 of technology to deliver legal services to low-income
12 people. Remember the average size of the grant here,
13 less than \$100,000. But it's making a difference.

14 These grant programs are allowing LSC to play
15 a national leadership role. When we had a meeting, a
16 debrief meeting for the reviewers a couple of weeks
17 ago, Maureen Syracuse, whom I mentioned, commented that
18 she thought that the Pro Bono Innovation Fund program
19 might provide the same opportunity for LSC to lead in
20 pro bono that the TIG program has provided for us to
21 lead in technology. I thought that was a very
22 interesting observation, and it was one that she

1 volunteered, not one that we had discussed with her.

2 So one thing I think we should consider is
3 whether there are lessons here for how we use our
4 privately-raised funds. Let me give an example. We've
5 proposed using privately-raised funds for a leadership
6 institute because leadership is critically important to
7 our grantees.

8 But what if, instead of trying to create a
9 curriculum that would work for all of our different
10 executive directors, we had a competitive grant program
11 for people who are looking for management coaching, for
12 training in finance and accounting, where they take the
13 initiative, they identify what their personal need is,
14 and they make a pitch for it, and we have a fund of
15 money that we could use for that?

16 One of the panels at the conference for the
17 40th, a couple of the people said that they had had the
18 advantage of a management coach, and they got a grant
19 for that from a private funder, and it had been
20 enormously useful to them.

21 We don't have any money for that currently.
22 But if we did, and if we depended on grantees to take

1 the initiative to identify what their particular need
2 is, this wouldn't take a lot of money. I think this is
3 an example where we could have outsized impact with
4 relatively small grant awards.

5 Executive directors and others that I've
6 talked to who have had the advantage of services like
7 this say they don't cost an awful lot to yield a very
8 great benefit.

9 MS. REISKIN: The Denver Foundation has
10 exactly that program, and I'm sure their director would
11 be happy to talk to you about it. And you're right.
12 It has an incredible impact, and it's exactly that.
13 And the average grant size, I think, is even under
14 \$500. Yours might be a little more, but it wouldn't be
15 that much more. And it's incredible.

16 PRESIDENT SANDMAN: Well, this could be
17 particularly valuable to those of our grantees located
18 in rural areas or states where there aren't a lot of
19 private foundations giving out money like that.

20 So it's just a thought, but I think that it's
21 very useful to step back and look at the impact that
22 these small grant programs are offering, and not just

1 try to focus our energies entirely on those but think
2 bigger picture about what lessons we can learn from
3 them that apply more broadly.

4 PROFESSOR VALENCIA-WEBER: Jim?

5 PRESIDENT SANDMAN: Yes?

6 PROFESSOR VALENCIA-WEBER: I think in the
7 past, Ashoka has had an effort to take from the
8 corporate world good management, good styles of being
9 effective and successful, and putting them into the
10 social improvement work, very broad throughout the
11 world.

12 And I don't know if we could approach or even
13 talk to people like that to help us with this better
14 management, better overall conceptual look at running
15 an enterprise.

16 PRESIDENT SANDMAN: Thank you. That concludes
17 my report.

18 CHAIRMAN LEVI: Other questions? Comments?

19 (No response.)

20 CHAIRMAN LEVI: Inspector General?

21 Thank you, Jim. Very instructive report.

22 MR. SCHANZ: Good morning. This is Jeff

1 Schanz. As a precursor to this report, I want to say
2 that I tried the fire drill and then the Cirque du
3 Soleil to delay my report. Having not been able to do
4 that, I will tell you what I am going to tell you.

5 I would like to commend the Board. I had a
6 34-year federal service. I am disappointed now to hear
7 that you are already looking at the future of not
8 having this Board together. We still have time. The
9 election hasn't happened yet. And Father Pius will be
10 the constant, so I'm very pleased with that.

11 I did fail to mention something during the
12 Audit Committee meeting. We did have the audited
13 financial statement entrance conference. So it will be
14 the same Smith Withum Brown (sic), and the
15 same -- Nancy Davis is the principal partner.

16 We do have the timeline well in advance.
17 David Richardson was at the entrance conference, and
18 Jim Sandman was there also, and implored open
19 communication as to any possible delays or any delay in
20 information.

21 So we're on track for this year. The contract
22 has been signed, sealed, and delivered. And I'd like

1 to keep the Audit Committee apprised of that if they
2 have any questions as to where we are in the timeline.

3 And it's a familiar firm, so I anticipate that this
4 year should go pretty quickly.

5 We have a AIGA from last year during the time;
6 we have John Seeba. And financial statement auditing
7 is one of his expertise, so I think we'll do pretty
8 well with this year's audited financial statement.

9 Last time we met, I mentioned that we had a
10 very positive feedback from a grantee on one of our
11 fraud vulnerabilities, and I didn't know the grantee.
12 So in order to close that loop or put the dot at the
13 end of the sentence, I will quote from a board
14 director. And I can say which one it was. Well, I'll
15 start.

16 "... as I have had concerns about the quality
17 of program management at work at legal services for a
18 number of years. I read the report from the Office of
19 the Inspector General today, and I am astonished at the
20 fact that the program's financial management has been
21 so lacking.

22 "I'm informing my foundation's board of these

1 issues. I hope that LSC takes actions on the
2 recommendations soon. The people eligible for LSC
3 services deserve so much better."

4 I just offer that as but one example of some
5 of the impact the OIG is making at the ground level.
6 And I was very pleased to get feedback like that. In
7 close session, I'll talk to you about another issue
8 where we got very positive feedback from an ED.

9 That is my report. Thank you.

10 CHAIRMAN LEVI: Questions? Comments? Gloria?

11 No?

12 (No response.)

13 CHAIRMAN LEVI: Thank you, Jeff.

14 MR. SCHANZ: Thank you.

15 DEAN MINOW: Can I just make one comment?

16 Which is I've heard wonderful things about John, and so
17 I think we all want to say welcome.

18 CHAIRMAN LEVI: That is true. Could you hear
19 that in the back, John?

20 MR. SEEBBA: Yes, I could.

21 M O T I O N

22 CHAIRMAN LEVI: Okay. So we have two

1 resolutions here that are in front of us, one in
2 recognition of the service of Thomas Coogan. Can we
3 have a vote on that, please? All in favor?

4 (A chorus of ayes.)

5 CHAIRMAN LEVI: Opposed?

6 (No response.)

7 CHAIRMAN LEVI: And then another in memoriam
8 of John Robb.

9 DEAN MINOW: So moved.

10 FATHER PIUS: Second.

11 CHAIRMAN LEVI: All in favor?

12 (A chorus of ayes.)

13 CHAIRMAN LEVI: Now, the report of the
14 Delivery of Legal Services Committee.

15 FATHER PIUS: As I mentioned, I think, at the
16 meeting, I think a good chunk of the 40th anniversary
17 was an extended meeting of the Delivery of Legal
18 Services Committee. And so I think we took slightly
19 easier approach today, and so we had a wonderful report
20 from some of our New York grantees.

21 I think it's safe to say that in the issue of
22 civil legal services, that New York is really a leader

1 in the country in the work that it does; that Chief
2 Judge Lippman, even if some of his ideas might be
3 somewhat controversial, is nonetheless dedicated to the
4 cause of legal services and has really established
5 himself as one of the strongest voices in civil legal
6 services.

7 And his ability and work at collaborating not
8 with only our grantees but civil legal services
9 providers throughout the state is really in many ways a
10 model for collaboration between the judiciary and legal
11 services provider that can be replicated across the
12 country.

13 So we heard some of the great programs that
14 are going on by some of the New York grantees in their
15 collaboration with the judicial branch. And so that
16 was, I think, very good to hear, and hopefully take
17 that and maybe even provide it to the Association for
18 Chief Justices and maybe some of the other of our
19 grantees about ways in which they might consider
20 collaborating with their own judiciary.

21 So that is the end of our report.

22 CHAIRMAN LEVI: Questions? Comments? No

1 action items. Correct?

2 FATHER PIUS: No action items.

3 CHAIRMAN LEVI: Finance Committee? I think
4 there is an action item. But Mr. Chair?

5 MR. GREY: There is, Mr. Chairman. The
6 Finance Committee met, and in the process of its report
7 by the Treasurer, we were presented with a temporary
8 operating budget resolution that the Committee
9 recommends to the Board, with continuing funding in
10 excess of \$364 million.

11 M O T I O N

12 MR. GREY: The Committee now offers that
13 resolution to the Board.

14 CHAIRMAN LEVI: Needs a second? No? I don't
15 think it does. All in favor?

16 (A chorus of ayes.)

17 CHAIRMAN LEVI: Opposed?

18 (No response.)

19 CHAIRMAN LEVI: Is that your report?

20 MR. GREY: That is. Thank you.

21 CHAIRMAN LEVI: Audit Committee?

22 MR. GREY: I would like to add one other

1 thing. I am on my third doughnut.

2 (Laughter.)

3 CHAIRMAN LEVI: Oh, my gosh. I know.

4 MR. GREY: So thank Father Pius.

5 CHAIRMAN LEVI: Father Pius really did it to
6 us, didn't he? That was part of the delivery. That's
7 the delivery of service. I don't know if it's of legal
8 service, but it's of service.

9 MR. GREY: Well, he's a member of the Finance
10 Committee.

11 MR. MADDOX: The Audit Committee met
12 yesterday, and we received a report by the Inspector
13 General. We received an update from Management
14 concerning the risk matrix, for which there were minor
15 changes.

16 We spent the bulk of our time addressing the
17 handling and disposition by OCE of referrals of
18 questioned costs and other matters from the Office of
19 Inspector General. I think we had a helpful, fruitful
20 discussion and made some good progress toward
21 developing some more effective, I think, and helpful
22 reports that we expect to see in the future from OCE.

1 And we dispensed with our closed session, so that was
2 the bulk of our work.

3 We also received, but didn't discuss, a report
4 from Traci Higgins regarding the 403(b) plan
5 performance, which is fine. One fund in the plan has
6 negative returns for the year, but as a small cap fund,
7 like every other small cap fund has negative returns
8 for the year.

9 And there's no action items for the Board.
10 That completes my report.

11 CHAIRMAN LEVI: Any questions for the Audit
12 Committee?

13 (No response.)

14 CHAIRMAN LEVI: Ops and Regs. Charles?

15 MR. KECKLER: Thank you, Mr. Chairman.

16 The Operations and Regulations Committee met
17 on Sunday. The primary item of the Committee's
18 business was consideration of the final rule for
19 private attorney involvement, the change to 1614 of our
20 regulations.

21 As a consequence of the Committee's
22 deliberations, some relatively minor technical changes

1 to the rule were proposed and included. And you should
2 have that document before you indicating those changes.

3 The three changes are a rewording of our
4 definition of incubator project to make clear its
5 scope; a minor change on page 9 of the document you
6 have before you, a grammatical change, that clarifies
7 the scope of that overseen; and finally, on the last
8 page, page 17, a rewording from "another service area"
9 to "additional service areas." There should also be a
10 memorandum from the Office of Legal Affairs that
11 describes these changes.

12 The Committee has considered the rule, and
13 recommends its adoption by the Board, as amended.
14 There also will be conforming changes, again minor, to
15 the preamble that are also part of the Committee's
16 recommendation.

17 CHAIRMAN LEVI: Any discussion?

18 (No response.)

19 CHAIRMAN LEVI: So that is now in the form of
20 a resolution, I guess -- a recommendation.

21 M O T I O N

22 MR. KECKLER: The Committee recommends

1 adoption to the Board, and I now propose it to the
2 Board.

3 CHAIRMAN LEVI: Is there a second?

4 DEAN MINOW: You don't need it.

5 CHAIRMAN LEVI: You don't need a second.

6 That's right. But Harry, you have a comment?

7 MR. KORRELL: I do have a comment before we
8 vote on it, and that is just I want to put on the
9 record, both for the benefit of the record and for
10 those voting and for Management again, my view that the
11 rationale behind changing the PAI rule was not simply
12 to allow grantees to credit against the PAI requirement
13 stuff they're already doing.

14 I realize there was concern in the community
15 to make it easier to dedicate resources to increasing
16 private attorney involvement. But my view is this is
17 not designed just to let grantees credit against the
18 PAI requirement stuff they're already doing.

19 The goal here is to increase pro bono activity
20 by private attorneys who are not currently doing it.
21 And this is designed, in my view, to encourage and
22 allow grantees to do more to get more pro bono. So I

1 want to make sure that's clear.

2 And in a related point -- this may preempt
3 something Father Pius was going to say, but he reminded
4 me of it during our discussions -- just because
5 something doesn't count towards the PAI requirement
6 doesn't mean you shouldn't be doing it, my message to a
7 grantee.

8 If there's an idea, an expenditure, an
9 activity, that increases private attorney involvement,
10 that increases pro bono work, it increases service to
11 the grantees' clients, and it should make everyone's
12 life easier. And we're providing more service with the
13 resources available. And whether or not it counts
14 towards the PAI rule requirement strikes me as a
15 secondary concern.

16 But with those two comments, I think it's a
17 good change.

18 CHAIRMAN LEVI: Father Pius?

19 FATHER PIUS: You only preempted one of my
20 comments, so I'll leave that one aside.

21 The second one, and I think I've raised this
22 before, is just a followup on it. So I would request

1 and hope that Management would make a report to us,
2 whether in our Washington meeting or a year from now in
3 October, on the data that it has collected on the
4 implementation so that we can look back on these
5 changes to see if the changes we made have led to a
6 positive result in the use of PAI.

7 So I would certainly encourage the Board to
8 encourage Management to provide at least some followup
9 data on what's happened as a result of the changes to
10 this rule.

11 CHAIRMAN LEVI: Gloria?

12 PROFESSOR VALENCIA-WEBER: I understand the
13 comments from Harry and Father Pius. But at the same
14 time, my observation, and it's anecdotal at this point,
15 is that many of our grantees, at least especially in
16 the Western area that I've observed, do many, many
17 things that aren't going to count for anything other
18 than make them more effective in the community. And
19 many of their activities go beyond anything that we
20 normally look for in the reported activities, whether
21 it's for budget or for other purposes.

22 It's simply the right thing to do in the

1 environment and the populations and the geography in
2 which they operate, especially with regard to special
3 communities, special culturally-based communities, not
4 just the tribes, but we have very large, significant
5 Spanish-speaking populations in the West and the
6 less-than-fully-legal communities along the border that
7 are simply part of being effective.

8 CHAIRMAN LEVI: Martha?

9 DEAN MINOW: I just wanted to commend the
10 Committee that really dug deeply into this, and to
11 underscore that the connection between our grantees and
12 private attorneys has evolved over time.

13 We are now living in a time when it is
14 absolutely indispensable for this organization to
15 support partnerships, collaborations of a wide variety.

16 And the recognition of what is a private
17 attorney to include law students and potentially
18 retired people, the recognition of the kind of
19 involvement that can include intake, can include
20 information sessions, can include the varieties of ways
21 in which we now serve people, this seems to me
22 recognizing what's going on, but also helping to

1 encourage what is a shift, and an appropriate shift, of
2 the use of the expertise of our grantees with other
3 legal resources in communities. Because we can't
4 afford to do it any other way.

5 CHAIRMAN LEVI: Martha, I agree with that.

6 And I want to, before we vote, for one second also
7 compliment the Committee. This was a major piece of
8 work and an undertaking by the Board, was an area that
9 we know needed examination very early in our tenure.

10 And the manner in which you conducted this,
11 from the webinars and the open sessions that were
12 conducted in I think two locations; the input that you
13 received from across the country from our grantees; the
14 thoroughness of the process; and the competing
15 considerations, many of them expressed here today,
16 even, that were taken into account in putting new rule
17 together, this is a major piece of work and your
18 Committee is to be congratulated, Charles, I think.

19 FATHER PIUS: And let's just not forget OLA's
20 work in synthesizing all of the comments that it
21 received, responding to them very well, and very
22 thoughtfully incorporating some of the comments,

1 working with the Committee to incorporate them.

2 I thought it was very well done. You're never
3 going to have everyone happy. But the number of people
4 who are satisfied with this I think is quite
5 impressive. It is a testament not only to the work of
6 the Committee but the OLA.

7 CHAIRMAN LEVI: Yes. I think, actually, it's
8 an example of terrific collaboration between a Board
9 and a staff and the grantees. So we appreciate that
10 and the goodwill in which it was approached.

11 DEAN MINOW: We just need to vote.

12 CHAIRMAN LEVI: We now need to vote.

13 (Laughter.)

14 CHAIRMAN LEVI: All in favor?

15 (A chorus of ayes.)

16 CHAIRMAN LEVI: Opposed?

17 (No response.)

18 CHAIRMAN LEVI: All right. Is that your --

19 MR. KECKLER: Thank you, Mr. Chairman, for
20 your kind comments. And that concludes the operations
21 of the Operations and Regulations Committee.

22 CHAIRMAN LEVI: Governance Committee?

1 DEAN MINOW: Thank you, Mr. Chair.

2 We had, I think, a celebratory report from
3 Carol Bergman acknowledging the closing of the GAO
4 list, which really means the implementation of valuable
5 recommendations that have strengthened the operation of
6 this organization and I think put us on a path to
7 better internal processes going forward.

8 I would like the Board to join me in
9 commending Carol in her great work on this matter.

10 CHAIRMAN LEVI: Carol, can you hear that? All
11 right. So please stand and be acknowledged.

12 (Applause)

13 DEAN MINOW: We heard very fine reports from
14 Jim Sandman about the Public Welfare Foundation grant
15 and the Margaret Cargill Foundation grant, which we do
16 not need to summarize but will be available in the
17 President's report, I think, online as a summary.

18 And I just want to acknowledge that we
19 discussed two other items that really are a preview of
20 coming attractions. One is our own Board member,
21 Committee, and Board evaluations, which will be coming
22 to us electronically, with a few minor tweaks. And I

1 hope that everyone will take the time to fill them out
2 by January 1st.

3 This is very good board governance and
4 self-reflection. And please pour yourself whatever is
5 the appropriate drink and take the time to actually add
6 comments this year, if you have the chance to do that.

7 And the second is upcoming performance
8 reviews, which is another function of this Committee.
9 And we'll do that in the coming year.

10 And that closes my report. No action items.

11 CHAIRMAN LEVI: Any questions? Comments?
12 Gloria?

13 PROFESSOR VALENCIA-WEBER: Do we have any idea
14 how our successful GAO compliance performance compares
15 to other agencies, other government nonprofits? It may
16 not be comparative data at all -- not that I expect
17 some Olympic time recordkeeping kind of data. But when
18 we're talking to the outside world as well as to
19 Congress, it might be helpful.

20 MS. BERGMAN: This is Carol. I actually did a
21 little research, thinking that something like that
22 might come up and I should know the answer.

1 The average number of recommendations in GAO
2 reports in a maximum of ten. It's somewhere between
3 zero and ten recommendations. So the fact that there
4 were 17 is definitely outsized. And if you go back to
5 the last two reports that were in process when this
6 Board came in, there was a total of 17 also. They were
7 divided among the two reports from 2010 together. So
8 it definitely was outside of what the average is.

9 The GAO looks for a period of four years as a
10 standard to complete it, ideally, and both reports were
11 completed within that four-year time frame.

12 CHAIRMAN LEVI: Other questions?

13 (No response.)

14 CHAIRMAN LEVI: The Institutional Advancement
15 Committee had a meeting, and also had had a meeting on
16 October 1st, a telephonic meeting. And we had much
17 discussion about the 40th, and received from Management
18 a plan for moving forward. Had discussion of that.

19 Talked about ongoing activity to try to raise
20 private funds and to also take what we have learned
21 from the 40th both in putting it together and then
22 having it, and what we've heard since, to come up with

1 plans for the future.

2 We also heard from the Communications
3 Subcommittee, which has now had two meetings -- one
4 meeting -- and will continue to have meetings, and is
5 offering suggestions and helpful insight on a
6 communications plan going forward in support of our
7 communications outreach and effort.

8 As you all recall, as a part of our strategic
9 plan, elevating public awareness is one of our major
10 planks. And this Committee views its mission as
11 supporting that strategic effort.

12 The Committee also received the names -- now
13 do we do that in closed session? I think we do
14 that -- received some other names. As you probably
15 know, we adopted a rule here that all potential donors,
16 solicitations, have to be approved by the Board. We do
17 that in closed session. So at each of these meetings,
18 we've had the good fortune of having new names
19 suggested to us, and we will act on that in closed
20 session.

21 I don't believe there are any other action
22 items. I don't know if Wendy Rhein is on the phone.

1 She's running around New York right now. She's been
2 emailing me, but I'm not sure she's dialed in. Wendy?

3 (No response.)

4 CHAIRMAN LEVI: No. So that will conclude our
5 report, but also to say, once again, our profound
6 thanks to everybody involved in helping to put the 40th
7 together can't be understated.

8 So this concludes our report, unless there's
9 any other comments?

10 (No response.)

11 CHAIRMAN LEVI: Item 16, report on
12 implementation of the Pro Bono Task Force.

13 MR. FLAGG: This is Ron Flagg. I'm speaking
14 on behalf of Lynn Jennings and myself.

15 We've just celebrated a 40th anniversary.
16 We're also celebrating a second anniversary this month.

17 It's the second anniversary of the issuance of the Pro
18 Bono Task Force report, which Martha and Harry chaired.

19 And I think it's worthwhile, since there are
20 many task forces in the world and many reports, most of
21 which end up having very little impact, to note that in
22 the two years since that report was issued, one of the

1 primary recommendations was the creation of a Pro Bono
2 Innovation Fund.

3 That report actually caused Congress to pass a
4 law, which it did, that created the fund. And the
5 money was appropriated just last January, and in the
6 ten months since that appropriation, we've had an
7 entire grant cycle, spearheaded by Jim and by Lynn and
8 Mytrang, which generated 79 applications and which, as
9 you all know, has generated 11 awards. I think that's
10 a remarkable achievement for that task force and for
11 the Board and for the Corporation.

12 Another one of the task force's major
13 recommendations, which took up a substantial portion of
14 the report, was detailed suggestions on the
15 modification of the PAI rule. And by the Board's
16 action today, that has also been accomplished, again
17 with the cooperation of multiple parties.

18 So I think we've already accomplished a lot.
19 We still have much to accomplish, and we are focused on
20 that. As Jim said, we have been, as a strategy for
21 changing culture and moving forward a pro bono agenda,
22 been talking to the access to justice commissions

1 around the country with really two goals in
2 mind -- one, to see where we can work with them to
3 promote pro bono work in those states that have access
4 to justice commissions; and second, to identify those
5 states that do not presently have access to justice
6 commissions -- and there are only a handful of those
7 now; there's about, I think, nine or ten -- and we've
8 had a call a few months ago on that topic, and we're
9 having another call this Friday to discuss potential
10 target states where we might be able to help in the
11 promotion of these commissions.

12 So the work has in some measure been
13 accomplished, but there's much left to do. And that's
14 our report for the moment.

15 MS. JENNINGS: I would just like to add one
16 thing, is that throughout this entire process, DLA
17 Piper, Lisa Dewey and Annie Helms, have been great
18 partners with us. We still talk to them, or try to
19 talk to them, every other week for a check-in.

20 And they have been an invaluable partner to
21 us. And they will continue -- as you know, they
22 participated on some program quality visits. We will

1 continue that through next year. They'll be joining us
2 in New York City. And they also served as reviewers on
3 the Pro Bono Innovation Fund awards.

4 So they have just been incredible partners
5 with us throughout this whole process.

6 CHAIRMAN LEVI: Well, it was clear to me
7 yesterday -- you heard from the Chief Judge's
8 remarks -- this is not a report that's sitting on a
9 shelf. It's motivated many folks around the country,
10 far more than we know in this room, actually, to take a
11 look at their own pro bono efforts in their own states,
12 and I think to change rules, to consider CLE, all kinds
13 of things that we hear.

14 Many flowers are out there blooming, and I
15 think that was the hope of it. But just this morning,
16 the PAI rule change was one of our major points. The
17 innovation fund was another, and certainly that's
18 happened.

19 Suggestions on uses, creative uses, from CLE
20 to limited representation, help desks -- we heard all
21 of those things yesterday. But we've also been hearing
22 them more and more. Access to justice commissions

1 we've been hearing more and more.

2 So I for one feel that this report really has
3 moved the profession. And probably the most important
4 thing it's done was to shine the light, a little bit
5 like the justice gap did, on the mismatch between where
6 the pro bono was going and where the volume need really
7 was, and how that mismatch was occurring. And I think
8 we've offered some help there.

9 Martha?

10 DEAN MINOW: Just two comments. One is a
11 question about the picking up on Julie's comment
12 earlier, the idea of a toolkit and collecting
13 information. We've been trying to collaborate, I know,
14 with the ABA. Any kind of check-in on that would be
15 helpful.

16 And then a similar update would be on the
17 proposals about rule changes with regard to recognizing
18 out-of-state bar, recognizing CLE credits. I know that
19 Esther Lardent felt strongly that that was a very
20 important dimension.

21 But my second comment is this, and it is that
22 it is so heartening to hear this progress. I remember

1 so well my phone call to Judge David Tatel asking him
2 to serve on the task force, and he said, "Why should I
3 do that? This will just be a report that sits on a
4 shelf." That was his phrase. He said, "There's no
5 point in doing this."

6 When he came and participated in the panel on
7 the 40th, he said to me, "You were right. We actually
8 accomplished something with this report." And coming
9 from Judge Tatel, that meant an enormous amount to me.

10 I wonder if it's possible, if it's not too
11 much work, to actually send some two-paragraph update
12 to those who devoted their time, some 60 lawyers, in
13 their participation on the task force.

14 MR. FLAGG: That's a great idea. Jim has
15 periodically over the last year sent update reports to
16 the task force, and this would be a good moment to do
17 so again.

18 MS. JENNINGS: With regard to the committee
19 work, now that the Pro Bono Innovation Fund is up and
20 established -- we made that a priority versus the
21 committee work. And so we will be putting our
22 attention to the other -- as Ron was saying, there is

1 still a long to do list on that.

2 Jim and I have been talking about more
3 emphasis on technical assistance and reaching out to
4 folks. So we will be putting those best practices
5 together.

6 CHAIRMAN LEVI: Gloria?

7 PROFESSOR VALENCIA-WEBER: The report has
8 really been taken to heart in some of the states as to
9 here's the how-to and the hit list. And it makes a lot
10 of difference.

11 In this past year, for instance, the Arizona
12 bar did change so that pro bono lawyers can get CLE
13 credit. That's approaching taking up that issue in my
14 own state and then in another of the Western states.
15 And again, they're saying, well, Arizona did it, so why
16 can't we? And it really starts a whole set of other
17 kinds of conversations to keep it moving.

18 CHAIRMAN LEVI: Charles?

19 MR. KECKLER: Thank you. Lynn, part of our
20 discussion, of course, in Ops and Regs about the PAI
21 regulation has to do with this issue of data and
22 guidance. And I think it would be interesting, in the

1 proper occasion or context, to talk to the pro bono
2 committee and get their experience and thoughts on what
3 kinds of outcomes they think would be positive, what
4 they want to see more of, and an idea of metrics that
5 might be possible. So I'd be interested in their view
6 on those questions.

7 MS. JENNINGS: I think that's a great idea,
8 Charles. And we will be reconvening some of these
9 particulars, particularly the one about the PAI plan
10 and the like and what people want to see. So I think
11 that's a great idea.

12 CHAIRMAN LEVI: Any other comments?

13 DEAN MINOW: Yes. In the midst of the 40th
14 and the day-to-day operations, the fact that the team
15 has gotten all of this work done is so impressive. So
16 I think a round of applause is appropriate.

17 (Applause)

18 CHAIRMAN LEVI: That brings us to public
19 comment. Oh, public comment? Okay. Lillian Moy.

20 MS. MOY: Thank you, Mr. Chairman.

21 I wanted to start by thanking the Dean for
22 being our wonderful kickoff witness at our task force

1 hearing. Every year, the Chief Justice tells us,
2 "Punch it up. Make it exciting." So many thanks. You
3 really started us off very, very well, and it was
4 awesome to hear you, and almost but couldn't quite
5 match your awesome roundup of the 40th anniversary
6 celebration. I had no idea that you were also good at
7 really that, but thank you very much.

8 And I wanted to thank the entire Board for
9 visiting Albany. I didn't feel that way all the time
10 in preparation for the visit.

11 (Laughter.)

12 MS. MOY: But now that it's 10:00 today, I
13 feel fabulous. Thank you very much for gracing us with
14 your presence.

15 And it's always the case, I think, or often
16 the case that when a stranger comes to your town, you
17 see your town in a slightly different way. I want to
18 thank especially Father Pius for introducing me to
19 Cider Belly Doughnuts, which I had read about but
20 hadn't really had a chance to see.

21 Finally, I want to ask you, and I'm pretty
22 sure that John Levi couldn't be deterred anyway, but to

1 stay the course on the leadership issues. You know
2 two-thirds of the executive directors of your grantees
3 have more than 30 years experience.

4 So if you do the math, you know that you're
5 going to have a huge changeover in the next ten years.

6 And to me, the Legal Services Corporation's role in
7 developing leaders in the equal justice community is
8 natural. And stay the course. Be right on about it.

9 I wanted to suggest to Jim that you consider
10 offering a national leadership development program
11 similar to the leadership in diversity program that the
12 Corporation ran some eight years ago. At that time,
13 the focus was on developing diverse leaders in
14 particular.

15 Some of the people who were formally mentored
16 in that project still continue to contribute to the
17 equal justice community. And trying to push and shove
18 them into growing interest in our executive director
19 jobs, for some reason, not so many people want our jobs
20 quite yet.

21 So your role in supporting that -- maybe even
22 considering offering a leadership development program

1 on a national basis, where grantees could send people
2 in a competitive way. Right? They could still compete
3 for those valuable slots.

4 I would love to talk to you about that. The
5 Legal Aid Society of Northeastern New York has just
6 embarked on a year-long internal leadership academy.
7 And I think it's going to be great, but we've just
8 started. And we've put a lot of thinking into the
9 development. We're working with the Shriver Center.
10 So you already have a national partner that has worked
11 on core competencies for legal services and social
12 justice leaders.

13 Finally, I was a little struck by the notion
14 that you might not be expecting us to be innovative or
15 entrepreneurial in our seeking of basic field grants.
16 There's a lot of reasons why a program may or may not
17 go for a TIG or a PBI grant, and I think -- you know
18 they're hard to manage.

19 Right? They're very demanding in terms of
20 regulatory compliance. So while people might want to
21 go for it, some practical directors might not always
22 go. But I just think that that should also be an

1 expectation in our basic field grants as well.

2 So I want to thank you again for coming to
3 Albany, and you can come back any time. Good to see
4 everybody. Thank you.

5 CHAIRMAN LEVI: Thank you, Lillian.

6 Martha?

7 DEAN MINOW: I just want to thank you for your
8 warm welcome, for the great preparation, and for the
9 great work that you do every day.

10 CHAIRMAN LEVI: And I want to say that that
11 was a great suggestion, I thought, that you just made.

12 And we've heard it, and we were just having a sidebar
13 here about it. So thank you for the suggestion.

14 And thank you again for your hospitality. And
15 is there any other public comment?

16 (No response.)

17 CHAIRMAN LEVI: Other business?

18 (No response.)

19 CHAIRMAN LEVI: So now we need to have a vote,
20 I guess, to act on going into --

21 M O T I O N

22 FATHER PIUS: I move that we go into closed

1 session.

2 DEAN MINOW: I second.

3 CHAIRMAN LEVI: All in favor?

4 (A chorus of ayes.)

5 (Whereupon, at 9:51 a.m., the Board was
6 adjourned to closed session.)

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