

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
ANNUAL PERFORMANCE
REVIEWS COMMITTEE

Saturday, October 27, 2007

11:04 a.m.

The Portland Regency Hotel
20 Milk Street
Portland, Maine

COMMITTEE MEMBERS PRESENT:

Lillian R. BeVier, Chairman
Herbert S. Garten
Michael D. McKay
Thomas R. Meites

OTHER BOARD MEMBERS PRESENT:

Jonann Chiles
Thomas A. Fuentes (by telephone)
David Hall
Bernice Phillips
Sarah M. Singleton
Frank B. Strickland, ex officio

STAFF AND PUBLIC PRESENT:

Helaine M. Barnett, President
Victor M. Fortuno, Vice President for Legal Affairs,
General Counsel and Corporate Secretary
Patricia D. Batie, Manager of Board Operations
Mattie Cohan, Senior Assistant General Counsel
Charles Jeffress, Chief Administrative Officer
Karen Sarjeant, Vice President for Programs and
Compliance
John Constance, Director, Office of Government
Relations and Public Affairs
Ronald "Dutch" Merryman, Acting Inspector General
Thomas Coogan, Assistant Inspector General for
Investigations, Office of the Inspector General
John Meyer, Director, Office of Information Management
Guy Lescault, Program Counsel III, Office of Program
Performance
Don Saunders, National Legal Aid and Defenders
Association (NLADA)
Linda Perle, Center for Law and Social Policy (CLASP)
Delinah Hankman, American Bar Association (ABA)

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P R O C E E D I N G S

(11:04 a.m.)

CHAIRMAN BeVIER: I'm convening the meeting of the Performance Reviews Committee. We have a very brief agenda.

I would like first of all to get the agenda approved. I believe -- I'm not sure where in your book the agenda is. Here it is, page 33, the agenda of the Performance Reviews Committee.

Do I have a motion to approve the agenda?

M O T I O N

MR. MEITES: So moved.

CHAIRMAN BeVIER: Second?

MR. McKAY: Second.

CHAIRMAN BeVIER: All those in favor.

(A chorus of ayes.)

CHAIRMAN BeVIER: Opposed?

(No response.)

CHAIRMAN BeVIER: The agenda is adopted.

The one item that we have to consider here is very straightforward, and simply involves planning for the

performance review of the president, Helaine Barnett, at our next meeting.

To that end, I would like to offer a way to proceed with that, which would be as follows. We have asked Helaine in the past if she would prepare for us a summary of the challenges she faced during the previous year, her successes, any disappointments, and so forth, as well as a plan for the coming year.

And I would like to proceed in that manner again, with one change, and that is I would like to ask Helaine to send that to us at least a week before the annual meeting begins so that we have a chance to digest it and think about it and spend the amount of time on talking with her in particular about what's going to be coming down the pike for the next year, as well as what has happened in the past. Because this is an opportunity, as I regard it, for us to both take stock of what has happened in the past and also to help set some direction for the future.

M O T I O N

CHAIRMAN BeVIER: So that would be my -- I would offer that as a motion about how to proceed, if that meets

with the approval of the committee.

MR. MCKAY: Second the motion.

MS. SINGLETON: Is this one of those things where the committee just acts, or do they recommend to the board that this is how something be done?

CHAIRMAN BeVIER: The committee recommends this to the board. Actually, I think what the committee does is tell the board how we're going to proceed, and then we will recommend to the board what to do in January, if I recall correctly. I think that's how we do it.

MR. MEITES: I believe that's correct.

CHAIRMAN BeVIER: So we will -- that's what this motion is, that we will proceed that way. And then in January, when we have undertaken our task, we will then recommend that the board accept whatever report we have to offer.

MS. PHILLIPS: Can you repeat the motion, please?

CHAIRMAN BeVIER: The motion is that the board will proceed with the performance review of President Barnett, as usual, at the annual meeting in January; that she will prepare a summary for the Performance Reviews Committee of

activities in the past year, an assessment, a self-assessment of what she's done right, what she's done wrong, what the challenges have been, what the successes have been; and that she will set some goals and priorities for the coming year, and the committee will undertake both to assess her performance in the past and to help set some direction for the coming year.

MS. PHILLIPS: Is it also -- would it be appropriate for me to suggest something that might help the committee or --

CHAIRMAN BeVIER: Of course.

MS. PHILLIPS: Okay. I was looking, and --

CHAIRMAN BeVIER: Into the microphone.

MS. PHILLIPS: I'm sorry. Can you hear me?

CHAIRMAN BeVIER: Yes.

MS. PHILLIPS: And since I'm not a part of this committee, I was just thinking, maybe it would be good if staff could get some type of survey about the president and complete that survey and --

MR. FUENTES: I've lost you, Bernice.

MS. PHILLIPS: Can you hear me, Tom?

MR. FUENTES: Now I can.

MS. PHILLIPS: Okay. Let me just read what I wrote here.

CHAIRMAN BeVIER: Okay.

MS. PHILLIPS: I said, I believe that the staff, management staff and administration staff, should be permitted to complete a survey anonymously, and that the survey be placed in a sealed envelope and send to a post office box under the control of the corporate secretary. And then he would forward that envelope to the president -- or the chair of the committee, and then those envelopes would be shared with the board.

Is that --

CHAIRMAN BeVIER: That's -- I understand what you're suggesting. I think what I would just note for the record, and if I recall, I think I did leave this out of my suggestion about how we would proceed, we have in the past done rather extensive interviews with the people that report directly to the president. And I think that has been successful and useful, and that we might include continuing that practice in this review if the committee is of a mind to

do that.

MR. MCKAY: And just to add, when we conduct those interviews, we assure those individuals that what we hear from them, at least the source of the information, is kept confidential to encourage those individuals to give us the straight scoop.

MS. PHILLIPS: Right. And that's just the committee. That's not the entire board.

MR. MCKAY: We share with the entire board in closed session the conclusions.

CHAIRMAN BeVIER: I mean, we're pretty forthcoming, very forthcoming, with the board in closed session. It's just that we do the original information-gathering.

I wonder if the committee thinks that it's necessary to amend the motion in order to proceed with those interviews.

MR. FUENTES: Madame Chairman?

CHAIRMAN BeVIER: Or to have another motion, a different motion, so that -- do we want to do the interviews of the direct reports again this year?

MR. FUENTES: Madame Chairman?

CHAIRMAN BeVIER: Yes, Tom?

MR. FUENTES: I'm wondering -- I'd like to ask Bernice. Bernice, is what you're trying to get at that you don't want to just hear from the inner circle of management, but from all employees? Is that what you're --

MS. PHILLIPS: Exactly. I want to get a perspective of how -- what the staff feel.

MR. FUENTES: In terms of morale and that sort of thing?

MS. PHILLIPS: Exactly.

MR. FUENTES: I see.

CHAIRMAN BeVIER: What's the pleasure of the committee? Herb?

MR. GARTEN: From past history, in which I've been involved, we have not had any problems in speaking to individuals on a confidential basis, and assure them that their names are not forthcoming.

I'm afraid that what you proposed really goes beyond that. It's like taking a popularity contest or a poll of every employee, and I don't think that's a good way to conduct this. And I think what we've done in the past has

been successful, and we shouldn't vary.

Notwithstanding I understand your intent, but I want to assure you that we do go into -- if I'm part of the interview process, which I expect to be, and I'm sure that the other members of the committee will follow through in going to as much depth as necessary.

MS. PHILLIPS: And it's not -- Herb, it's not a popularity contest. I'm just trying to get a feel on what the staff thinks and what they feel and what -- you know, how they view things.

MR. GARTEN: Yes. You've got as much or maybe more likelihood that doing the way we have done it in the past will get that sense. And we will be reporting to the board in closed session on what we've learned, just as we have in the past.

CHAIRMAN BeVIER: Tom?

MR. MEITES: Yes. To pick up on Bernice's suggestion, I think our minutes should make clear that if any member of the staff has any thoughts they would like to communicate to our committee, they should do it. And it will be on an anonymous basis. They can sign their name or not,

if they're concerned about confidentiality.

But if there's -- people want to communicate with us, they absolutely should. And I think that will get what Bernice is concerned about, that our net may be too narrow. So I would hope it's the sense of the committee that anyone -- everyone is encouraged to communicate with us with whatever thoughts they may have.

CHAIRMAN BeVIER: I certainly concur with that.
Sarah?

MS. SINGLETON: I was just going to suggest that perhaps -- I don't know how widely our minutes are read by the staff at LSC. I hope they have better things to do. I would just suggest that an office e-mail be sent around saying, anyone who wishes to comment may do so either anonymously or otherwise by mailing or e-mailing something to the chair of that committee.

That gives them a place to do it, a way to make their comment, and it's a little bit less formal than a survey.

MR. MEITES: Lillian, is that acceptable to you?

CHAIRMAN BeVIER: I think that's quite acceptable.

And I think that -- I mean, I share the notion that we can put it in the minutes if we want, but it's not going to be very helpful as a method of communication of our willingness to hear from staff. And I think that's -- I think we should arrange to do that. And I don't know how to arrange the e-mail, but I think we can work that out pretty easily.

So I would take that as --

MR. MEITES: Well, we've agreed to do it, so I don't think we need another motion on that.

CHAIRMAN BeVIER: We've agreed to do it. That's right. Okay.

We haven't voted on the original motion yet. Is there further discussion?

(No response.)

CHAIRMAN BeVIER: All those in favor say aye.

(A chorus of ayes.)

CHAIRMAN BeVIER: All those opposed?

(No response.)

CHAIRMAN BeVIER: We will proceed.

Is there any other business to come before the Performance Reviews Committee?

(No response.)

CHAIRMAN BeVIER: Do I hear a motion to adjourn the meeting of the Performance Reviews Committee?

M O T I O N

MR. McKAY: So moved.

MR. MEITES: Second.

CHAIRMAN BeVIER: All in favor?

(A chorus of ayes.)

CHAIRMAN BeVIER: The meeting is adjourned.

(Whereupon, at 11:14 a.m., the committee was adjourned.)

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