

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS
OPEN SESSION

Saturday, July 30, 2005

9:05 a.m.

Hyatt Regency Monterey
Monterey, California

BOARD MEMBERS PRESENT:

Frank B. Strickland, Chairman
Lillian R. BeVier, Vice Chairman
Herbert S. Garten, Board Member
David Hall, Board Member
Michael D. McKay, Board Member
Thomas R. Meites, Board Member
Maria Luisa Mercado, Board Member
Florentino A. Subia, Board Member
Ernestine P. Watlington, Board Member

STAFF AND OTHERS PRESENT:

Helaine Barnett, President, *ex officio*
Charles N. Jeffress, Chief Administrative Officer
Victor Fortuno, Vice President for Legal Affairs,
General Counsel & Corporate Secretary
David Richardson, Treasurer & Comptroller
Karen Sarjeant, Vice President for Programs &
Compliance
Tom Polgar, Director, Office of Governmental Relations
& Public Affairs
Karen Dozier, Executive Assistant to the President
Patricia D. Batie, Manager of Board Operations
Richard "Kirt" West, Inspector General
Laurie Tarantowicz, Assistant Inspector General and
Legal Counsel
David Maddox, Assistant Inspector General for Resource
Management

Thomas F. Smegal, Jr., Chairman, Friends of LSC and the
Standing Committee on Legal Aid & Indigent Defendants,
American Bar Association

Linda Perle, Center for Law & Social Policy

Julie Clark, National Legal Aid & Defender Association
(NLADA)

Don Saunders, NLADA

Jose Padilla, Executive Director, California Rural
Legal Assistance (CRLA)

and other staff and members of the public

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P R O C E E D I N G S

(9:05 a.m.)

1
2
3 MR. STRICKLAND: Let me call to order the
4 meeting of the Board of Directors of the Legal Services
5 Corporation for July 30, 2005, and welcome everybody to
6 the meeting, and first, let's entertain a -- well, let
7 me ask if Ernestine Watlington and Tom Meites are on
8 the phone and can hear us.

9 MR. MEITES: Yeah, Frank, I'm here and can
10 hear you very well.

11 MR. STRICKLAND: All right, Tom. Good
12 morning.

13 MR. MEITES: Good morning.

14 MR. STRICKLAND: Ernestine, are you there?

15 No.

16 Pat Batie is working on getting Ernestine.
17 But I think we'll -- since these are routine matters, I
18 think we'll proceed with these while we're waiting for
19 that hook-up.

20 First order of business is to approve the
21 agenda that's on page 156 in your board book. Is there
22 a motion to approve the agenda?

1

2

M O T I O N

3

MR. HALL: So moved.

4

MR. GARTEN: Second.

5

6

MR. STRICKLAND: Moved and seconded that the agenda be approved.

7

All those in favor, please say aye.

8

(Chorus of ayes.)

9

MR. STRICKLAND: Those opposed, nay.

10

(No response.)

11

12

MR. STRICKLAND: The ayes have it, and the agenda is approved.

13

14

15

16

Let's move, then, to the approval of the minutes of the board's meeting of April 30, 2005, which are in your board book, and I'm not sure exactly what page.

17

MR. GARTEN: 158.

18

19

MR. STRICKLAND: Those minutes, then, appear at page 158 and thereafter.

20

21

Is there a motion to approve the minutes of the board's meeting of April 30, 2005?

22

M O T I O N

1 MR. GARTEN: So moved.

2 MS. MERCADO: Second.

3 MR. STRICKLAND: Moved and seconded that those
4 minutes be approved.

5 Any discussion?

6 (No response.)

7 MR. STRICKLAND: All those in favor, please
8 say aye.

9 (Chorus of ayes.)

10 MR. STRICKLAND: Opposed, nay.

11 (No response.)

12 MR. STRICKLAND: The minutes are approved.

13 We now need to approve the minutes of the

14 executive session of the board found at page 190.

15 That's of the executive session of the board on April
16 30, 2005.

17 168 is the location of those.

18 OPERATOR: Ernestine Watlington now joins.

19 MR. STRICKLAND: What was that? Oh, all
20 right.

21 Good morning, Ernestine.

22 MS. WATLINGTON: Good morning, Mr. Strickland.

1 MR. STRICKLAND: We're glad to have you with
2 us.

3 MS. WATLINGTON: Thank you.

4 MR. STRICKLAND: We're just in the process of
5 approving some minutes, so you have not missed much.

6 MS. WATLINGTON: Okay.

7 MR. STRICKLAND: Did we complete that?

8 Sorry, I lost my thread there for a minute,
9 but --

10 MS. MERCADO: I don't see the minutes for the
11 executive session.

12 MS. BEVIER: Aren't they at 190?

13 MS. MERCADO: 190 is April 13th.

14 MR. STRICKLAND: Okay.

15 There are also some minutes in here, I notice,
16 on page 190.

17 It's a telephonic meeting of the board in
18 closed session.

19 M O T I O N

20 MR. STRICKLAND: Well, let's first take up the
21 minutes that are -- the executive session of April 30,
22 and I think that was moved and seconded.

1 All those in favor of that motion, please say
2 aye.

3 (Chorus of ayes.)

4 MR. STRICKLAND: Those opposed, nay.

5 (No response.)

6 MR. STRICKLAND: The ayes have it, and the
7 minutes are approved.

8 And I think it was probably an administrative
9 oversight that we don't specifically have on the agenda
10 the approval of these telephonic -- or the minutes of
11 the telephonic meeting.

12 I will ask our general counsel, if he's in the
13 room -- is he?

14 M O T I O N

15 MS. MERCADO: I move that we amend the agenda,
16 Mr. Chairman.

17 MR. STRICKLAND: All right. Is there a second
18 to that?

19 MR. GARTEN: Second.

20 MR. STRICKLAND: There's a motion to amend the
21 agenda to include an item to approve the minutes of the
22 telephonic meeting of a closed session of the board on

1 April 13, 2005.

2 So, on the motion to amend the agenda, is
3 there any discussion?

4 MS. MERCADO: We also need to include the
5 telephonic minutes of May 19th.

6 MR. STRICKLAND: Oh, good. Thank you for
7 pointing that out. I didn't realize we had some more.
8 Do you have a page reference on that?

9 MS. MERCADO: Yes, 168.

10 MR. STRICKLAND: 168.

11 All right.

12 Then would you accept a friendly amendment --

13 MS. MERCADO: Yes.

14 MR. STRICKLAND: -- to that effect, then? The
15 motion, then, is to amend the agenda to include the
16 approval of two additional executive session minutes of
17 the board.

18 On the vote to approve the amended agenda, all
19 those in favor, please say aye.

20 (Chorus of ayes.)

21 MR. STRICKLAND: Opposed, nay.

22 (No response.)

1 MR. STRICKLAND: The ayes have it, and the
2 agenda is amended.

3 M O T I O N

4 MR. STRICKLAND: Now, on the main motion of
5 approving the minutes of telephonic meetings of April
6 13 and May 19, 2005, is there a motion to approve those
7 minutes?

8 MR. GARTEN: I move.

9 MS. MERCADO: Second.

10 MR. STRICKLAND: Moved and seconded those
11 minutes be approved.

12 All those in favor, please say aye.

13 (Chorus of ayes.)

14 MR. STRICKLAND: And the nays.

15 (No response.)

16 REVIEW AND DEVELOPMENT OF STRATEGY DIRECTIONS

17 MR. STRICKLAND: Those minutes are approved.

18 We're going to move now to item 4 on the
19 agenda, which is to consider an act on the review and
20 development of strategy directions, and as I
21 understand, that discussion will be led by Charles
22 Jeffress, and it looks like he's going to be assisted

1 by Karen Dozier.

2 So, we welcome both of you to the meeting for
3 that purpose.

4 Is Jose Padilla in the room?

5 Jose, I want to make a few comments, and
6 invite board members to do the same.

7 I didn't know whether you would be here at the
8 end of our meeting, so I want to speak for myself, and
9 I'm sure I speak for the whole board in expressing our
10 appreciation for the wonderful work that you and your
11 staff did to organize our visit here.

12 I think it's been an extremely rewarding
13 experience for all of us.

14 We learned a lot, which is what we hoped to
15 do, and we've gained a lot of additional respect for
16 the work that you and your people do, and I think it
17 was very important that the board have this visit and
18 get out there among the strawberries and vegetables and
19 where your clients work.

20 So, we thank you.

21 Are any board members interested in making
22 separate comments to Jose?

1 Please feel free to do so.

2 Maria Luisa?

3 MS. MERCADO: Yes. I just not only want to
4 thank Jose but all his staff and clients who allowed us
5 to be a part of their lives for a few minutes.

6 In my 12 years that I have been on this board,
7 this has probably been the most extensive field visit
8 of actually seeing clients where they are, in the
9 conditions that they live in and that they work in, and
10 the work that we do and how that impacts their lives,
11 and I think, in that sense, we're all fortunate to have
12 that kind of assistance to our communities, because
13 then we can see the law and the work and the relations
14 and the strategic plans that we do, that these are the
15 people that we're representing and that we're
16 impacting.

17 And the other thing that pointed out to me
18 even more clearly, because I am from Texas, and I think
19 I may have mentioned this on our bus, but the reality
20 is that not all states have moved as much to try and
21 protect farm workers' rights in housing and employment
22 and health conditions as California has, and that has

1 been solely possible because of the work that our legal
2 services funding has done through CRLA, that in other
3 states, and in particular, Texas, that farm workers
4 don't have the rights that they have here. The housing
5 conditions and working conditions are deplorable, and
6 that is true in other states where there are farm
7 workers.

8 So, we have a lot of work to do as a legal
9 services community to try and at least bring some
10 dignity into this community.

11 (Pause.)

12 MR. STRICKLAND: Maria Luisa, do you want to
13 summarize your statement?

14 MS. MERCADO: Just in summary, Mr. Meites and
15 Ernestine, who are on the phone, is that basically our
16 ability to see our client community that we represent,
17 that our funding and our laws that we are, as fiduciary
18 members of the LSC Board of Directors, and of course,
19 our staff and our management team, do -- that it is
20 helpful for us to see the real live faces of the people
21 we represent, but to understand that there is still a
22 huge segment, a significant percentage of people that

1 aren't represented, that continue to not be
2 represented, that they haven't had the impact of
3 changing some of the laws and some of the health and
4 safety and employment and housing situations as perhaps
5 the California workers have to some extent, but that we
6 have a lot of work ahead of us, and so, then, we were
7 fortunate -- and even as bad as these conditions are,
8 to recognize that there are even worse conditions in
9 other states and other areas that don't get the benefit
10 of our funding and of our work, and so -- but in any
11 event, we're still very grateful for the clients to
12 have allowed us to sort of open a little window in
13 their lives.

14 Thank you again.

15 MR. STRICKLAND: Jose, again, we thank you.

16 Yes, sir.

17 MR. MCKAY: Just a quick comment.

18 Mr. Padilla, it's one thing to read about
19 these issues. It's another thing to speak with you and
20 your colleagues, as we have over the past months. It's
21 something else to be out there and to see it, and it
22 really was impressive and very helpful, certainly for

1 me, and it sounds like for the entire board, echoing,
2 of course, what Maria Luisa just said. So, that's
3 point number one.

4 Point number two: This was a ton of work, and
5 the logistics of your trip -- everything worked out
6 perfectly, and again, that's really a product of the
7 hard work of you and your staff, and we're very
8 appreciative for all of that.

9 Thank you.

10 MR. STRICKLAND: Thanks for being with us
11 today.

12 Okay.

13 Charles, we are ready to turn the program over
14 to you for a while, and lead us in the direction that
15 you choose to do so.

16 Go ahead.

17 MR. JEFFRESS: Thank you, Mr. Chairman.

18 That's quite a license, to lead you in the
19 direction I choose to do so. I will respect, however,
20 the direction I got from President Barnett.

21 Helaine asked me -- I guess the first week
22 that I was on the job -- to help lead the discussion

1 about strategic directions, and I'm glad to do so. I
2 do have some previous experience with this strategic
3 goal planning in the various positions I've had before.
4 I also happen to believe in it. I think it's a good
5 thing to do.

6 So, I'm delighted to see the board is
7 interested in doing this and that you all had a
8 discussion in April about how to proceed with it.

9 So, I'm happy to be a part of it.

10 MR. STRICKLAND: Charles, let me interrupt
11 just for a minute to make sure that Tom Meites and
12 Ernestine can hear with the portable mike.

13 Can you hear Charles?

14 MR. MEITES: I get about a sentence and that
15 it cuts off for a sentence. So, we're getting about
16 every other sentence, and that was also true of Maria
17 Luisa and Mike's remarks.

18 MR. STRICKLAND: Okay. We've got our sound
19 technician here, I believe.

20 (Pause.)

21 MR. STRICKLAND: Okay, Tom and Ernestine, can
22 you hear us better now?

1 MS. WATLINGTON: Yes. I don't hear the buzz.

2 MR. STRICKLAND: Okay. The buzz is gone.

3 MS. WATLINGTON: Yes.

4 MR. STRICKLAND: So, this is a better
5 connection for us.

6 MS. WATLINGTON: All right.

7 MR. STRICKLAND: All right.

8 We'll resume where we left off, then, before
9 that technical difficulty, and we thank David Hall for
10 suggesting the resolution.

11 Charles, go ahead with your agenda.

12 MR. JEFFRESS: All right. Thank you, Mr.
13 Chairman.

14 And Mr. Meites and Ms. Watlington, if, at any
15 point, you can't hear me, let me know and I'll shift to
16 a different microphone.

17 MS. WATLINGTON: You sound good. I can hear
18 you.

19 MR. JEFFRESS: Mr. Meites, can you hear me all
20 right, as well?

21 MR. MEITES: Yes, fine. Thank you.

22 MR. JEFFRESS: Okay. Good.

1 I passed out this morning -- and we tried to
2 get to Mr. Meites and Ms. Watlington -- an agenda for
3 this part of the discussion this morning. You have it
4 in front of you, and you also have a copy of the slides
5 that I intend to use during this strategic directions
6 presentation.

7 So, that's on the table in front of you.
8 There's no new information in that. It was all in your
9 board book ahead of time, so this is nothing new, but I
10 did want you to have a copy of the slides that I intend
11 to use this morning.

12 Mr. Meites, did you get those slides and the
13 agenda?

14 MR. MEITES: I did.

15 MR. JEFFRESS: Ms. Watlington, did you get
16 them?

17 MS. WATLINGTON: Yes, I did, too.

18 MR. JEFFRESS: Okay. Well, good.

19 The plan for the development of the Strategic
20 Directions 2006-2010 you all laid out in your April
21 board meeting.

22 Let me just revisit that briefly.

1 The current strategic directions document that
2 we have expires at the end of 2005.

3 So, we need to adopt one for 2006 to 2010, and
4 the goal -- our goal in doing this is to get it adopted
5 by January 2006.

6 We would hope to present to you at your board
7 meeting in January the final version for adoption of
8 the strategic directions plan for 2006-2010.

9 In order for us to get there, to get you a
10 final by then, we anticipate providing you a draft plan
11 at your October meeting for you to review and approve,
12 and after the October meeting, we'll then go out for
13 public comment and take comments from our various
14 stakeholders and others who are interested in
15 commenting on that draft plan and present back to you
16 in January the draft plan, any public comment we have,
17 so you could then adopt the final one.

18 So, your October meeting, you'll get the
19 draft.

20 So, where we are today, here in July, is to
21 talk about the concepts that you all would like to see
22 in the draft plan for strategic directions for the

1 corporation.

2 In order to -- one other thing about your
3 April meeting.

4 In addition to wanting to do the strategic
5 directions and setting out this kind of goal, you
6 mentioned two things that you wanted done.

7 First, you want a report on what the
8 corporation had accomplished in the last five years.

9 From 2000 to 2005, we had strategic directions
10 document, and the staff has produced a report that's in
11 your notebook, was in the advanced notebook, on page
12 183, that gives you a summary of what we accomplished
13 over the last five years.

14 It's a relatively short three-or-four-page
15 report produced by the staff that reflects on the goals
16 that were set out by the previous board, what we did
17 during the last five years, and efforts to achieve that
18 goal.

19 I don't intend to refer to that document a lot
20 in terms of developing the goals for the next five
21 years, but in order that you all have some information
22 and what you asked for in terms of the report on the

1 last five years, I wanted you to know that's in your
2 book, and if you want to refer to that during the
3 course of this morning, we can.

4 The second thing that you asked at the April
5 meeting was that we work with the Office of Management
6 and Budget on developing our goals and objectives.
7 While we as a designated Federal entity are not
8 required to comply with the Government Performance and
9 Results Act or the program assessment and results tool
10 that OMB had developed, nevertheless those are things
11 OMB has asked Federal agencies to do.

12 It provides information in a format that they
13 and the Congress are used to, and so, we thought it
14 would be useful and you all thought it would be useful
15 for us to try to conform, where useful, to that
16 guidance.

17 So, I have met with the representative from
18 OMB, who has been designated to work with us on this,
19 Diana Simpson, have shown her what you all have seen in
20 your board book, and will be working with her to make
21 sure that, as we go forward, we go forward on a path
22 that is consistent with what they expect. We will not

1 be held to all of the reporting deadlines and all the
2 requirements of those acts. At the same time, we do
3 want to be in conformance with the intent of those acts
4 and those requirements.

5 So, we're trying to be faithful to what you
6 asked us to do in April.

7 I know you also were interested in having a
8 facilitator assist you in this process today. I've
9 been designated to be that facilitator, so I'm happy to
10 play that role doing this today, and presumably, if it
11 goes well today, you all will let me do it again in
12 October.

13 If it doesn't, if someone else is here in
14 October, I'll get the message, and we'll do something
15 different.

16 As a way of what we want to do for the board
17 discussion today, we found it helpful in working with
18 the staff to work through first what we agreed our
19 mission should be as a corporation, then to work
20 through what our different goals, potential goals might
21 be for the next five years, and then to work through
22 what kind of strategies would be appropriate to achieve

1 those goals that we set out.

2 So, I would propose to do the same thing with
3 the board today, if that's agreeable with you all, and
4 during the next few minutes, talk about the mission
5 statement that we have laid out, different pieces of it
6 that have appeared in different documents over the
7 years, make sure you're comfortable with that, see if
8 you have ideas or suggestions for modifying that. We
9 will record those and make those modifications. Then
10 do the same thing for the goal, the goal ideas, talk to
11 you about what goals you have for the corporation, see
12 whether the goal ideas the staff has presented are
13 appropriate, modify those, and record those for the
14 next draft. And then, finally, to look at the
15 objectives and strategies under each goal, the ideas
16 that the staff has come up with, and see whether those
17 are appropriate for your -- according to your thoughts,
18 whether you'd like to add or change or modify.

19 All these things, though, that have come to
20 you in the board book and that I'm going to put on the
21 screen today are simply ideas and suggestions from the
22 staff.

1 We in no way at this point presume to speak
2 for the board. We're trying to give you information
3 for you to review and approve as we go forward in the
4 process.

5 Karen has offered to assist me as we go
6 through the first step, which is to -- let me stop
7 there. Are there questions about the process or what
8 we're going to do today?

9 (No response.)

10 MR. JEFFRESS: And I'm happy to take as much
11 or as little time as you like in going through this.
12 So, any time you want to speed it up or slow it down,
13 let me know.

14 Karen is going to assist me as we go through
15 the mission statement.

16 The draft mission statement -- and Karen has
17 written it on the board. It's also in the first slide
18 in the handout that I gave you.

19 The LSC mission statement has taken different
20 form over the years.

21 The act has about three-quarters of a page of
22 findings and purpose for the Legal Services

1 Corporation.

2 Our website has a restatement of that in
3 different ways.

4 Our annual reports have had restatements of
5 that in different ways.

6 The 2000-2005 strategic directions document
7 didn't actually have a mission statement. It did refer
8 to the purposes of the act.

9 But we felt like, in setting out our strategic
10 directions for the next five years, that we ought to
11 have a clear mission statement that defines what the
12 mission of the organization is.

13 So, as you see in front of you, or on the
14 screen for those in the audience, the staff's
15 suggestion is that the mission statement be: LSC's
16 mission is to promote equal access to the system of
17 justice in our nation and to provide for high-quality
18 civil legal assistance to low-income individuals and
19 families.

20 And then in parentheses -- and this reflects
21 staff uncertainty as to whether it's necessary in
22 this -- "consistent with Federal guidelines."

1 One thing I would point out about the -- two
2 things I would point out.

3 One, "consistent with Federal
4 guidelines" -- some folks don't feel we need that, that
5 of course we're going to be consistent with Federal
6 guidelines, so it's really not necessary to include
7 that. On the other hand, there has been a lot of
8 concern in Congress about whether, in fact, the LSC
9 grantees are complying with the guidelines, so there
10 was a thought that perhaps putting it in the mission
11 statement would make it very clear that that is
12 important to us.

13 We look to you all for direction on that
14 particular piece of it.

15 The second thing I would point out is the
16 mission statement actually has two parts, two phrases.

17 First is promoting equal access to the system
18 of justice in our nation. That's the first phrase.

19 We're promoting equal access to the system of justice.

20 And the second is to provide for high-quality civil
21 legal assistance to low-income individuals and their
22 families.

1 So, the providing high-quality civil legal
2 assistance is clearly what we do by making the grants
3 to the grantees, and by doing our monitoring and
4 performance evaluations of the grantees, but the
5 broader view, trying to promote the pro bono
6 activities, doing other things to promote equal access
7 to justice, would be captured by that first phrase.

8 So, I offer to you that draft mission
9 statement, the idea from the staff for the separate
10 phrases, and its thought about whether or not we need
11 to talk about "consistent with Federal guidelines." I
12 would love some of your observations and advice and
13 response to that.

14 Mr. Chairman, do you want to call on folks?
15 Would you like me to call on folks?

16 MR. STRICKLAND: No, I think it's probably
17 going to be more workable, since you're presiding at
18 this point, if you do that.

19 MR. JEFFRESS: Okay.

20 Mr. McKay raised his hand first.

21 MR. MCKAY: First, I agree with staff. It
22 isn't necessary to add the clause "consistent with

1 Federal guidelines," but I think because of the concern
2 expressed, we ought to be -- we ought to give
3 considerable thought to keeping that clause there
4 without the parentheses, so that it's clear to those
5 who are watching us from a bit of a distance that it is
6 in the forefront of our mind, it's an important part of
7 our mission statement that we act consistent with the
8 Federal guidelines. So, I think I agree with staff,
9 but I think it ought to stay in.

10 By the way, since I have the floor, I do think
11 your approach here today, starting with the mission and
12 then moving to the goals and strategies, is a good
13 approach.

14 MR. JEFFRESS: Thank you.

15 MS. BEVIER: This is perhaps a trivial one,
16 but in -- you have "low-income individuals and
17 families."

18 In 1611, when the ops and regs committee was
19 looking at that, we changed "families" to "households,"
20 and I'm just wondering whether that would be an
21 appropriate change or addition or something to the
22 mission statement.

1 I think there's actually perhaps a number of
2 political issues that are kind of suppressed by just
3 making the change or by -- you know, that those two
4 words really do connote different things to different
5 people, but you know, there's a potential inconsistency
6 in our regs with our mission statement if we're
7 offering, you know, income to -- we take into account
8 the household income and not the family income.

9 So, I'm not sure what to do about that. I'm
10 just kind of pointing it out, and after all we've done
11 with 1611, I just hate to go back and change that one
12 word.

13 It's a point for you to consider, I would
14 think.

15 MR. JEFFRESS: I would just looking at our
16 legislative -- our congressional charter, and it does
17 not mention families.

18 It simply says low-income purposes, low-income
19 persons.

20 So --

21 MS. BEVIER: Okay.

22 MR. JEFFRESS: -- households would, you know,

1 be perfectly consistent with that.

2 Other thoughts on that?

3 MS. BEVIER: Well, the idea, too -- I mean
4 sort of the way courts have gone with interpreting
5 family -- they've basically made it a very inclusive
6 concept because of the -- you know, the notion that the
7 traditional family is not so traditional anymore and
8 that we want to include people that are living in
9 family-like arrangements.

10 So --

11 MS. MERCADO: Actually, for the -- I don't
12 know whether it was called a mission statement or the
13 purpose of LSC.

14 In the way that we defined it, at least for
15 the goals for 2000-2005, I think it was to the -- to
16 the poor, as opposed to low-income individuals,
17 and -- so that you don't have the automatic delineating
18 of every kind of possible poor person or individuals.
19 You know, I think that we struggle a lot between the
20 poor or poor persons or poverty, but I think I prefer
21 to have either the poor or low-income individuals,
22 because you do -- I agree with Ms. Bevier that you

1 start defining and excluding possibly -- putting only
2 individuals and families and no other categories,
3 including groups or organizations that we might
4 represent.

5 I mean there's a whole category of things that
6 we can and cannot do when you limit it that way.

7 And the other thing, "consistent with Federal
8 guidelines" -- in mission statements, you generally
9 have sort of an overall goal or purpose or philosophy
10 of who you are. When you start defining -- as in
11 defining families and individuals, and you start
12 defining Federal guidelines -- well, are we also going
13 to be in compliance with ADA, all those other kinds of
14 things?

15 Then you start delineating all the specific
16 things that you're going to comply with, and so that if
17 you have it in representing the poor or low-income
18 individuals without the other definitions, that you do
19 that in your defining steps or directions or your
20 strategy for how you're going to do that, and then it
21 has all the other categories on it.

22 I mean I -- for a mission statement, I think

1 it's better if it's broader, in a sense, than more
2 defined.

3 MR. JEFFRESS: We've got comments on both of
4 these points here, now, and then two different
5 perspectives on "consistent with Federal guidelines,"
6 and some thoughts about low-income individuals and
7 families versus low-income individuals and households
8 versus just to the poor.

9 MR. McKAY: Or maybe responding directly to
10 Lillian's concern, simply dropping "families,"
11 low-income individuals.

12 MS. MERCADO: That would be good. I would
13 agree with that. That would be better.

14 MS. BEVIER: That certainly does eliminate the
15 problems that I was raising and the problems that Maria
16 Luisa was raising.

17 MR. JEFFRESS: Our statute clearly says
18 low-income persons, so that would be consistent with
19 the statute.

20 I think in the staff's rendition and
21 development of this, it wanted to emphasize some of the
22 services we provide are just -- are not just to

1 individuals. In fact, we're keeping people in their
2 homes, and that's more than individual service, and so,
3 I think the staff is trying to help communicate to the
4 public that we're not just helping people one at a
5 time, that there is a broader sense of service to the
6 family.

7 I think that's why it's there.

8 I'm not suggesting that that's necessary but
9 just bringing you that perspective.

10 MS. MERCADO: If our statute actually does say
11 low-income persons, then, in being consistent in what
12 it is, it probably would be better to put low-income
13 persons, as opposed to individuals, and "persons" also,
14 in legal terminology, has a broader perspective of who
15 a person may or may not be that you represent.

16 MR. GARTEN: Another possibility would be just
17 to provide for high-quality civil legal services to the
18 poor and leave out low-income individuals and families.

19 MS. WATLINGTON: This is Ernestine. I think
20 in discussing -- I don't think -- they don't like the
21 word just "poor."

22 I mean I think "low income" sounds much

1 better.

2 MS. BEVIER: Low-income persons.

3 MR. JEFFRESS: We could go back to what the
4 statute says, low-income persons. That actually, after
5 all, is what Congress said.

6 MR. STRICKLAND: That might be the safest
7 alternative, just to go right from the statute, and
8 persons could be a more inclusive term, if you will.

9 MR. JEFFRESS: Let me get Karen just to put
10 that up there so you all can see how that would read
11 there.

12 Let's strike "to low-income individuals and
13 families," Karen, and put "persons" in place of that.
14 We'd keep the "low-income," right?

15 MR. GARTEN: I have a question.

16 MR. JEFFRESS: Yes, Mr. Garten.

17 MR. GARTEN: If we deleted the phrase
18 "consistent with Federal guidelines," which, to me,
19 makes a more complicated statement, and had something
20 to that effect within the mission statement itself,
21 confirming, of course, that everything we do has to be
22 consistent with Federal guidelines, is that a

1 possibility?

2 MR. JEFFRESS: Well, certainly, as with the
3 last strategic directions document, there will be more
4 narrative developed to we go along with these
5 statements.

6 So, we could, in that narrative, talk about
7 "consistent with Federal guidelines" if it seemed to
8 encumber this clear statement. We could take it out of
9 the statement and put it in a broader narrative.

10 MR. GARTEN: That would be my preference.

11 MR. JEFFRESS: We do feel a need to make that
12 clear, that whatever we do will be consistent with
13 Federal guidelines.

14 I guess the only issue is, does it need to be
15 elevated to the mission statement, or can it be in a
16 narrative that goes with that statement?

17 This statement, once we adopt it, once you all
18 adopt it, I would hope would become the lead on our
19 website, it would become the lead in our annual report,
20 it would become a significant part of your report to
21 Congress.

22 So, this statement will be something I would

1 hope that we would use for the next five years, and
2 keep referring back to it when we talk about our
3 purpose.

4 MS. BEVIER: I have one question.

5 MR. JEFFRESS: Yes.

6 MS. BEVIER: I'm sorry about this.

7 MR. JEFFRESS: Don't apologize. This is a
8 brainstorming session.

9 MS. BEVIER: Yeah, okay.

10 Well, I'm a little put off, I guess I should
11 say, by the "to the system of justice in our nation."
12 It's just -- I think it's just simple justice that
13 we're trying to provide access to, and somehow or
14 other, when we talk about the system of justice, that
15 term just has a lot of other stuff going on in it. So,
16 I think what we want for these -- for the people that
17 we're trying to serve is just plain justice, which
18 implies legal rights being enforced.

19 MR. JEFFRESS: So, you're suggesting equal
20 access to justice in our nation.

21 MS. BEVIER: Yes.

22 MR. JEFFRESS: The terminology that's there

1 comes out of the congressional finding. The first
2 finding in the act says there is a need to provide
3 equal access to the system of justice in our nation for
4 individuals who seek redress of grievances.

5 So, that's where that language came from, but
6 as you say, it is in some ways broader than just the
7 system of justice, and this does go on in other parts
8 of the findings to talk about improving opportunities
9 for low-income persons, and so, it does have broader
10 parts of the mission than just that, but that is where
11 the language came from.

12 MS. BEVIER: Yeah. Well, you know,
13 sometimes -- there's a lot of criticism about
14 how -- the way the system of justice is working at the
15 present time, and so, equal access to the system of
16 justice might not be --

17 MR. JEFFRESS: -- sufficient.

18 MS. BEVIER: -- so great.

19 You know, you, too, can sleep under a bridge,
20 if you want to, not -- I mean what I'm suggesting is
21 we're trying for something that is not just equal
22 access to the status quo but something maybe more

1 profound or better, deeper.

2 MR. MCKAY: We heard that yesterday.

3 We didn't hear, you know, petitions being
4 filed in court.

5 We heard phone calls being made to owners, and
6 we did not use the system of justice, but justice was
7 done.

8 The second point is that this language that
9 you pulled out of the congressional statute was
10 probably written by someone two or three years out of
11 law school, changes made by Professor Bevier. I'm with
12 the proposed amendment.

13 MR. JEFFRESS: Point taken.

14 Maria Luisa.

15 MS. MERCADO: Yes. I agree with Ms. Bevier,
16 and I believe that -- and I'm sorry I didn't bring my
17 copies of the strategic report language, but I think
18 that we made it broader, too, you know, equal access to
19 justice, because precisely of what Mr. McKay said. It
20 was so clear yesterday that a lot of the work that is
21 being done on behalf of our clients does not
22 necessarily mean a pleading or an action or a hearing

1 within a legal system, but in effect, a lot of it may
2 be informal, mediations, negotiations on behalf of our
3 client.

4 It still gets the same result without
5 necessarily having gone through the system of justice.

6 Yet, we are providing that service.

7 MR. JEFFRESS: Should we strike, then, "the
8 system of" -- why don't you strike that, Karen, and
9 let's see what it looks like. Equal access to justice.

10 So, "to promote equal access to justice in our
11 nation and to provide for high-quality civil legal
12 assistance to low-income persons."

13 MR. STRICKLAND: Period.

14 MR. JEFFRESS: Well, that's the question.
15 Does a period go there?

16 MR. STRICKLAND: I think a period goes there
17 because of your suggestion that the discussion of the
18 consistency with Federal guidelines be in the
19 narrative.

20 MR. JEFFRESS: All right.

21 Mr. McKay had strong feelings about that.

22 MR. MCKAY: I think that's fine, as long as

1 it's something we can point to. Where would that be in
2 the narrative?

3 Would that be under a strategy or an
4 introduction to our plan?

5 MR. JEFFRESS: I think we'd have an
6 introduction to the plan, and I think that's where it
7 should go.

8 MR. MCKAY: Great. I'm fine with that, as
9 long as it's explicitly stated.

10 MR. JEFFRESS: Right. Yes.

11 MS. WATLINGTON: It sounds acceptable.

12 MR. JEFFRESS: All right.

13 I'm going to read that one more time, and if
14 folks are comfortable with that, we'll then go on to
15 the goals, but the mission as we now have it is promote
16 equal access to justice in our nation and to provide
17 for high-quality civil legal assistance to low-income
18 persons.

19 Okay.

20 We'll keep that as our mission, and that's
21 what we will come back to you with in October. You
22 will get another shot at it in October if, between now

1 and then, you think there's some other way to improve
2 it, but I think that's certainly -- the staff would be
3 happy with that, and if you all are, we'll start from
4 there.

5 Let's move on, then, to the goals.

6 What the staff has done is to consider what
7 kinds of goals are consistent with this mission and
8 consistent with the work of the organization over the
9 past 30 years.

10 In developing these goals -- let me tell you
11 a little about the process, because what you see before
12 you doesn't begin to represent the thought that's gone
13 into it, as you might imagine.

14 Each of the executive team members and I had
15 an individual conversation about where we might go,
16 what our goals might be, what do we want to achieve in
17 the next five years, and then the executive team as a
18 group collectively discussed those ideas and had a
19 brainstorming session.

20 We then had a staff task force representing
21 every office in the organization.

22 I think it was 12 or 14 people together, and

1 we had a half-a-day brainstorming session about what
2 kinds of goals are appropriate to the organization
3 given who we are, where we've been, what our capacity
4 is, what our mission is.

5 At one point, I think we had seven different
6 goals laid out as potential goals for the organization.

7 Realizing no one can focus on that many different
8 goals, we talked it through and tried to collapse these
9 and put them together in ways that were succinct
10 statements of where we wanted to go, but these are
11 still kind of high-level strategic goals, if you will.

12 Once we adopt high-level strategic goals, we're going
13 to need to go down and have more specific objectives or
14 performance goals and more specific strategies, but we
15 wanted to try to collapse all the different ideas for
16 major goals into a relatively few goals.

17 So, these are the three, then, the three
18 goals -- it's on the second page of those slides, the
19 handout that I handed out this morning, and it's the
20 same as in your book -- that we came up with.

21 First, increase public awareness and support
22 for civil legal services to the poor -- and here we

1 might want to go back to that other language, and we
2 can talk about whether it's appropriate language or
3 not -- civil legal services to the poor in order to
4 respond more appropriately to the civil legal needs of
5 more low-income people.

6 That's a mouthful.

7 A lot got collapsed into that first goal, but
8 this is essentially increasing support for and doing
9 more of what we do.

10 The second goal, more succinct, enhance the
11 quality and compliance of legal services programs, a
12 real focus there on our grantees who actually deliver
13 the services.

14 And the third goal, ensure the LSC operates
15 efficiently and effectively.

16 One note I will make -- in talking to the
17 people at Office of Management and Budget about the
18 kinds of goals that agencies are setting for
19 themselves, they have drawn a distinction, which is
20 actually useful and appears in a Department of Justice
21 document, between strategic goals and support goals,
22 and the third goal here we felt like it was important

1 to raise as a value, having LSC operating efficiently
2 and effectively, but if we operate efficiently and
3 effectively and still don't deliver high-quality
4 services, we really haven't achieved anything. So, OMB
5 suggests calling this a support goal to distinguish it
6 from what we really see as our strategic goals as an
7 organization, but nevertheless, we still thought it was
8 important to have that as a high value for us as a
9 corporation.

10 So, points about these goals.

11 MS. BEVIER: I just have, sorry, a little
12 grammatical suggestion for the first one, and then a
13 question about the word choice here.

14 "Increase public awareness" -- I think you
15 should have an "of" there, "Increase public awareness
16 of and support for . . ."

17 MR. JEFFRESS: Okay.

18 MS. BEVIER: And the second thing is I don't
19 understand why that adverb "appropriately" is in there,
20 what work it does.

21 MR. JEFFRESS: This is probably, again, from
22 the staff perspective, a reflection of restrictions we

1 have from Congress as to what we are able to do,
2 because there are a lot of responses that perhaps are
3 needed that we are not able to provide as a
4 corporation.

5 So, I think that was a qualifier. It may be
6 unnecessary, but I think it was trying to reflect that
7 there are limits on what we can do.

8 MS. BEVIER: Okay.

9 MS. MERCADO: Just as sort of a
10 legislative -- I guess from the board -- one remedy
11 that you might have for a particular issue -- one
12 particular remedy that you might have that is actually
13 legal under the law and probably more effective -- for
14 example, like a class action -- is still not an
15 appropriate one for us to do, because we're prohibited
16 by the regs to do that, or our statute to do that.

17 So, I can see the need for having the
18 "appropriate" in there.

19 MS. WATLINGTON: I still am hung up on the
20 word "poor."

21 MS. BEVIER: Oh. Maybe we should change that.

22 MR. JEFFRESS: Well, I noticed here we did use

1 "poor" here.

2 The first goal was so wordy to begin with, one
3 word substituting for three seemed to be the choice,
4 but we could go back to "low-income persons" if that's
5 preferable. But we also have "low-income people" at
6 the end of that, so we might want to think about if
7 there's a way to combine that.

8 MS. MERCADO: Yeah, because otherwise you're
9 too redundant.

10 MR. JEFFRESS: Uh-huh.

11 MR. GARTEN: Would inserting "its clients" in
12 lieu of "poor" have the proper connotation?

13 MR. JEFFRESS: In the first, "Increase public
14 awareness and support for civil legal services to its
15 clients in order to respond appropriate to the civil
16 legal needs of more low-income people." That's a
17 useful suggestion.

18 MR. GARTEN: You, in your presentation,
19 inserted a word that I don't think you meant to insert.

20 It's "respond appropriately," is the way it reads. I
21 heard the use of the term "more" by you. You didn't
22 intend to have "more" there twice, did you?

1 MR. JEFFRESS: I did not intend to have "more"
2 in it twice.

3 MR. GARTEN: Okay.

4 MR. JEFFRESS: The "more" is at the end, and I
5 appreciate your pointing that out, "needs of more
6 low-income people."

7 We all feel the imperative to go beyond the 20
8 percent of the legal needs that are currently being met
9 and that the use of that "more" in the last part was a
10 very intentional effort to say we've got to find ways
11 to get more people the legal assistance that they need,
12 may not come through appropriations, but perhaps there
13 are others we can do that. But the need to serve more
14 people, we wanted to keep in there. But you're right,
15 Mr. Garten, I did not mean to put that "more" in the
16 upper part of that phrase.

17 So, instead of "the poor," it would be "its
18 clients"?

19 MS. WATLINGTON: Clients or low-income -- you
20 know, something, but -- to me -- maybe, you know, it's
21 just my pride, but when you say that, you're kind of
22 like, you know, taking away your dignity or something,

1 the word, just saying "poor." You know, there's other
2 ways or other, you know, things you can rather than
3 just say "poor."

4 MR. JEFFRESS: Right. So, if we take the
5 "poor" out and use the words "its clients," does that
6 address your concern?

7 MS. WATLINGTON: Yeah, clients or eligible
8 clients, yeah.

9 MR. JEFFRESS: Okay.

10 Maria Luisa.

11 MS. MERCADO: I wonder if we could have it
12 read something like "Increase public awareness of and
13 support for civil legal services in order to respond
14 appropriately to the civil legal needs of more
15 low-income persons."

16 MS. WATLINGTON: That sounds good, too.

17 MS. MERCADO: So that you cover -- all those
18 definers go to the low-income people, because when
19 we've broken it up, since we're having a disagreement
20 about whether it's the poor or our client or whatever,
21 and not being redundant, then you just define them
22 once, but you have a lot of definers in front of it.

1 MR. GARTEN: I think we're trying to address
2 two different issues here, so -- I agree to remove the
3 words "poor."

4 I think it's a very good suggestion,
5 and -- but I still think you need to put in there "its
6 clients," I think it also adds a nice touch to the fact
7 that we are, as lawyers, representing people who are
8 our clients, and I don't know whether you have that
9 word anywhere else in what you're presenting to us.

10 MR. JEFFRESS: This would be the first and
11 only place, I believe, that it would appear, so that's
12 a good point, that it would reinforce this
13 relationship.

14 MS. MERCADO: I guess I would have a
15 difficulty with the word "clients," and the reason I
16 would have that is because we do a lot of work as a
17 legal services community that has nothing to do with
18 actual clients that we represent, you know, especially
19 in a lot of our educational material, in a lot of
20 our -- you know, we serve as an advisor, not
21 necessarily clients in the way that -- as an
22 attorney-client relationship has been established, yet

1 we're providing that service.

2 So -- which is why I think that, when you have
3 it in your goals, again, it's to define as broad a
4 sense of the people you represent, and you're either
5 going to have to have it "the poor" or "low-income
6 persons," because "clients" narrows who these people
7 are.

8 MS. WATLINGTON: I guess I'd say I differ from
9 you on that, because they're always your clients. It's
10 just that it's a client-client community, whatever.
11 You know, I've never known an attorney to not have
12 clients, whether they be poor or money, you know. I
13 differ with you on that word.

14 MR. STRICKLAND: With regard to the use of the
15 term "client" as an LSC goal, I mean technically, LSC
16 doesn't have clients. Our grantee program lawyers have
17 clients.

18 MS. WATLINGTON: Have clients, right.

19 MR. STRICKLAND: So, if this is a goal for
20 LSC, we might be mindful of the fact that we
21 don't -- we, LSC, don't have clients.

22 MS. WATLINGTON: Right.

1 MS. MERCADO: Very good point.

2 MS. WATLINGTON: The programs are their
3 clients.

4 MR. STRICKLAND: Right. I'm not ignoring the
5 fact that, by extension, we have clients, but
6 technically, if it's a goal for -- for this entity, the
7 entity doesn't have clients.

8 MR. JEFFRESS: The use of that pronoun
9 "its", right, suggests it's our clients.

10 That's a good point.

11 MS. MERCADO: I certainly thank our chair for
12 specifically pointing that out again, that it is our
13 missions for our LSC, and that, again, it's an overall
14 goal that we're doing, and indirectly, we do have
15 clients that we would end up servicing, but I still
16 believe that the broader terminology, whether it's the
17 poor or low-income persons, defines what we do through
18 our grant-making process, through our compliance,
19 through our -- you know, providing oversight and
20 assistance in our -- to our grantees, that that's the
21 better goal, and so, I mean I personally don't have any
22 objections to "the poor," and I say that having grown

1 up and being raised being poor.

2 So, I don't -- that is a term and an
3 identifier that anyone in any walk of life
4 automatically understands, but again, if we want to be
5 consistent, then we can leave it with low-income
6 persons, as we have defined in our mission statement.

7 MR. JEFFRESS: And I would suggest perhaps we
8 could take low-income people out of the last part of
9 that.

10 We might could say "Increase public awareness
11 and support for civil legal services to low-income
12 persons in order to respond appropriately to the civil
13 legal needs of more people."

14 If we just take "low-income" out of the second
15 phrase, I think it would be understood, because it
16 would already have been in the first phrase.

17 MR. GARTEN: Is there a need to repeat "civil
18 legal needs" the second time?

19 Could it just say "appropriately to the needs
20 of more" -- or "to such needs of more low-income
21 people"?

22 MR. JEFFRESS: I believe that's a good

1 amendment. It came about because, again, of the
2 staff's great sensitivity to being clear about what it
3 is LSC does, and "civil" was repeated a number of times
4 through here, because so many people think of legal aid
5 as criminal defense work, and it's not. So, "civil"
6 came in several times in order to keep drawing that
7 distinction, but your suggestion that it may be an
8 over-sensitivity -- I think that's an appropriate point
9 to make there.

10 MR. GARTEN: Well, I agree with the chair's
11 comments on the use of "clients" as probably not being
12 appropriate for our LSC statement.

13 MR. JEFFRESS: So, you would --

14 MR. GARTEN: We should have something other
15 than that.

16 MR. JEFFRESS: To increase public awareness
17 and support for civil legal --

18 MR. GARTEN: The word "poor" does appear all
19 over the place.

20 MR. JEFFRESS: It does. It's in our statute.

21 MR. GARTEN: But I have to respect the
22 comments of Ernestine.

1 MR. JEFFRESS: Well, if we said "Increase
2 public awareness of and support for civil legal
3 services to low-income persons in order to respond
4 appropriately to the needs of more people," that's a
5 little too broad.

6 MR. GARTEN: To such needs.

7 MR. JEFFRESS: In order to respond to more
8 such needs.

9 MS. MERCADO: Their civil legal needs. To
10 low-income persons in order to respond appropriately to
11 their civil legal needs, or maybe more of their civil
12 legal needs.

13 MS. WATLINGTON: That's kind of saying what
14 you want to say, isn't it?

15 MR. JEFFRESS: Ms. Mercado.

16 MS. MERCADO: We're losing the second tier of
17 your statement, which was that we hope to increase our
18 ability to represent the poor in this country to more
19 than the 20 percent that we currently represent, not
20 only through, hopefully, more appropriations but also
21 through partnerships with our local bar associations
22 and other organizations that can assist us in providing

1 the legal services, and it is very important to say
2 "more," and the statement that was just amended sort of
3 drops that particular theme to that statement.

4 MR. JEFFRESS: Well, going back to what Mr.
5 Garten said, then, what if it were to increase public
6 awareness of and support for civil legal services to
7 low-income persons in order to respond to more such
8 needs? Because again, we're aiming to increase the
9 support for and the awareness of the need for these
10 services in order for us to respond to more such needs.

11 The goal here is public awareness and support,
12 because we need that if we're going to respond to more
13 people.

14 MS. MERCADO: Yeah, but don't forget the
15 "appropriately."

16 So, you would have "in order to respond
17 appropriately to more such needs."

18 MR. JEFFRESS: Okay. Good point.

19 Karen, how are we doing over there? I'm not
20 keeping up very well.

21 "Increase public awareness of and support for
22 civil legal services to low-income persons in order to

1 respond appropriately to more such needs."

2 MS. WATLINGTON: That was the last statement.

3 MR. JEFFRESS: Ms. Watlington, you said you
4 like that last statement?

5 MS. WATLINGTON: Yeah.

6 MR. JEFFRESS: Okay.

7 Do we have agreement, at least, that we can go
8 forward with that?

9 Any other comments about this one?

10 MS. BEVIER: Could you read it one more time?

11 MR. JEFFRESS: I'll read it one more time, and
12 we can think about it a lot over the next few months.

13 "Increase public awareness of and support for
14 civil legal services to low-income persons in order to
15 respond appropriately to more such needs."

16 MS. BEVIER: I'm sorry, but "such" doesn't
17 work there.

18 MR. JEFFRESS: Okay. You're right, it
19 doesn't.

20 The needs haven't been clearly stated ahead of
21 time, have they?

22 MS. BEVIER: Why don't we -- never mind.

1 MR. JEFFRESS: No.

2 MS. BEVIER: To more of the needs of such
3 persons.

4 I suggested that once before, and it fell like
5 a stone, so I don't know why I'm trying again.

6 MR. JEFFRESS: Before you write it up -- let's
7 see -- you were suggesting increase public awareness of
8 and support for civil legal services to low-income
9 persons in order to respond to more of their needs?

10 MS. BEVIER: Appropriately to more of the
11 civil legal needs of such persons.

12 I thought what we were trying to do was get
13 out the repetition of low-income people.

14 MR. JEFFRESS: But also the repetition of
15 civil legal services.

16 That was another thought, that we repeated
17 civil legal services and low income.

18 MS. MERCADO: Lillian, say it again, because I
19 think -- most of that, I think, works, except for one
20 part, but I have to hear it again.

21 MS. BEVIER: Okay. I'm not sure I can do it
22 again.

1 Increase public awareness of and support for
2 civil legal services to low-income persons in order to
3 respond appropriately to more of the civil legal needs
4 of such persons.

5 MR. GARTEN: Lillian, would the word
6 "their" --

7 MS. BEVIER: To more of their civil legal
8 needs?

9 MR. GARTEN: Yes.

10 MS. BEVIER: Yes, that works for me.

11 MS. MERCADO: That works for me, too.

12 MS. WATLINGTON: Me, too.

13 MR. JEFFRESS: Let her read that again, Karen,
14 and let's make sure we get exactly what she says.

15 MS. WATLINGTON: And this is it.

16 MS. BEVIER: Okay.

17 Increase public awareness of and support for
18 civil legal services to low-income persons in order to
19 respond appropriately to more of the civil legal needs
20 of such persons.

21 Did I change it?

22 MR. JEFFRESS: Well, the suggestion was more

1 of their civil legal needs.

2 MS. BEVIER: I'm sorry. To more of their
3 civil legal needs, period.

4 MS. WATLINGTON: Period.

5 MR. JEFFRESS: Seems to be a lot of agreement
6 on the period.

7 Okay.

8 So, increase public awareness of and support
9 for civil legal services to low-income persons in order
10 to respond appropriately to more of their civil legal
11 needs.

12 That certainly is a better statement than what
13 the staff presented to you.

14 I like it better, but how do you all feel
15 about that?

16 MS. BEVIER: Bingo.

17 MR. JEFFRESS: All right. I'm not going to
18 touch that, then.

19 We're going to take this and we'll put this in
20 the next draft that comes to you.

21 Let's move on, then, to the second potential
22 goal, which is "Enhance quality and compliance of legal

1 services programs."

2 Just by way of background in terms of
3 developing this particular goal, at one point we had
4 two different goals.

5 One rated the quality and improving the
6 quality of our legal services that grantees provide,
7 and one was related to compliance, making sure that
8 people remain in compliance with the laws and
9 regulations governing the delivery of these services.

10 As we discussed it as a staff, there was
11 really universal agreement that you can't really have a
12 quality program unless you're in compliance with the
13 rules and regulations, and these aren't two separate
14 issues, that they go hand in hand, that they need to go
15 hand in hand, and matter of fact, part of what we've
16 been doing as a corporation, as you all know from your
17 past meetings, is trying to assure that our compliance
18 folks and our program support people speak the same
19 language, say the same words, support the same
20 concepts.

21 So, we felt like combining these two concepts
22 and making them one and keeping them one goal was the

1 appropriate thing to do.

2 So, we come to you with the proposed second
3 goal of enhancing quality and compliance of civil -- of
4 legal services programs.

5 Comments?

6 Suggestions?

7 MS. MERCADO: I think that's good.

8 MS. WATLINGTON: There is little we can change
9 on that one.

10 MR. JEFFRESS: It's kind of hard to argue with
11 that, isn't it?

12 MS. WATLINGTON: Yes.

13 MR. JEFFRESS: If we're not about this, we're
14 not about anything.

15 Anything anybody would add to it?

16 MR. STRICKLAND: Quit while you're ahead.

17 MR. JEFFRESS: All right. We'll move right
18 ahead, then, to number three.

19 This is another one I think is pretty hard to
20 challenge, and I do think you all spent the time you
21 needed to on the first one, because it was wordy, and
22 we put so much under that, it was difficult.

1 The third one, I think, is also pretty clear.

2 "Ensure LSC operates efficiently and effectively." I
3 can't imagine that not being an appropriate goal, but
4 there may be things people want to add to it.

5 Comments? Suggestions?

6 When we get to the strategies under that,
7 you'll see what we mean by that.

8 MS. BEVIER: I'm just thinking it's so -- it's
9 hard to know whether you've achieved that.

10 So, there's not a -- you know, there's not
11 something where you can say, well, we've done that one,
12 we can move on, but it's really the strategies that are
13 going to be the most important here.

14 MR. JEFFRESS: Yeah. And that's why I think
15 OMB is right when they talk about this being a support
16 goal.

17 This is not something that you achieve one
18 time and you're done.

19 Of course, none of our others probably are
20 either, but this is something that will be a continuing
21 challenge for us.

22 We'll leave that in, then, as a third goal,

1 and as we talk about the strategies to achieve these
2 goals, we can come back to that, if you want to, or
3 modify it or add to it.

4 The next step, then, would be to talk about,
5 under these goals, what our objectives, and what
6 strategies do we want to use to achieve these goals,
7 and anytime I talk too long and you all need to take a
8 break, I'll look to the chairman for a sign if we need
9 to take a break.

10 MR. STRICKLAND: We'll take a little break at
11 10:30.

12 MR. JEFFRESS: Take a break at 10:30.

13 MR. STRICKLAND: Yes.

14 MR. JEFFRESS: All right.

15 Under the first goal, what we did was to
16 realize there were so many different strategies, so
17 many different things we do, so many important things
18 to do to promote equal access -- I mean to increase
19 public awareness and support for civil legal
20 services -- that we divided them into four different
21 objectives, or using the language that Office of
22 Management and Budget is using -- and it may be more

1 appropriate -- the first goal is to be considered
2 strategic goals, and these objectives might be
3 considered performance goals, but I'll refer to them as
4 objectives, because that's what we called them in the
5 paper before you, and that may be more familiar
6 terminology.

7 Four broad objectives:

8 More effectively informing the public of what
9 LSC grantees do.

10 Seeking additional resources for legal
11 services work.

12 As a principal leader in the legal
13 services/access to justice community, strengthen our
14 collaborations and strategic partnerships.

15 And fourth, increase opportunities for access.

16 Again, the overall goal here is to increase
17 public awareness for and support for civil legal
18 services to low-income persons in order to respond
19 appropriately to more of their civil legal needs.

20 So, these objectives were suggested by staff
21 as separate objectives under this goal.

22 I think the best way to deal with these is let

1 me go to the strategies under each objective, but I
2 think that will clarify them, rather than just talking
3 about the objectives.

4 Let me go to the strategies under each, and
5 let's talk about those strategies and see whether this
6 objective still clearly communicates that strategy.

7 So, here are four strategies that the staff
8 suggested were appropriate for the first objective.

9 Are you all with me?

10 It's page 6 of the handout in front of you.

11 And Ms. Watlington, are you still with us?

12 MS. WATLINGTON: Uh-huh.

13 MR. MEITES: We're here.

14 MR. JEFFRESS: Okay.

15 All right.

16 We're on page 6 of what was e-mailed or faxed
17 to you.

18 More effectively inform the public of what LSC
19 grantees do, and four different strategies.

20 Collect and distribute stories about the
21 meaningful differences made in clients' lives.

22 Highlight the cost effectiveness of legal

1 services work, especially in terms of reduced public
2 expenditures.

3 Explore ways to more effectively measure
4 outcomes.

5 And then publicize needs that are not being
6 met.

7 Going back to the first one, as you saw
8 yesterday, there are so many stories of what our
9 grantees are doing in terms of helping people.

10 We think, as a corporation, we need to help
11 make sure that those stories get out, that people
12 understand the value and the importance and the good
13 work that grantees do, and so, we thought, if we're
14 trying to raise public awareness of these needs and
15 public support for these needs, we need to tell these
16 stories.

17 So, we felt like an important strategy over
18 the next five years was to find ways to get these
19 stories to the public.

20 Ultimately, all of these goals and objectives
21 and strategies, particularly the strategies that you
22 see, we will then decide, okay, within the corporation,

1 who is it that's taking the lead, whose workplan is to
2 go in.

3 We are going to tie these not just to
4 high-sounding board policy but also to specific
5 activities for specific individuals.

6 So, collect and distribute stories is
7 something our folks will do.

8 Comments, suggestions on that?

9 Mr. Hall?

10 MR. HALL: Under the strategies, the publicize
11 the needs that are not being met, I do think that's
12 good.

13 I think we have an ongoing challenge to also
14 continue to identify those needs that are not being
15 met, in addition to publicizing them, because though
16 there have been legal needs studies done by the ABA and
17 others, you know, part of our challenge as a leader
18 here is to be as clear as possible about the fact that
19 there is an unmet need.

20 I think that's one of the ways in which you
21 garner support, is for people to understand that there
22 is an unmet need, and for us to have a very compelling

1 story or a very compelling -- or having very -- a very
2 compelling analysis that indicates that there is this
3 unmet need, and then publicize that.

4 I think there is an assumption here that we
5 already have that data, and on one level, we do, but I
6 think part of our ongoing goal is to continue to
7 collect that data and to strengthen the ways in which
8 we collect that data, so that it's powerful.

9 So, that's one point.

10 Another under the broader objectives -- and
11 this is going back to a point that Lillian made
12 earlier -- the fourth point --

13 MR. JEFFRESS: Increase opportunities for
14 access?

15 MR. HALL: Yeah, where it's focusing just on
16 the access piece -- and I know that that's important,
17 but again -- and I don't know if you're defining access
18 broadly here, because sometimes access means, again,
19 whether I am able to get to court, but we also
20 understand that part of what we're trying to do is
21 solve people's problems and also in order to bring
22 about justice, and sometimes that's not just access to

1 the court, that may be access to the resources of legal
2 service.

3 So, if we're talking about it, if we're
4 talking about access in that broader way, then I think
5 it's certainly appropriate, but the main point is the
6 earlier one about identifying and publicizing.

7 MR. JEFFRESS: I think that's really helpful,
8 and we're going to go through these objectives one by
9 one.

10 Can we hold off on that access question,
11 because I think it is a good question --

12 MR. HALL: Okay.

13 MR. JEFFRESS: -- until we get to number four?

14 But you're right, you know, identifying needs that are
15 not being met -- obviously we have a lot of activities
16 underway right now trying to better identify those, and
17 those are not likely to stop at the end of 2005.

18 That's a good point.

19 Ms. Mercado.

20 MS. MERCADO: Would you put that last
21 section -- how would you have it read? Identify and
22 publicize?

1 MR. HALL: Yes, identify and publicize.

2 MS. BEVIER: That's a good idea.

3 MR. JEFFRESS: Are there other thoughts or
4 comments on the four objectives that are outlined for
5 you under this -- I'm sorry -- the four strategies that
6 are outlined under this first objective?

7 I'd point out to you the third bullet there,
8 explore ways to more effectively measure outcome. I
9 don't think any of us are yet comfortable knowing what
10 those ways to measure the outcomes are. In most
11 strategic plans, you would, in fact, have measures up
12 there that we would be measuring outcomes.

13 As the staff talked about how we measure
14 success, I don't think there is any agreement at this
15 point on how to measure success.

16 So, we had as a strategy for the next five
17 years to spend time working on what it is we would use
18 to measure success, but are not proposing at this point
19 that we know the answer to it. But I would point that
20 out to you. I think that is an area of some need for
21 continuing work.

22 Ms. Bevier?

1 MS. BEVIER: I would just like to un-split the
2 infinitive there, and I think it can be easily done
3 without making the sentence sound awkward. You can do
4 it. Explore more effective ways to measure outcome or
5 explore ways to measure outcomes more effectively.

6 MR. JEFFRESS: Your first way is much better.

7 MS. BEVIER: Okay.

8 MR. JEFFRESS: Repeat that again so Karen can
9 get that?

10 MS. BEVIER: Explore more effective ways? Is
11 that the way you liked it?

12 MR. JEFFRESS: Explore more effective ways to
13 measure outcome.

14 MS. BEVIER: To measure outcomes.

15 MR. JEFFRESS: That's great.

16 MS. BEVIER: I note that the chair concurs
17 with me on this suggestion.

18 MS. MERCADO: We all do.

19 MR. JEFFRESS: Mrs. Marcusen, my high school
20 English teacher, would concur, as well. Thank you for
21 reminding me of that.

22 The second bullet here, in terms of

1 highlighting the cost effectiveness of legal services
2 work -- it's really, in some ways, a component of
3 number one, collecting and disseminating stories, but a
4 lot of times the work we do, the work that our grantees
5 do in representing people, in fact, results in some
6 reduced public expenditures.

7 We're keeping people in private housing,
8 frequently, and not putting them out into public
9 housing.

10 We're doing things that assist in having more
11 efficient and effective public services. So, the
12 thought of highlighting that this is not just a cost to
13 the communities, to the taxpayers -- we are, in fact,
14 in many cases, many times, helping contribute to saving
15 public money, we thought was an appropriate thing, a
16 strategy to emphasize.

17 Other thoughts, suggestions, comments on these
18 strategies?

19 MR. MEITES: I think that measuring outcomes,
20 where you place it is kind of in a P.R. position, and I
21 think measuring outcomes is far more basic to our
22 mission than just to give us talking points with the

1 public.

2 So, unless measures is repeated elsewhere, I
3 think -- and presuming you don't want to say things
4 twice -- I would urge that measuring outcomes be
5 reserved for a substantive area.

6 MR. JEFFRESS: Our second goal is enhancing
7 quality and compliance, and perhaps you would be more
8 comfortable with this strategy over there in terms
9 of -- it would be a way of measuring, in some ways,
10 measuring outcomes as a way of looking at quality.
11 Would you be more comfortable with that being moved to
12 someplace under the second goal?

13 MR. MEITES: I would, but I'd like to hear
14 from my fellow board members.

15 MR. JEFFRESS: Certainly in terms of why it's
16 here now, I think the staff was thinking, once we have
17 good measures, those are things we should publicize and
18 inform the people about, but your point, particularly,
19 is we're really developing these measures, and it may
20 be premature to talk about publicity about them at this
21 point.

22 I think that's a good point.

1 Okay.

2 Well, let's remember that when we get to the
3 enhanced quality and our compliance goal and see if it
4 doesn't fit in there someplace.

5 Any other thoughts about this?

6 I'll go to the second objective.

7 Ms. Mercado.

8 MS. MERCADO: I'm sorry. I'm just trying to
9 think of the comment Mr. Meites just made a moment ago,
10 and I think that the essence of the statement that we
11 have and the reason that you stated that you wanted to
12 be able to publicize any outcomes that we have made in
13 the direction of our goals and strategies, that that
14 still needs to be as part of your strategies, and I'm
15 just looking -- and since Lillian is the one that's our
16 English proficient person here -- if we can add some
17 word that deals with the publicity part of that in that
18 statement that then we can get what you wanted to do,
19 why you wanted this statement to be able to publicize
20 it, when we actually do accomplish various of the goals
21 that we've set out to do.

22 MR. JEFFRESS: Well, I do think the second

1 bullet there, highlighting the cost-effectiveness of
2 legal services work, if we come up with good outcome
3 measures, I'm sure, under that second bullet, we would
4 be publicizing whatever useful measurements we do agree
5 upon and measure.

6 The other thing in my experience with
7 measurements is it takes you a while to decide on what
8 measures to use, and then it takes you a while longer
9 to collect the data to actually populate those
10 measures, and then it takes you even longer to say,
11 okay, two years later, have we made any difference,
12 have those measures changed? So, I think this is a
13 pretty long-term prospect.

14 I doubt it's something that, in the next two
15 or three years, there's actually going to be numbers to
16 talk about, because it does take a while to develop
17 measures, to populate them, and then to have any basis
18 for comparison.

19 MR. GARTEN: I think Tom's suggestion of
20 moving it is appropriate.

21 MR. JEFFRESS: Wherever it is in this, we will
22 still use -- we will still publicize those outcomes.

1 MS. MERCADO: Right. Because I think that
2 your statement in the second bullet -- my concern with
3 that one is that all it emphasizes is the
4 cost-effectiveness part of our work, not
5 necessarily -- there may be some things that are very
6 effective as far as outcomes are concerned that may not
7 necessarily have been the most cost-effective.

8 MR. JEFFRESS: Or may not reduce public
9 expenditures.

10 MS. MERCADO: Right. And so, that was my only
11 concern with taking it out.

12 MR. JEFFRESS: Good point.

13 The second objective under Goal 1 is to seek
14 additional resources for civil legal services work.
15 I'm trying to get this in before the chairman's 10:30
16 break.

17 Sources -- obviously, resources that we could
18 seek to improve what we get from Congress, other
19 Federal agencies, and the feasibility of private
20 fund-raising.

21 Congress, I think, is clear. Let me talk just
22 a minute about the other two.

1 From other Federal agencies -- many of our
2 grantees have been successful in becoming service
3 deliverers for Housing and Urban Development, for the
4 Department of Justice, for some other Federal agencies.

5 We think perhaps LSC, as a corporation, could do some
6 work with those agencies to see more grantees as
7 potential service deliverers, make sure other grantees
8 know about these possibilities, to find ways
9 to -- within the Federal Government -- provide more
10 possible sources of funding for grantees. So, that's
11 what that second bullet means, us working with other
12 Federal agencies to make them aware of the possibility
13 of our grantees as service deliverers and to scout out
14 new possibilities of where people might seek funds from
15 these other Federal agencies.

16 The third bullet -- you notice this is also
17 "explore," and this comes from some nervousness about
18 the staff on private fund-raising.

19 Because our grantees do private fund-raising,
20 as well, we don't want to be seen in competition with
21 them.

22 On the other hand, there is some thought that

1 there are funding sources that would be more interested
2 in giving to a program that's national in scope and
3 relying on that national program, then, to use the
4 funds for technical assistance or training or
5 distribution in some ways, and perhaps there is an area
6 where national private fund-raising would be
7 appropriate for LSC, but it is an area that I think
8 raises flags, and we put it up here as "explore," in
9 part, to reflect that kind of uncertainty.

10 I'd appreciate you all's responses to any of
11 these.

12 Mr. Hall?

13 MR. HALL: Yeah. I appreciate your
14 explanation, because I was wondering why this third one
15 was so passive, because for me, I just feel that that's
16 one that, for the next five years, we definitely have
17 to be more serious about, not in the way that we are
18 trying to take resources away from our grantees on the
19 local level.

20 I just have to believe that there are some
21 corporations or other entities out there who might be
22 more willing to give funds if they saw this as a

1 national strategy that we were engaged in and, thus,
2 you know, partnering with, you know, maybe one of our
3 grantees on a local level, but that they would be more
4 willing to come to the table if Helaine approached them
5 or Frank approached them, as opposed to an executive
6 director.

7 So, I appreciate the sensitivity to the
8 grantees' feeling that we are getting into their area,
9 but to me, this is just an area where we have to, in
10 the next five years, become much more a player in, not
11 in competition with our grantees but in assisting our
12 grantees in getting the needs.

13 So, I guess my preference would be something a
14 little stronger than just "explore," but I, you know,
15 just want to at least share that concern.

16 MR. JEFFRESS: I welcome suggestions for
17 better and more precise language. As I say, this is
18 intended as suggestions to you, not as something that
19 we feel is a done deal.

20 Mr. Garten?

21 MR. GARTEN: To supplement what David just
22 commented on, there are foundations and corporations

1 that will provide funds that would be utilized on a
2 national basis, and as long as we add to this third
3 statement a qualification such as "for specific
4 projects that would be of national benefit" -- those
5 words I'm just throwing out to carry the intent of what
6 I'm talking about -- I think that it would allay the
7 concerns of the service providers and would not be in
8 competition with them when we're talking about
9 something of a national scope, and also, foundations
10 are not interested in just contributing -- most of them
11 are not interested in just contributing generally to
12 legal services corporations, but they will get involved
13 where you have a specific project, like technology.

14 So, I would suggest that we -- I think it's
15 essential you put this in.

16 I agree that we're going to have to move
17 forward in this area, and I'd like to see some
18 additional language along the lines that I've
19 suggested.

20 MR. JEFFRESS: I'm really encouraged to hear
21 you all say this, because I think this is one area that
22 the board actually will get called upon, more so, in

1 some ways, to do some of the sales work, but I'm really
2 encouraged to hear your support for this.

3 Ms. Mercado?

4 MS. MERCADO: Yes.

5 I agree with both Mr. Hall and Mr. Garten, but
6 in addition to that, there is a category -- and I'm not
7 quite sure exactly how we would phrase it, but it would
8 deal with the whole issue of, as far as resources, that
9 one of our biggest resources is our pro bono services
10 that we get from people in a variety of ways, I mean
11 not only in legal work but that it could be also pro
12 bono services -- and I can think of maybe some
13 technology where I've seen it happen in other
14 nonprofits that they have done, let's say, a program,
15 or whatever, although I guess that could be defined as
16 fund-raising but it's different where the fund-raising
17 is specifically for a particular project that you are
18 oversight and funding, as opposed to somebody else
19 carrying it out and doing it for us as a national
20 project, and I just wanted the pro bono aspect of it in
21 there as one of the additional layers where we get
22 resources, because we have that, and maybe we haven't

1 explored it in a national level in some areas that we
2 could get.

3 MR. STRICKLAND: Okay, Charles. Maybe this is
4 a good point for us to take about a 10-minute break.

5 Sorry. I didn't want to interrupt.

6 MS. BEVIER: No. I just want to reserve the
7 right -- I'm sorry about this -- to come back to the
8 fourth Goal 1 strategy.

9 I'm terribly sorry.

10 My attention lapsed, and I am not sure that I
11 have gotten something in that I'd like to offer.

12 MR. JEFFRESS: You're going back to the --

13 MS. BEVIER: Yes. Goal 1, strategy four.

14 MR. JEFFRESS: Oh, okay. We haven't got there
15 yet. We're still on Goal 1, strategy 2.

16 MS. BEVIER: Oh, I'm sorry. On page 6.

17 MR. JEFFRESS: Okay.

18 MS. BEVIER: I apologize.

19 MR. JEFFRESS: Okay.

20 MS. BEVIER: I apologize.

21 MR. JEFFRESS: Okay.

22 MS. BEVIER: We can do it after the break.

1 MR. JEFFRESS: We'll just make a note to do
2 that after the break.

3 MR. STRICKLAND: All right.

4 MR. JEFFRESS: Okay.

5 MR. STRICKLAND: We'll take about a 10-minute
6 break.

7 (A brief recess was taken.)

8 MR. STRICKLAND: We'll reconvene the board
9 meeting and ask Charles Jeffress to continue with the
10 strategic plan discussion.

11 MR. JEFFRESS: Thank you, Mr. Chairman, and
12 let me reassure you all that this first goal is the
13 hard one that there's a lot of work on, and I think
14 we're doing the right thing to spend time on it. Goals
15 2 and 3 should go much quicker in terms of those
16 strategies, so I still expect us to finish before
17 lunch.

18 MS. BEVIER: Well, you can do that just by not
19 adjourning the meeting until we're done.

20 MR. JEFFRESS: I'll try to avoid that.

21 Before we go back to Ms. Bevier's question,
22 I'd like to finish the discussion, if we can, of this

1 private fund-raising issue.

2 Yes.

3 MS. BEVIER: I have a suggestion for language.

4 MR. JEFFRESS: Good.

5 MS. BEVIER: Is that okay?

6 MR. JEFFRESS: Yes, please.

7 MS. BEVIER: Is that premature?

8 MR. JEFFRESS: No, not at all.

9 MS. BEVIER: I would just say, on the third
10 one, I would put "from the private sector," and what
11 that means to me is what we want to begin exploring is
12 private sector resources in terms of time, in terms of
13 commitment to the mission, and in terms of money, and I
14 don't think we need to say any of that, but I think
15 that's what we should be doing, is more effort to
16 engage the private sector.

17 MR. JEFFRESS: That's very appropriate,
18 because it talks about resources, not just money but
19 resources.

20 Yes, Mr. Hall.

21 MR. HALL: I agree with that, and that
22 certainly addresses my needs.

1 I do think the suggestion made about focusing
2 in on programs of national significance -- we may want
3 to think about adding that as a way not to send any
4 message or -- negative message to the field. So, I
5 think Herb raised that.

6 So, I don't want to lose that point.

7 MR. JEFFRESS: So, from the private sector for
8 projects of national scope, something of that sort.

9 MS. BEVIER: Yeah. I mean I think -- I would
10 certainly think that that's important, but I also think
11 that we want to be helping our grantees have as a -- as
12 a focus, perhaps, their efforts to engage private
13 sector involvement, but maybe we do that with the PAI
14 regs and stuff like that.

15 I'm just not sure.

16 But I defer to people who really know about
17 this fund-raising and how important it is to have it be
18 projects of national scope.

19 So --

20 MR. GARTEN: To incorporate just what I heard,
21 I think "from the private sector" is fine and a good
22 change, and I would add onto what David has just said,

1 for projects of national significance.

2 MR. JEFFRESS: Okay.

3 So, the third bullet, then, would read "from
4 the private sector for projects of national
5 significance."

6 I think that's -- at least from my
7 perspective -- and I don't pretend to speak for all of
8 the staff, but I think that very much reflects the
9 staff's -- is consistent with what the staff would be
10 interested in.

11 Ms. Mercado?

12 MS. MERCADO: This is more of a question, I
13 guess.

14 Are we limiting that statement by using
15 "projects"?

16 We want to do the fund-raising from the
17 private sector, or resources, whether it's pro bono or
18 fund-raising, but when you add a project to it, does
19 that limit it solely to that, or is that actual funding
20 that you could use to, in effect, supplement funding
21 that grantees would get or resources that grantees
22 would get?

1 MR. GARTEN: I'd be concerned about doing
2 that.

3 You might have Congress saying, well, we'll
4 give you X dollars and you go out and raise X dollars,
5 but we're talking now about something special,
6 something beyond what our normal budget would take care
7 of.

8 MR. JEFFRESS: I do think Mr. Garten is right.
9 If it's for general support, the temptation from
10 Congress might be to say, well, you don't need ours,
11 because you've got this, but if it's for something
12 specific, it perhaps would yield less to that
13 temptation.

14 MR. HALL: And I also think, you know, most
15 funders are interested in giving money not just for
16 general support, it's that there's some special
17 project, something new that you're doing.

18 MR. JEFFRESS: Right.

19 MR. HALL: That doesn't mean it won't get down
20 to the field, but I do think it has to -- we have to
21 think about what are some new innovative approaches
22 that we want to present to foundations and other

1 entities.

2 MR. JEFFRESS: Right.

3 MR. GARTEN: Just to supplement that, for
4 example, a foundation is going to ask for an
5 explanation, file a grant application and what do you
6 need this money for and does it fit within the purposes
7 of this particular foundation to make a grant.

8 MR. JEFFRESS: Right. All right.

9 Well, then let's run with this third bullet,
10 then, and replace what we had previously with "from the
11 private sector for projects of national significance,"
12 and again, that will be in what comes back to you, but
13 you'll have another to revisit in October if you have
14 further thoughts between now and then.

15 And I should have checked before I started,
16 and I didn't.

17 Ms. Watlington and Mr. Meites, are you all
18 still with us?

19 MS. WATLINGTON: Yes.

20 MR. MEITES: I'm here.

21 MR. JEFFRESS: Okay.

22 All right.

1 We need to go back and pick up one strategy
2 from the previous objective that Ms. Bevier wants to
3 talk about.

4 MS. MERCADO: This is explore ways -- explore
5 more effective ways to measure outcomes. I would
6 include that to explore and develop. I don't want us
7 to think that, once we've explored them, we can just
8 stop.

9 MR. JEFFRESS: Okay.

10 MS. BEVIER: Okay.

11 MR. JEFFRESS: This is the one that Mr. Meites
12 suggested we might want to move to Goal 2, but that's a
13 good addition, explore and develop ways to more
14 effectively --

15 MS. BEVIER: Yeah.

16 I think that I just was not -- I wasn't sure
17 where -- where we had ended up there, and I just want
18 to make sure we have the idea of taking action after
19 we've explored.

20 MR. JEFFRESS: Okay.

21 Karen, did you get that?

22 MS. DOZIER: Yes.

1 MR. JEFFRESS: Okay.

2 Any other comment on that?

3 MS. MERCADO: How would the statement now
4 read?

5 I'm sorry.

6 MR. JEFFRESS: So, the third bullet under that
7 first objective would say "Explore and develop ways to
8 more" -- I'm sorry -- "Explore and develop more
9 effective ways to measure outcome."

10 MS. MERCADO: Okay.

11 MR. JEFFRESS: And again, remember Mr. Meites'
12 caution.

13 He suggested this may belong more
14 appropriately under Goal 2.

15 When we get there, we can see whether it fits
16 one of those objectives better.

17 MR. GARTEN: Okay.

18 MR. JEFFRESS: All right, then.

19 We'll go on, then, to the third objective
20 under the first goal, and this is going to be page 8
21 in -- slide number 8 in what was handed out this
22 morning, the objective being, "As the principal leader

1 in the legal services/access to justice community, LSC
2 will strengthen its collaborations and strategic
3 partnerships."

4 The goal here, remember, is increasing public
5 awareness of and support for civil legal services. One
6 of the ways of doing that, we think, is strengthening
7 our relationships with other actors and players in this
8 field, and we listed some of those, or those that we
9 thought were principal players that we needed to make
10 sure we strengthen our relationship with and look for
11 strategic partnerships with -- judicial organizations,
12 for instance, the Center for State Courts, Association
13 of State Supreme Court Justices.

14 There are a number of professional
15 associations within the judicial community.

16 Law schools and clinics -- encouraging more
17 law schools to do clinics, encouraging those clinics
18 who are doing work to do more.

19 Partnerships with private attorneys, bar
20 associations, and corporate legal counsels.

21 The award of an NLADA to the corporate legal
22 counsel for service, I think, brought home to a lot of

1 us there's probably LSC could do with corporate legal
2 counsels in this area, with state equal justice
3 communities, with other organizations interested in
4 delivery of legal services.

5 Thoughts, comments, suggestions?

6 MR. GARTEN: Since IOLTA programs is so
7 important, second principle, I think there should be a
8 specific mention.

9 MR. JEFFRESS: Good point.

10 They probably don't really -- they're not
11 quite a judicial organization, are they?

12 MR. GARTEN: I think there should be --

13 MR. JEFFRESS: -- an additional listing.

14 Okay.

15 MR. MEITES: Herb, you could put it after bar
16 associations, the third bullet.

17 MR. JEFFRESS: All right. So, assuming the
18 other folks agree, we'll add IOLTA organizations in
19 here.

20 Other suggestions?

21 MR. HALL: It's probably embedded in this last
22 bullet, but I think sometimes when we read this, we

1 think of organizations who are already interested in
2 the delivery of legal services, and I think there are
3 some organizations who may not see that as part of
4 their mandate, and part of our charge is to get them
5 interested in it.

6 For example, AARP -- I mean -- and I don't
7 know this for sure, but they certainly service a
8 constituency that we also serve.

9 Their focus on that constituency may be very
10 different from the focus that we have, but they may be,
11 for other purposes, an important ally, important
12 support for us.

13 So, I guess the point I'm making is that it
14 seems like our strategy should not be to just narrowly
15 focus on -- because it's a catch-call category, and the
16 catch-all category, oftentimes, may have us focus on some
17 of our natural allies and constituencies, and there may
18 be some other organizations out there who we wouldn't
19 naturally think about but who have some parallel goals,
20 and we need to be able to identify them and begin to
21 bring them into this network of support.

22 MR. JEFFRESS: How would we capture that?

1 Because you're right, none of these categories capture
2 those potential other allies.

3 MR. GARTEN: David, what about the possibility
4 of just put "appropriate" in front of "organizations"
5 and leave out the balance, "interested in delivery of
6 legal services," "with other appropriate
7 organizations."

8 MR. HALL: That certainly would capture
9 everything.

10 I guess I was struggling with some language
11 that -- I guess "other appropriate organization" would
12 be sufficient.

13 I was struggling with some language that would
14 send a message to us that we need to identify those
15 organizations who may have some common constituencies
16 or common goals and things of that sort, but again, to
17 not try to wordsmith here on the spot, if "other
18 organizations," you know -- if the spirit behind it is
19 what I'm saying, I'm willing to accept it.

20 MR. JEFFRESS: But you're really talking about
21 bringing new organizations into this orbit.

22 MS. BEVIER: Yeah, that's almost a whole

1 different objective.

2 I'm sorry.

3 MR. JEFFRESS: Ms. Mercado.

4 MS. MERCADO: In sort of developing the
5 statements that both Mr. Hall and Mr. Garten have said,
6 I think that perhaps the language of "with other
7 appropriate organizations interested in delivery of
8 services" -- and I know Ernestine doesn't like
9 this -- "to the poor or to low-income persons" might
10 get, you know, like National Association of Social
11 Workers or, you know, your battered shelters, your
12 homeless, you know, groups.

13 I mean there are some natural constituencies
14 of organizations and groups of people aside from those
15 that are just membership organizations like AARP that
16 we can also collaborate to provide more resources to
17 our clients.

18 I mean there's a lot of different housing
19 entities and groups that we can collaborate in
20 partnerships, for example, to build low-income housing,
21 that may not necessarily be us getting the money or the
22 resources, maybe we can collaborate with them in trying

1 to do some outreach to the same client community that
2 we have, maybe us, through our legal means, and they,
3 through whatever resources or funds they have.

4 So, in order to encompass that theme or that
5 philosophy, maybe that might work with it.

6 MR. GARTEN: As an example of a successful
7 collaboration, we had a program honoring Flag Day in
8 Maryland, and we got the American Legion and the
9 Veterans of Foreign Wars involved, and they learned
10 stuff about pro bono activities in Maryland as a result
11 of just that one event, and that's the type of
12 organizations I think that I would be making reference
13 to, and I presume, David, that's what you had in mind,
14 also.

15 MR. HALL: Uh-huh.

16 MR. JEFFRESS: Ms. Bevier?

17 MS. BEVIER: I've got some language that might
18 include or capture the concern that David has raised,
19 which I think is really a very excellent point of sort
20 of initiating new ones.

21 As the principal -- this is in this -- in the
22 first sentence. As the principal leader in the legal

1 services/access to justice community, LSC will
2 strengthen its -- add "existing" -- collaborations and
3 strategic partnerships, and will work to establish or
4 take the initiative in establishing or attempt to
5 establish new collaborations and partnerships, and then
6 you can take out "interested in delivery of legal
7 services," as Herb suggested, put in "appropriate" in
8 front of -- well, with other appropriate organizations,
9 and that captures both the outreach aspect that we're
10 trying to do and the establish -- the strengthen.

11 MR. JEFFRESS: And it also raises it to the
12 objective level and not just a strategy.

13 MS. BEVIER: Right.

14 MR. GARTEN: I'm not sure I follow you,
15 Lillian.

16 MS. BEVIER: Okay.

17 MR. GARTEN: We do have existing relationships
18 with all these other organizations.

19 MS. BEVIER: Right.

20 We don't take anything out. We just say "will
21 strengthen its existing collaborations and strategic
22 partnerships, and work to establish new collaborations

1 and partnerships with judicial organizations, law
2 schools, private attorneys, state equal justice
3 communities, and with other appropriate organizations."

4 MR. GARTEN: The term -- you said "work"?

5 MS. BEVIER: Well, I don't know whether that's
6 the right verb.

7 MR. GARTEN: I'm not sure that's the right
8 word, but you get the spirit of what we're talking
9 about.

10 MR. JEFFRESS: Yes, I do.

11 The "work to establish" -- maybe there's a
12 better way to phrase it.

13 MS. BEVIER: Well, make an effort to initiate
14 or something like that.

15 MR. JEFFRESS: Initiate. And will initiate
16 new collaborations and partnerships.

17 MS. BEVIER: Yes.

18 MR. JEFFRESS: I'm glad to have that addition.

19 I think that also expands the opportunities for board
20 involvement in some of these, too, because I do think
21 you all will be in touch with some potential
22 organizations that you and the staff can develop

1 together those kinds of relationships. I'd encourage
2 it.

3 Other thoughts, comments on this objective?

4 (No response.)

5 MR. JEFFRESS: Okay. Let's go to the next
6 one, and this is the one -- there's already been some
7 comment about this increased opportunities for access
8 that we're going to want to remember, but the objective
9 here, "Increase opportunities for access" -- there were
10 five strategies that the staff talked about, and the
11 staff, when we were thinking access here, we're really
12 thinking about access by potential clients to services.

13 How does our grantees -- how can LSC help our grantees
14 increase the opportunities for access, increase the
15 ways people can take advantage of our services or learn
16 more about their rights or get more assistance with
17 their needs.

18 So, the five strategies here:

19 Encourage community outreach and education
20 about legal rights and responsibilities.

21 Again, that's our assisting our grantees in
22 doing that.

1 Using technology to expand access and
2 availability, including through the expansion of
3 technology innovation grants. I think we all feel
4 excited about TIG.

5 Encourage expanded pro bono activities and
6 contributions.

7 Foster the continued development of systems
8 that support more effective pro se access.

9 And explore and promote different approaches
10 to dispute resolution.

11 So, those are five strategies we saw operating
12 at the local level that we think we could enhance and
13 strengthen, contribute to, over the next five years.

14 Yes.

15 MS. BEVIER: Sorry.

16 Why can't we just say "increase access"? Why
17 is it "the opportunities for"?

18 MR. JEFFRESS: I'm sure there's a very good
19 explanation of that, but it fails to come to me at the
20 moment.

21 MS. BEVIER: Well, I mean I don't know. I'd
22 like to make it as direct and sort of --

1 MR. JEFFRESS: I think you're exactly right.

2 One concern I have, though, is we all know
3 what we mean by access.

4 When this goes on the website and people who
5 are not familiar with legal services, say, see this
6 increased access or increased opportunities for access,
7 are they going to understand what access means?

8 MR. HALL: And that was my earlier point,
9 because I thought, earlier, we were saying that the
10 real goal was not just getting to the system but
11 getting justice for individuals, sometimes using the
12 legal system, sometimes making a phone call. So, I
13 guess my recommendation would be create increasing
14 opportunities for justice.

15 I mean unless we are -- if we want to be
16 consistent with what we were talking about
17 earlier -- and I know access to justice as a concept is
18 something that we -- is much more familiar to
19 individuals, but the limitation there is if we're
20 saying that's all we're trying to do, is increase the
21 access to justice but not trying to ensure that justice
22 occurs, then I think that puts a limitation on what it

1 is we are about. So, I do think we -- in order to be
2 consistent and in order to grab this broader and deeper
3 meaning that we talked about earlier, to me, that needs
4 some work.

5 MS. BEVIER: I agree.

6 MS. MERCADO: So, would it read "increased
7 opportunities for access to justice" or just "increased
8 access to justice"?

9 MS. BEVIER: He wants it to be "opportunities
10 for justice."

11 MR. JEFFRESS: A question I would have for
12 you -- the five points that are on here now really are
13 related to ways of people getting assistance. When
14 you're saying increased justice, that almost seems like
15 we're talking about outcomes.

16 We're talking about, do people get the results
17 that they should get, not just are they getting the
18 assistance in terms of the means of getting it, but are
19 they, in fact, achieving justice as a result? It seems
20 to me a lot broader concept, a useful concept, an
21 appropriate concept, but it is, in fact, broader, I
22 think, than what we have come here with. So, we might

1 want to develop that more.

2 MR. GARTEN: How about expanding it to say
3 like increase the support of low-income people
4 for -- what I'm saying, increase the availability of
5 civil legal services for people of low income means, or
6 words to that effect. That's what we're trying to do,
7 and sort of parallels with the earlier language that we
8 agreed upon.

9 MR. JEFFRESS: You're saying increase the
10 availability of services --

11 MR. GARTEN: Right.

12 MR. JEFFRESS: -- through these different
13 means, and these are different means of people getting
14 services.

15 I think that's what's represented here.

16 Does that really get to Mr. Hall's point? I'm
17 not sure that it's just availability of services that
18 he's speaking to.

19 MR. GARTEN: Well, this is going to increasing
20 the availability for people of low income means, and
21 you're describing the ways in which that can happen.

22 MR. JEFFRESS: Right.

1 MR. GARTEN: And you're avoiding the term
2 "access."

3 MR. JEFFRESS: Uh-huh.

4 MS. BEVIER: And why do we want to avoid the
5 term "access"?

6 MR. GARTEN: I'm asking --

7 MS. BEVIER: I know. I'm asking --

8 MR. GARTEN: We talked about it earlier,
9 because it gave a reference to the court system, and
10 we're doing --

11 MS. BEVIER: No, we said access to -- we took
12 out "system of justice," but we kept "access."

13 You know what? I have a suggestion. I think
14 staff should -- having listened to this -- go back and
15 try to capture what it is, because I don't know
16 that -- you know, and come back with maybe two or three
17 different ways of doing this, because I think we're all
18 kind of on the same page.

19 It's just that we're -- we've kind of come
20 unfocused about what this particular -- how this
21 particular goal is different from, fits with, is part
22 of a whole package of goals, and so forth.

1 MR. JEFFRESS: It might be useful, then -- you
2 know, the goal here is, on Goal 1, is increasing public
3 awareness of and support for civil legal services to
4 low-income persons in order to respond appropriately to
5 more of their legal needs. So, it's increasing public
6 awareness and support in order to respond more
7 appropriately, and I think we can work more on what
8 this means in terms of these as additional services.

9 What I'm not sure I fully have yet -- and
10 forgive me, but I'm not there yet -- is this concept of
11 it's not just having access to the more ways of getting
12 justice, it is, in fact, achieving justice, is what I
13 hear Mr. Hall saying, and I'm trying to square that
14 with where we are.

15 MR. HALL: Yeah. And I think it may be that
16 what I am pointing at may be something different than
17 what you have here, because I do think part of our goal
18 has to be to just ensure that people get an attorney,
19 get their case filed, etcetera, and all of the things
20 that one would do to do that is -- is certainly
21 appropriate.

22 So, I am in now way saying that the issue of

1 access is not important. I think it is. But I do
2 think that the reason the agency exists or the
3 corporation exists, and certainly the reason people do
4 their work in the field, is this belief that we are
5 achieving more than that, that we are making justice
6 real for these individuals, and I know that, you know,
7 none of us can guarantee that, but that is that deeper
8 goal that we are, you know, searching for to a certain
9 extent.

10 So, I do think that in order to try to relate
11 what I am saying to the things that you have under here
12 may not be appropriate, because these are access goals,
13 I think, or access objectives or strategies.

14 So, it may be that I am just throwing out
15 something that requires probably some more conversation
16 and deeper thought and a separate --

17 MR. JEFFRESS: But I think it's very
18 important. I don't want to lose that.

19 MR. HALL: No.

20 MR. JEFFRESS: I think that's an important
21 piece of what we're all about that may not be captured
22 with what staff has brought to you. So, I want to keep

1 that, but I hear Ms. Bevier's suggestion, and I think
2 that's right.

3 The way this objective is stated, increase
4 opportunities for access -- we can come up with some
5 better language that talks about the -- enhance the
6 services that are available or ways people can obtain
7 those services.

8 We can work on that piece.

9 MR. GARTEN: From what I'm hearing, it's
10 beyond opportunities that we're talking about.

11 MR. JEFFRESS: Yes, I've got that real clear.
12 It's not just opportunities. It is, in fact,
13 enhancing the services and increasing the services
14 themselves.

15 Ms. Mercado.

16 MS. MERCADO: Yes.

17 I think that once you see the -- the mission
18 within your -- your goal and your objectives that go
19 under there, it's all underneath itself, and so, Mr.
20 Hall's points are going to be included in the original
21 wording that we changed to the missions, which is to
22 promote equal access to justice in our nation to

1 provide high quantities of legal assistance to
2 low-income persons, and so, how we accomplish that on
3 the access issue -- because the access issue is
4 important. How is it that we're going to do that
5 objective? And maybe working -- because we do need to
6 increase the opportunities, but we also need to assure
7 that that broader sense of access to justice applies,
8 and so, I think it's easier when you're looking at it
9 all in one document to see.

10 Since we're piecemealing it, it's sort of hard
11 to go back.

12 MR. JEFFRESS: When you get down to the
13 details, you kind of lose the bigger vision.

14 Karen, let's put up there -- in addition to
15 what you have -- Herb's language was something about
16 enhancing the availability of means of -- it's not
17 really just services but it's the means to obtain legal
18 aid.

19 But we'll work on that language.

20 "Access" may be the best term of all. We may
21 end up coming back to that, but we may need to also
22 define it a little better.

1 Availability of services instead of means.

2 Let's just say availability of services as a shorthand
3 for that.

4 All right.

5 We can move on to Goal 2.

6 That's the end of the strategies under Goal 1.

7 I say that's the end. We have gone through all of
8 those that staff has presented to you. I don't mean to
9 preclude additional ideas that you all may have for
10 these items, and if you have them during the course of
11 this morning, that's fine.

12 If there are things you think of afterwards
13 and want to send us a note, that's fine, also, but
14 remember, these are the ideas suggested to you by
15 staff. I think they're good. I think they do
16 incorporate a lot of the concerns that board members
17 have, but I don't mean to limit the other ideas or
18 suggestions that you might think appropriate as we go
19 through.

20 Okay.

21 Goal 2, enhancing the quality and compliance
22 of legal services programs, and we agreed with that

1 language a little earlier this morning. We have three
2 objectives under Goal 2, and then we'll have strategies
3 under each objective, but slide 11 gives you those
4 three objectives:

5 Effectively use LSC performance criteria and
6 other indicia of high-quality legal services. There's
7 performance criteria that we are using and are
8 developing this year, and we'd like to see them
9 used -- not only we apply them, but we want to
10 encourage other folks to apply them, and you'll see
11 these in the strategies to come.

12 Increase training and technical assistance.
13 This is an objective for us as LSC to increase those
14 services that we provide to grantees.

15 And then, innovative approaches, and this is a
16 kind of catch-all for where we have some ideas for new
17 strategies or new things that we want to pursue.

18 These are clearer, I think, if we talk about
19 the strategies under each. So, let me go to the first
20 objective and the strategies that are under it, the
21 objective being "Effectively use LSC performance
22 criteria and other indicia of high-quality legal

1 services," five strategies that we developed as we
2 thought about this.

3 We want to encourage programs to use the LSC
4 performance criteria in their own self-evaluation,
5 don't have to wait for our compliance people to come
6 look at their programs. They don't have to wait for
7 the three-year competitions. We would hope that they
8 would, on a regular basis, use the LSC performance
9 criteria as they evaluate themselves.

10 Utilize the competitive grant process to
11 enhance program quality.

12 The staff felt it was important to recommit
13 ourselves to this competitive grant process even though
14 we're not getting a lot of competition.

15 There are not three or four providers applying
16 to operate the grant for any particular service area in
17 any particular competition.

18 Nevertheless, the competitive grant process
19 really is making grantees think through what they're
20 doing, how they're doing it, looking at whether they're
21 being effective, putting it on paper.

22 We think the process is a useful process in

1 terms of enhancing the quality and compliance for the
2 programs.

3 So, we want to affirm that the next five years
4 will do that.

5 Using program visits to emphasize quality and
6 compliance. We are doing that now. We want to, again,
7 affirm that that's an appropriate thing to be doing in
8 the next five years, that we'll continue to do that.

9 Make better use of data to analyze where there
10 are recurring issues and focus on addressing those
11 issues.

12 The staff's thought was that, in our -- in our
13 visits to grantees, where we find the same issue
14 occurring more than once, maybe that's a suggestion
15 that we need to focus on how to more effectively
16 communicate what the issue is around that lack of
17 compliance or more effectively provide training and
18 technical assistance on how to resolve that problem or
19 maybe it's something that nobody really knows how to do
20 well and we need to get everybody together and talk
21 about how to develop a better practice in that area,
22 but that bullet relates to analyzing our own findings

1 and acting on what we find.

2 And then the last, contribute to the
3 development of the ABA Standards for Providers of Legal
4 Assistance to the Poor. I think you all are familiar
5 with that.

6 We want to continue to be involved in that
7 process.

8 Suggestions, comments there on how we might
9 effectively use our performance criteria.

10 Let me guess.

11 MS. BEVIER: I'm sorry.

12 I like all of these in substance.

13 MR. JEFFRESS: Okay.

14 MS. BEVIER: I think they're just right.

15 I would change "utilize" to "use" in the
16 second one, because we don't need a three-syllable word
17 anyway, and I would add, in the fourth one, "make
18 better use of data to identify and analyze," and then I
19 would strike "where there are," so that that bullet
20 would read, "Make better use of data to identify and
21 analyze recurring issues.

22 MR. JEFFRESS: Good.

1 MS. BEVIER: And those are just, you know,
2 completely minor, but --

3 MR. JEFFRESS: But they're very appropriate.

4 MR. MEITES: I'd ask that you consider moving
5 the performance measure to this strategy.

6 MR. JEFFRESS: Mr. Meites, this might be a
7 very appropriate place for that, to take it out of the
8 Goal 1 strategy on effectively informing the public and
9 moving it here to using LSC performance criteria. It's
10 technically -- obviously, those outcome measures are
11 not performance criteria, but we don't know exactly yet
12 what they are going to be, because we're still trying
13 to develop them.

14 MR. MEITES: Correct.

15 MR. JEFFRESS: And this does include in the
16 objective "other indicia of high-quality legal
17 services," so this might be an appropriate place to
18 move that bullet.

19 Any thought or comment from other board
20 members?

21 (No response.)

22 MR. JEFFRESS: Well, I don't suggest

1 that -- move it here, and if there are the integration
2 problems, we'll come back and talk to you about it next
3 time about that.

4 MS. MERCADO: Would that be Goal 2, objective
5 one, bullet six?

6 MR. JEFFRESS: For now it is, and we'll see
7 where it ends up.

8 MS. MERCADO: You're moving from page 6 to
9 page 12 that third bullet where it had "Explore and
10 develop more effective ways to measure outcomes."

11 MR. JEFFRESS: Yes.

12 MS. MERCADO: Moving that to Goal 2
13 strategies, the first objective, the effective use of
14 LSC performance -- which is on page 12, just making it
15 bullet six.

16 MR. JEFFRESS: That's correct. That's what
17 we're talking about at the moment.

18 Okay?

19 Other comments, suggestions on the strategies
20 under this objective?

21 (No response.)

22 MR. JEFFRESS: Hearing none -- as I say, this

1 goal, I think, and the next goal are likely to generate
2 less controversy, although any improvements are
3 welcome.

4 The next one -- next objective is "Increase
5 training and technical assistance," and you can see
6 here there are quite a few strategies, and I apologize
7 to the audience for the small type on the screen, but
8 there are handouts back there if you need them.

9 There are quite a few strategies that the
10 staff believes are appropriate in this area for the
11 next five years:

12 Regional training programs.

13 Training aids, such as interactive
14 computer-based learning, videos, other things that we
15 might use for training aids.

16 Using distance learning and training. This is
17 where the instructor would be one place and other folks
18 could be at home, in their offices, participating.

19 Exploring the development of nationwide
20 contracts for services.

21 This was an idea that came from the success in
22 negotiating a national contract for Lexis/Nexis, some

1 examples that were talked about that we haven't yet
2 really specified -- technology, health care -- are
3 there areas that we can develop nationwide contracts
4 that would assist local grantees.

5 More effectively communicating to grantees
6 LSC's expectations of how to comply with regulations.
7 Sometimes it would appear that people don't know what
8 it is that we expect to see in order to demonstrate
9 that they're in compliance with the regulations. So,
10 this is a suggestion to ourselves on how we can more
11 effectively communicate that.

12 Providing training for grantee staff on how to
13 demonstrate full compliance.

14 Continuing to promote diversity of legal
15 services providers, boards, staff, and leadership. By
16 the way, one of the public comments we got -- and
17 they're in your notebook -- in advance of developing
18 these ideas was this, that they appreciated the
19 emphasis of LSC over the past five years on diversity
20 and the makeup of local grantees and boards and staff,
21 and wanted to see us continue that.

22 And then enhance the collection and

1 distribution of best practices information.

2 Most of these are things that we currently are
3 working on in one form or another, the things that we
4 believe are worth affirming and continuing for the next
5 five years.

6 MR. MEITES: I think we should put something
7 about our TIG program in here. I'm not exactly sure
8 what, but that, to my mind, is one of the crown jewels
9 of what we offer in terms of technical assistance, and
10 I think we should have some idea of what we expect out
11 of that in the next five years.

12 MR. JEFFRESS: We had TIG under Goal 1. I'm
13 trying to go back and find it. We had it under
14 increase the opportunities for access, or whatever that
15 becomes. It's the last objective of Goal 1. We had
16 the expansion of TIG.

17 It is both the technical assistance to
18 grantees; it's also a way for grantees to help expand
19 access through statewide websites, through these
20 kiosks, and whatnot.

21 MR. MEITES: I don't see technology as just an
22 access issue. It also in terms of efficiency to our

1 grantees internally.

2 MR. JEFFRESS: Uh-huh.

3 MR. MEITES: It's not just the interface with
4 the public, but it's also -- the technology allows them
5 to do their daily jobs much more effectively.

6 MR. JEFFRESS: Uh-huh.

7 MR. MEITES: I think it also -- there should
8 be a mention in objective two.

9 MR. JEFFRESS: Nothing wrong with also
10 referencing it here that it's something that we want to
11 enhance and expand.

12 That is also dependent on fund availability,
13 but good point.

14 MR. HALL: This fifth strategy, which I fully
15 agree with, which is to more effectively communicate to
16 grantees the LSC's expectation of how to comply with
17 the regs --

18 MR. JEFFRESS: Yes.

19 MR. HALL: It seems like we have a
20 responsibility, as we just saw from ops and regs, to
21 also make sure that our regs are clear and
22 understandable, because that increases compliance. I

1 think that's the belief --

2 MR. JEFFRESS: Good point.

3 MR. HALL: -- that we get from the field.

4 MR. JEFFRESS: Uh-huh.

5 MR. HALL: So, it seems like part of our
6 charge and goal in the next year or in the next five
7 years or whatever is to -- you know, to review our regs
8 and to ensure that they are clear and as understandable
9 as is possible.

10 So, maybe adding some language to that one or
11 creating a new one that talks about our responsibility
12 to review those regs to ensure that they are clear and
13 understandable.

14 MR. JEFFRESS: That's a good point.

15 Under the last goal, make sure we operate
16 efficiently and effectively, we have a strategy for
17 streamlining information we collect from grantees, but
18 I don't think it really gets to your point there, which
19 is, as you all did on Thursday, look at how you might
20 simply the regulations themselves.

21 MS. MERCADO: Maybe it might be more
22 appropriate to put your point as a bullet point under

1 Goal 2, the first objective, the effective use of LSC
2 performance criteria and other indicia of high-quality
3 legal services.

4 Part of the performance criteria in
5 high-quality legal services is in our ability to tell
6 our grantees what it is that we expect of them in order
7 that they carry out their performance appropriately.

8 I mean it still gets to the essence of our
9 responsibility of doing it, but it seems to me more
10 appropriate in that objective rather than the one on
11 technology, because then it seems like you're only
12 dealing with the issue of technology, which I don't
13 think your comment goes to.

14 I think your comment goes to all regulations
15 that we draft for our grantees on all subjects, not
16 just technology.

17 MR. JEFFRESS: If people agree that this is a
18 good idea, let's let staff look at an appropriate place
19 to put it, but simplifying and streamlining regulations
20 seems to me to be something you all are interested in
21 and staff would agree with, as well.

22 Okay.

1 We'll look for an appropriate place to put
2 that in what comes back to you in October.

3 Anything else on these strategies for Goal 2,
4 this objective?

5 (No response.)

6 MR. JEFFRESS: Are we ready to go to the third
7 objective?

8 Am I rushing you too much?

9 MR. HALL: No.

10 MR. JEFFRESS: Okay.

11 (Laughter.)

12 MR. JEFFRESS: All right. Those of us from
13 the south talk a little more slowly, and I understand
14 sometimes.

15 Of course, you know that.

16 MR. STRICKLAND: You may interpret that as a
17 brief summary of our position at the moment, well
18 stated by board member David Hall.

19 MR. JEFFRESS: All right.

20 The third objective under the second goal and
21 the last objective under this goal, look for innovative
22 approaches, for us to look for innovative ways of

1 achieving this goal of enhancing and increasing our
2 compliance and quality. Some of the innovative
3 approaches we think we're engaged in at the moment and
4 could work on in the future:

5 The model mentoring program, which is coming
6 along very well, which we expect to kick off this fall,
7 to implement and evaluate that.

8 To evaluate and assess the impact of LRAP.
9 That clearly -- the first grants were made this fall
10 and will be made for three years, and we want to
11 evaluate that as it goes forward.

12 Explore pilot and experimental programs for
13 new ways to enhance legal services delivery. This is a
14 catch-all, but surely we know that there are new ways
15 going to come up. We want to be open to those ideas
16 and affirm in our strategic plan that we're open to
17 those ideas.

18 Explore peer review efforts. This is noted in
19 a cautionary wording. The thought is maybe there are
20 ways that grantees can help each other beyond what is
21 going on today.

22 Certainly, some of the conversations about

1 quality that the President has been having around the
2 country have generated this idea that there are things
3 we can do to help each other in evaluating what
4 grantees are doing.

5 And then work to improve hard-to-serve areas
6 and populations -- e.g. rural areas, migrants, Native
7 Americans -- there are special challenges there. We
8 feel like we need to make special investments on
9 helping those grantees service their population.

10 Because this is innovative approaches, we
11 couldn't define what they all were, so a couple of
12 these bullets are kind of broad and open, but we wanted
13 to talk about our priorities and express that we're
14 open to those new ideas.

15 Suggestions, comments?

16 Ms. Bevier.

17 MS. BEVIER: I just would to add a verb to the
18 beginning, to the -- you know --

19 MR. JEFFRESS: Yes.

20 MS. BEVIER: -- to the strategy.

21 It should be develop innovative approaches or
22 something like that.

1 MR. JEFFRESS: Develop -- and I would want to
2 say implement or extend or something, because some of
3 these are underway -- the mentoring program, the LRAP.

4 So, it is -- in addition to developing new ones, it is
5 enhancing those --

6 MS. BEVIER: Right.

7 MR. JEFFRESS: Okay.

8 MR. STRICKLAND: A quick question about the
9 first bullet point, about the model mentoring program.

10 MR. JEFFRESS: Yes.

11 MR. STRICKLAND: Does that include the concept
12 of leadership succession?

13 I know that there are several Lillians in the
14 organization, and two in the field, Lillian Moy and
15 Lillian Johnson, have been doing some work on that, and
16 I think -- Helaine might be able to address that,
17 but -- whether that's included in this bullet point.

18 MS. BARNETT: The mentoring project is a
19 leadership development --

20 MR. STRICKLAND: Can you get closer to your
21 microphone?

22 MS. BARNETT: I think our concept is that it

1 is a leadership development mentoring project, that the
2 mentoring would look to develop future leaders. It's
3 not exactly succession planning, but it is leadership
4 development.

5 MR. STRICKLAND: Okay.

6 MR. JEFFRESS: Other thoughts, suggestions,
7 ideas here?

8 I'm ready to move to the next goal if you all
9 are.

10 Taking my cue, this goal is to -- the third
11 goal -- ensure that LSC operates efficiently and
12 effectively.

13 We have one set of strategies here. We don't
14 have different objectives. This is only one list of
15 strategies for Goal 3.

16 Closer collaboration between LSC
17 offices -- we're talking about within LSC, our
18 information group, our information management group,
19 our compliance and enforcement group programs and
20 group. Within LSC, we want to make sure that we have
21 as close cooperation as we can achieve.

22 Bottom-up reviews of LSC offices. The

1 chairman and the president have both said to me that
2 they think it's important for us to look at what
3 services we are doing, are we appropriately staffed to
4 provide those services, where do we need to strengthen
5 or enhance our capacity, something every organization
6 ought to do periodically, and then it's clear that's
7 the direction here.

8 Enhancing our database capacities and
9 knowledge management capabilities. This is our IT
10 infrastructure.

11 We know, in the next five years, IT is going
12 to take quantum leaps. It certainly has in the past
13 15. We know it is in the next five, so we want to keep
14 pace with that.

15 Ensuring the timeliness of our written
16 products.

17 One of the self-evaluations we have done
18 suggested we're not getting our information out as
19 quickly as we would like to.

20 So, we want to enhance the timeliness of our
21 reports.

22 And here, what Mr. Hall mentioned earlier,

1 examine and, if possible, simplify and streamline the
2 data collection for grantees.

3 This is perhaps a piece of -- a small piece of
4 making regulations simpler.

5 If there are things grantees are already
6 producing for other people, maybe there are ways we can
7 piggyback on that, so they don't have to do something
8 special for us.

9 If we're collecting data in two or three
10 different ways, maybe we can do it in one way.

11 We want to continue to look for ways to simply
12 this.

13 If we can do things electronically that are
14 now being done by paper -- again, ways to simply this.

15 Adding to the capacity of our staff by skills
16 training -- by enhancing skills through training and
17 career development.

18 You know, we'd like to make LSC a great place
19 to work, and one of the ways to do that is by making
20 sure staff has opportunities for professional
21 development themselves, and we believe we should make
22 ourselves a model of diversity, inclusiveness. If this

1 is one of the things that we are promoting among our
2 grantees, then we feel like we have an obligation to do
3 it for ourselves.

4 So, these are some strategies that the staff
5 thought appropriate for ensuring that we operate
6 effectively and efficiently.

7 You all, as board members, may see things that
8 you would like to see us enhance, as well. I'm open to
9 taking those now or at any other time you might want to
10 suggest them, to come forward.

11 Mr. McKay.

12 MR. MCKAY: Just a comment.

13 The first bullet point -- on first blush, when
14 you read that, it looks like we're talking about LSC
15 offices.

16 It would appear -- at least it occurred to me
17 there might be offices in other locations, and so, I
18 would propose offices within LSC, so it would read
19 "between offices within LSC," rather than "LSC
20 offices."

21 So --

22 MR. JEFFRESS: Okay.

1 MR. McKAY: And then, also, since there are
2 more than two offices, I think it should be "among
3 offices," rather than "between."

4 MR. JEFFRESS: Thank you. Appreciate that.

5 MR. McKAY: For the record, Professor Bevier
6 said very good.

7 MR. JEFFRESS: Does she agree? Okay.

8 (Laughter.)

9 MR. JEFFRESS: So, that first bullet would be
10 "Develop closer collaborations among offices within
11 Legal Services Corporation."

12 Okay.

13 Thank you.

14 Other suggestions or comments for efficiency
15 and effectiveness?

16 Yes.

17 MS. MERCADO: I'm sorry, Mr. McKay.

18 I think you're right about the statement, but
19 I'm wondering if we're losing part of what the intent
20 was on this innovative approach or for making this more
21 effective.

22 MR. MEITES: Please speak into the microphone.

1 MS. MERCADO: I'm sorry.

2 I'm wondering if, by narrowing it to within
3 LSC office, we are actually losing the broader aspect
4 of it, which I think maybe staff was looking at, and I
5 read it -- when I read it, I meant the collaboration
6 maybe between our grantees and the work that they do,
7 or are -- did they mean it only as to the LSC
8 headquarters office, and I'm saying that that concept
9 of effective and efficient delivery of legal services
10 can be a collaboration of other -- of our LSC grantees
11 or programs, collaboration with, you know, some
12 particular issues or service areas that maybe could go
13 in a different area, and I'm not sure -- I haven't
14 looked exactly, you know, what goal it would go to, but
15 that's a different goal -- I mean a different strategy
16 than the strategy as written by Mr. McKay.

17 MR. JEFFRESS: Yeah. And I think it is
18 different.

19 When the staff developed this goal, the idea
20 was to ensure that the LSC corporation -- and we're
21 really talking about the corporation -- operates
22 efficiently and effectively, and we were drawing a

1 distinction between the corporation and the grantees.
2 There are a number of places in the previous goal in
3 terms of enhancing quality of legal services we tried
4 to speak about grantee best practices, circulating best
5 practices among grantees, peer review efforts among
6 grantees.

7 So, your concept -- we tried to incorporate
8 that in a couple of places in Goal 2, but we're trying
9 to reserve Goal 3 just for the corporation itself.

10 MS. MERCADO: Okay.

11 MR. HALL: Just technically, do we call them
12 offices, or are they really departments or divisions?
13 Because isn't that what we're talking about, that the
14 folks in --

15 MR. JEFFRESS: Yes, we actually do call them
16 offices, the Office of Compliance and Enforcement, the
17 Office of Program Performance. We do call them
18 offices.

19 MR. HALL: Okay.

20 MR. GARTEN: I was wondering, when I read
21 this, whether it would be wise to specifically name the
22 various offices.

1 You're going to get people reading this that
2 won't know what we're referring to.

3 MR. JEFFRESS: Maybe we shouldn't use the word
4 "offices" if that's creating some concern, because I
5 don't want to single out folks and suggest that people
6 are not collaborating.

7 MR. GARTEN: I don't see a problem using
8 "offices."

9 MR. JEFFRESS: Okay.

10 MR. GARTEN: I'm just wondering whether you
11 should consider identifying them for this purpose.
12 There's no problem calling it an office.

13 MR. JEFFRESS: Well, there are only six. It
14 wouldn't be a terribly long list.

15 Ms. Mercado?

16 MS. MERCADO: Yes.

17 MR. MEITES: There are also parts of LSC that
18 aren't offices, like the treasurer. So, I don't like
19 the word "offices."

20 It sounds like it's branch offices and the
21 home office.

22 And Herb, I'm reluctant to name them, because

1 in five years, we may have different names. We've done
2 that already.

3 Can we find a generic word to describe the
4 different parts of LSC?

5 MR. JEFFRESS: We could work on coming up with
6 a different word, since "offices" is creating some
7 confusion.

8 Ms. Mercado?

9 MS. MERCADO: And I agree with Mr. Meites.
10 That was going to be my comment, that, again, in the 12
11 years that I've been on this board, we have had many
12 different names and departments and divisions of duties
13 and responsibilities within LSC, and you know, within a
14 two-or-three-year period, it may be a different
15 department that doesn't exist, and by defining it,
16 you're limiting yourself to that particular definition
17 of what that was.

18 MR. JEFFRESS: Right.

19 MS. MERCADO: I mean I understand -- maybe
20 "departments" or "divisions" or something.

21 MR. GARTEN: What we do to cure that -- we say
22 "and their successors and interests."

1 MR. JEFFRESS: All right. Well, I will work
2 with the staff on clarifying what we mean there. We
3 know in this room what we mean, but I wanted to be
4 clear to the public, and obviously, it raises
5 questions.

6 Well, I appreciate your patience and your
7 forbearance and your ideas.

8 As I mentioned earlier, the next steps on
9 this -- we will take your comments and suggestions and
10 work them back through with the staff, and come back to
11 you in October with a draft plan.

12 One thing that has to be added to this, that
13 you haven't seen and the staff has not yet worked on,
14 is how we're going to measure success, because while we
15 want overall measures of success in delivering legal
16 services to be something we work on in the next five
17 years, you want to know and the Office of Management
18 and Budget wants to know and Congress wants to know how
19 are we going to measure whether we achieved our
20 objectives in our strategic plan.

21 So, while, in many ways, I consider this the
22 important work, because this sets our goals, actually I

1 think it's pretty difficult to translate these
2 objectives and strategies into measurable units.

3 So, the staff will be working both to
4 incorporate your ideas and adding some measures to
5 this, and what you see in October will be, hopefully, a
6 draft that you can then approve for public comment,
7 because we do want to give the public an opportunity to
8 comment on this prior to your adopting a final version
9 in January.

10 But again, thank you for your patience.

11 MR. STRICKLAND: And we thank you for doing an
12 excellent job of facilitating this discussion this
13 morning, Charles. It was first-rate.

14 MS. MERCADO: Mr. Chairman?

15 MR. STRICKLAND: Yes.

16 MS. MERCADO: I really appreciated the
17 explanatory comments that you gave as to how the staff
18 arrived at that particular objective or strategy,
19 because that made it easy for us to understand.

20 MR. STRICKLAND: Well, I don't know what all
21 of us expected when we entered into this discussion
22 this morning, but I would say it's fair, from my

1 perspective -- it exceeded our expectations.

2 So, I compliment you on doing an excellent
3 job.

4 Well, unless there's anymore business that we
5 need to take up -- well, let me mention one thing
6 before we recess for lunch.

7 I wanted to note the presence of Tom Fuentes
8 and Bernice Phillips, two nominees to our board who
9 we're pleased to report and will note for the record
10 that their nominations have been confirmed by the U.S.
11 Senate.

12 (Applause.)

13 MR. STRICKLAND: There's applause from someone
14 on the telephone.

15 And but for a glitch in the process of getting
16 the President to sign their official appointments -- we
17 were unable to swear them in during the course of this
18 meeting, which we had planned to do, and we had a judge
19 standing by to do so.

20 So, I'm sorry we weren't able to do that. I
21 think we were just overtaken by events that were beyond
22 our control, but we look forward to having both of you

1 as sworn members of the board at our next meeting, and
2 it will be our intention to make arrangements for you
3 to be sworn in in the interim, rather than wait until
4 the October meeting.

5 In the event that we were to have a telephonic
6 meeting between now and then, we'd want you to
7 participate fully in those discussions. So, we're
8 going to ask the staff to assist you in arranging for
9 the swearing in and provide you with the oath so that
10 that can take place between now and the October
11 meeting.

12 MR. MEITES: Frank, there are excellent
13 Federal judges in both Santa Ana and Buffalo, I'm sure.

14 MR. STRICKLAND: I'm sure we can find a
15 willing judge.

16 And I also want to note the presence of John
17 Asher, who is -- has completed his tour of duty as
18 special counsel to the President. And John, we
19 appreciate your efforts while you were in Washington,
20 and we're glad you were able to come to this meeting.

21 So, with those comments, we will take our
22 lunch break.

1 (Whereupon, at 12:03 p.m., a luncheon recess
2 was taken.)

1 A F T E R N O O N S E S S I O N

2 MR. STRICKLAND: Let's reconvene the Board of
3 Directors meeting of July 30, 2005.

4 And Tom Meites and Ernestine Watlington,
5 you're both on the phone?

6 Is that right?

7 MS. WATLINGTON: Yes.

8 MR. MEITES: That's correct.

9 MR. STRICKLAND: And there's no more buzz on
10 the line, so you can hear us okay.

11 MS. WATLINGTON: Right.

12 MR. MEITES: You're doing fine.

13 MR. STRICKLAND: Okay.

14 CHAIRMAN'S REPORT

15 MR. STRICKLAND: The next item on our agenda
16 is the chairman's report, and it's not a very long
17 report, but I do have a few things to tell you.

18 On June 28, I testified before the -- our
19 Oversight Committee, chaired by Chris Cannon of Utah.
20 It was to discuss the report of the Inspector General
21 on the LSC lease and management's response to that
22 report.

1 Also testifying that day were Tom Smegal, as
2 chair of Friends of LSC, who took exception to many of
3 the findings in the Inspector General's report, and the
4 third witness was our Inspector General, Kirt West.

5 As is usually the case with congressional
6 testimony, the witness submits written testimony for
7 the record and then a short summary of that testimony,
8 and without restating the testimony but just by way of
9 summary, I told the committee that the current board
10 did not enter into the lease transaction, and if there
11 is a problem our board will work on a resolution of
12 that problem.

13 The record of the hearing was left open, for a
14 couple of reasons.

15 One is the committee -- or at least the -- the
16 minority members of the committee are interested in
17 having testimony of John McKay, former president of
18 LSC, and it seemed apparent that they are working on a
19 mechanism to obtain his testimony, and then the record
20 was also left open for the purpose of allowing the
21 committee to submit follow-up written questions to the
22 witnesses, and that has been done, and everybody who

1 got those to me and to Tom Smegal and to Kirt West and
2 all of us are in the process of preparing answers to
3 those questions.

4 Then, from June 8th through 10th, Helaine and
5 I attended the conference of the international legal
6 aid group in Kilarney, Ireland, and approximately 70
7 people were in attendance, representing, I think, 19
8 countries.

9 It was a very interesting conference, and
10 Helaine may have more detail on that than I do, so I
11 will not go into great detail.

12 Then, perhaps the most memorable event I have
13 attended, not necessarily in an official capacity, but
14 on July 25th, Helaine, Herb Garten, Vic, and I attended
15 the swearing in of Rob Dieter as the United States
16 Ambassador to Belize, and it was quite an impressive
17 ceremony.

18 Secretary Rice came into the room, followed by
19 the Dieter family, and made some very gracious remarks
20 about Rob, and administered the oath, and Rob then
21 signed his official papers, and -- which includes a
22 verbatim copy of the oath signed by the Secretary and

1 then also signed by Rob, which I am sure is going to
2 end up in a very nice frame in his residence and among
3 his memorabilia, and we had some champagne afterwards
4 there just in the room, off the Treaty Room in the
5 State Department.

6 So, it was quite a nice occasion, and I'm sure
7 everybody -- he would like to have invited many more
8 people from the legal services community than he was
9 able to invite, but there are some size limitations on
10 the group that you can have for one of these
11 ceremonies. But it was an outstanding occasion, and I
12 was very pleased to be included in the group, able to
13 attend.

14 That includes the chairman's report, and let's
15 move now to members' reports, and I'll first ask our
16 vice chairman if she has a report.

17 MEMBERS' REPORTS

18 MS. BEVIER: I do have a report, Mr. Chairman.

19 On June 23rd, at the invitation of Steve
20 Gottlieb, who is the executive director of Atlanta
21 Legal Services, I spent the day down in Atlanta
22 visiting a variety of the legal services attorneys in

1 the Atlanta Legal Services office.

2 This visit came about because of the speech I
3 gave down there this past March, down in Atlanta this
4 past March, and I happened to sit next to Steve
5 Gottlieb at dinner, and we got talking.

6 He's quite justifiably prideful about the
7 Atlanta Legal Services office, and I had expressed some
8 interest in knowing a little bit more and more
9 intimately about that office, and so, with the
10 permission and support of the chairman and the approval
11 of the legal counsel, of the general counsel of the
12 organization, of LSC, I went down there. I talked to
13 several attorneys, one who was working on unemployment
14 compensation issues, one who was working on used car
15 fraud and loans on pink slips, which are loans that are
16 given on just -- the collateral is the pink slip of an
17 automobile, and the interest rate charged is in the
18 neighborhood of 75 percent -- 95 percent interest,
19 rather, and it was very interesting in that connection,
20 learning about that litigation and what goes on there,
21 to hear the comment of the legal services attorney, who
22 just noted how expensive it is to be poor, and I think

1 that's really quite an apt description.

2 I also talked to the attorney representing kin
3 adoption. This is situations where grandparents adopt
4 their grandchildren because the parents have defaulted
5 completely on their parental responsibilities, and
6 there's a very active attorney there who has done some
7 wonderful things for families in that connection.

8 And then I talked to an attorney who was
9 representing parents and children in connection with
10 public education matters, having to do, in particular,
11 with the implementation of the zero tolerance of drugs
12 policy, which, as every policy ever adopted that was
13 designed to do good for people, ends up having perverse
14 results, such as kicking children out for having taken
15 an aspirin to school, and a number of cases of that
16 nature were coming up, and she was -- the attorney was
17 representing those students.

18 I went to lunch with the new chairman of the
19 board of the legal services grantee, Atlanta Legal Aid,
20 and Frank Strickland, as well as Steve Gottlieb, and I
21 attended the meeting of the board of Atlanta Legal Aid.

22 So, I got to meet a number of the people who have been

1 actively involved.

2 It was a wonderful day for me, and I would
3 highly recommend that other members of the board, if
4 they have the opportunity, or -- if they have the
5 opportunity, take advantage of it, or make an
6 opportunity to visit a legal services office, grantee,
7 office of a legal services grantee that is not
8 necessarily in their own back yard, someplace
9 different.

10 It gives you a slightly more -- in fact, a
11 substantially more intimate picture of what goes on in
12 those offices in a day-to-day basis than we get even
13 from our really very useful program visits.

14 So, I thank Steve, and I thank the Atlanta
15 Legal Services Office for that opportunity.

16 That concludes my report.

17 MR. STRICKLAND: Any other members of the
18 board have reports?

19 Herb?

20 MR. GARTEN: I had the pleasure in June of
21 being invited to appear before the Jack Rabbit
22 Conference, and that name has intrigued me for years.

1 Among bar associations, in addition to the ABA and
2 state and city bars, there are regional bar
3 groups -- Mid-Atlantic bar group, the Southern
4 Conference bar group -- and this group, consisting of
5 South Dakota and North Dakota and Wyoming, New Mexico,
6 Nevada, Montana -- meets yearly at a place called the
7 State Hunting Lodge in Custus State Park, South Dakota,
8 and they met for two days, and John Ross, the past
9 chair of SCLAID, and I were invited to appear before
10 them and tell them a little bit about legal services as
11 we know it and the ABA being involved and also Legal
12 Services Corporation.

13 It was a delightful group, a very informal
14 group.

15 They threatened, if I wore a tie, to cut it
16 off with scissors.

17 And they learned a great deal about what is
18 going on.

19 They're bar leaders, of course, or past
20 presidents of their respective state bars.

21 So, they were all delighted to learn more
22 about Legal Services Corporation, and of course, it was

1 a very interesting experience both for John and I.

2 I just want to comment, also, that I was
3 delighted to be included among those who were invited
4 to Rob Dieter's installation as ambassador.

5 It was a very thrilling experience, and I was
6 particularly grateful to him and his wife for inviting
7 Sue and me.

8 MR. STRICKLAND: Okay.

9 Any other board members?

10 Dave?

11 MR. HALL: Yes, briefly.

12 I represented the board on June 2nd at the
13 Pathway to Justice conference here in California, in
14 San Francisco.

15 This conference is held every three years, and
16 it brings together members of the legal services
17 community and members of the bar, and it is something
18 that was well attended.

19 I was honored to be able to give the keynote
20 presentation and also to serve on a panel on the legal
21 services update or LSC update, where various members of
22 the field were able to ask questions about some of the

1 things that we are doing, and I was specifically able
2 to update them on two of our pilot programs, the LRAP
3 program and the mentoring program.

4 So, it was a very good conference, at least
5 for the time that I was there, and I was glad to be
6 able to participate.

7 MR. STRICKLAND: Anybody else around the table
8 have a report?

9 And let me ask Ernestine Watlington and Tom
10 Meites -- do either of you have a report you'd like to
11 give under members' reports?

12 MS. WATLINGTON: Well, I'm just really
13 surprised that, up in the area where I am, how little
14 they know about legal services.

15 So, that community education or awareness in
16 the strategic planning -- it's really important that it
17 gets more out into the community, because this
18 community is not a wealthy community, not at all. It's
19 just farmers and country people, and they even have a
20 lot of labor needs, but they know little or nothing,
21 that there's a legal services.

22 So, there's an interest in being able to let

1 them know what legal services is all about.

2 MR. STRICKLAND: Thank you, Ernestine.

3 Tom Meites?

4 (No response.)

5 MR. STRICKLAND: Maybe Tom is not with us just
6 at the moment.

7 All right.

8 If there are no more reports from members,
9 let's move to the president's report.

10 PRESIDENT'S REPORT

11 MS. BARNETT: Thank you, Mr. Chairman.

12 I'm pleased to have the opportunity to share
13 with the board a number of recent developments at LSC,
14 to provide an update on the status of several
15 initiatives, and my activities since the last board
16 meeting on April 30th.

17 Continuing the practice of meeting with all
18 LSC staff, we had an all staff meeting on June 29th.
19 At the meeting, I provided the staff with an update on
20 our board meetings, on recent developments and
21 initiatives at LSC and my own activities, in order that
22 the staff be kept as fully informed as possible.

1 With respect to our fiscal 2006
2 appropriations, on June 14th the House passed it
3 Science, State, Justice, Commerce appropriations bill,
4 providing LSC with the same \$330.8 million it is
5 receiving in the current fiscal year.

6 During the House debate, an amendment was
7 offered to reduce the appropriation by \$10 million, and
8 I am pleased to report it was defeated by a vote of 112
9 to 316.

10 Tom Polgar informs me that this is the largest
11 margin of victory legal services has had on the floor
12 of the House in at least 25 years.

13 On June 23rd, the Senate Appropriations
14 Committee unfortunately passed its 2006 Science, State,
15 Justice, Commerce appropriations bill, in which LSC
16 funding was reduced by 6.3 million to 324.5 million.
17 We expect a floor amendment to be offered to increase
18 the funding, and we will work as appropriate with the
19 amendment sponsors to attempt to bring about that
20 result in the Senate.

21 As you've heard from the chairman, based on a
22 report of the OIG alleging that LSC is paying more than

1 market rate for its space, the House Judiciary
2 subcommittee with oversight responsibility over LSC
3 held a hearing on June 28th at which Frank Strickland,
4 LSC board chairman, represented the corporation very
5 professionally and very well.

6 Follow-up questions from the subcommittee have
7 been received, and the chairman's response will be
8 forthcoming.

9 I also want to acknowledge the fine job --

10 MR. MEITES: Helaine, be sure to talk right in
11 the microphone.

12 I'm having trouble hearing you.

13 MS. WATLINGTON: Me, too.

14 MS. BARNETT: I apologize. Is this better?

15 MR. MEITES: Yes.

16 MS. BARNETT: I also want to acknowledge the
17 fine job that Tom Polgar is doing in overseeing our
18 congressional relations.

19 With regard to competition this year, 58
20 service areas are in competition in fiscal year 2006.
21 All applications have been received, and one service
22 area has more than one application. Grant renewal

1 applications are due August 8th.

2 With regard to the TIG competition, because of
3 the reduced appropriation for 2005 of only \$1,200,000,
4 LSC adopted a two-stage process for this year's TIG
5 competition.

6 LSC used a letter of intent process to narrow
7 the pool.

8 There were two categories, an open category
9 and a website category. Over 50 responses were
10 received, 37 in the open category, of which 24 were
11 selected to submit a full application, and 15 in the
12 website category, of which 11 were scheduled to submit
13 a full application. Review panels are underway, and we
14 hope to be in a position to announce the grant awards
15 in October.

16 Regarding our quality agenda, we held our
17 second conversation on quality on May 23rd, hosted by
18 Legal Services of New York at their office in New York
19 City.

20 We plan to have a third meeting in September
21 in the deep south to include individuals from states
22 that do not have any significant funding other than

1 from LSC -- Alabama, Louisiana, Mississippi, and
2 Arkansas.

3 A fourth conversation involving emerging new
4 leaders will take place before the end of the year,
5 after which we feel we will be in a position to fill
6 out our quality agenda.

7 We are in the process of revising LSC's
8 performance criteria, which have not been updated since
9 1993. They are central to our focus on quality. The
10 performance criteria are used by LSC in its evaluation
11 of applications submitted in response to the request
12 for proposal, in the competition process, and in
13 program visit evaluations.

14 We have appointed an advisory committee to
15 work with an internal staff committee to help draft a
16 revised set of criteria.

17 We have been meeting regularly by telephone
18 and held an in-person meeting on May 10th at our office
19 to review initial revisions to the criteria.

20 The most recent revised draft is being
21 reviewed by the advisory committee.

22 Professor David Hall, chair of the provisions

1 committee of the board, has been appointed the board's
2 liaison to work with us on this project, and he met
3 with us on July 14th to discuss, among other issues,
4 the status of the criteria. We expect to invite
5 further comment before finalizing the criteria,
6 hopefully in September.

7 I continue to participate in the process for
8 revising the ABA standards for providers of civil legal
9 services to the poor as a member of the task force
10 revising the standards at hearings on May 5th in
11 Austin, Texas, and on June 3rd in San Francisco. In
12 addition, there are regularly scheduled conference
13 calls, and I receive invaluable input and assistance
14 from LSC staff.

15 This process is fully complementary to our
16 process for revising the LSC performance criteria, and
17 while we're on a faster track because of overlap in the
18 members of our advisory committee with the standards
19 task force, we are confident that we are aware of the
20 issues that need to be addressed.

21 We launched the pilot LRAP by e-mailing to all
22 grantees a description of the pilot, together with a

1 grantee application form, and by announcing it on our
2 website. Program applications were accepted through
3 June 20th. Sixty-two programs applied.

4 The selection screening committee met on
5 Friday, July 22nd, to prepare recommendations to me. A
6 limited number of participating programs will be
7 selected next week, after which the attorneys in the
8 selected programs will be sent individual application
9 forms.

10 We plan to select the attorney participants in
11 September.

12 We hope to fund approximately 50 to 60
13 attorneys with up to \$5,000 for each of three years and
14 mail the first LRAP checks in October.

15 We previewed our mentoring project at the
16 Equal Justice Conference in Austin, Texas, on May 5th.

17 Althea Hayward, Evora Thomas, and Carla Smith made an
18 excellent presentation.

19 We are collaborating with NLADA and MIE on the
20 development of the training curriculum. We are
21 proposing that 10 protegees and 10 mentors participate
22 in a program for an 18-month period, which will include

1 three training events which will be scheduled to take
2 place at the NLA annual conference in November of 2005,
3 the MIE supervisory training conference in March of
4 2006, and the NLADA annual conference in November of
5 2006.

6 The pilot combines one-on-one mentoring and
7 group mentoring concepts.

8 There will be a screening committee for the
9 selection of the mentors and protegees consisting of
10 representatives from NLADA, MIE, and the ABA, as well
11 as LSC staff and representatives of our
12 soon-to-be-appointed Leadership Diversity Advisory
13 Committee.

14 We plan to launch the program later this
15 summer, and it is LSC's desire to learn from this
16 effort and determine how best to structure mentoring
17 programs and whether they help encourage the
18 development of a diverse core of future leaders for
19 legal services programs.

20 Monica Evans in the Office of Program
21 Performance is the staff coordinator for this project.

22 In trying to document the current justice gap

1 between the legal needs of low-income individuals and
2 available resources to fund applicants to provide legal
3 assistance in order to make the case for more funding,
4 we asked all LSC grantees to collect data for a
5 two-month period, which began March 14th and it
6 continue until May 13th, on the number of individuals
7 they were unable to serve or were unable to serve
8 fully.

9 Last month, we received the results from our
10 grantees on the number of applicants who had cases they
11 couldn't handle because of lack of resources. Our
12 grantees reported, for that two-month period, they
13 turned down as many potential clients as they were able
14 to represent.

15 If we were to project that number of a year,
16 it would suggest that there are more than a million
17 cases that potential clients brought to our grantees
18 that they were not able to handle.

19 When you consider that there are many other
20 low-income people with legal problems who didn't even
21 contact a legal aid program, either because they didn't
22 know about the program or because they thought the

1 program couldn't help them, it is clear that the unmet
2 need is even larger than that.

3 We are continuing to work on several other
4 ways to measure the justice gap. We are extrapolating
5 from recent civil legal needs studies in nine states
6 that have been conducted since 2000, all of which
7 conclude that, in those states, at least, there are at
8 least as much unmet need as the ABA study documented in
9 the early 1990s, which found only 20 percent of the
10 need being met.

11 We are also comparing on a state-by-state
12 basis the number of legal aid attorneys for low-income
13 population of a state with the number of private
14 attorneys for the rest of the population in the state,
15 and although our work is not completed in this area, it
16 is clear that it, too, will a significant disparity in
17 access of legal representation.

18 Finally, we are pursuing pilot studies in
19 three states -- Maryland, Minnesota, and New
20 Jersey -- to see what court and administrative hearing
21 data exists to document the number of low-income
22 persons who appeared without representation in selected

1 types of civil cases.

2 We expect to have a report to review at the
3 next meeting of the finance committee.

4 We have completed five pilot joint program
5 visits.

6 These visits have resulted in the Office of
7 Program Performance and the Office of Compliance and
8 Enforcement working together and having the benefit of
9 their respective perspectives and experiences, and at
10 the same time ensuring that the issues of program
11 quality and compliance reviews are appropriately
12 addressed in the joint ventures. Three more are
13 scheduled by the end of 2005.

14 We are continuing to evaluate these pilot
15 projects, and getting feedback from program staff, as
16 well as LSC staff.

17 I attended the ABA NLADA Equal Justice
18 Conference in Austin, Texas, on May 5 and 6, and
19 participated in several sessions, including those on
20 documenting legal needs, the LSC's pilot mentoring
21 project, and hot topics in legal services. We had a
22 wonderful representation of staff who also presented

1 our mentoring project, who participated in organizing
2 and facilitating a well-attended and wonderful session
3 on rural delivery issues and challenges, on intake, and
4 a presentation on technology and involvement in
5 leadership and diversity discussions.

6 I was very honored to have been invited to
7 give the commencement address at the New York
8 University School of Law 2005 convocation on May 13th.

9 NYU Law School is my alma mater, and Richard Reveres,
10 the dean of the law school, invited me to speak to the
11 graduating class and talk about my career in public
12 service.

13 There was an audience of nearly 6,000
14 graduates, families, members, and friends at the
15 theater at Madison Square Garden in New York City, and
16 it was a most daunting assignment. During my address,
17 I recounted my personal journey, reflected on my legal
18 career, devoted exclusively to serving the poor, and
19 the rewards of having the opportunity to make a
20 meaningful difference in the lives of our clients. I
21 encouraged the graduates to pursue a career that will
22 give them personal satisfaction, and also contribute to

1 the betterment of society, and to work to bring us
2 closer to achieving our democracy's promise that
3 justice truly not just be for some but for all.

4 On May 31st and June 1st, I visited with Ron
5 Hutchinson, executive director of Dakota Plains Legal
6 Services in South Dakota. Raylene Frazier, a paralegal
7 in our program there, and an enrolled member of the
8 Lakota Tribe, Jim Botsford of Wisconsin Judicare, Jim
9 Fitzsimmons of North Dakota Legal Services, and Jim
10 Keedy of Michigan Indian Legal Services all joined me
11 at dinner and then the following day on an all-day tour
12 of Indian Country, driving more than 450 miles over the
13 rolling hills, the prairies, the Badlands, through the
14 Rosebud reservation, seeing the housing, visiting the
15 Mission office of the Dakota Plains program, visiting
16 the Rosebud tribal courthouse, and meeting with the
17 chief judge and several other judges.

18 At lunch, we had a picnic in the park on the
19 Rosebud reservation, where we were joined by the tribal
20 elders -- by the tribal judges, excuse me -- by elders
21 of the reservations, members of the Mission office
22 staff, and representatives from the Bureau of Indian

1 Affairs.

2 I was presented with a beautiful robe which
3 they put around me and which I have displayed in my
4 office, and a special Indian song was sung, with drum
5 accompaniment, in my honor.

6 It was a very special occasion that I will
7 always remember.

8 After lunch, we continue on to the Pine Ridge
9 reservation.

10 We stopped at the tribal courthouse in Kyle
11 and met with their only judge.

12 From the Pine Ridge reservation, we went on to
13 Rapid City.

14 The drive through Indian country provided an
15 excellent opportunity to get a sense of the service
16 area and the unique difficulties faced by Dakota Plains
17 Legal Services and the other legal services programs in
18 serving Native Americans on reservations, and the very
19 difficult issues facing this client community and those
20 who serve them.

21 As you heard, the chairman of the board, Frank
22 Strickland, and I attended the 2005 International Legal

1 Aid Group Conference in Kilarney, Ireland, on June 8th
2 through 10th.

3 That group was formed in 1992 by a small group
4 of academics and administrators, and was designed to
5 promote access to justice and other legal aid policies
6 by promoting cross-national comparative lessons of how
7 we can more effectively and efficiently fund, manage,
8 and deliver legal aid.

9 Participants in ILAG included legal aid CEOs,
10 board chairmen, senior policy makers, and preeminent
11 legal aid researchers in the more than 20 countries
12 represented.

13 During the two-and-a-half-day event, we heard
14 national reports from legal aid representatives from
15 various countries.

16 We submitted a paper on the work of the Legal
17 Services Corporation which provided a description and
18 background on the work of LSC, and I chaired the
19 quality assurance session.

20 LSC has been represented in at least the last
21 four ILAG conferences, and we believe it is important
22 for LSC to continue to participate in future ILAG

1 conferences.

2 On July 13th, I was the guest speaker at the
3 Sutherland Asbill & Brennan Pro Bono Awards Luncheon in
4 Washington, D.C. This is an annual event held by the
5 law firm to honor the attorneys who exceed the firm's
6 pro bono service goals. I was asked to speak on the
7 importance of pro bono and the role of pro bono in our
8 justice system.

9 Karen Sarjeant and I attended the Southeast
10 Project Directors Association meeting in St.
11 Petersburg, Florida, on July 18th and 19th. The
12 meeting included the executive directors from programs
13 in Alabama, Arkansas, Florida, Georgia, Kentucky,
14 Louisiana, Mississippi, North Carolina, South Carolina,
15 Tennessee, and Virginia.

16 I gave an update on LSC activities, and Karen
17 participated in the panel on limited English
18 proficiency plans.

19 As you have already heard, I was privileged to
20 attend with Frank Strickland, Herb Garten, and his
21 wife, Sue, and Vic Fortuno the beautiful swearing in
22 and very moving ceremony for Rob Dieter's appointment

1 as United States Ambassador to Belize.

2 As you know, Charles Jeffress, our new chief
3 administrative officer, whose work on strategic
4 directions you shared this morning, and Karen Sarjeant,
5 our new vice president for programs and compliance, who
6 you heard make the presentation on our grant assurances
7 for 2006 yesterday, are attending their first board
8 meeting with us, and with Tom Polgar as the director of
9 government relations and public affairs.

10 I could not be more pleased or excited to work
11 with this extraordinary team.

12 And finally, as you all know, John Asher has
13 concluded his assignment as my special counsel, and has
14 returned to his duties as executive director of
15 Colorado Legal Services.

16 So, this will be John's last board meeting
17 with us in that capacity.

18 John has made an extraordinary contribution to
19 LSC over the year he has been with us, and has been a
20 special and tremendous help to me as I took on the
21 duties as president.

22 I know many of you have gotten to know John

1 very well, and like myself, have learned of his
2 profound commitment to legal services to the poor, and
3 moreover, have developed a great respect for his
4 enormous wisdom, extensive experience, and keen
5 judgement that he brought to the job, as well as the
6 way and manner in which he approached his work, and his
7 talents, insight, and energy.

8 I am most grateful for his daily and wise
9 counsel.

10 John, I know your being with us has been a
11 great personal sacrifice, and on behalf of all of us at
12 LSC -- and I know I speak for the board, as well -- I
13 would like to express on the record our everlasting
14 thanks and deep appreciation for your invaluable
15 assistance.

16 And so, from this report, you can see we have
17 had a very busy and productive three months since our
18 last board meeting.

19 Thank you.

20 MR. STRICKLAND: That's quite a record of
21 activity, Helaine, so we commend you on having the
22 energy and stamina to do all those things.

1 Okay.

2 Next is the Inspector General's report.

3 Kirt, are you ready for us?

4 INSPECTOR GENERAL'S REPORT

5 MR. WEST: Good afternoon, Mr. Chairman and
6 members of the board.

7 I wanted to start off by following up on
8 something that was discussed yesterday in terms of the
9 Sunshine Act and the concept of transparency.

10 Congress put in another instrument of
11 transparency when they created the Inspector General
12 Act.

13 It's something that's not particularly
14 intuitive, because Congress has seen fit to provide the
15 Inspector General with dual reporting requirements, not
16 just to the board but to the Congress, and then they
17 put in a strange animal called General Supervision,
18 which the 4th Circuit has discussed as nominal or
19 limited.

20 As a result -- and I think, you know, it would
21 be safe to say that we have had some tensions recently
22 over the lease report that I issued.

1 Not that it's any consolation, but I have been
2 told that this is not uncommon when there's a new
3 Inspector General in place, and I just wanted to let
4 the board know that I am fully committed to working to
5 build a more effective relationship with the board for
6 the benefit of LSC.

7 So, notwithstanding what we've gone through, I
8 am looking towards the future in building a better
9 working relationship.

10 I wanted to report on the results of one
11 investigation, and it's ironic, because it happened to
12 involve a phone call that we received several months
13 ago from CRLA. They had noticed some money was
14 missing.

15 I had our investigator contact Jose Padilla,
16 and after several months of working in a very effective
17 relationship in which our investigator was on the phone
18 quite a bit with their staff, we determined that they
19 had suffered an embezzlement of more than \$16,000 from
20 petty cash and from travel and training reimbursements.

21 As a result of that, there is -- was an
22 indictment and there is now a felony warrant out for

1 the person who stole this money.

2 I might add that, when my investigator was out
3 there, he was -- and I think it goes to some of the
4 questions of how our grantee community operates on a
5 shoe string that he was shocked to see folks at the
6 Xerox machine taking pieces of paper that already had
7 ink on them, flipping them over, and putting them in
8 the Xerox so they could copy -- you know, so they could
9 do a second-side copy, just ignoring what was on the
10 first side.

11 That really goes to show that, to the extent
12 we can help grantees figure out how to avoid an
13 employee embezzling, stealing, I think we're adding a
14 great value, and as part of our experience, we will
15 shortly be putting out an advisory to the -- all the
16 grantees, without saying where this happened, but you
17 know, indicating some of the internal controls they may
18 want to check to make sure that they don't get
19 victimized, and I know when I talked to Jose and I
20 talked to Luis, it was like -- they felt like their
21 heart had been ripped out, because it was a valued
22 employee, somebody trusted, and that just sort of

1 happens, but I am really pleased to say that we worked
2 very, very well with the grantee, and we figured out
3 what happened, and we got the criminal indictment.

4 I wanted to briefly review something that I
5 presented at the February meeting, and sort of give you
6 an update, as well as to give the members of the public
7 an update. Back in November, at the closed board
8 session, I presented a work plan for 2005, and in the
9 February meeting, I presented a -- to the open board
10 and to the community -- a workplan, and I'd like to
11 sort of give a short progress report of work we had
12 identified, and again, a workplan is only a plan, and
13 priorities change, events happen, and you have to shift
14 around.

15 But obviously everybody knows our report on
16 the lease of 3333 K Street was completed.

17 Our safety and security review is going along,
18 but I think many of the issues that we were raising are
19 now being addressed by Charles, in his new capacity,
20 and I think, particularly since he was an assistant
21 secretary of OSHA for the Federal Government and had
22 all the experience in North Carolina, he has identified

1 these issues and are dealing with it, so there isn't
2 really much for us to do more than monitor right now.

3 We are about to issue a draft report on the
4 compressed work schedule and compensatory time
5 practices.

6 Our mapping evaluation is close to being done.

7 Unfortunately, we're waiting on a couple
8 consultants to finish reports in which we have
9 contracts with them, and one is a professor, and you
10 know, some professors are on their own drum beat.

11 I'm not saying anything about Lillian or
12 David, but --

13 MS. BEVIER: Mr. Inspector, you're on thin
14 ice.

15 (Laughter.)

16 MR. WEST: Well, this professor has problems
17 coming to closure.

18 So, anyway, we're waiting on that, and we are
19 already planning to meet with Karen Sarjeant to pass on
20 our results, and as I was listening to the strategic
21 planning discussion today, I was thinking mapping might
22 be also an area we could think about creative sources

1 for funding, and perhaps other Federal agencies, and
2 rather than spending LSC's dollar, we can find some
3 other way to find resources to get, I think, a very
4 important tool used.

5 We have not yet begun any detailed work on
6 looking at the '96 restrictions and the current LSC
7 practices. I think I indicated in my 2006 budget
8 request that we really needed additional staff to carry
9 that out.

10 We are close to issuing a draft report on the
11 first of our oversight functions regarding OCE. That
12 will be, as we're starting to do with most of our
13 products, first in the form of a discussion draft
14 before a draft report is actually issued.

15 We're doing the compliance work that's
16 mandated by Congress in terms of looking at the IPA's
17 financial statements, the internal controls audit, and
18 the compliance audit, but we're looking more closely at
19 what we've actually asked the IPA's to do.

20 My head of audit went out on an ASR, spent a
21 lot of time talking to the independent public
22 accountant, and what we realized is we probably need to

1 be giving even clearer guidance to the IPA's to what to
2 look for.

3 So, I'm hoping that process will be improved
4 down the road.

5 Our program integrity work is somewhat as
6 hold, I think, as we're waiting for the Dobbins
7 decision, that we, last fall, had asked, as a result of
8 my determining that, in the CRLA audit, the dispute was
9 really more -- or disagreement was more between my
10 predecessor and management, rather than the IG and
11 CRLA.

12 So, we asked for some clarification on some
13 issues, and I've spoken to Helaine about that, and
14 we're waiting on the Dobbins decision -- or I've been
15 told management is waiting on the Dobbins decision to
16 determine which direction to go.

17 We continue to do our statutory duty of
18 reviewing LSC regulations and policies.

19 We have been through the peer review process.

20 We did the review of the EEOC IG's office. The Amtrak
21 IG's office finished our peer review of our operations.

22 The day I got on the plane to come out here, I signed

1 a draft -- a response to their draft report. I can
2 tell you, generally, it's a clean opinion, but the term
3 is "unqualified."

4 When I first heard "unqualified," I kind of
5 thing, well, you're not qualified, but "unqualified" is
6 a good thing.

7 It means they didn't find any problems with
8 our -- the way we did our audits.

9 They made a number of recommendations, almost
10 all of which I had already self-identified when I had
11 one of my own auditors take a look at our process, and
12 we had already started making some changes to make our
13 process better.

14 The one issue that I will have to discuss with
15 the board is that they have recommended that we
16 establish an A-50 follow-up process for internal
17 reviews. We have an A-50 process for reviews with
18 grantees and how to decide those, but the question is
19 coming up with one -- if I issue a report to Helaine, I
20 think the ultimate -- you know, and we have a
21 disagreement, I think it's got to come to the board,
22 because there's nobody else to come to, but we need to

1 sort of get a written policy, and that's something I'll
2 want to be discussing down the road.

3 We completed the oversight of the financial
4 statement.

5 We have issued a discussion draft on our space
6 needs audit.

7 We completed our tenant improvement allowance
8 audit, and are waiting on -- we have an outstanding
9 recommendation on that that I discussed with Helaine
10 about, and we're just waiting on -- you know, find out
11 what happens in terms of records and being able to
12 identify how much LSC -- how much of the \$2 million
13 tenant improvement allowance LSC received.

14 I should add that, in some of our
15 investigations that are ongoing, as well as the one
16 that involves CRLA, that I have to have audit staff
17 involved in the investigation, because the auditors
18 actually end up going through the books and records,
19 and sort of follow the money.

20 So, while I have audit staff, some of them
21 have been dedicated to working on some of the
22 investigations.

1 In the fall, we will be doing -- at the end of
2 the fiscal year, we'll be doing our second review of
3 board travel.

4 We did one last year, and I think we found
5 there were just a couple little nits that needed to be
6 changed, and I believe there was going to be an
7 instructional training for the board on travel. I
8 think that was what we had concluded.

9 And I've gotten a couple of other
10 congressional requests to look at things.

11 I wanted to just sort of mention as a
12 heads-up -- and I don't know if Herb will be the right
13 person or who the head of the finance committee will
14 be, but we found recently that the AICPA has put out a
15 tool kit for nonprofits, and given that there is a good
16 chance, sooner than later, that Sarbanes-Oxley is going
17 to apply to the nonprofit community, we might -- I
18 might suggest that we take a look at that, and look at
19 the best practices they've identified for boards of
20 directors.

21 It includes, specifically, having an audit
22 committee and certain responsibilities.

1 It doesn't quite apply to LSC, because you
2 don't have an independent public accountant, you have
3 an IG, and so, there would have to be some tweaking,
4 and one of the things I want to do is talk to
5 the -- there are a couple of other IG's in the
6 government -- and there aren't many of them -- a couple
7 of them are similarly situated to us, where they're
8 D.C. nonprofit corporations, as opposed to being
9 Federal agencies, and we may get together and discuss
10 and come up jointly with how we think it should be
11 applied, and just make our recommendations to the
12 board.

13 We will be waiting for the corporation to come
14 out with its strategic plan, so that we can develop our
15 strategic plan, because our strategic plan has to be
16 linked to the strategic plan of the corporation. We're
17 not going to do one separate and apart, but it's got to
18 really sort of be in concert or flow into it.

19 Finally, I did attend an IG conference of all
20 the IG's in May in Philadelphia. It was a three-day
21 conference.

22 Just to highlight some of the people who

1 spoke, one of the luncheon speakers was Representative
2 Todd Platz from York, Pennsylvania. He is one of
3 the -- chairs one of the subcommittees of the House
4 Government Reform Committee.

5 Clay Johnson, who is the deputy director for
6 management at OMB, spoke. The acting head of the
7 Office of Government Ethics, the head of the Office of
8 Special Counsel, a couple U.S. attorneys, the chief of
9 the Public Integrity Branch of the Department of
10 Justice spoke.

11 There were a couple of very moving talks, one
12 by Captain Ed Davis, who was a Vietnam POW for
13 seven-and-a-half years, and he talked about that
14 experience, and the other was from the commander of the
15 USS Cole when it was attacked, and you know, he talked
16 about how his crew basically saved the ship, and it
17 was, you know, very inspirational.

18 So, that concludes my report, if you have any
19 questions.

20 MR. STRICKLAND: Does anyone have any
21 questions for Kirt?

22 MS. MERCADO: I don't have questions, but just

1 sort of as an observation -- and I apologize that I
2 actually didn't bring this ahead of time to our
3 chairman.

4 It actually came to mind as we were doing our
5 strategic directions planning, that one of the other
6 sessions that I found useful, and I think that most of
7 us on the board found useful before, in a prior board,
8 is that we had a session in one of our board
9 meetings -- I think it must have been like about a
10 half-a-day session -- and Victor Fortuno can probably
11 correct me on this.

12 But we had a whole session on inspector
13 general duties and responsibilities, parameters,
14 between LSC, the board as the head of the agency, what
15 we can and cannot do, which I found to be very helpful,
16 because I know we spent the better part of the first
17 year with the former -- well, two former inspector
18 generals -- disagreeing about what we thought you
19 should or shouldn't cover, because our understanding of
20 what we as a board and what we as an organization
21 thought you could or couldn't do versus what Inspector
22 General Acts do or don't do and how it applies to legal

1 services or doesn't apply.

2 And that was very fruitful and helpful, and it
3 was done in conjunction with our general counsel and, I
4 believe, some outside assistance from one of the law
5 firms, I think, that had sort of helped draft or work
6 with inspector general stuff, and Victor might even
7 have some of those materials back there somewhere.

8 And I think they would be very helpful,
9 especially once you have -- since you already have our
10 new board members confirmed, that you pretty much have
11 a full board.

12 I mean, hopefully, it would be better if it
13 was when the other two would come on board, but in any
14 event, it would, I think, alleviate a lot of the
15 understanding from board members, especially new board
16 members, as to what we can or cannot do, or you know,
17 how extensive our relationship is to one another, as
18 well as to Congress and the public, and I was just
19 sitting reflecting on some of the stuff that would be
20 helpful based on the strategic directions that we had
21 this morning, that I think that that would be useful,
22 that we found ourselves, after a year of going back and

1 forth with I.G. Guatraux on a lot of issues, that that
2 really helped us a lot, and it created for less
3 friction and less misunderstandings in the future about
4 what our different roles and obligations were, and so,
5 that's just a friendly recommendation that, you know,
6 might happen in the near future.

7 MR. WEST: I'm certainly for whatever
8 communication we could have and, you know, mutual
9 understanding and, you know, resolution of
10 disagreements.

11 MR. STRICKLAND: Any other questions for Kirt?
12 Yes, sir, David.

13 MR. HALL: Again, thank you for a very
14 thorough report.

15 Will we receive a copy of the peer review? Is
16 that --

17 MR. WEST: As soon as I have a final copy, I
18 will supply it to each of the board members.

19 MR. HALL: Okay.

20 MR. STRICKLAND: Okay.

21 Anybody on the telephone have a question for
22 Kirt West?

1 MR. MEITES: No. Thank you.

2 MR. STRICKLAND: Okay.

3 Hearing none, thank you very much, Kirt.

4 MR. STRICKLAND: Next, we will consider and
5 act on the report of the Committee on the Provision for
6 Delivery of Legal Services, and Lillian -- I beg your
7 pardon. This is David Hall's report.

8 I'm jumping ahead here.

9 MR. HALL: But Lillian can give it.

10 MR. STRICKLAND: We'll just let her give all
11 the committee reports.

12 Sorry, David, I misspoke.

13 So, go ahead.

14 MR. HALL: Okay.

15 PROVISIONS COMMITTEE REPORT

16 MR. HALL: Mr. Chairman, I am delighted to
17 give a report from the provisions committee, which met
18 yesterday. We had a very insightful and thorough
19 analysis from various individuals.

20 Because many of the board members -- I think
21 all -- were present, I will not try to give a detailed
22 summary of all of those presentations but to at least

1 capture some common themes that were presented to us.

2 First, just for the record, to indicate the
3 individuals who came before us: Michelle Besso, senior
4 attorney from the farm workers unit of Northwest
5 Justice Project from the State of Washington; Janice
6 Morgan, farm workers program director from Legal Aid
7 Services of Oregon; Jack Londen from the California
8 Access to Justice Commission and an attorney with
9 Morrison & Forester; and Martina O'Sullivan, who is the
10 executive director of Catholic Diocese. We heard from
11 a client, Aurora Vasquez, who gave her very personal
12 and compelling testimony, and Jose Padilla, who is the
13 executive director of CRLA.

14 As I said, I will not convey detailed aspects
15 from each one of those presentations, but there were
16 some general and common themes of the presentation.

17 The major focus was the challenges that legal
18 service attorneys face in serving migrant farm workers,
19 and not just in California but also in Oregon and
20 Washington.

21 I think all of the presenters made a
22 compelling case that the clients they serve in this

1 area are the people who put the food on our table, and
2 shared with us the various crops and vegetables and
3 other things that they plant, pick, and take care of
4 that allow it to end up on the tables of so many
5 individuals.

6 Just some demographics or information that I
7 think captures this population: They made a point of
8 emphasizing that these are individuals who are
9 extremely hard working. Many of them, and their
10 clients, are lawful permanent residents or are U.S.
11 citizens; that despite the hard work that they engage
12 in, that their earnings are extremely low. We had
13 different analyses, because people were reporting from
14 different states.

15 One assessment was that the family earning was
16 between 12,000 to 14,000 a year for individuals engaged
17 in this work.

18 We had another analysis that -- from the State
19 of California that the individual earnings were between
20 10 to 12 thousand dollars a year.

21 Regardless of which figure you pick, it's
22 clear that these are individuals who are receiving very

1 minimal wages.

2 The types of conditions that the individuals
3 work in and the conditions of their lives were
4 described to us by various presenters, and the general
5 understanding is that many of these individuals have
6 challenges in regards to education.

7 In the State of Washington, the information
8 given to us was that the average grade level is about
9 third grade, that there language issues, and that those
10 language issues are not just from the fact that the
11 individual speaks Spanish, but they are serving clients
12 who bring other languages to the offices and to the
13 system that individuals are not able to understand and
14 comprehend.

15 They shared with us the problems with housing
16 conditions, that those housing conditions are very poor
17 to nonexistent, of individuals having to sleep outside,
18 to bathe outside, that some of them are very mobile,
19 meaning that they follow the seasons, and are not
20 living and working in one place year-round, where
21 others are.

22 They also described how isolated the

1 individuals are, and one example of that was the fact
2 that people are often only aware of the supervisor and
3 not having any contact with the growers or the other
4 individuals who are a part of the corporation that they
5 are ultimately working for.

6 They eloquently described to us the intensity
7 of the work that these individuals engage in, which
8 certainly results in a lot of physical stress and
9 illness and even sometimes death. We were made aware
10 of workers who often die in the field.

11 They shared with us a number of legal
12 challenges that individuals in this work face or, that
13 is, the legal service providers face in trying to
14 correct some of the illegal practices that occur, and
15 some of those illegal practices were workers going
16 unpaid for long periods of time, and the legal service
17 office having to bring individual suits in order to try
18 to get those workers paid.

19 One presenter indicated the restrictions on
20 class actions made that work for them even harder, but
21 also indicated that the effect of being unpaid is
22 something that one has to pay attention to in that not

1 only does the person go without their wages, but it
2 means that they end up having to borrow money and
3 sometimes having to pay fees on bounced checks and
4 other sorts of things that makes their life miserable.

5 In addition to not just getting paid or
6 getting underpaid, there are issues of sexual
7 harassment, issues of access to public benefits,
8 injuries that the workers incur because of poor working
9 conditions and other types of health concerns that
10 occur because of the type of work that they do, legal
11 challenges of discrimination that the workers face,
12 both based on age and disability, retaliation from the
13 growers or employers, and that those retaliations are
14 not just against the workers of them not being hired
15 again, but we were made aware that there are oftentimes
16 retaliation against family members in Mexico because of
17 the connection that the supervisor or boss might have
18 back in Mexico, and certainly, challenges in regards to
19 improving the housing conditions of many of the
20 workers.

21 Some other unique areas or legal challenges
22 that they shared with us is the non-compliance with H2A

1 visas that employers use, and the difficulty in getting
2 the employers to comply with the restrictions and
3 conditions for individuals who come in on the H2A visa,
4 and the slowness of the government machinery to respond
5 to that.

6 They also shared with us the fact that there
7 are issues in regards to right of access to labor camps
8 and being able to get to the individuals who they want
9 to serve, and consistently, at least the first two
10 presenters made us aware that they are employing
11 alternative dispute resolution mechanisms such as
12 mediation, and that they have had some success with
13 that.

14 However, I think the general sense was that it
15 has not been an effective tool, because the growers
16 have not always been willing to participate in that
17 particular process, but they did want to convey that it
18 is something that they are using.

19 There were certainly, despite all of these
20 challenges and some sense that there is not a lot of
21 progress occurring, there was a sense that there are
22 some victories, and we were made aware of some of them.

1 A few examples was, through the effort of
2 legal services lawyers, certain types of practices have
3 been outlawed, like the short hoe, like hand weeding,
4 and thus some legislation has been passed in those
5 particular areas, and there have also been some major
6 monetary judgements. One example we were made aware of
7 was a \$3 million judgement against a company for sexual
8 harassment.

9 So, despite the fact that progress has been
10 slow, the belief is that, through the support of legal
11 services, some changes have occurred.

12 Some broader challenges that we were made
13 aware of, particularly by Jack Londen, who emphasized
14 how highly regulated this environment is, and because
15 it is so highly regulated -- and he went into great
16 detail as to why, and how that came about -- it makes
17 it very difficult for a general practitioner to just
18 come in and handle these cases on a pro bono basis,
19 that one would, in his words, have to go back to school
20 again in order to be familiar with all of the
21 regulations and to handle them on an effective basis.

22 He also made is aware of the logistical

1 challenges -- and others did, as well -- in
2 representing this population, because of the distance,
3 because of the isolation, that one might start a case
4 at one particular point, but by the time the case gets
5 to trial, the individual no longer is present, may be
6 in Mexico again, and just issues around communication
7 makes it hard for legal services lawyers to represent
8 this population but would make it even harder for
9 private practitioners.

10 The last theme -- and I would argue probably
11 the most compelling one -- was from various
12 perspectives, I think, our presenters were trying to
13 make the invisible visible, based on the belief that,
14 often, migrant farm workers are -- are made invisible
15 through laws, conditions, and the circumstances of
16 their lives, and that part of what I think our
17 presenters were trying to do was to make these
18 individuals very visible to us, and they did that
19 through the photographs that they had around the room,
20 through a video that we saw that showed people bathing
21 outside, in irrigation water, sleeping in parking lots.

22 They became visible, also, through a

1 compelling and emotional testimony of Aurora Vasquez
2 about the sexual harassment that she incurred by her
3 employer, but also by the alienation that she incurred
4 from her family for having taken a stand in that
5 particular situation.

6 The individuals were made visible through a
7 story from Martina O'Sullivan from the Catholic Diocese
8 about a child's statement to a teacher in response to
9 the question what did you have for dinner last night?
10 The child's response was it was not my turn to eat last
11 night. These individuals were made visible through the
12 stories that all of these advocates shared with us, but
13 certainly through the passionate and eloquent
14 presentation by Jose Padilla and through his words, one
15 quote being that we are not just serving those who have
16 a little, but we are serving those who have not.

17 So, I would summarize the themes and
18 presentations to say that the provisions committee
19 received a very thorough analysis of some of the legal
20 challenges, but we were also given a very holistic
21 picture of the lives that many of the individuals live
22 on a daily basis and how dedicated many of the -- all

1 of the legal services workers who serve them are, and
2 the fact that our support is enormously appreciated.

3 So, we did not have any other presentations or
4 business that came before the committee, and thus, this
5 ends my report.

6 MR. STRICKLAND: Thank you very much, David.

7 Is that a board member who has questions for
8 David about his report?

9 MR. MEITES: Frank, it's Tom.

10 I have a general question. Maybe someone
11 brought it up.

12 Would someone tell me why farm workers are
13 exempted from the Federal minimum wage and why, for
14 those states who have minimum wages, why they are not
15 protected by that?

16 I know they're not, but what's the rationale
17 behind it?

18 MR. STRICKLAND: I don't know whether anybody
19 here at the table can answer that, unless David took
20 some notes on that.

21 We discussed a little bit with some of the
22 presenters at that meeting about the wage and hour

1 laws, but I don't know that we're prepared to give you
2 a good answer.

3 MS. MERCADO: Well, not a thorough answer, but
4 only to say that, when all the minimum wage were being
5 set under the Wager-Peyser Act, that farm workers,
6 because of the strong agricultural lobby that existed
7 then, when the statutes were passed, farm workers was
8 one of the categories that was not included in the
9 minimum wage, just like they were not included in a lot
10 of, you know, OSHA regulations and a lot of other
11 areas. Obviously, farm workers, as we know, by the
12 fact that we're trying to make them visible, not only
13 were invisible, they're certainly invisible in the
14 sense of being able to get protections for themselves
15 at a national level, and they certainly were 40 or 50
16 years ago.

17 MR. STRICKLAND: Herb?

18 MR. GARTEN: What I gathered from the
19 presentation, from what Mr. Padilla and others said, is
20 that this is a very specialized area of the law. In
21 fact, they said that the training of lawyers in their
22 office to handle these matters take a great deal of

1 time, and the laws vary from state to state, as I
2 understand it, also.

3 MS. MERCADO: And again, California is
4 fortunate that it does have a state law that has
5 minimum wage, but on the Federal level, they are not
6 protected or covered under minimum wage laws.

7 MR. MEITES: I don't want to distract you with
8 a broad economic discussion.

9 I was just curious if someone had spoken to
10 that.

11 Thank you.

12 MR. STRICKLAND: That's probably about as far
13 as we can go with that.

14 All right.

15 MR. GARTEN: If Tom wants to specialize in
16 this area of the law, he ought to get in touch with Mr.
17 Padilla.

18 MR. MEITES: Herb, I think it's too late.

19 MR. STRICKLAND: All right.

20 Let's move to the report of the finance
21 committee.

22 Herb Garten acted as chair of that committee.

1 Herb, are you ready with a report?

2 MR. GARTEN: I am.

3 FINANCE COMMITTEE REPORT

4 MR. GARTEN: The finance committee met on
5 Thursday. It seems like a generation ago, but we did
6 meet then, and we had a long productive meeting, and
7 I'm going to speed the report up to the board as fast
8 as I can.

9 The committee reviewed the LSC's financial
10 reports for the eight-month period ending May 31, and
11 the report was very extensive. It compared budget to
12 actual, and as a general rule, our conditions with
13 respect to meeting our budget expectations were very
14 good.

15 The next thing that we considered was some
16 internal budgetary adjustments.

17 There are some minor ones that do not require
18 shifting minor items between lines, and there was one
19 item that would be the subject of a resolution that the
20 committee recommends to the board, and that is
21 resolution 2005-2006, which appears on page 24 of the
22 bound book, and basically, it's really a relatively

1 simple resolution, although the figures look very
2 complex, but I assure you that when we moved to pass
3 it, that the figures all add up, and that the one
4 adjustment deals with a balance of \$139,749, grants
5 from other funds, and the gist of the resolution would
6 allow these funds recovered from grantees this year to
7 be used in the event of problems that arise, natural
8 disasters such as hurricane damage or floods, and
9 additional funds being used in those areas for our
10 mission.

11 So, I would refer the board to page 24,
12 resolution 2005-006, and ask for a motion.

13 MR. STRICKLAND: We'll accept a motion from
14 you. How about that?

15 M O T I O N

16 MR. GARTEN: I will so move.

17 MS. BEVIER: It doesn't need a second, does
18 it, coming from a committee?

19 Oh, well.

20 Second.

21 MR. STRICKLAND: Perhaps not.

22 MS. BEVIER: Let's do it.

1 MR. GARTEN: Okay.

2 MR. STRICKLAND: We'll check on our
3 parliamentary procedure for the next meeting.

4 All right. It's moved and seconded, then,
5 that we adopt resolution number 2005-006, and is there
6 any discussion in addition to that which we've already
7 heard from Herb?

8 (No response.)

9 MR. STRICKLAND: All right.

10 Let's proceed, then, to a vote on that motion.

11 All those in favor of the adoption of the
12 resolution, please say aye.

13 (Chorus of ayes.)

14 MR. STRICKLAND: Those opposed, nay.

15 (No response.)

16 MR. STRICKLAND: And the resolution is
17 adopted.

18 M O T I O N

19 MR. GARTEN: The second resolution is the
20 result of -- we have been told by Mr. Polgar that it's
21 unlikely that the budget for next year will be
22 approved, and that we will need temporary

1 authorization, similar to what we did last year, and
2 that is resolution 2006-007, appearing in the book at
3 page 28, and at this point, I would move that the board
4 adopt that resolution.

5 MR. HALL: Second.

6 MR. STRICKLAND: All right.

7 We're going to presume, just for today, until
8 we really get squared away on our parliamentary
9 procedure, that it requires a second.

10 All right. It's moved and seconded, then,
11 that we adopt resolution 2005-007.

12 Any further discussion on that?

13 (No response.)

14 MR. STRICKLAND: All those in favor of the
15 resolution, please say aye.

16 (Chorus of ayes.)

17 MR. STRICKLAND: Those opposed.

18 (No response.)

19 MR. STRICKLAND: The resolution is adopted.

20 MR. GARTEN: And then, finally, we had a
21 discussion regarding planning for the fiscal 2007
22 budget, and concluded that our committee should meet in

1 person, in the District of Columbia, to work on it,
2 after staff has made their suggestions and
3 recommendations, sometime in September, and we would
4 poll all parties that should be at that meeting to get
5 a convenient date.

6 Other than that, the books and records appear
7 to me to be in excellent shape, and that things are
8 moving along very nicely in the financial area.

9 MR. STRICKLAND: Okay.

10 Any questions for Herb?

11 (No response.)

12 REPORT OF OPERATIONS AND REGULATIONS COMMITTEE

13 MR. STRICKLAND: Let's move into the report of
14 the operations and regulations committee, and I will
15 ask who is going to give that report?

16 Will it be you, Lillian?

17 MS. BEVIER: Tom, I'm prepared to give it, if
18 you would like me to.

19 MR. MEITES: Please do.

20 MS. BEVIER: All right.

21 We met on Thursday, as did the other
22 committees, and I would preface this report by just

1 alerting you to the fact that we are about to take a
2 momentous decision, which is to vote on the final
3 adoption of rule 1611 -- or reg 1611, we're about to
4 propose some final action on.

5 We hope the board will agree that this is the
6 right time to do it and that we're proposing the right
7 thing.

8 As you know, that regulation has been under
9 consideration for quite some time.

10 Its purpose is to simplify and clarify the
11 methods for determining financial eligibility, and it's
12 really a consolidation of many things that were in the
13 reg before but were confusingly presented, and there
14 were some substantive changes that have already been
15 discussed and essentially approved by the board, but
16 the reg -- the proposed reg went out for -- the
17 proposed final reg went out for -- a notice of proposed
18 rulemaking went out for public comment in May, and the
19 comments were received, and Mattie Condray made a
20 presentation to our committee, telling us what the
21 public comments were.

22 They were generally favorable.

1 A couple of them did lead the staff,
2 management, to recommend a couple of changes in the
3 proposed rule, the first one being 1611.3(d)(1) with
4 respect to excludable assets.

5 One of the assets that had been described as
6 being excludable previously was a vehicle used for
7 work.

8 It was recommended by management, pursuant to
9 public comments, that that be expanded somewhat to
10 include vehicles used for transportation, because the
11 "work" -- confining it to vehicles used for work is too
12 constricting and really unnecessary.

13 General transportation needs are important for
14 a variety of things that people need transportation
15 for.

16 The second rather minor change had to do with
17 the provision with respect to assets jointly held by a
18 victim applicant for aid with the alleged perpetrator
19 of domestic violence, and that is 1611.3(e). The
20 reference there in your board book -- there are two
21 different ones.

22 One is page 38, 39, and 40.

1 You can see that the basic issue that is
2 addressed by this slight change is to make it clear
3 that, with respect to excludable assets, what we're
4 permitting to be excluded from the assets available to
5 a grantee -- an application victim of domestic violence
6 is only the assets that that victim held in common or
7 jointly with the alleged perpetrator of domestic
8 violence.

9 So, those assets may not be included, but
10 other assets that are available to other members of the
11 household of the victim of domestic violence may be
12 included and, indeed, must be included.

13 So, we made that change at 1611.3(e), and
14 you'll see the final change in the board book at page
15 79.

16 Finally, another minor suggestion had to do
17 with the authorized exceptions to the annual income
18 ceiling and whether those should include extremely high
19 utility bills in unusual circumstances. There's an
20 "other significant factors" that permits exceptions to
21 the income ceilings.

22 It's been decided to -- or it is being

1 recommended that, in the preamble, a discussion of the
2 fact that sometimes utility bills are unusually
3 high -- it's a terribly bad winter, it's a horrible
4 summer, and the bills are even higher than they are in
5 this general period of high energy prices and utility
6 prices. We're talking about unusually high utility
7 bills, and grantees are going to be permitted, if they
8 read the preamble, to take into account unusually high
9 utility bills as a significant factor that might
10 justify an exception to the annual income ceiling.

11 Finally, we come to the representation of
12 groups, which I think, as many of you know, has been a
13 real sticking point with respect to this particular
14 reg.

15 We have decided what we're going to do, and we
16 decided that some time ago.

17 We're going to permit representation of two
18 different kinds of groups -- one, the group that
19 consists primarily of individuals who qualify for legal
20 aid, and the other is representation of groups who
21 provide services to persons who qualify for legal aid,
22 and the representation is in connection with the

1 services that that group provides.

2 There was some question with respect to how we
3 phrase the determination of the -- how we phrase how
4 grantees go about determining eligibility for those
5 groups.

6 There are two different groups being eligible,
7 and thus, there are two different ways of determining
8 eligibility.

9 The language was initially confusing.

10 The confusion was pointed out to us by Linda
11 Perle, and Mattie was consigned to -- or asked to turn
12 her wizardry -- her wizardy hand at drafting to
13 clarifying that language, and I think she has done
14 that.

15 We here on the board have access to that
16 language.

17 It's the proposed revisions to section 1611.6
18 that you have.

19 The changes are in the bold there, and if
20 you'll just have a look at them, I don't really want to
21 read out loud this whole section or subsection. I
22 refer you to 1611.6(b)(1)(i) and (b)(1)(ii), where

1 Mattie has added the words "financial or other
2 socioeconomic characteristics of the persons comprising
3 the group are consistent with those of persons who are
4 financially eligible."

5 I think those are adequate clarifications.

6 I don't see how we can do any better now, and
7 I think that this is -- and it's not a substantive
8 change, so I don't think we have to go out for public
9 comment again.

10 So, I think we're prepared to recommend that
11 the board include this language in the proposed final
12 rule and proceed.

13 Then there's one more detail that needs to be
14 noticed, and that has to do with 1611.6(a) at page 81
15 of the board book, having to do with groups -- excuse
16 me. I have to look and find mine. Having to do with
17 groups being eligible if they can -- if they provide
18 information showing that they lack or have no practical
19 means of attaining funds to retain private counsel.

20 The issue is what about pro bono? Should they
21 have an obligation to attempt to get pro bono help?

22 What we decided was we should not impose that

1 obligation on groups, because the fact is, most of them
2 probably do something very much like that already. We
3 shouldn't impose a requirement that they do what
4 they're already doing.

5 We should, rather, put in the preamble, again,
6 a reference to our hope that they will, in fact -- our
7 expectation that they will explore help from pro bono
8 sources.

9 One final detail, and that is, we have four
10 examples of group representation under the draft final
11 rule, which I think we decided to put in the preamble.

12 Is that right, Mattie?

13 So, we're going to put these four
14 examples -- two of groups primarily composed of
15 eligible individuals, two examples of groups which have
16 as principle activity the provision of services to
17 those who would be financially eligible under the
18 act -- and these examples are meant to both suggest to
19 grantees what they may do now with this group
20 representation provision, and also to suggest to those
21 who fear that what we're trying to do is smuggle class
22 action permission in through the back door, that that

1 is, indeed, not the case at all, that we're confining
2 this permission within quite narrow bounds.

3 M O T I O N

4 MS. BEVIER: So, with that explanation, Mr.
5 Chair, I would offer a motion that we adopt the
6 proposed final rule 1611 as very able drafted and
7 worked on by the Committee on Operations and
8 Regulations.

9 MR. McKAY: Second.

10 MR. MEITES: And I would like to support the
11 motion, as well. Lillian has presented it very clearly
12 and well, and I join in Lillian's appreciation of all
13 the efforts the staff and our stakeholders have made to
14 bring this to the point we are today.

15 MR. STRICKLAND: Any other discussion before
16 we proceed to a vote on the adoption of this rule?

17 (No response.)

18 MR. STRICKLAND: All right.

19 Hearing none, all those in favor of the
20 motion, please say aye.

21 (Chorus of ayes.)

22 MR. STRICKLAND: Those opposed, nay.

1 (No response.)

2 MR. STRICKLAND: The ayes have it.

3 I was just saying nay. I was not voting nay
4 on it.

5 (Applause.)

6 MS. BEVIER: Congratulations, Mattie.

7 MS. CONDRAY: There's champagne on the bar.

8 MS. BEVIER: I don't know what you're going to
9 do from now on, but I think we'll find something for
10 you.

11 Moving right along to the second item on our
12 agenda, the proposed regulatory agenda, in the Federal
13 Register was published an invitation for the public to
14 ask -- to tell us what they thought our agenda should
15 be for the next year. We got a few comments. I think
16 most of them said we shouldn't have a regulatory
17 agenda, because in fact, the regs, although they could
18 obvious stand to be tweaked and thoroughly examined,
19 are basically working pretty well. Many of them have
20 been in place for years, and grantees know relatively
21 well how to comply, and we have to be careful -- I
22 think the theme was we have to be careful that any

1 benefits that are achieved through reexamining,
2 redrafting regulations -- we've got to be careful that
3 those benefits exceed the costs of doing so before we
4 even embark on the project.

5 There are a couple of regs that seem to fit
6 that description, one having to do with the deletion of
7 a regulation on expenditures of grant funds, 45 CFR
8 Part 1631.

9 We thought we might delete that, because it
10 refers to the expenditure of -- it specifically refers
11 to the expenditures of funds in 1986, and we thought
12 it's conceivable that that reg is no longer relevant.
13 We're not sure, so we're going to have to look at it,
14 but we think probably we can do without that one.

15 We also think that it's appropriate and might
16 be worthwhile to consider a revision of 1624 with
17 respect to discrimination on the basis of handicap.
18 That may not revision in the light of the many rules
19 and regulations and new laws that have taken effect
20 since 1979, but we do need to be careful, and I hope
21 and trust that we will be careful that we not duplicate
22 the efforts of other laws and other Federal agencies,

1 and that we not impose duplicative administrative
2 burdens on our grantees. So, with that, we think we
3 probably ought to proceed to at least have a look at
4 that one.

5 Finally, the review and revision of the
6 regulation on client grievance procedures, 1621, seems
7 to be one that will have benefits that exceed its
8 costs, and we do -- I think would recommend that we
9 undertake that.

10 With respect to private attorney involvement,
11 we decided that we're not going to proceed on that
12 actively at this point except that we want to -- we
13 want some momentum to begin to be gathered in terms of
14 our cooperation with the ABA on private attorney
15 involvement and the ABA committee, and so, we're going
16 to be pushing on that a little bit. We think we should
17 work on that.

18 I know David Hall and the provisions committee
19 wants to work on that, so -- and it does seem to have
20 emerged from our strategic plan that we need to be
21 alert to that.

22 I mean it's not just the issue of the

1 12.5-percent requirement; it's other issues, as well.

2 So, I would simply alert you to anticipate
3 that that is likely to come before us at some time in
4 the next year.

5 I don't think we need an action -- we don't
6 need to do anything about this.

7 The grant assurances: We had a very able
8 presentation by Karen Sarjeant about the proposed grant
9 assurances for 2006.

10 Those are on page 103 through 125 of your
11 board book, if you want to look at them.

12 Karen went over the minor changes, and they
13 were pretty minor, just clarifying and making slightly
14 more specific some potentially vague terms.

15 Those were easily summarized for the
16 committee, and we didn't have any trouble with them.

17 The only one that required some additional
18 consideration was the grant assurance, page 25, and the
19 changes to that are on page 111 of your board book, and
20 the final copy of that that we are recommending to you
21 is on page 121, and the reason for this has to do with
22 the sentence that was deleted, which said "non-removal

1 of a multi-year grant does not constitute a termination
2 or a suspension under LSC regs."

3 What the committee had been concerned about
4 before and what the removal of that sentence reflects
5 is a concern to provide programs with some procedural
6 protection were a grant not to be renewed at the end of
7 a year during a multi-year grant. We don't want, in
8 other words, to suggest to our grantees that we're just
9 going to lop them off at the kneecaps and let that be
10 the end of it. They need some protection, and so do
11 we, to make certain that our decision to termination or
12 do something else, if a program is running into
13 trouble, will have the necessary vetting from a
14 procedural point of view.

15 So, LSC management believes that the proposed
16 deletion of this sentence in 25 is appropriate, because
17 the existing regulatory process is adequate, LSC has
18 sufficient tools to manage its grant process and the
19 potential nonperformance of any grantee during the
20 course of a grant, and any process less than a full 45
21 CFR Part 1606 process for the termination would not be
22 sufficient in light of the significant interest at

1 stake.

2 M O T I O N

3 MS BEVIER: So, with that substantive change
4 to grant assurance 25, Mr. Chairman, the ops and regs
5 committee would recommend that the board approve -- I
6 think we do have -- this is an action item -- would
7 move to approve the grant assurance for 2006 as it
8 appears in the board book.

9 MR. McKAY: Second.

10 MR. STRICKLAND: Is there further discussion
11 on that?

12 MS. MERCADO: I just want to make sure -- with
13 the amendments that you mentioned, right?

14 I mean you said it's in the board book, but
15 with the amendments?

16 MS. BEVIER: That's what's in the board book,
17 is the --

18 MS. MERCADO: The amendments to 25?

19 MS. BEVIER: Yes. I think that's on page 121.
20 Actually, the amendment to 25 is on page 124,
21 probably.

22 MR. STRICKLAND: You're moving the adoption of

1 the grant assurances, as amended.

2 Is that correct?

3 MS. BEVIER: As proposed by the
4 administration, as amended.

5 MR. STRICKLAND: Right.

6 MS. BEVIER: Yes.

7 MR. STRICKLAND: Are you satisfied with that?

8 MS. MERCADO: Uh-huh.

9 MR. STRICKLAND: Okay.

10 Any further discussion on that motion?

11 (No response.)

12 MR. STRICKLAND: All right.

13 All those in favor of the motion, please say
14 aye.

15 (Chorus of ayes.)

16 MR. STRICKLAND: Those opposed, say nay.

17 (No response.)

18 MR. STRICKLAND: Passes unanimously.

19 MS. BEVIER: The final item on our agenda was
20 just a brief discussion or recap of the Government in
21 the Sunshine Act.

22 That was never on our agenda to reconsider our

1 own regulations about the Government in the Sunshine
2 Act.

3 Rather, it was -- we had just asked to be
4 given a bit of history about why LSC's Government in
5 the Sunshine Act regulations are the way they are and
6 somewhat different from or, perhaps one might say, more
7 onerous than those that are required by the
8 government's -- by the Sunshine Act legislation.

9 We are not interested, at this point, in the
10 least, in trying to make the work of the board less
11 transparent, and basically, the discussion with respect
12 to the Sunshine Act, I think, is over for the time
13 being. So, I just report that we had the memo, we got
14 brought up to date, and we now know why we're doing
15 what we're doing, which is helpful.

16 And with that, our work concluded.

17 MR. STRICKLAND: Okay.

18 Thank you very much -- and you're up next with
19 the performance reviews committee.

20 MS. BEVIER: All right.

21 PERFORMANCE REVIEWS COMMITTEE REPORT

22 MS. BEVIER: This is a very brief report. The

1 performance reviews committee met Thursday. We
2 had -- and basically, our report to the board is simply
3 that we are continuing our work with respect to
4 identifying the procedures used for the evaluation of
5 the President and having under advisement the issue of
6 the board's evaluation, performance evaluation, of the
7 Inspector General.

8 That's a brief summary, but that's basically
9 what we're doing.

10 MR. STRICKLAND: Okay.

11 Any questions of Lillian about that report?

12 (No response.)

13 MR. STRICKLAND: All right.

14 CONSIDER AND ACT ON BOARD'S MEETING SCHEDULE

15 MR. STRICKLAND: The next item is consider and
16 act on the board's meeting schedule for calendar year
17 2006, which appears on page 188, I think. I beg your
18 pardon. I do have page 189, and Helaine has indicated
19 that's the correct page.

20 Do you want to comment on that, Helaine?

21 MS. BARNETT: I think we are prepared to
22 recommend that these be the meeting dates. We have

1 polled all the committee members, and we are
2 recommending that the board adopt these as the meeting
3 dates for 2006.

4 M O T I O N

5 MR. STRICKLAND: All right.

6 I would entertain a motion, then, to that
7 effect.

8 MR. GARTEN: So moved.

9 MR. STRICKLAND: Is there a second?

10 MS. BEVIER: Second.

11 MR. STRICKLAND: Any discussion?

12 (No response.)

13 MR. STRICKLAND: All those in favor, please
14 say aye.

15 (Chorus of ayes.)

16 MR. STRICKLAND: Any opposed?

17 (No response.)

18 MR. STRICKLAND: All right. That's adopted
19 unanimously.

20 Vic Fortuno, I have a question to ask you
21 about a little correction we need to make on some
22 minutes, if you could come up and let me ask you that.

1 I don't need to ask you on the record. I want to ask
2 you off the record.

3 Just one moment.

4 (A discussion was held off the record.)

5 MR. STRICKLAND: All right.

6 CONSIDER AND ACT ON OTHER BUSINESS

7 MR. STRICKLAND: We're now at the portion of
8 the meeting where we consider and act on other
9 business, and there are two important matters that we
10 need to bring to a vote today, two resolutions
11 regarding service of board members.

12 First is a resolution in recognition and
13 profound appreciation of distinguished service by
14 Robert J. Dieter. These are not in the book, so I will
15 need to read these into the record, and we'll need to
16 give them a resolution number at the appropriate time,
17 but I think we can consider these without the number at
18 the moment.

19 But this is "Whereas, Robert J. Dieter has
20 always been mindful of the interests of the least
21 advantaged in our society and he has worked tirelessly
22 to advance the cause of equal access to justice for

1 low-income persons of America, and whereas, Rob has
2 provided outstanding leadership and guidance to the
3 national legal services community, and whereas, Rob
4 faithfully and with honor, integrity, and great
5 distinction served as a director of the Legal Services
6 Corporation for two years, and during that time, as
7 chairman of its finance committee," and this will be
8 resolution 2005-009, "and whereas, Rob resigned as a
9 director of LSC to accept appointment as United States
10 Ambassador to Belize and was sworn in on July 25, 2005,
11 now therefore be it resolved that LSC's Board of
12 Directors formally acknowledges and extends its
13 profound appreciation to Rob for his service to LSC and
14 to the cause of civil legal assistance to the poor in
15 America and congratulates him on his appointment as
16 Ambassador."

17 M O T I O N

18 MR. STRICKLAND: Is there a motion to -- I'll
19 move to adopt that resolution.

20 MR. HALL: Second.

21 MR. STRICKLAND: Any discussion on the
22 resolution?

1 (No response.)

2 MR. STRICKLAND: All those in favor, please
3 say aye.

4 (Chorus of ayes.)

5 MR. STRICKLAND: And those opposed, nay.

6 (No response.)

7 MR. STRICKLAND: It is adopted unanimously and
8 loudly.

9 So, thank you very much on that.

10 All right. Next is -- let's correct the
11 record to say that the previous resolution is 2005-008,
12 and the next one will be 009.

13 Now, the actual effective date of this
14 resolution will be several days from now, but we
15 particularly wanted to adopt it today, because the
16 person is here, and this is a resolution in recognition
17 and profound appreciation of distinguished service by
18 Luisa Maria Mercado, and I'd like to read this
19 resolution into the record.

20 "Whereas, Maria Luisa Mercado has always been
21 mindful of the interests of the least advantaged in our
22 society and she has worked tirelessly to advance the

1 cause of equal access to justice for low-income persons
2 of America, and whereas, Maria Luisa has provided
3 outstanding leadership and guidance to the national
4 legal services community, and whereas, Maria Luisa
5 faithfully and with honor, integrity, and great
6 distinction served as a director of the Legal Services
7 Corporation for 12 years, and during that time
8 contributed greatly to the deliberations of the Board,
9 now therefore be it resolved that LSC's Board of
10 Directors formally acknowledges and extends its
11 profound appreciation to Maria Luisa for her many years
12 of service to LSC and to the cause of civil legal
13 assistance to the poor in America."

14 M O T I O N

15 MR. STRICKLAND: I move the adoption of that
16 resolution.

17 MR. HALL: Second.

18 MR. STRICKLAND: Unanimously seconded. And I
19 would ask that the resolution be noted for the record
20 as unanimously approved, and I would ask the board and
21 those in attendance to join me in a round of applause
22 for Maria Luisa.

1 (Applause.)

2 MR. STRICKLAND: Mr. Reporter, I please ask
3 that the record reflect that there was a standing
4 ovation, and I would ask any board members if there may
5 be individual comments regarding Maria Luisa.

6 MR. HALL: Well, I would like to say that it
7 really has been an honor to work with you during this
8 time.

9 I think you have certainly enlightened this
10 board of the history of things that have happened
11 before us and have made us aware of the history of this
12 important board, and I think you have also, with great
13 integrity, attempted to be the conscience of this
14 board, and we deeply appreciate it, and so, I commend
15 you on your long years of service and can say to you
16 that many of us have no intent of matching your record.

17 (Laughter.)

18 MS. BEVIER: Maria Luisa, I want to echo what
19 David said.

20 I think it's stunning how loyally and
21 faithfully you have been with us, and you know, you've
22 attended all the meetings, and have been just

1 wonderfully generous in your advice and counsel and
2 wisdom, and we do appreciate it, and the sentiment I
3 most want to echo is we have no intention of following
4 in your footsteps.

5 So, you may end up being the longest-serving
6 member. Well, maybe Ernestine will beat you in that.
7 Congratulations, Ernestine.

8 But truly, it's just -- that kind of
9 dedication is just quite wonderful and an example to
10 everyone who would wish to have anything to do with our
11 mission.

12 So, thank you.

13 MR. STRICKLAND: Herb Garten?

14 MR. GARTEN: Of course I will echo the same
15 sentiments, but I just want to acknowledge your
16 lifelong interest and support of legal services from
17 the time you first became a lawyer, and what's
18 remarkable is you've given us the background as someone
19 who, as stated today, was poor and had to lift yourself
20 up by your own bootstraps, and it's been a great
21 pleasure on the part of myself and the other board
22 members to serve with you.

1 MS. MERCADO: Thank you.

2 MR. STRICKLAND: Anybody else?

3 Yes.

4 MS. BARNETT: On behalf of the staff of the
5 corporation, Maria Luisa, we want to thank you for your
6 steadfast support, for your commitment to equal access
7 to justice, and what you have brought to the
8 deliberations of this board over the past dozen years.

9 MR. STRICKLAND: And on a personal note, I
10 recall the first time I came to a board meeting as a
11 nominee, and we were warmly received, and I think
12 especially by you, and that has never changed. So, we
13 thank you very much for your long service to the LSC
14 board and to the legal services community, and I would
15 invite you to make any comments you may choose to make
16 at this point.

17 MS. MERCADO: Believe it or not, it actually
18 does sort of leave you speechless.

19 Obviously, it's sort of always a bittersweet
20 moment, because you really and truly believe in the
21 mission of legal services, and I certainly do, in a
22 very personal way, and I think what has made it even

1 more memorable is the countless number of people all
2 around the country, of course particularly starting
3 with our boards, both boards that I have served with,
4 and the staff, the dedicated staff, not only in our
5 national headquarters but out in the field, the client
6 community that we have represented, to constantly be
7 kept aware of our mission of access to justice is such
8 a deep and enthralling experience, but it is a lifelong
9 commitment and something that you breathe day to day,
10 and I often tell people -- I said, you know, I think
11 that one of the factors that works for us, that those
12 of who come as immigrants from other countries, as I
13 did, from Mexico, and being a farm worker, is that I
14 honestly believe my history and government civic
15 lessons about equal access to justice and what justice
16 could do, and you saw that in the woman yesterday who
17 has put her daughters through college and believing
18 that they could have better opportunities.

19 And I tell people -- I have traveled in
20 different areas and different countries, certainly in
21 my own country, and I wouldn't trade our country's
22 ability -- and I say "our" because I am now a citizen

1 of the United States -- and its access and its constant
2 attempt to make democracy work, to make it work for all
3 of us, regardless of what status of life or what
4 condition -- who you are, where you come from, what
5 gender or what race, and we still always try to achieve
6 that goal of equal access to justice, and that even
7 though sometimes these meetings are laboring and
8 sometimes we might have differences of opinion, that
9 ultimately our goal is that same in that we all would
10 hope that we wouldn't have to constantly be struggling
11 to make this a reality for everyone.

12 But I certainly have been very grateful for
13 the opportunity to serve all of you, because that is
14 what we're doing, is service to our community and our
15 clients, and certainly, I will be there to support and
16 continue doing my part in my area, in whatever work
17 that I do, and I certainly have appreciated and
18 treasure the relationships and the advice and wisdom
19 that I have learned from all of you, and from the
20 different people that I have met.

21 I always learn something new.

22 Thank you.

1 (Applause.)

2 MR. STRICKLAND: We'll miss you, but we won't
3 forget you.

4 PUBLIC COMMENT

5 MR. STRICKLAND: All right.

6 It's time for public comment. Is there any
7 public comment at this time?

8 (No response.)

9 MR. STRICKLAND: All right.

10 AUTHORIZATION OF EXECUTIVE SESSION

11 MR. STRICKLAND: Hearing none, we need to
12 consider and act on whether to authorize an executive
13 session of the board to address items that are listed
14 under our closed session agenda.

15 M O T I O N

16 MR. STRICKLAND: Is there such a motion?

17 MS. BEVIER: So moved.

18 MR. HALL: Second.

19 MR. STRICKLAND: All those in favor of the
20 motion, please say aye.

21 (Chorus of ayes.)

22 MR. STRICKLAND: The motion is adopted, and

1 the rest of our meeting will be conducted in closed
2 session. At this point, we're going to take a break
3 for about 10 minutes and then reconvene.

4 (A brief recess was taken.)

5 (Whereupon, the meeting continued in closed
6 session.)

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