

Summary of LSC Board Meeting

November 19-20, 2004

Cincinnati, Ohio

Board Visit to Legal Aid Society of Greater Cincinnati

On Friday morning, November 19, the Board had an opportunity to visit the main office of the Legal Aid Society of Greater Cincinnati to hear from members of the program's staff about some of the services it provides to clients. The Legal Aid Society of Greater Cincinnati, (LASGC) founded in 1908, serves 7 counties with a total population of 1,638,173 (338,864 are eligible for legal services) out of three offices and a staff of 77 including 35 attorneys. LASGC's predominant services are in the areas of family law, domestic violence, housing and economic survival issues that include consumer law, public benefits issues and employment opportunities.

The Board heard from staff about three of its focus areas which in combination strive to open doors to employment and education opportunity. The TeamChild program focuses on keeping at-risk children in school by providing a range of legal services to children who are involved with the delinquency system. LASGC works with numerous community agencies that focus on helping low income persons find and keep employment. LASGC's role is to provide representation by staff or through its pro bono program to clients that have legal problems such as rent disputes, domestic cases or minor criminal conviction records that imperil their efforts to retain employment. LASGC attorneys assist with community development activities in two neighborhoods, Price Hill and Madison, to improve housing, revitalize business districts and reduce crime by helping community based groups enforce housing codes, create economic development plans and increase opportunities for homeownership. Additionally there is a vibrant Private Attorney Involvement program with 600 attorneys and 13 law firms participating by providing legal help in these focus areas as well as individual representation in the core service areas of family, housing and public benefits.

Patricia Pap the Executive Director of the Management Information Exchange (MIE) reported on the services MIE provides to legal services programs including training, consulting and publishing to facilitate excellence in leadership, management and fundraising in legal services programs.

Board Meeting

The Legal Services Corporation Board met on November 20, 2004 in Cincinnati Ohio. In attendance were Chairman Frank B. Strickland, Vice Chairman, Lillian BeVier, Robert J. Dieter, Herbert S. Garten, David Hall, Thomas R. Meites, Florentino A. Subia, Michael McKay and Ernestine Watlington, Thomas A. Fuentes and Maria Luisa Mercado (by telephone). Bernice Phillips board nominee was also in attendance.

Board Members Reports

Vice Chairman, Lillian BeVier reported that she and Board member Thomas R. Meites participated on a panel on pro bono services at a Federalist Society meeting and gave a detailed presentation on the work of LSC and its recipient programs. She noted that many members of the Federalist Society do not favor LSC or pro bono activities, but they did not know what LSC does and that the panel discussion was enlightening to those in attendance. David Hall reported that he hosted President Barnett at a reception at Northeastern University Law School attended by the Dean and Associate Dean of Northeastern School Law, the Executive Director of the LSC funded program in Rhode Island, the Executive Director of the LSC funded Volunteer Lawyers Program in Boston, the Executive Director of the non-LSC funded program in Boston, the Executive Director of the Massachusetts Legal Assistance Corporation, and the Director of the Hale and Doar Clinic at Harvard Law School. Herb Garten reported that made a presentation about LSC at the Maryland State Bar Association Board of Governors meeting at which he explained the breath and depth of activities of LSC. He also reported that he was appointed as special advisor to Standing Committee for Legal Aid and Indigent Defendants (SCLAID) by the President of the American Bar Association. Maria Luisa Mercado reported that she, along with other *pro bono* attorneys across the country, participated in the National Adoption Day. Michael McKay reported he was the keynote speaker at an open house to increase funding for legal services programs in the state of Washington.

President's Report

President Helaine Barnett reported on the grant competition process that will be completed shortly with the grants award announcement to be made in early December; the third 2004 all staff meeting at LSC; the meeting with representatives of the migrant community to discuss issues of concern to the migrant community; the one-time emergency disaster relief grants totaling \$349,912 awarded to three programs because of the hurricanes that struck Florida and the Southeast; the Legal Services of New York's Manhattan Dinner – recognizing the collaboration and partnership of funders, of advocates and the City Bar Association for their remarkable response to the disaster of 9/11 and the coordinated efforts of attorneys who assisted those affected by 9/11. She reported that she had attended the Tennessee Equal Justice Conference; the Technology Initiative Grant Press Conference, in Boise, ID announcing the award of an LSC Technology Initiative Grant totaling almost \$178,000 to Idaho Legal Aid Services to make legal forms and access to justice more available through the use of technology and the internet; her presentation of the Sherman J. Bellwood Memorial Lecture at the University of Idaho College of Law in October, the Equal Justice Works Conference panel discussion for public interest law placement counselors of law schools. She discussed the second Pilot Joint OPP/OCE Visit to Nassau/Suffolk conducted in October; the Loan Repayment Assistance Program (LRAP) Task Force activities; LSC's quality agenda including an effort to revise the LSC Performance Criteria; LSC's Mentoring Project including collaborations with leaders of the National Legal Aid and Defender Association (NLADA) and Management Information Exchange (MIE); meetings with representatives of the American Bar Association and NLADA and others to discuss possible approaches to documenting the current unmet civil legal needs in the current landscape; and an update on plans for the Thirtieth Anniversary

Ceremonies, and the first gathering of all Executive Directors of LSC grantees on November 30th and December 1st respectively.

Inspector General's Report

Inspector General Kirt West said that the OIG closed its audit of California Rural Legal Services (CRLA) determining that CRLA's Corrective Action Plan (CAP) adequately addressed the recommendations of the OIG. He has asked Management for clarification regarding LSC's guidance implementing the program integrity requirement as well as the requirement that grantees identify their clients and prepare written statements of fact. He announced that he has completed the OIG Semiannual Report to the Congress and his audit of the LSC Board of Directors travel. He also listed some of his future activities including a review of the lease at 3333 K St, and a safety review of the building as well as looking at the TIG grants and PAI audits. He plans to wrap up the OIG's Efficiency and Effectiveness Mapping Project and make a presentation at the February Board meeting. He plans to modify the Guidance to Independent Public Accounts. His office is completing two Integrity Audits and will be the subject of a peer review.

Provisions for the Delivery of Legal Services Committee Report

David Hall, Chairman of the Provisions for the Delivery of Legal Services Committee, gave the report of Friday's meeting. He commended Richard Cullison, Executive Director; Howard Tankersley Vice President of the board, Lea Webb staff attorney, Holly Delaney Interpreter and Immigration Specialist and Marisol de la Borda client of Legal Aid of the Bluegrass (LABG) for their excellent presentations. He noted that the Committee has been receiving presentations at its meetings on how to define quality legal services for clients and that Mr. Cullison added a unique perspective by adding two new criteria which are: 1. Can a program implement a new program that it had not done before?, and 2 Does a program have the capacity to adapt to an emergency situation? He summarized LABG's presentation on how--when the Spanish- speaking population in its service area increased by approximately 700% in three years --LABG created a new program to provide services to that Spanish- speaking population of clients with domestic violence problems by seeking and receiving a grant to hire new staff who speak Spanish. The success of LABG's domestic violence project helped LABG receive a Violence Against Women Act grant to fund an additional Spanish-speaking attorney and paralegal for 2005. Professor Hall also reported on LABG's response to the long term care Medicaid crisis in Kentucky when in 2003 the Kentucky Department of Medicaid Services promulgated new level of care regulations defining much stricter eligibility criteria for Medicaid eligibility for nursing home residents. The result of these changes would have made as many as 3,500 nursing home residents ineligible for Medicaid and cause their discharge from the nursing home. LABG and other organizations used a combination of strategies to address the crisis including filing numerous individual appeals for clients threatened with loss of Medicaid benefits and litigation to overturn the new regulations.

Hall also reported that President Barnett provided a status report on the Mentoring Program in which she explained that the LSC staff committee met in June with the leaders of NLADA who are responsible for their leadership and diversity initiatives and who challenged LSC to broaden its concept of the design of its mentoring program beyond a one-on-one mentoring relationship.

LSC is looking to see if there is an effective way to combine one-on-one mentoring with training and support for a larger pool of diverse participants. LSC is collaborating with the NLADA and MIE in the development of a leadership training curriculum and as part of that effort is looking to revise NLADA's core competencies for its public defender leaders to reflect the different skills required for LSC funded civil programs leaders. In early December LSC staff will meet with the Executive Director of MIE, which conducts new director training and other leadership programs. LSC plans to continue to meet on a regular basis to develop its recommendations in time to present them to the Provisions Committee at the Board meeting in February.

Operations and Regulations Committee Report

Thomas R. Meites, Chairman of the Operations and Regulations Committee, presented the report of the Committee, which met Friday and before the Board meeting on Saturday. Mr. Meites reported that the Committee heard a presentation by Mr. Dean Andal asking that the Committee recommend changes in 45 CFR Part 1617, Class Actions to the Board. The Committee was not prepared to make its recommendation to the Board and asked staff to report to it at the February meeting on the number of dormant class action cases that are still open in recipient programs. Mr. Meites reported that the Committee deferred any action on 45 CFR Part 1611, Eligibility until its next meeting. The Board addressed and adopted the resolution on reorganization which abolishes the position of Vice President of Compliance and Administration and Vice President for Government Relations and Public Affairs; establishes the position of Chief Administrative Officer, and changes the title of the office of Vice President for Programs to the Vice President for Programs and Compliance, and changes the title of the Vice President for Governmental Relations and Public Affairs to Director, Vice President for Governmental Relations and Public Affairs. The Board instructed management to send a letter notifying Congress of these changes.

Finance Committee Report

Robert J. Dieter, Chairman of the Finance Committee, presented the report of the Committee, which met earlier that day. After hearing from the Inspector General and Management on the Inspector General's obligation to pay rent to LSC for 2004 and 2005 the Board instructed the IG and management to seek an opinion from the Comptroller General of the United States to determine if the Inspector General is so obligated. The Board also voted to increase the 2006 budget from \$362,900,000 to \$363,109,000 and increase the Management and Administration line by \$209,000, the amount of rent to have been paid by the OIG. The Board voted to increase the Directors and Officers liability insurance coverage from \$1,000,000 to \$5,000,000.

The Board adopted the Inspector General's Semiannual Report to Congress for the period of April 1-September 30, 2004 and LSC Management's Response.