

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
DELIVERY OF LEGAL SERVICES COMMITTEE
OPEN SESSION

Monday, April 18, 2016

11:06 a.m.

Legal Services Corporation
3333 K Street, N.W., 3rd Floor
F. William McCalpin Conference Center
Washington, D.C. 20007

COMMITTEE MEMBERS PRESENT:

Father Pius Pietrzyk, O.P., Co-Chair
Gloria Valencia-Weber, Co-Chair
Victor B. Maddox
Julie A. Reiskin

OTHER BOARD MEMBERS PRESENT:

Laurie Mikva
Martha L. Minow

STAFF AND PUBLIC PRESENT:

James J. Sandman, President
Ronald S. Flagg, Vice President for Legal Affairs,
General Counsel, and Corporate Secretary
Lynn Jennings, Vice President for Grants Management
Rebecca Fertig Cohen, Chief of Staff
Mayealie Adams, Special Assistant to the President
for the Board
Zoe Osterman, Project Manager, Executive Office
David L. Richardson, Comptroller and Treasurer,
Office of Financial and Administrative Services
Lora M. Rath, Director, Office of Compliance
and Enforcement
Janet LaBella, Director, Office of Program
Performance
Carlos Manjarrez, Director, Office of Data Governance
and Analysis
Traci Higgins, Director, Office of Human Resources
Stefanie Davis, Assistant General Counsel, Office
of Legal Affairs
Mark Freedman, Senior Assistant General Counsel,
Office of Legal Affairs
Jeffrey E. Schanz, Inspector General
Laurie Tarantowicz, Assistant Inspector General and
Legal Counsel
David Maddox, Assistant Inspector General for
Management and Evaluation
Althea Hayward, Deputy Director, Office of Program
Performance
James Scruggs, Program Counsel, Office of Program
Performance
Lewis Creekmore, Program Counsel, Office of Program
Performance
Lou Castro, Office of Program Performance
Herbert S. Garten, Non-Director Member, Institutional
Advancement Committee
Allan J. Tanenbaum, Non-Director Member, Finance
Committee
Katherine Ward, Executive Assistant, Office of Legal
Affairs
Antwanette Nivens, Office of Data Governance and
Analysis
Eric Jones, Network Engineer, Office of Data
Governance and Analysis
Don Saunders, National Legal Aid and Defenders
Association (NLADA)
Robin C. Murphy, NLADA

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

2 (11:06 a.m.)

3 CO-CHAIR FATHER PIUS: Seeing the presence of
4 a quorum, I will call to order the duly noticed meeting
5 of the Delivery of Legal Services Committee on this
6 April 18th. And the first item of business is if I
7 could have an approval of the agenda.

8 M O T I O N

9 CO-CHAIR VALENCIA-WEBER: I'll move to approve
10 the agenda.

11 MS. REISKIN: Second.

12 CO-CHAIR FATHER PIUS: All in favor?

13 (A chorus of ayes.)

14 CO-CHAIR FATHER PIUS: And I don't hear any
15 opposition, so we will approve the agenda.

16 The second is the minutes from our meetings on
17 January 28th and 29th.

18 M O T I O N

19 MS. REISKIN: So moved.

20 CO-CHAIR VALENCIA-WEBER: Second.

21 CO-CHAIR FATHER PIUS: All in favor?

22 (A chorus of ayes.)

1 CO-CHAIR FATHER PIUS: All opposed?

2 (No response.)

3 CO-CHAIR FATHER PIUS: So the next item for
4 business is an update on the management proposal to
5 review and revise the performance criteria. And I will
6 turn it over to Lynn. Thank you, Lynn.

7 MS. JENNINGS: Great. Good morning, Father
8 Pius. Thank you, everyone. And on page 125 of your
9 board book you will find the updated timeline for our
10 approach to revising the performance criteria.

11 As we've noted previously, we are going to
12 start with performance area 4. And we have an internal
13 working group working on that, and we are also
14 soliciting -- we have identified the members of
15 performance area 4 advisory group with external
16 advisors.

17 And those will include members from the SCLAID
18 committee, although they don't know it yet because we
19 have the letters ready to go. It will also include LSC
20 executive directors as well as board members and
21 outside experts who are somebody from Board Source,
22 which is a huge resource for us in terms of best

1 practices in board governance, as well as a former
2 colleague of Jim's at Arnold & Porter. So I think
3 we're all set.

4 So internally, what we are doing now is
5 everybody who is on the internal working group has been
6 assigned to look at their elements of the performance
7 criteria and to basically give them carte blanche. If
8 they could make a change, what would it be, from the
9 inquiries and everything else.

10 So those reports were due to me on Friday, and
11 so we will be reviewing them internally and then
12 cleaning them up for Jim's review so that they're ready
13 to go for the advisory committee meeting that we want
14 to get together in June.

15 So things seem to be moving apace. And we
16 have revised the timeline where we hope to have a final
17 by September 2016 on that. And then we will also, in
18 the meantime, start establishing what working on
19 revising performance areas 1 through 3 look like so
20 that we have a whole revised package by April 2017.

21 CO-CHAIR FATHER PIUS: And so the internal
22 group, what you gather from them is edited together a

1 little bit, obviously?

2 MS. JENNINGS: Oh, yes. Absolutely.

3 CO-CHAIR FATHER PIUS: That will be the
4 primary fodder for the external group as well?

5 MS. JENNINGS: That's right. That's right.

6 CO-CHAIR FATHER PIUS: Okay. That's good.
7 This is wonderful. I think this is excellent. Does
8 anybody have any questions about this? Anybody?

9 (No response.)

10 MS. JENNINGS: And I would like to thank Zoe
11 Osterman, who's new to our staff, who has been
12 spearheading this on -- she's in the audience. She's
13 right behind me -- and helping to organize this. And
14 so it's worked out quite well. And thank you for your
15 indulgence of giving us a little more time to
16 accomplish it.

17 CO-CHAIR FATHER PIUS: As I've said, it's more
18 important for me this be done right than by any simply
19 arbitrary schedule. And given that we're doing this
20 for the first time in a long time, and given the
21 complexity and size, especially of this first
22 performance criteria, the 4th, I think it's more that

1 we get it right.

2 MS. JENNINGS: Right.

3 CO-CHAIR FATHER PIUS: So I'm happy to let the
4 timeline slip if it means we're going to have a better
5 review and a better output document.

6 MS. JENNINGS: Right. And it was brought up
7 at the -- I'm sorry, Julie -- it was also brought up at
8 the SCLAID meeting yesterday about the ability to
9 comment, for stakeholders to comment. And we do have
10 that in the timeline. That will be about a 45- to
11 60-day period starting in July if all things stay on
12 schedule, which they will.

13 CO-CHAIR FATHER PIUS: Thank you very much.

14 Julie, did you have a comment?

15 MS. REISKIN: Yes. This is great. When these
16 get done, then do they get adopted by us? Or is this
17 just a management thing? And then what's the practical
18 implication? So there'll be new performance criteria,
19 and then how do you -- so I'm interested in how do they
20 get formally implemented, and then I take it that
21 everyone gets a letter or something. Everyone gets
22 noticed somehow. And then how do you then measure?

1 Because it will be --

2 MS. JENNINGS: Right.

3 MS. REISKIN: You know what I'm saying?

4 MS. JENNINGS: Right. I would anticipate that
5 we would have a rollout strategy, maybe a webinar or
6 two, for our grantees. But also internally we will be
7 doing training on the performance criteria. Obviously,
8 this is the tool that the OPP, the Office of Program
9 Performance, program counsel use as a guide when they
10 go onsite.

11 So we will certainly provide training to
12 internal staff as well to make sure that they have a
13 full understanding of what is now expected on site.

14 MS. REISKIN: So let's just say it gets
15 implemented as of January 1, 2018 or whatever. And
16 then you have a visit in March of 2018. I take it you
17 wouldn't be judging them on that. You would be judging
18 them on the old? Or how does that work when what
19 they've been working on for years has been what we have
20 now, and then it changes in terms of when you go on a
21 visit?

22 MS. JENNINGS: Well, I would think that people

1 would be -- good governance is good governance. It's
2 just the lens through which we're looking at it will
3 probably vary. So I would imagine that people would be
4 able to go pretty quickly on that so that it wouldn't
5 be a huge ramp-up time because we have -- and that's
6 the point of having several staff looking at this al
7 the way along, so that they understand what the changes
8 will probably look like.

9 CO-CHAIR FATHER PIUS: Yes. I think that's
10 the right way. This isn't like legal regulations that
11 are put on.

12 MS. JENNINGS: No, no, no, no, no.

13 CO-CHAIR FATHER PIUS: These are criteria,
14 performance criteria.

15 MS. JENNINGS: Right. Right.

16 CO-CHAIR FATHER PIUS: Give them an idea of
17 what good governance is. They should be working not
18 for the rules but for good governance. And when you're
19 implementing, I trust that the people are professional
20 enough to be flexible with regards to some of these
21 things as well.

22 MS. JENNINGS: Right.

1 CO-CHAIR FATHER PIUS: So I don't have an
2 issue with that.

3 As regards to the implementation, too, also
4 keep in mind although we're supervising -- not
5 supervising, but we're involved in the process, this
6 committee, it's certainly not subject to our approval.
7 This is a management issue. This is approved by
8 management.

9 It does not become a board issue that we have
10 to approve, these changes. So this will not rise to a
11 level of a resolution from the board or the committee,
12 although we are definitely involved in the process.

13 MS. JENNINGS: Right.

14 CO-CHAIR FATHER PIUS: I'm sorry. Gloria?

15 CO-CHAIR VALENCIA-WEBER: Given the
16 performance area 4 carries really big substance, that
17 is, effectiveness of governance, leadership, and
18 administration, and I looked at the performance for
19 internal working group, what role if any is the OIG's
20 office going to have?

21 You don't have them listed, understandably,
22 because this is internal to LSC. But given that some

1 of the OIG's reports are connected with some of the
2 reports we're doing on the Audit Committee, the joint
3 -- that covers some of this, is that going to involve
4 the OIG office just as a courtesy look at what you come
5 up with?

6 MS. JENNINGS: Yes. We will do that.

7 CO-CHAIR FATHER PIUS: Okay. Anything else on
8 the performance criteria update review?

9 (No response.)

10 CO-CHAIR FATHER PIUS: Lynn, thank you. Thank
11 you for your staff, the good work on this, as well.

12 MS. JENNINGS: You're welcome.

13 CO-CHAIR FATHER PIUS: I'm very excited about
14 this.

15 Number 4 on the agenda is the update on the
16 pilot project for client participation, and Althea was
17 going to give us an update. Good to see you, Althea.

18 MS. HAYWARD: Good to see you, too. Thank you
19 so much for this opportunity to provide an update to
20 the committee on the work of the staff on the client
21 program quality visit pilot.

22 LSC has launched its client program quality

1 visit pilot in order to provide individuals eligible
2 for services as clients at LSC-funded programs with the
3 opportunity to participate with LSC staff on client
4 visits as we assess the quality of our programs. A key
5 benefit of this initiative will be that LSC will gain a
6 more comprehensive and detailed review of program
7 services from a client's perspective.

8 In the first phase, which has been our
9 planning and launching phase, as a part of the planning
10 and development of this initiative, LSC board member
11 Julie Reiskin participated in a program quality visit
12 at Nassau/Suffolk Law Services in New York in 2014. We
13 considered the information gathered from that visit in
14 the development of the pilot.

15 For example, staff developed proposed
16 guidelines for client participation, a process for
17 inviting applications, the areas of review in which
18 clients would be engaged, a plan for client participant
19 training, and comprehensive distribution of information
20 about the pilot.

21 Early in the planning and design phase, we
22 confirmed our partnership with the National Legal Aid

1 and Defender Association on this initiative. Robin
2 Murphy, NLADA's vice president for programs, has been
3 engaged with us in providing feedback on the plan.

4 The pilot is directed by our vice president
5 for programs need compliance and is supported by an
6 experienced staff community. During the planning
7 phase, this committee has provided us with important
8 feedback, and has worked on the design and launch of
9 the pilot.

10 This LSC initiative is designed to provide
11 client participants and LSC staff with a clearer, more
12 robust view of a client's experience with an LSC
13 grantee. The pilot's frequently ask questions, which
14 is included as a part of your board book, provide an
15 overview of the types of program activities that client
16 participants will review.

17 For example, client participants will assess
18 the quality of the client experience with special
19 outreach and community projects that are operated by
20 our grantees. They will look at areas of client
21 access. They will participate in interviews.

22 They will also be involved in the assessment

1 of programs around governance, management, and
2 leadership, and will engage in a assessing the degree
3 of client engagement or client involvement in such
4 areas of operations as strategic planning,
5 priority-setting, and the like.

6 As I mentioned earlier, the pilot committee
7 has planned an extensive two-day training event for the
8 three successful client participants. We launched the
9 client visit pilot at the end of March. LSC's
10 president, Jim Sandman, published an announcement,
11 along with the pilot materials.

12 These materials were posted at LSC's website.

13 They have also been tweeted out by our GRPA staff.

14 And as our partner in this venture, NLADA has used its
15 client network information to push the initiative out.

16 I would also like to add that the announcement and its
17 materials were sent to all the IOLTA program directors
18 and to all LSC grantees.

19 We've also contacted the ABA Access to Justice
20 Committee newsletter editor, and we have confirmed that
21 the announcement regarding the initiative, along with
22 the upcoming deadline for applications, has also been

1 published in several of the ABA newsletters.

2 Additional outreach has also been done. We've
3 reached out to executive directors of IOLTA programs,
4 to directors of other related organizations, in an
5 effort to publicize our pilot.

6 As of today, we've received only two
7 applications for consideration. Unfortunately, these
8 two persons would be eligible except that they are
9 currently serving as members of LSC grantee governing
10 boards.

11 So our next steps are to, one, partner,
12 continue our partnership with NLADA. Our staff is
13 developing a process with them for an initial review of
14 the applications. We anticipate that folks will apply
15 for this. There is a great deal of interest. Of
16 course, final review of the applications and the
17 decision-making process will remain with LSC's vice
18 president and with our president.

19 Staff is also developing a comprehensive
20 training program, as I mentioned, for the successful
21 participants. We anticipate a July date for the launch
22 of that training, and we will cover everything in that

1 training from pre-visit preparation to compiling notes
2 and providing input as a member of the full visit team.

3 Review of the LSC performance criteria and
4 interviewing techniques will be a central focus of this
5 training event. Staff will also be able to provide
6 instructions with regard to travel, logistics, and how
7 to process the required forms and reports that LSC
8 requires.

9 LSC is prepared to announce the program visit
10 locations at or before the July training event. It is
11 anticipated that the pilot will be implemented at two
12 or three LSC grantee programs by the end of 2016.

13 The team leaders for each of the visits that
14 we will choose will be engaged with pilot participants
15 during the training session as well as during the time
16 leading up to the individual visits. These team
17 leaders will be a part of the training, but they will
18 also be expected to mentor those clients assigned to
19 their visits.

20 Materials for the training event are being
21 developed, and we hope to be able to provide to each
22 successful candidate a copy of a manual that they'll be

1 able to have to answer any questions and to give them
2 guidance so that they will be successful in this
3 venture.

4 I would say in conclusion that the staff of
5 OPP and those involved in the initiative are very much
6 committed to this project. We believe that this is an
7 innovative approach to presenting additional support to
8 LSC visit teams. It also affords LSC staff an
9 opportunity to expand in its interaction with clients
10 in the national community. This expansion will help us
11 remain sensitized and will help us to promptly
12 recognize emerging client issues in the community.

13 Thank you for your time, and I don't know if
14 you have any questions.

15 CO-CHAIR FATHER PIUS: Althea, thank you.
16 That was a very good report, and I'm just very edified
17 to see how much thought has gone into this whole
18 process, how much care and concern has gone into this.

19 So that, I think, is very good, at least from my
20 perspective.

21 Are there any questions or comments? Martha?

22 DEAN MINOW: I'd echo what Father Pius just

1 said. I did wonder if there's attention to potential
2 candidates who are not English language speakers, and
3 that was one question. Another is whether Julie or
4 others might have informal networks to encourage some
5 people to apply.

6 MS. HAYWARD: Well, with regard to the first
7 part of your question, we did have one applicant -- one
8 of the applicants that is not eligible to move forward
9 is actually bilingual. So we are looking specifically
10 for persons with bilingual skills to help us in this
11 initiative.

12 CO-CHAIR FATHER PIUS: Julie?

13 MS. REISKIN: Yes. First, I want to thank the
14 staff. This has been really wonderful to watch this
15 happen, and I really appreciate the thought and the
16 support that has gone into this from the staff and
17 management.

18 In terms of that, I'm going to try and find
19 any emails I can of the people that have been at the
20 workshops that Jim and I have done who have expressed
21 interest. And in terms of bilingual, I just thought
22 the way it works in Puerto Rico is that there are these

1 councils that elect board members. So there's a bunch
2 of active, eligible clients from there that are not on
3 the board. And so I will reach out there as well. And
4 so yes, absolutely. And I was talking to NLADA about
5 that also. And so I will get on this.

6 I suspect that because the deadline is May
7 15th, that's why we haven't seen much, and I don't
8 think you'll see a lot right before it. And again, I
9 think this is another thing, is where we don't want to
10 -- right is really important. So if there isn't an
11 adequate pool, then I think we could regroup and figure
12 out how do we continue to outreach. Because I know for
13 a fact that there's both the interest and the capacity
14 out there in the field.

15 CO-CHAIR FATHER PIUS: Thank you.

16 Gloria?

17 CO-CHAIR VALENCIA-WEBER: I also want to
18 express appreciation for the work that went into this.

19 Again, where one will find potential applicants is a
20 concern.

21 I think most of our grantees know of
22 organizations, collaborate with organizations, in their

1 community that are not LSC-funded that address the
2 needs of specially identified populations, whether they
3 be ethnic populations or lesbian/gay/BT people. And I
4 know as well that a number of them have connections
5 with organizations like Julie has in Colorado.

6 So if you can ask our grantees to identify the
7 non-LSC organizations, community-based, community-run
8 nonprofits that pay attention to that specific kind of
9 needs, you're probably going to come across. I'm sure
10 there must be some centralized listing of similar
11 groups.

12 MS. HAYWARD: Yes. That's a good idea, and we
13 will follow up on your idea. I want to add as well
14 that members of the committee have been doing
15 additional outreach since we launched.

16 And we have individually attempted to contact,
17 and have been successful, in talking to several IOLTA
18 directors who have promised us that there are
19 applicants, there are people that they would highly
20 recommend be a part of this initiative. So we know
21 that the folks are out there. We just need to get them
22 to apply.

1 CO-CHAIR VALENCIA-WEBER: Okay. And then just
2 as a small style matter, on the form, you have address.

3 I hope we will get people from rural areas and some of
4 the states that have a rurally spread out population.

5 I would suggest that you do what we do for
6 voter registration and other stuff -- if you get a P.O.
7 box address, that you ask the person to give the actual
8 street address or, on voting forms, we even have a box
9 where you draw a map of the roadway so somebody can
10 say, it's half a mile from the intersection of RR 1 and
11 Charter Road so they knows where to -- you really need
12 to get that focus. The P.O. box is not going to tell
13 you anything.

14 MS. HAYWARD: Thank you.

15 CO-CHAIR FATHER PIUS: Thank you, Gloria.
16 Julie?

17 MS. REISKIN: I just had one other small
18 question. And I remember that we talked about it, but
19 I don't remember where we came to, is on the financial
20 eligibility, you have the guidelines for 125. But I
21 know some of our programs can go higher for certain
22 populations.

1 Did we decide that it's going to be like we do
2 for this board, like the person would have to be
3 eligible in their state? And if so, would that be
4 clear? For example, I know that there's some -- like
5 if it's about benefits, there are certain disability
6 programs where the programs can go over 125. Did we --

7 MS. HAYWARD: I think we decided that we would
8 use the national --

9 MS. REISKIN: Just 125 flat? Okay.

10 MS. HAYWARD: The 125.

11 MS. REISKIN: And you're not going to look at
12 assets, or are you?

13 MS. HAYWARD: No. We didn't --

14 MS. REISKIN: You're just going to do an
15 income --

16 MS. HAYWARD: Yes.

17 CO-CHAIR FATHER PIUS: Anything else on this?

18 MS. HAYWARD: No. That's it.

19 CO-CHAIR FATHER PIUS: All right. Althea,
20 thank you very much. We look forward to future
21 updates.

22 MS. HAYWARD: Thank you.

1 CO-CHAIR FATHER PIUS: The last item, or the
2 last significant item on the agenda, I suppose, is the
3 presentation on grantee oversight, our annual
4 presentation, from the Office of Program Performance.
5 I'll turn it over to Lynn.

6 But before I do that, one thing. If you've
7 noticed, I love the new website, but one change that it
8 made is with regards to performance quality visits,
9 they're no longer listed by date but only by state. So
10 for those of us who wanted to see what are the most
11 recent, we can't find them very easily.

12 I have asked Janet to produce a list of the
13 program quality visits for 2015, and then the most
14 recent final reports that were issued in 2016. So I
15 will pass those out. But we're going to be in
16 discussions to find out some way for us as the
17 committee to get at least the list of the most recent
18 reports and visits, whether that means a quarterly
19 email from Janet or doing some little fix to the
20 website, some way so that we can get more of an idea of
21 timeline rather than by state.

22 So I'll pass these out if anybody wants one,

1 and then I will turn it over to Janet and to Lynn.

2 Thank you.

3 MS. LABELLA: Thank you, Father Pius. I'm
4 happy to be here to present on OPP's oversight
5 activities for the last year. This is the second time,
6 as you noted, we've done this. And this time we gave
7 you a copy of the PowerPoint in advance, so I'm sure
8 you have lots of questions. And feel free, as always,
9 to ask questions throughout and not wait till the end.

10 OPP performs continual oversight throughout
11 the year and throughout the life cycle of the grant,
12 and specifically with regard to the grant award
13 process, also monitoring special grant conditions. We
14 have reports that come in throughout the year. And as
15 we just talked about, we do site visits again
16 throughout the year. And the program liaisons are in
17 regular communication with the grantees.

18 With respect to the grant award oversight in
19 particular, generally, as a rule of thumb, we review as
20 full applications approximately one-third of the
21 service areas every year. And with respect to the
22 others, we do a renewal review.

1 So they also send in information that we
2 review, and if necessary, we can impose special grant
3 conditions on those grantees as well, even though
4 they're in renewal status. And we'll talk about this
5 in more detail in a little bit. But we also have a
6 review of the significant recommendations from program
7 quality visit reports. And that is what we fondly call
8 the post-PQV RFP.

9 (Laughter.)

10 MS. LABELLA: And when we make our funding
11 recommendations, that includes term and whether or not
12 there will be special grant conditions. And of course,
13 everything is reviewed by executive, and the LSC
14 president makes the final awards.

15 So when we're doing our review of the
16 applications, the program counsel evaluate and score
17 each grant application and review related data. So we
18 are not limited to what the applicants submit. We look
19 at all of the grantee activity reports. We look, of
20 course, at their PAI plans. We look at their revenue
21 and expenses and staffing. We review, internally, OCE
22 reports. We also review reports from other funders.

1 So it's a quite extensive review.

2 MS. JENNINGS: If I could add to that, we
3 also, as you know, meet monthly with our counterparts
4 in the OIG, and we regularly discuss any issues that
5 any of the applicants or any programs -- they don't
6 have to be in competition -- may have. So those are
7 always on our list.

8 MS. LABELLA: Correct. Now, what I have up on
9 the screen is just a sample of what we call a score
10 compare. And for the last several years, we've had
11 outside reviewers who review approximately 20 to 25
12 percent of the applications. And this just shows where
13 there's a deviation and which one had the higher score.

14 So we look at this. And it informs sometimes
15 whether one of the inquiries maybe could be clarified
16 or whether our guidance could be clarified. But it's
17 been a very informative and useful process.

18 So this chart is of the grant term funding
19 decisions from 2012 to 2016. And you can see the blue
20 are those that are three-year. Red are two-
21 year. Green are one-year. And the biggest difference,
22 of course, in 2014 is that we had a lot more

1 applicants.

2 And that just is historically based. Most of
3 the applicants, as you can see, get three-year grants.

4 And one should not assume that because there's a
5 one-year or a two-year grant that there was a major
6 deficiency.

7 Sometimes we have lower grants to bring the
8 program service areas in synch. For example, if they
9 have a migrant service area and it doesn't have
10 competition at the same time, we would want to bring it
11 in synch. And so one or the other of the service areas
12 would get a one- or a two-year grant to accomplish
13 that.

14 Now, this chart shows the level of the special
15 grant conditions imposed from 2012 to 2016. And you
16 can see that there was an upward trend, with a slight
17 downward trend for 2016. That, however, was in large
18 part because -- you can see there's a dip here with the
19 fiscal ones, which are blue for 2016 -- because they
20 made a real effort to have policies adopted without
21 having to have special grant conditions imposed. So
22 the same objectives were achieved, but we didn't need

1 to go the more formal route of special grant
2 conditions.

3 Now, in addition to the application reviews,
4 OPP conducts visits every year. We have two primary
5 visits, the program quality visit and a program
6 engagement visit. We look at, for program quality
7 visits, the date of the last OPP visit and indication
8 of significant programmatic concerns.

9 There are other factors that we look at as
10 well. We weight these factors, so for the date of the
11 last OPP visit, there is a calculation that's done.
12 And that's put into the formula, and if there's
13 significant programmatic concerns, it gets a higher
14 weight, whereas these other factors all get one point.

15 So if a grantee has lots of individual factors
16 or a significant one, they will be higher up on the
17 visit list. And as I mentioned, our two primary visits
18 are the program quality visit and the program
19 engagement visit.

20 The quality visit is typically one week in
21 duration, but that varies depending on the geography
22 and the size of the program. Sometimes it could be a

1 three-day visit, and it can also be a two-week visit.

2 And the size of the teams vary as well.

3 The program engagement visits now pretty much
4 are to follow up on issues or visit recommendations.

5 So they're much more of a followup visit than a
6 get-to-know-you visit, which is what they were when
7 they were first implemented over a decade ago.

8 So this shows the number --

9 MS. JENNINGS: Julie has a question.

10 MS. LABELLA: Oh, I'm sorry. Julie?

11 MS. REISKIN: Yes. Two questions. How far
12 after a program quality visit would an engagement --
13 the followup visit be, is one question. And the other
14 is, do you guys get direct complaints from clients, and
15 is that a factor in a visit? I mean, I know there's
16 the OIG hotline. I'm not talking about that. I'm
17 talking about your office.

18 MS. JENNINGS: Well, you take how often the
19 PEV and I'll take the complaint.

20 MS. LABELLA: So with respect to the PEVs,
21 that varies. Because of the post-PQV RFP, we have a
22 handle on the extent to which they are implementing the

1 tier 1, the most significant recommendations. If we
2 sense that that is not happening to the extent that we
3 think is advisable, we will go out. It can be within
4 one year, three years, even four.

5 And what we've done a few times is if the
6 recommendations again have not been implemented in the
7 manner that we think is appropriate, they may become
8 special grant conditions. And that has happened a few
9 times. So there isn't a set rule, but I would say it
10 would be rare if it were within a year because we want
11 to give them a chance. But it could be as far from the
12 visit as three or four years.

13 And Lynn, could you --

14 MS. JENNINGS: With regard to the complaints,
15 we receive complaints here, and generally OCE
16 investigates those complaints when they relate to
17 performance. Of course they're shared with the program
18 liaison for that program.

19 MS. LABELLA: And you might notice up here on
20 the other risk factors that number 9 is, "Significant
21 complaints filed or pending against a program." So OPP
22 liaisons also look at the complaints. A lot of that is

1 an FYI that there are concerns that are being raised.

2 But some of them raise questions -- for
3 example, if someone calls in and says, I can't get
4 through intake, then our concern is, what's the
5 efficiency of the intake process and access? And so
6 we'll follow up about that.

7 Yes, Julie?

8 MS. REISKIN: Where else do people -- do
9 people complain to like the Better Business Bureau?
10 Where else would someone complain? And then I take it
11 there's a requirement that you be noticed if there's
12 any serious thing like a lawsuit or something?

13 MS. LABELLA: Correct. That's part of the
14 application process, is to provide notice of that.

15 MS. JENNINGS: Well, with regard to -- if
16 there is a complaint made to an outside organization,
17 we generally would not have access to that. Each
18 organization is supposed to set out their complaint
19 process, each program is, and then we generally receive
20 those here. But in terms of the Better Business
21 Bureau, we would not generally get those.

22 PRESIDENT SANDMAN: Occasionally a person will

1 make a complaint to a member of Congress and we'll hear
2 from the member of Congress. It does not happen
3 frequently. My sense is the most frequent trigger for
4 that is a denial of service. Someone asked for
5 service, the program told them they didn't have the
6 resources to be able to help them, and they follow up
7 with their local district office or with the member
8 here in Washington.

9 MS. LABELLA: All right. So this slide shows
10 the number of OPP visits per year, and we just passed
11 around the list of the 18 program quality visits that
12 were completed in 2015. And the little green bar is
13 the capability assessment visit, which is similar to a
14 program quality visit, but occurs if there are two or
15 more applicants for a service area. And so we had one
16 of those in 2015 as well.

17 CO-CHAIR FATHER PIUS: Michigan?

18 MS. LABELLA: Yes. The Michigan 13 service
19 area.

20 So I'll just go through this briefly because I
21 think you are all --

22 CO-CHAIR FATHER PIUS: I'm sorry. You have

1 the note here maybe on one of them, why the program
2 engagement number was so much lower in 2015.

3 MS. LABELLA: Right. We had some turnover in
4 program counsel liaison. And the program engagement
5 visits are handled by the liaisons. We did staff some
6 program quality visits where we were in transition with
7 staff and another program counsel took the lead.
8 That's more difficult to do with a program engagement
9 visit because part of that is to establish the
10 relationship. So that's how come you saw the decline
11 for 2015 for program engagement visits.

12 CO-CHAIR FATHER PIUS: And we fully expect
13 that number to be up to normal levels this year?

14 MS. LABELLA: Yes, we do.

15 So as I was saying, I think you're quite
16 familiar now with the post-PQV application. This is
17 something that I have taken quite a lot of pleasure in
18 because it serves so many purposes.

19 It's a way for us to do a formal followup on
20 what the significant recommendations are. And it also
21 relieves the grantee of going through a full standard
22 application just after we visited, when presumably we

1 know how they're conducting their program and what the
2 services are. So it really has served a lot of
3 different purposes, and I think it's been well-received
4 in the field as well.

5 So we designate our recommendations as either
6 tier 1 or not tier 1. And the tier 1 recommendations
7 are those that affect significant programmatic issues
8 and where we think it's important that the
9 recommendation be implemented.

10 And so this shows simply the number of tier 1
11 recommendations for each grant term cycle. And of
12 course, some of that variation is based on the number
13 of visits, and some of it is based on what the findings
14 were and the need for the tier 1 recommendations.

15 Now, here, and in the next slide as well, we
16 break them down by each performance area by the main
17 topic so you can see which ones receive the most
18 attention. And there's some variation, like needs
19 assessment seems to go up and down. Strategic plan is
20 pretty constant, with a slight upward trend.
21 Priorities, goals, and outcomes, again we shot up in
22 2015; that might be because of the emphasis on

1 outcomes.

2 Intake is always high. Intake, I think, is
3 probably the most difficult thing for a program to get
4 right. And that's because the demand so far exceeds
5 the resources that it's very hard to have access open
6 and be able to go through the intakes competently,
7 efficiently, and timely. And so that's where we find
8 that there's consistently a very high number of
9 recommendations.

10 And now with respect to performance area 3,
11 legal work management seems to be the leader there,
12 although advocacy goes up and down. And PAI,
13 interestingly enough, peaked and it's now dropped a
14 little bit. And sometimes there's no consistent trend.

15 It's really who you're visiting. And so that plays a
16 big factor, too.

17 So here we are with respect to performance
18 area 4, and board governance has a lot of tier 1
19 recommendations. Leadership. Technology. And human
20 resources is very stable, which is kind of interesting,
21 and resource development with an upward trend.

22 CO-CHAIR FATHER PIUS: How much do we use this

1 in terms of our re-interfacing back with the grantee?
2 So, for example, a recognition that we need to do more
3 -- we need to consistently work with grantees on
4 intake. we need to consistently work with them on
5 strategic planning, to have a strategic plan, to update
6 it, and to incorporate that. Does that feed back into
7 our training programs -- not training programs, but
8 that kind of feedback with grantees?

9 MS. LABELLA: It does. We're going to look to
10 do that more systemically in the next year and have
11 much more consistent technical assistance to the
12 grantees. But it does feed back now with respect to if
13 we're going -- we send staff to NLADA and they make
14 presentations, they're going to be on those key areas
15 more often than on other areas so that it does
16 definitely help inform us as to what are the areas that
17 need the most support.

18 CO-CHAIR FATHER PIUS: And do we take the most
19 consistent problems in some of these areas and make a
20 summary available to the grantee, saying, look, when we
21 do these program visits, here's the staff we find the
22 most often? Just to let you be aware. These are the

1 things that we find a lot, and so it's obviously a
2 problem in the field or an issue in the field that they
3 should be more aware of?

4 MS. LABELLA: That hasn't been done as
5 systemically as we would like to. And as I said, in
6 the future we're going to do that. However, all of the
7 reports are posted online, and so that is a way for
8 other grantees also to review what our findings and
9 recommendations have been.

10 PRESIDENT SANDMAN: Father Pius, our plan is
11 to do something with these reports like we do annually
12 with the results of OCE findings, where we put out a
13 report on most common problems that we've seen and an
14 advisory on what grantees might do about them.

15 But similarly, I think it would be very
16 helpful to grantees to aggregate the results of the
17 reports. It's very cumbersome to expect people to read
18 report by report by report and come away with a big
19 picture impression of where the big issues are.

20 CO-CHAIR FATHER PIUS: And that's something
21 just to keep -- if you want to put this into your
22 little calendar -- it's something to keep on the

1 schedule for us because I think that's something I'm
2 very interested in, and making sure that whether it's
3 meeting to meeting or year to year, that we continue to
4 get updated on how that's progressing in terms of our
5 ability to interface back.

6 PRESIDENT SANDMAN: I think our goal should be
7 to put out a report annually.

8 CO-CHAIR FATHER PIUS: Yes. And it would be
9 nice to at least -- our report next year, in case we
10 have one ready, just at least informationally to the
11 committee just to see something like that so we can get
12 an idea of the update on that. Thank you.

13 MS. LABELLA: The other thing is we've just
14 recently filled the vacant position for the resources,
15 grantee resources, that had formerly been called LRI.
16 So we are expecting to be pushing out a lot more
17 material through that mechanism as well.

18 PRESIDENT SANDMAN: That's in the nature of
19 best practices.

20 MS. LABELLA: Right. So I also really like
21 this slide. This shows the status of progress for
22 implementing tier 1 recommendations. And so this slide

1 and the next one are of two different classes because
2 each grantee that has had a visit and is doing the
3 post-PQV RFPs or renewals does it for two years.

4 So the blue is the first year for this class
5 and the red is the second year. So you can see that
6 there is a major increase in the number of
7 recommendations that were implemented by the second
8 year, and likewise, a decrease in those being
9 implemented and being considered, which is what you
10 would expect.

11 And it's a very similar pattern with the
12 second class. So this again is one group of grantees,
13 and the comparison of what was implemented year one and
14 what was implemented year two.

15 Now, the next four slides are just some
16 highlights of some of the significant accomplishments
17 we had with OPP oversight with different service areas
18 that got some special attention. So the Kentucky 5
19 service area, the program counsel there was very
20 actively engaged with that program.

21 There had been many issues there and lots of
22 transitions in leadership. And so he facilitating

1 hiring an experienced interim director, which made a
2 huge difference, who then became a mentor for the new
3 executive director that was hired.

4 Through special grant conditions and other
5 contacts and also in collaboration with OCE, we worked
6 on responsible fiscal management. We also assisted and
7 promoted board training and strategic planning. And as
8 I said, we did this through special grant conditions
9 and heightened contact with the grantee.

10 CO-CHAIR FATHER PIUS: Things like this, I
11 think, are excellent because it helps reinforce that
12 we're not here just to make sure they're checking off
13 rules, but we're really here to make sure that the
14 program is being as good as it can be and providing the
15 quality of service that we end for the poor that we
16 mean to help.

17 MS. LABELLA: Right. And we identify programs
18 each year that are in need of special attention. And
19 so we work with them more carefully to try to move them
20 forward. It's our goal to give them special assistance
21 so that they can move forward.

22 Now, this of course is the Michigan 13 service

1 area. I think you're familiar with that.

2 CO-CHAIR FATHER PIUS: We've gotten a few
3 emails.

4 MS. LABELLA: Right. And this one we changed
5 the grantee for 2016, and that was after a year of
6 extensive oversight by both --

7 MS. JENNINGS: Two.

8 MS. LABELLA: Two years -- of both OPP and OCE
9 capability assessment visit, and OCE, of course,
10 oversaw a fiscal assessment visit as well as a
11 consultant that went out.

12 CO-CHAIR FATHER PIUS: And how is the new
13 grantee -- they at this point are the grantee? It's
14 all switched over?

15 MS. LABELLA: Correct. Now, they're
16 transitioning in. They have not received a full grant
17 yet. They are transitioning in --

18 CO-CHAIR FATHER PIUS: What are they on, like
19 a one-year or just a temporary --

20 MS. LABELLA: Well, they have a two-year grant
21 term. However, they have not got -- the funds are
22 issued on a monthly basis.

1 CO-CHAIR FATHER PIUS: Right. Got it. Right,
2 right, right, right, right, right, right.

3 MS. LABELLA: So they haven't received 100
4 percent yet because they're ramping up. They've
5 identified offices. They've started to hire staff.
6 They've opened intake. They've expanded their call
7 line. So they're rapidly moving forward and making
8 very good progress.

9 MS. JENNINGS: And we have a joint OCE/OPP
10 technical assistance team that is in contact with them
11 regularly so that they can come with any questions that
12 they have and we will provide answers for them to help
13 them set up and facilitate their full potential.

14 MS. LABELLA: And this one is American Samoa,
15 where we had a new grantee beginning in 2015. And here
16 again, the program counsel liaison has worked very
17 closely, not just with the program but also with a
18 consultant who was providing mentoring and support.

19 And they've made a lot of progress. I mean,
20 they started out as a startup organization, and
21 throughout the year they've opened -- this is in 2015
22 -- 223 cases. They closed 115, including seven

1 extended cases. So we've been very pleased with their
2 progress as well.

3 And lastly, this is a service area in
4 Pennsylvania that also went through some leadership
5 transition and challenges. And so there again, our
6 liaison was very, very actively involved, not just with
7 the program but also with the Pennsylvania state
8 justice partners and the other grantees in the area to
9 provide mentoring and support to the new executive
10 director.

11 And here's a situation, Julie, where we've
12 done multiple program engagement visits in order to
13 follow up and follow through with recommendations that
14 we've made.

15 And that's it. Any more questions?

16 CO-CHAIR FATHER PIUS: Are there any
17 questions? Julie?

18 MS. REISKIN: Just a comment. This is
19 fantastic work, and it's really great to get the
20 overall picture. I would say that your acronym naming
21 convention may need a bit of work.

22 (Laughter.)

1 MS. REISKIN: But other than that, this is
2 fantastic.

3 PRESIDENT SANDMAN: My colleagues will know
4 that I regulatory declare war on acronyms. I have not
5 been successful.

6 (Laughter.)

7 CO-CHAIR FATHER PIUS: The WOA, the War on
8 Acronyms?

9 (Laughter.)

10 CO-CHAIR FATHER PIUS: No, this is very good.
11 I think this is excellent. And I'm glad we're doing
12 this, and I certainly want to keep this up. And I want
13 to give feedback as well on some thing.

14 Like I said, my suggestions for the future,
15 given the difficulty of finding the most recent,
16 figuring out some way to get to us the information on
17 the most recent visits and the most recent final
18 reports.

19 And I think that might be helpful, too, is a
20 graph or a chart, maybe, not just of the number of
21 visits but the number of final reports that have been
22 issued as well so we can get an idea because there was

1 a little lag about that. But just to give us the idea
2 of the scope of the work that's being done by the
3 office in terms of the review, and just to make sure
4 that it's being done efficiently with a followup so
5 that we can get that information a little bit.

6 But I think, for the most part, the
7 information that we have here is excellent. It really
8 helps, I think, us in getting an idea of the work
9 that's being done and a broad view of the quality
10 reports being done with a grantee. So thank you.
11 Thank you very much on that.

12 Does anybody have any other questions?
13 Comments?

14 (No response.)

15 CO-CHAIR FATHER PIUS: No? All right. That's
16 it. All right. Thank you very much. I appreciate the
17 meeting. We might get out of here early, an early
18 lunch. So thank you both very much. And I assume
19 everybody got the PowerPoint. If anybody hasn't gotten
20 it, just ask Janet and I'm sure she can email it to
21 you. But you should have gotten the PowerPoint a
22 couple days ago.

1 All right. With that done, I'll now open the
2 floor to any public comment.

3 (No response.)

4 CO-CHAIR FATHER PIUS: Seeing no one rising, I
5 will move to consider and act on any other business.
6 Is there any other business that the committee should
7 consider?

8 (No response.)

9 CO-CHAIR FATHER PIUS: All right. Then I will
10 carry a motion to adjourn the meeting.

11 M O T I O N

12 CO-CHAIR VALENCIA-WEBER: So moved.

13 CO-CHAIR FATHER PIUS: So moved by Gloria. Is
14 there a second?

15 MS. REISKIN: Second.

16 CO-CHAIR FATHER PIUS: Second by Julie. All
17 in favor?

18 (A chorus of ayes.)

19 CO-CHAIR FATHER PIUS: I didn't hear any nays.
20 All right. This meeting is adjourned. Thank you.

21 (Whereupon, at 12:02 p.m., the committee was
22 adjourned.) * * * * *