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LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

FULL BOARD MEETING
OPEN SESSION

Saturday, October 28, 2006

11:07 a.m.

Charleston Marriott Town Center
200 Lee Street East
Charleston, WV 25301

BOARD MEMBERS PRESENT:

- Frank B. Strickland, Chairman
- Lillian R. BeVier, Vice Chairman
- Helaine M. Barnett, ex officio
- Jonann Chiles
- Thomas A. Fuentes
- Herbert S. Garten
- David Hall
- Michael D. McKay
- Thomas R. Meites
- Bernice Phillips
- Sarah Singleton

1 STAFF AND PUBLIC PRESENT:

2 Patricia Batie, LSC, Manager of Board Operations

Terry Brooks, ABA/SCLAID

3 Mattie Cohan, LSC

Karen M. Dozier, LSC, Executive Asst. to the President

4 Victor M. Fortunato, LSC, VP for Legal Affairs,

General Counsel & Corporate Secretary

5 Joel Gallay, LSC, Special Assistant to the IG

Charles Jeffress, LSC, Chief Administrative Officer

6 David Maddox, LSC Assistant Inspector General

for Resource Management

7 Jim Martin, Legal Aid of West Virginia

Ronald Merryman, LSC

8 Linda Perle, CLASP

Tom Polgar, LSC, Director, Office of

9 Government Relations & Public Affairs

David L. Richardson, LSC, Treasurer & Comptroller

10 Karen Sarjeant, LSC, VP for Programs and Compliance

Don Saunders, NLADA

11 Laurie Tarantowicz, LSC, Assistant Inspector General

and Legal Counsel

12 Kirt West, LSC, Inspector General (IG)

Adrienne Worthy, Legal Aid of West Virginia

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

2 CHAIRMAN STRICKLAND: Let me call to order
3 this meeting of the board of directors of the Legal
4 Services Corporation for October 28, 2006.

5 And first, may I inquire, is Tom Fuentes on
6 the line?

7 MR. FUENTES: Yes, sir. I can hear you
8 clearly.

9 CHAIRMAN STRICKLAND: All right, good. I am
10 using one of the good microphones.

11 MR. FUENTES: Thank you.

12 M O T I O N

13 CHAIRMAN STRICKLAND: The first order of
14 business is to approve the agenda.

15 And I would like to propose an amendment to
16 the agenda, to the effect that item 22 would be
17 considered in open session.

18 MS. BEVIER: So moved.

19 CHAIRMAN STRICKLAND: All right, is there a
20 second to that?

21 MS. PHILLIPS: Second.

22 CHAIRMAN STRICKLAND: Moved and seconded the

1 agenda, as amended, be approved. All those in favor,
2 please say aye.

3 (Chorus of ayes.)

4 CHAIRMAN STRICKLAND: Those opposed, nay. The
5 ayes have it, and the agenda is amended -- adopted as
6 amended.

7 Next is approval of the minutes of the board's
8 meeting -- three board meetings. In fact, items two
9 through seven involve minutes. Is there any objection
10 to considering those minutes as a group?

11 MS. SINGLETON: I have a question on the
12 September 22nd one.

13 CHAIRMAN STRICKLAND: All right.

14 MS. SINGLETON: Maybe we could do all of the
15 rest as a group, and --

16 CHAIRMAN STRICKLAND: All right.

17 MS. SINGLETON: -- do that one second?

18 CHAIRMAN STRICKLAND: All right, then I would
19 entertain a motion to approve the minutes as listed in
20 items two through six. And let me ask the reporter, do
21 we need to read into the record precisely the minutes
22 we're approving? Does that help you?

1 THE REPORTER: It's up to your discretion, Mr.
2 Chairman.

3 M O T I O N

4 CHAIRMAN STRICKLAND: Just to clarify the
5 record, then, I would entertain a motion to approve the
6 minutes of the board's meeting of: July 29, 2006;
7 September 18, 2006; a telephonic meeting of September
8 22, 2006 --

9 MS. SINGLETON: That's the one that --

10 CHAIRMAN STRICKLAND: That's the one?

11 MS. SINGLETON: Yes.

12 CHAIRMAN STRICKLAND: All right. The
13 executive session of July 29, 2006; executive session
14 of September 18, 2006; and does your comment also apply
15 to the executive session of the --

16 MS. SINGLETON: It is actually -- it's the
17 open session meeting only.

18 CHAIRMAN STRICKLAND: Okay. And also, then,
19 the executive session of the board's meeting of
20 September 22, 2006.

21 I would entertain a motion to approve those
22 minutes.

1 MS. BEVIER: So moved.

2 CHAIRMAN STRICKLAND: Is there a second?

3 MR. GARTEN: Second.

4 CHAIRMAN STRICKLAND: Any discussion?

5 (No response.)

6 CHAIRMAN STRICKLAND: All those in favor,

7 please say aye.

8 (Chorus of ayes.)

9 CHAIRMAN STRICKLAND: Opposed, nay?

10 (No response.)

11 CHAIRMAN STRICKLAND: The ayes have it. Those

12 minutes are approved.

13 Now, Sarah, go ahead with your question on the

14 particular minutes.

15 MS. SINGLETON: Could you look at page 234,

16 and it says in the first full paragraph on that page,

17 "Chairman Strickland then briefed the board on the

18 upcoming congressional oversight hearing, after which

19 the following motion was offered."

20 To me, that sounds like there is going to be

21 some substantive motion about the oversight hearing.

22 But the next thing is that we move to adjourn. Is that

1 actually what happened, or is there something missing
2 there?

3 CHAIRMAN STRICKLAND: Something must be
4 missing, and I can't recall what it was. We may have
5 to ask the reporter, so I'm not sure we can take this
6 up appropriately today. But perhaps --

7 MS. SINGLETON: Would it be appropriate to
8 move to table these minutes?

9 CHAIRMAN STRICKLAND: Maybe Mr. Polgar can
10 help us. Go ahead.

11 MR. POLGAR: I think it's the sentence that's
12 in the minutes that is in error. In fact, the briefing
13 on the upcoming congressional oversight hearing took
14 place on September 18th, and motions were offered to
15 that effect on the September 18th meeting. I don't
16 recall us discussing the upcoming oversight hearing at
17 the meeting of the 22nd.

18 M O T I O N

19 MS. SINGLETON: Mr. Chairman, then I have
20 questions about the minutes of September 22nd. I move
21 that they be tabled until our next meeting, so that the
22 staff can go back and check the transcript of that

1 telephonic meeting, or that meeting, to make sure that
2 the minutes accurately reflect what went on.

3 CHAIRMAN STRICKLAND: All right. There is a
4 motion to table approval of the minutes of September
5 22, 2006 open session. Is there a second to that
6 motion?

7 MS. PHILLIPS: Second.

8 CHAIRMAN STRICKLAND: Any discussion?

9 (No response.)

10 CHAIRMAN STRICKLAND: All those in favor,
11 please say aye.

12 (Chorus of ayes.)

13 CHAIRMAN STRICKLAND: Opposed, nay?

14 (No response.)

15 CHAIRMAN STRICKLAND: The ayes have it, and
16 that -- those minutes are tabled for future discussion.

17 The next item is the chairman's report. And I
18 think the first order of business under the chairman's
19 report, I would like to recognize Adrienne Worthy,
20 executive director of Legal Aid of West Virginia, and
21 Jim Martin, the legal director of that same
22 organization, and express to them the appreciation of

1 our board and our entire staff for just an outstanding
2 experience here, in your city.

3 I think the attendance at the reception last
4 night set a new high, in terms of dignitaries who took
5 the time to join us. It is not unusual for us to have
6 a justice of the supreme court of the state, and
7 sometimes the chief justice, but it is highly unusual
8 -- and, as far as this board is concerned, a case of
9 first impression -- for us to have one of the United
10 States senators present, and a member of congress from
11 the local area.

12 So, it was just an outstanding experience last
13 night, but the entire visit has been a great experience
14 for our board. And I would ask either or both of you
15 if you have any comments you would like to offer this
16 morning.

17 (No response.)

18 CHAIRMAN STRICKLAND: Well, again, I would ask
19 everybody in the room, please, to join us in a round of
20 applause.

21 (Applause.)

22 CHAIRMAN STRICKLAND: Now, the next item that

1 I am going to handle, because I know she won't, I want
2 to note for the record the appointment of our vice
3 chairman, Lillian BeVier, as the newest -- one of the
4 newest -- David and Mary Harrison Distinguished
5 Professors of Law at the University of Virginia Law
6 School, becoming one of only five members of that
7 faculty who have that distinction. And I want to read
8 a quote in some other information from the press
9 release on this from the law school.

10 And quoting the dean of the law school, "The
11 professorships signal to the world our commitment not
12 only to remain in the very first rank of American legal
13 education, but also to challenge the nation's leading
14 private universities for the nation's leading law
15 professors." That's a quote from Dean John C.
16 Jeffries, Jr.

17 And elsewhere in the press release, "The
18 Harrison Chairs are reserved for senior teachers and
19 scholars of national distinction," again quoting the
20 dean, "All stand at the pinnacle of their fields, with
21 long records of accomplishment and distinction, and
22 many years of service at the School of Law."

1 I would again ask for a round of applause to
2 recognize Lillian BeVier.

3 (Applause.)

4 MS. BEVIER: Thank you very much.

5 CHAIRMAN STRICKLAND: Now, moving on to some
6 other items in the chairman's report, on September 18,
7 Tom Polgar and I met with members of the staff of
8 several committees. As I recall it, the committees
9 included: the Senate Finance Committee; the Senate
10 Committee on Governmental Affairs -- Homeland Security
11 and Governmental Affairs; and Mr. Cannon's staff was
12 also in attendance, a total of nine staff members, at
13 which we were discussing the relationship between our
14 agency and the inspector general.

15 Then, on September 19, Tom Polgar, Helaine,
16 and I met with Art Cameron in Senator Richard Shelby's
17 office. And again on the 19th we met with Senator
18 Johnny Isaacson, of Georgia. And later that day, we
19 met with -- it was a busy day. We met with Anne Marie
20 Goldsmith, the key staff member for Representative
21 Frank Wolf, of Virginia, and finally with Senator Tom
22 Harkin, of Iowa.

1 All those were good visits, and I think we do
2 enjoy a good relationship with all of those Members of
3 Congress.

4 And then, all of you are aware that on
5 September 26th I testified before the -- Mr. Cannon's
6 subcommittee concerning H.R. 6101, which has to do with
7 the vote of this board required to remove the inspector
8 general. So there is a link somewhere that -- but if
9 you really don't have anything else to do and would
10 like to see that testimony, there may still be a link
11 on the House website that would allow you to enjoy that
12 experience.

13 (Laughter.)

14 CHAIRMAN STRICKLAND: On October 19th I
15 attended a meeting of the board of directors of the
16 Friends of Legal Services Corporation, which is a D.C.
17 non-profit corporation that was formed to acquire and
18 own the LSC headquarters building. That was a very
19 productive meeting, and we were talking generally about
20 some steps that we might be able to take to assure
21 LSC's ultimate ownership of the headquarters building.

22 We got a favorable -- in our view, at

1 least -- a favorable opinion from the Government
2 Accountability Office on the legality of establishing
3 Friends as a separate corporation in the first place,
4 and entering into a lease on the building.

5 We are exploring other aspects of that, and
6 are moving toward what we hope will be a much stronger
7 arrangement under which LSC's ultimate ownership of the
8 building will be -- the headquarters building -- will
9 be assured. So there will be more to report on that at
10 a later date.

11 Yes, I'm sorry, I omitted the fact that on the
12 occasion of the testimony before the House
13 subcommittee, two other board members traveled to be
14 present for that occasion, Mike McKay and Lillian
15 BeVier, and they provided valuable insight and, under
16 the rules established on that occasion, they whispered
17 in my ear to help me with the testimony.

18 So, I believe that concludes the chairman's
19 report, unless anyone has any questions. And then we
20 would then move to reports of other board members who
21 are free to raise their hand and let us know if you
22 have anything you would like to report under the

1 category of members' reports. Does anyone have a
2 report?

3 MR. FUENTES: Mr. Chairman?

4 CHAIRMAN STRICKLAND: Yes, sir.

5 MR. FUENTES: I would like to share with the
6 board and those present that it was my privilege, out
7 here in California, on October 24th of last week to
8 participate in the ribbon-cutting ceremonies for the
9 new 20,000 square foot Legal Aid Society of Orange
10 County headquarters in the City of Santa Anna.

11 A distinguished gathering of community
12 leaders, including judges from both the State of
13 California and the federal bench were present.
14 Refreshments and Mariachi music, and speeches, and
15 celebration of what has to be, from my experience with
16 the board, among the most handsome and welcoming of
17 facilities to serve the poor of our community.

18 The turnout from community in general, as well
19 as the legal community, was very impressive. And I
20 extended greetings on behalf of your good selves and
21 the board to those of the Legal Aid Society of Orange
22 County.

1 CHAIRMAN STRICKLAND: Well, Tom, thank you
2 very much for attending that occasion for the board,
3 and for expressing our good wishes.

4 Any other member reports? Sarah?

5 MS. SINGLETON: Last weekend, Mr. Chairman, I
6 attended the 40th anniversary celebratory dinner for
7 Indiana Legal Services Corporation, and was asked to
8 make a few remarks, which I extended on behalf of the
9 board and Helaine, our congratulations on their 40
10 years of service to low-income Hoosiers.

11 They also had other speakers. Morris Dees was
12 the keynote speaker, but the one -- I just wanted to
13 share one comment from the -- one of the people who was
14 a client board member, who made a speech. She, too,
15 was a survivor of domestic violence who was helped by
16 the legal aid program there, and to the extent that she
17 now has a college degree and is working as a social
18 worker. So it was a -- really a success story. But
19 she was telling about how abusive her husband was, and
20 she couldn't even talk to him on the telephone about
21 what they needed to do and everything.

22 And finally, he was being very abusive to her

1 over the phone, and she said, "Well, you can just talk
2 to my lawyer." And that was such an empowering
3 ability, to be able to say that, that it really helped
4 her. And I liked that line, "You can talk to my
5 lawyer." That's what Legal Aid did for her.

6 CHAIRMAN STRICKLAND: Thank you very much,
7 Sarah. Any other member reports? Herb?

8 MR. GARTEN: Like many other cities, Baltimore
9 has been faced with losing home offices of major
10 corporations. And sometimes it works out to the best,
11 when it comes to Legal Services, as it did in this
12 case.

13 Mercantile Safe Deposit and Trust Company, an
14 old line company that many southerners utilized for
15 trust services before and during the Civil War and
16 after, was acquired by a Pittsburgh bank, PNB.
17 However, Mercantile is very stingy on the interest
18 rates they paid on IOLTA accounts, and it was the
19 second largest holder of IOLTA accounts in Maryland.

20 And Maryland Legal Services was able to report
21 a couple of weeks ago that this acquisition has
22 resulted in -- they are expecting to receive \$1 million

1 a year more in interest on the accounts that we had at
2 Mercantile than before. And we understand that
3 Pittsburgh Bank has been at the head of banks in paying
4 interest on these accounts wherever it has come about.
5 So, sometimes good things come to Legal Services from
6 unexpected sources.

7 During the course of -- since the last
8 meeting, I had an occasion to receive from NLADA an
9 announcement which offers NLADA members a way to learn
10 about the full range of public service offerings,
11 programs, policies, and curriculum at the law schools
12 in the area in which they recruit. And I think if we
13 are going to hear from a representative from NLADA, I
14 think it would be worthwhile, based upon what I
15 received from them, for the board to be made aware of
16 this publication, which seems to be in line with many
17 of our goals.

18 I had some active, unusual need for some
19 information, and I went on the Internet and I went to
20 the ABA web page under Legal Aid, and then defendants,
21 SCLAID committee, which I was pleased to have been at
22 the last meeting that was in conjunction with the

1 annual convention in Hawaii. And they have a web page
2 dealing with civil legal services, and specifically
3 Legal Services Corporation, that is very worthwhile.

4 And at the same time -- and I might have done
5 this before -- but I went into our web page about LSC,
6 and found it very worthwhile and very informative, and
7 very up to date, and I want to compliment staff on what
8 I found. I have taken the liberty of making copies of
9 the web pages about the ABA/SCLAID committees and LSC,
10 and if anybody is interested, there is enough copies
11 here for everybody. You might find it worthwhile
12 reading.

13 And finally, the -- I found very helpful, and
14 I don't have it here, some information that was sent to
15 us by the chairman on the Congressional Research
16 Service report on LSC, which I thought was a very well
17 done summary of everything that we are doing. And I
18 would urge -- that came on August 6th, and it
19 was -- and it came from you, Frank, and I thank you for
20 sending it to me. And I would encourage the rest of
21 the board, if they haven't seen it or read it, you will
22 find it very worthwhile reading. That completes my

1 report.

2 CHAIRMAN STRICKLAND: Thank you, sir. Any
3 other board members have reports?

4 (No response.)

5 CHAIRMAN STRICKLAND: The next item, then, is
6 the president's report, and we will call on Helaine
7 Barnett.

8 MS. BARNETT: Thank you, Mr. Chairman. I am
9 pleased to have the opportunity to share with the board
10 a number of recent developments at LSC.

11 MR. FUENTES: Excuse me, Mr. Chairman. Is it
12 possible for the president to use your microphone?

13 CHAIRMAN STRICKLAND: She is now moving a
14 little closer. Let's see if it works.

15 MR. FUENTES: Thank you.

16 MS. BARNETT: To provide an update on the
17 status of several initiatives, and my own activities
18 since the last board meeting on July 29th. Can you
19 hear me, Mr. Fuentes?

20 CHAIRMAN STRICKLAND: Tom, are you hearing
21 Helaine?

22 MR. FUENTES: No, I am afraid that that

1 microphone is not working. Yours is, Frank.

2 CHAIRMAN STRICKLAND: All right, we will let
3 her use this one. Here we go.

4 MS. BARNETT: Is this better, Mr. Fuentes?

5 MR. FUENTES: Oh, that's so much better.
6 Thank you.

7 MS. BARNETT: As you know, this summer, by a
8 vote of 237 to 185, the House of Representatives
9 approved an appropriation of \$338.8 million, about \$12
10 million more than we are getting this year. The Senate
11 Appropriations Committee approved \$358.5 million, about
12 \$32 million more than we are granting this year.

13 Congress now is in recess, and will not return
14 until November 13th. Since the current continuing
15 resolution which funds LSC at the Fiscal Year 2006
16 level expires November 17th, Congress will need to pass
17 a second continuing resolution which will then carry
18 through to some point in December.

19 Hopefully, when Congress reconvenes, the full
20 Senate will pass the \$32 million increase, and a
21 conference committee will meet and determine the final
22 amount.

1 Assuming the process is concluded, and
2 Congress does not postpone final action on domestic
3 appropriations until next year, for the first time in
4 four years we have good reason to hope LSC's budget
5 will be increased.

6 Meanwhile, the board voted at a September
7 meeting to request \$429.6 million in Fiscal Year 2008,
8 which includes a 20 percent increase in the basic field
9 grant approved by the Senate Appropriations Committee
10 for 2007. The board's action is based on our Justice
11 Gap report that demonstrated that it would require a
12 doubling of basic field to meet those currently seeking
13 assistance from LSC field offices. Recognizing
14 political reality, the board has decided to seek a 20
15 percent increase over 5 years.

16 Continuing our practice of having all staff
17 meetings after every regularly scheduled board meeting,
18 on August 1st we held a meeting with staff to provide
19 an update on the board's actions at its July meeting,
20 and on recent developments, as well as a report on my
21 activities, in order that the staff be kept as fully
22 informed as possible.

1 As with past meetings, I have asked several
2 individual members of the staff to report on the status
3 of our quality initiatives. Giving you an update on
4 some of those initiatives, I will start with
5 performance criteria.

6 In previous reports, I have shared with you
7 the development and issuance of the revised LSC
8 performance criteria in April 2006, which is the
9 centerpiece of LSC's quality initiative. The
10 performance criteria are intended to guide programs
11 toward achieving best practices in performing critical
12 needs assessments, engaging and serving the low-income
13 population, legal representation and quality legal
14 work, and governance, leadership, and administration.

15 LSC will use the criteria in its evaluation of
16 applicants in the competitive grant process, and in its
17 on-site evaluations of the quality of services provided
18 by grantees.

19 In August 2006, the American Bar Association
20 House of Delegates approved the revised ABA standards
21 for the provision of civil legal aid. You will recall
22 that Sarah Singleton shared a presentation with the

1 provisions committee on the standards at our April
2 meeting. The standards and criteria share many common
3 values and perspectives, and together provide a road
4 map for the delivery of high-quality, competent, and
5 effective civil legal services to low-income
6 communities.

7 The standards contain more detail than the
8 performance criteria, and apply to non-LSC-funded
9 programs, as well as to LSC grantees. LSC staff is in
10 the process of incorporating, where appropriate,
11 references to the standards and the criteria. The
12 criteria will be re-issued when the cross-referencing
13 is completed, and provided to all programs, and in
14 fact, to all staff -- case handlers in all LSC
15 programs.

16 We are currently working with representatives
17 of the standards revision committee in this
18 cross-referencing process.

19 LSC staff continues to meet with programs
20 around the country to discuss the performance criteria,
21 and ways in which LSC programs and other funders can
22 use them. Staff has been asked to do presentations to

1 statewide meetings, and sometimes to individual
2 programs. Most recently, presentations were done in
3 Montana and in Kentucky. We are finding that the
4 programs are using the performance criteria in
5 different ways with their staffs, and are being very
6 creative in their efforts to engage staff in using the
7 performance criteria as a quality tool.

8 Also, we recently did training on the
9 performance criteria with the proteges in our pilot
10 leadership mentoring project. Speaking about that
11 pilot project, we are finalizing our plans for the
12 third and final group training event, to be held in
13 Charlotte, North Carolina, in conjunction with the
14 NLADA annual conference in November.

15 LSC is working with our partners in this
16 program, MIE and NLADA, to develop the training
17 curriculum. Since the last training session in March
18 2006, the mentors and proteges worked in pre-assigned
19 groups to develop viable PAI plans based on specific
20 hypothetical information provided by LSC. This
21 exercise allowed participants to work in a group
22 setting, and within their mentoring pairs, to examine

1 decision-making and leadership scenarios that many
2 legal services programs face. The groups have
3 submitted their plans, and will present them during the
4 Charlotte training.

5 The pilot program design calls for mentors and
6 proteges to be evaluated throughout the program.
7 Different aspects of the individual group and combined
8 mentoring models are being analyzed to examine the
9 effectiveness of the combined leadership mentoring
10 model. Preliminary evaluation findings will be
11 available for presentation at the January 2007 board
12 meeting.

13 At the completion of the project, it is our
14 intention, based on our experience and the results of
15 our ongoing evaluation, to highlight the successful
16 aspects of a model for a leadership and mentoring
17 program for use by LSC grantees.

18 I am happy to report that the loan repayment
19 assistance pilot program ended its first year with a
20 pool of 70 enrolled attorney participants from the
21 identified participant programs. Of the 70, 31 were
22 new recruits, 23 were in their first year, 8 were in

1 their second year, and 8 were in their third year.

2 Because, as you heard earlier at the finance
3 committee meeting, because not all the attorneys are
4 eligible for the maximum \$5,000 annual payment amount,
5 we are able to invite additional participants to be
6 primarily identified before the end of this year. This
7 will extend the pilot for an additional year. The
8 program is also currently preparing for its annual
9 renewal process.

10 LSC has awarded its technology initiative
11 grants for 2006, as you also heard at the finance
12 committee meeting. This year, LSC awarded a total of
13 \$1,242,893 in 31 grants to 24 LSC-funded programs. In
14 a new funding partnership with the State Justice
15 Institute, an organization which works to improve the
16 quality of justice in state courts nationwide, the
17 State Justice Institute provided \$318,867 in matching
18 funds for projects designed to improve access to
19 justice for low-income and pro se litigants.

20 I thought I would share with you a couple of
21 the innovative grants we made. This year's technology
22 projects that will develop and improve statewide legal

1 assistance websites -- for example, Legal Aid and
2 Defender Association, an LSC grantee in Michigan, was
3 awarded \$50,000 to develop content for the Michigan
4 statewide website in Arabic.

5 North Penn Legal Services was awarded \$35,000
6 to develop a court channel on the Pennsylvania
7 statewide website modeled on the highly successful Law
8 Help New York court channel. This project will create
9 easy-to-use information targeted to pro se litigants,
10 and provide them with information to better understand
11 courts and court resources.

12 Our grants also help pro se litigants
13 represent themselves in court. For example, Alaska
14 Legal Services Corporation was awarded \$40,000 to
15 create a CD/DVD-based interactive guide entitled, "The
16 Pro Se Divorce Companion: How to Represent Yourself in
17 a Contested Divorce When You Cannot Afford an
18 Attorney." It incorporates easy-to-understand legal
19 information, comprehensive instructions and forms
20 targeted to pro se individuals.

21 Indiana Legal Services was awarded \$70,000 to
22 create for the legal services community a comprehensive

1 Spanish language portal for the development of document
2 assembly products in Spanish that produce court-filable
3 documents in English.

4 Finally, the TIG grants also enhance LSC
5 programs, intake systems and client services to rural
6 areas. For example, Legal Services of Alabama was
7 awarded \$45,000 to pilot a video conference project
8 modeled after the very successful Montana system that
9 we actually saw in action during a program visit.

10 The project will include court-based client
11 representation via video conferencing with a partner in
12 court, and judge, and a mobile video unit to provide
13 client service to rural Alabama.

14 LSC's annual TIG conference is scheduled for
15 January 17 through 19, 2007, in Austin, Texas. And the
16 findings of a comprehensive evaluation of the TIG
17 program's grant making will be available for
18 presentation to the board at the January 2007 board
19 meeting.

20 In addition to their ongoing on-site
21 compliance reviews, our office of compliance and
22 enforcement continues to work with members of the

1 office of program and performance's technology
2 initiative grant to develop Internet training options
3 for OCE's compliance training program. A member of
4 OCE's training staff participate in a training of
5 trainers for effective webex training, which is an
6 online conferencing tool, to present a training online.

7 OCE staff is in the process of scheduling the
8 first pilot training session for Pro Bono Legal
9 Services of the Charleston Bar Association, which will
10 be held within the next few weeks. OCE anticipates
11 that webex training will then be used for several other
12 programs, in anticipation that presenting training
13 online will become a recurring training method.

14 LSC has been filling important positions to
15 allow us to carry out the various activities that
16 support our mission. OCE recently hired two new
17 program counsels. Each new staff member has already
18 participated in at least two on-site program reviews.
19 In addition, OCE recently held a half-day training
20 session to identify attorneys interested in serving as
21 consultants on future on-site program compliance
22 visits.

1 OCE will be doing several on-site program
2 visits to some of our largest programs in 2007. And
3 the additional staff and consultant pool will help OCE
4 to fully staff these compliance reviews.

5 OPP has also recently hired another program
6 counsel, who brings substantial legal services
7 management and private attorney involvement experience
8 to LSC, and a full-time staff person for the library
9 resource initiative, our online resource bank for best
10 practices for programs.

11 We are moving toward the end of our
12 competitive grants process. LSC received a total of 48
13 applications for calendar year 2007 competitive grants.
14 Of these, there are five service areas for which there
15 are competing applicants.

16 The basic field migrant service area in South
17 Carolina. The applicants competing are the South
18 Carolina Center for Equal Justice, the current grantee,
19 and Georgia Legal Services, an LSC grantee.

20 The basic field general service area in North
21 Eastern Florida. The applicants competing are Three
22 Rivers Legal Services, the current grantee, and

1 Jacksonville Legal Clinic, a new applicant.

2 The three service areas in Wyoming, for which
3 there are two competing applicants. The competing
4 applicants for these service areas are Wyoming Legal
5 Services, the current grantee, and Legal Aid of
6 Wyoming, a new applicant.

7 Although LSC initially also received competing
8 grant applications for the statewide basic field
9 general service area in South Carolina, only the
10 current grantee remains an applicant.

11 As required by LSC's competitive grant
12 selection process, LSC is conducting capability
13 assessments of each of the competing applicants to help
14 determine the applicant that is most capable of
15 providing effective and efficient high-quality legal
16 services. Capability assessments for each of the
17 multiple applicant service areas will be completed this
18 month.

19 Also as required by the regulation, review
20 panels are being convened, both this month and in
21 November, to also assess the capabilities of applicants
22 in multiple applicant service areas.

1 All of the review panel funding
2 recommendations will be completed by mid-November.
3 Funding recommendations for all service areas in
4 competition, both the single and multiple applicants,
5 will be presented to me in late November, and it is
6 anticipated that all the funding decisions will be
7 reached in December.

8 As discussed during the July meeting, LSC has
9 established a staff committee to examine the grant
10 assurances that are used as part of the competitive
11 grants process. The committee's work will include a
12 review of the procedures and criteria used by federal
13 and non-federal grant making agencies in drafting grant
14 assurances, research into the guidelines suggested by
15 grants management best practices, and LSC's own history
16 of developing grant assurances.

17 The goal of the committee is to distribute a
18 preliminary draft of the proposed 2,000 grant
19 assurances for discussion and comment at the April 2007
20 board meeting, and to present the final 2008 grant
21 assurances at the July 2007 board meeting.

22 The committee is comprised of staff from the

1 LSC offices of compliance and enforcement, program
2 performance, information management, and legal affairs.
3 And the committee will expand to include
4 representatives from the LSC office of the inspector
5 general, as well as representatives from other
6 interested parties.

7 LSC's case service reporting system allows
8 programs and LSC to gather quantifiable information on
9 cases handled by LSC programs. The case service report
10 handbook is a guidance to LSC programs on how to define
11 that which can be counted as a case. The CSR handbook
12 was last updated in 2001, and we are now in the process
13 of revising it.

14 We have invited a group of grantee program
15 representatives to serve on the CSR revision advisory
16 committee. They will work with LSC staff to update the
17 handbook, to enable programs to capture and count more
18 accurately the work that programs do. Our first
19 meeting of the full advisory committee will occur in
20 Charlotte, prior to the NLADA annual conference.

21 LSC continues to work with our programs in the
22 Gulf region, as well as our partners at the ABA, NLADA,

1 and Pro Bono Net, in order to help address the legal
2 needs of low-income Americans still affected by that
3 disaster. We continue to host the biweekly Katrina
4 national calls that began in September 2005, and are
5 now used to focus on the longer-term substantive issues
6 affecting clients.

7 LSC and our partners at the ABA, NLADA, and
8 Pro Bono Net, continue to update the Katrina Legal Aid
9 website on a daily basis. During the period of August
10 1 through September 30th, there have been approximately
11 24,000 library downloads, over 18,000 page views, and
12 approximately 21,000 visits to the site. LSC is
13 working on making this a permanent website, dedicated
14 more generally to providing information and resources
15 on disaster response in the legal community.

16 Our programs continue to handle new
17 hurricane-related cases, and as we have said in the
18 past, it is anticipated that these cases will continue
19 for years.

20 Working on implementing our Deep South Quality
21 Initiative, which involves the states of Alabama,
22 Arkansas, Louisiana, and Mississippi is continuing.

1 This is an outgrowth of the Deep South Quality
2 Conversation held on May 31st in New Orleans, with
3 representatives from those 4 states.

4 The Deep South focus team established at the
5 request of the LSC grantees and their partners
6 following the Quality Conversation, is working with
7 executive directors and the LSC grantees in these
8 states to serve as a forum for continuing our focus on
9 quality issues, and to facilitate the provision of
10 technical assistance where we are able to do so.

11 At a conference call on October 16th, we heard
12 from their programs and their partners about issues
13 they are confronting, and would like to have us address
14 in future quarterly conference calls and meetings.

15 As I reported to you at each meeting this
16 year, Wyoming Legal Services was placed on
17 month-to-month funding, beginning in January 2006,
18 until they achieve full compliance with a corrective
19 action plan to ensure they are in substantive
20 compliance with our regulations. This corrective
21 action plan was necessary to address areas of
22 non-compliance with LSC rules and regulations.

1 To accomplish full compliance, the program was
2 on a specific time line, with explicit reporting
3 requirements each month which our staff closely
4 monitored.

5 Additionally, as previously explained, we
6 placed the Wyoming service area on a competition
7 schedule different from the other service areas for
8 2007. OPP and OCE have conducted an on-site capability
9 assessment during the week of October 9th through 13th,
10 and Wyoming Legal Services and the other applicant that
11 submitted an application for funding by the due date.

12 During that visit, we learned that the
13 executive director and the chairman of the board of
14 Wyoming Legal Services, the current grantee, have
15 resigned.

16 As you are aware, one of our programs,
17 California Rural Legal Assistance, is the subject of a
18 congressional complaint that is being investigated by
19 the LSC office of inspector general. From this
20 complaint, two broad issues have surfaced. The first
21 issue is access to client names and other identifying
22 information. The second issue is the alleged

1 violations of LSC restrictions.

2 Since March 2006, LSC management has been
3 working with the OIG on resolving the first issue of
4 access to client names, and other identifying
5 information with this grantee. LSC had CRLA develop a
6 preliminary privilege review process to use in
7 reviewing the 35,000 client files that the OIG says are
8 the subject of this investigation. CRLA has indicated
9 there are 39,000 client files.

10 However, on October 13th I received a
11 memorandum from the IG indicating that he would be
12 issuing a subpoena to compel production of the client
13 names and other information. LSC management has
14 communicated to the OIG that, pending the resolution of
15 the access issue through the subpoena process, LSC will
16 hold any further action on access in abeyance, and the
17 IG has informed me that that is an appropriate
18 response.

19 LSC management did not become aware of the
20 details of the second issue until September 14, 2006,
21 when the OIG issued a report to the subcommittee on
22 commercial administrative law of the House Committee on

1 the Judiciary, regarding activities of California Rural
2 Legal Assistance.

3 The OIG referred the report to LSC for
4 appropriate action. In the report, the OIG stated that
5 it found substantial evidence that CRLA had violated
6 federal law by soliciting clients, working on
7 fee-generating cases, requesting attorneys fees, and
8 associating CRLA with political activities. The OIG
9 also stated that it could not proceed with its
10 investigation without having access to the client
11 names.

12 Following established procedures for handling
13 referrals from the OIG, LSC's office of compliance and
14 enforcement promptly requested access to the
15 documentation upon which the OIG based its findings.
16 That documentation was received, in substantial part,
17 on October 5.

18 OCE did its review and has subsequently issued
19 a letter on October 19th to CRLA, requesting a response
20 on or before October 26th. CRLA requested an extension
21 to November 6th, because their counsel is out of the
22 country. LSC extended the deadline to November 6th,

1 with the understanding that there would be no further
2 extensions.

3 Once LSC receives a response from CRLA, LSC
4 will apply its interpretation of the relevant law to
5 the facts, and at that time will determine the most
6 appropriate next steps to take.

7 These are serious charges, and LSC takes very
8 seriously its mission and responsibilities to ensure
9 that all LSC grantees are delivering high-quality legal
10 services in full compliance with the congressional
11 restrictions and all rules and regulations, and has
12 vigorously enforced compliance with its grantees, and
13 we will continue to do so.

14 Additionally, the OIG report states that there
15 are other CRLA practice that may or may not violate
16 specific provisions of federal law, but their
17 investigation into these matters is not complete. At
18 the conclusion of the OIG investigation to these other
19 matters, it is LSC's expectation that if there are
20 additional findings with substantial evidence of a
21 violation, the OIG will refer those to LSC for
22 appropriate action.

1 In addition to the work on all of our
2 initiatives, we of course, as you know, spent much time
3 completing our responses to Congress and preparing our
4 responses to the recommendations in the OIG's report on
5 fiscal practices.

6 I would now just like to tell you about some
7 of the events I attended since the last meeting. On
8 August 3rd through 6th, I attended the ABA annual
9 meeting in Honolulu, Hawaii. During my time in Hawaii,
10 I participated in an IOLTA workshop on quality, and
11 gave a presentation on LSC's revised performance
12 criteria.

13 Following the workshop, Sarah Singleton, who
14 also participated in that workshop, joined me in a
15 program visit to the Legal Aid Society of Hawaii,
16 Honolulu office. We met with staff and heard
17 presentation on the office's focus on children, and the
18 challenges of recruitment and retention in legal aid.
19 We also heard from participants from our Native
20 Hawaiian program on their unique work, and challenges
21 in representation of Micronesians.

22 Later that afternoon, I spoke at the meeting

1 of the National Association of IOLTA Programs, and gave
2 an update on LSC.

3 I participated in the SCLAID meeting, and gave
4 an update on LSC. I attended a reception in honor of
5 Karen Mathis, the incoming president of the ABA. I
6 attended the meeting of the ABA house of delegates, and
7 indicated my support and was prepared to speak in favor
8 of adoption of the ABA revised standards for providers
9 of civil legal aid, and support of resolutions
10 recommending a defined right to counsel in civil cases,
11 and principles of a state system for the delivery of
12 legal aid, which were all unanimously adopted.

13 I was invited to be the luncheon speaker at
14 the Mississippi Conference of Legal Service Programs
15 Justice Partners luncheon on August 15th. The
16 conference was well attended by over 200 people,
17 including members of the Mississippi equal justice
18 community and the judiciary, including the Honorable
19 Jess Dickinson of the Mississippi Supreme Court, the
20 president of the Mississippi Bar Association, Joy
21 Phillips, immediate past president of the Mississippi
22 Bar, as well as members of the local Bar associations,

1 Martha Bergmark, president of the Mississippi Center of
2 Justice, and of course, our staff from our two funded
3 Mississippi programs: North Mississippi Rural Legal
4 Services; and Mississippi Center for Legal Services.

5 I was honored to be invited to participate in
6 a conference on the state of the judiciary,
7 co-sponsored by the American Law Institute and the
8 Georgetown University Law Center on September 28th and
9 29th in Washington, D.C. I participated in the two-day
10 event, as a member of the conference committee and as a
11 panelist.

12 The conference, which invited national leaders
13 from the judiciary, academia, the business community,
14 the legislative, the media, and the legal community,
15 was co-chaired by United States Supreme Court Justices
16 Stephen Breyer and Sandra Day O'Connor, and Justices
17 David Souter and Clarence Thomas attended the entire
18 conference. Chief Justice John Roberts and U.S.
19 Attorney General Alberto Gonzales both delivered
20 addresses to the conferees. Chief justices from 11
21 state supreme courts were also in attendance.

22 The conference committee held a working dinner

1 hosted by Justices Breyer and O'Connor at the Supreme
2 Court on Wednesday evening. On Thursday morning,
3 Justice O'Connor gave the opening remarks, and Justice
4 Breyer, the remarks during the luncheon. Justice
5 Roberts was the keynote speaker at the dinner that
6 evening, and on Friday morning, Attorney General
7 Gonzales gave opening remarks, and Justices Breyer and
8 O'Connor gave concluding remarks.

9 On Friday morning, I participated in the panel
10 entitled, "Improving the Judicial System," with other
11 panelists. My other panelists included: Richard
12 Scruggs, senior partner in the Scruggs Law Firm;
13 Randall Shepard, Chief Justice of the Supreme Court of
14 Indiana; and Larry Thompson, former Deputy Attorney
15 General, and currently senior vice president and
16 general counsel at PepsiCo.

17 Pete Williams, a correspondent with NBC News,
18 served as moderator. My remarks on the panel focused
19 on the issue of improving the American judicial system
20 from the point of view of the Legal Services Community,
21 and its aim to ensure equal access to justice,
22 regardless of an ability to pay for an attorney.

1 I was very pleased that increasing access to
2 the courts by low-income individuals who have pressing
3 civil legal problems requiring resolution by the courts
4 was one of the main recommendations of the participants
5 at the conclusion of the conference.

6 Finally, on October 3rd I was invited to
7 participate in the ABA committee on disaster response
8 and preparedness meeting in Washington, D.C. This
9 committee is dedicated to emphasizing the continued
10 needs of victims in the 2005 hurricanes, as well as
11 working on improving disaster response in the legal
12 community.

13 The committee wanted to hear from various
14 organizations, including representatives of the court,
15 state emergency and management, FEMA, and the legal
16 services, about the lessons they learned in responding
17 to disaster. The committee was particularly interested
18 in the impact on legal services, and what the organized
19 Bar could do to assist with more volunteers.

20 During the meeting, I gave remarks on LSC's
21 work on disaster-related issues, and the impact on our
22 legal services program and the lessons learned from our

1 experience with Hurricanes Katrina and Rita.

2 In addition to the need for disaster planning
3 on the program and office level, and for low-income
4 communities on the local, regional, and state level, I
5 indicated there was need for better relationships
6 between legal services and FEMA, and with the ABA Young
7 Lawyers Division that has the contract with FEMA for
8 legal services, and better coordination of volunteer
9 lawyers.

10 John Eidleman, senior program counsel in LSC's
11 office of program performance, joined me at the meeting
12 and in our presentation. In order to initiate a better
13 relationship between Legal Services and FEMA, we are
14 working to arrange a meeting with a FEMA director,
15 David Paulison. And it is our hope that this step will
16 lead to increased communication and training among
17 LSC-funded programs and the ABA Young Lawyers Division,
18 which currently has the sole contract with FEMA to
19 provide legal services.

20 Also on October 5th -- I'm sorry, this is the
21 very last -- I was the guest speaker at the 25th
22 anniversary celebration of the Delaware Bar Association

1 (sic).

2 The event included distinguished members of
3 the Bar, including former Bar presidents, members of
4 the judiciary, Chief Justice Myron Steele, Federal
5 Justice Court Thomas Ambro for the Third Circuit,
6 members of the state legislature, Doug Canfield,
7 executive director of the LSC-funded program in
8 Delaware, and the director of the non-LSC-funded
9 program, in Delaware Volunteer Lawyers.

10 My remarks included an update on LSC, and
11 stressed the importance of partnerships and
12 collaboration with the private bar, the business
13 community, state and local governments, other funders,
14 and non-LSC providers in attempting to reach our goal
15 of ensuring access to justice for all.

16 So, from this report, Mr. Chairman, you can
17 see that we have had a very busy time since our last
18 board meeting.

19 CHAIRMAN STRICKLAND: Thank you very much,
20 Helaine. Anybody have questions of Helaine, regarding
21 her report? Yes, sir? Mike?

22 MR. MCKAY: Mr. Chairman, Helaine, do

1 you -- with regard to the CRLA matter, do you believe
2 that CRLA has an obligation to produce documents
3 pursuant to the LSC regulations that have not yet been
4 produced?

5 MS. BARNETT: I would say that we have been
6 working with our office, program performance, with them
7 to develop a protocol that would produce the documents.

8 Because of the extent of the number of client
9 files that the OIG feels it is necessary to have about
10 which we have no view, we were working with them to
11 develop something that would take time. And I think
12 that is ultimately what has persuaded the IG to request
13 a subpoena.

14 MR. MCKAY: My question is with regard to
15 management's interpretation of the regulations, does
16 management believe that there are documents that CRLA
17 should turn over, but has not yet turned over?
18 Implicit in your answer is yes, it's just a question of
19 how to get it done. Is that right?

20 MS. BARNETT: I am going to ask Karen Sarjeant
21 to come to the table.

22 MR. MCKAY: And I know Karen has been working

1 on that, and I appreciate all of her good work, and I
2 am happy she is involved in this discussion. I'm just
3 interested in knowing what management's current
4 position is, and what your assessment is, Karen.

5 And I guess it's a pretty simple question at
6 this point: Does CRLA have in possession documents
7 that have not yet been turned over to the OIG that you
8 believe should be turned over?

9 MS. SARJEANT: I think the answer to that is,
10 in compliance with the statutes and 509, there are some
11 documents that should be turned over. We have been
12 working with them because a lot of information has been
13 turned over.

14 And now, if these other documents get turned
15 over, there is an issue of confidentiality that needs
16 to be resolved. And we weren't able to resolve it by,
17 you know, working out unique client identifiers.

18 So, I think the posture it's in now is the
19 right posture. But we certainly are not in any way
20 trying to shrink away from what program's
21 responsibilities under 509(h) are.

22 MR. MCKAY: And I'm going to ask the IG the

1 same question. Is there -- but are you satisfied that
2 you and your colleagues in management have done
3 everything you can to get CRLA to respond consistent
4 with that regulation?

5 MS. SARJEANT: Yes, I think we have.

6 MR. MCKAY: All right.

7 MS. SARJEANT: I think we have.

8 MR. MCKAY: Thank you. And you have been
9 talking to the OIG. I'm assuming that you have heard
10 from them what they think that you should be doing.

11 MS. SARJEANT: Yes. And in fact, I am going
12 to talk some more to the board in closed session about
13 some of the things we have been doing to accomplish
14 that. And I am sure they will join in the discussion.

15 MR. MCKAY: Well, I really do appreciate all
16 the time you have spent on this. It's been months and
17 months, but I think it is important, and it's important
18 for the board to ask these kinds of questions.

19 MS. SARJEANT: Absolutely.

20 MR. MCKAY: Thank you.

21 MR. MEITES: Mr. President?

22 CHAIRMAN STRICKLAND: Yes, sir.

1 MR. MCKAY: I had one more question.

2 MR. MEITES: Oh, I'm sorry, I apologize.

3 CHAIRMAN STRICKLAND: Go ahead, Mike.

4 MR. MCKAY: I do recall -- I think it was the
5 last meeting -- that you do give lengthy, good reports,
6 but I do note that you read from a text that you
7 prepared. And I thought that we had understood you
8 were going to give one to us. It would sure be helpful
9 to us that we have it as you give it, because it's
10 easier for us to follow -- at least certainly easier
11 for me.

12 MS. BARNETT: It's certainly my intention to
13 give it to you. I work on it up until the last moment,
14 and that is the reason I normally would plan to send it
15 out afterwards. I will try to complete it in a fashion
16 that I can bring copies to the meeting.

17 MR. MCKAY: You give us so much information
18 that, for me, it would be helpful if I had the text in
19 front of me as you read it, so that I could make notes
20 and follow it. And if you want to add something at the
21 end that is a last-minute thing, then obviously you can
22 do that.

1 But I guess my personal request is at least
2 you hand out something before you give your report.

3 MS. BARNETT: I certainly will do that in the
4 future, and hand it out, if it would be okay, at the
5 time of the board meeting.

6 MR. MCKAY: Certainly fine with me.

7 MR. MEITES: Mr. President?

8 CHAIRMAN STRICKLAND: Yes, sir. Tom?

9 MR. MEITES: Helaine, I am surprised to hear
10 that the ABA Young Lawyers section is FEMA's exclusive
11 grantee for emergency legal services. It seems to me
12 that either Legal Services Corporation, as a
13 pass-through, or our grantees, who are in the field,
14 are experienced lawyers, know their local communities,
15 and have proven themselves more than able to provide
16 the assistance, should be the grantee.

17 How in the world did the ABA push in there,
18 and how come we're not there?

19 (Laughter.)

20 CHAIRMAN STRICKLAND: Do you know?

21 MS. BARNETT: I think the Legal Service
22 Corporation would agree with you 100 percent, Mr.

1 Meites, and I think part of our reason for wanting a
2 meeting with a new director of FEMA is to make that
3 point.

4 I do note that there is a representative from
5 the ABA here. They do -- it's a very small contract,
6 but they have had it, if I might ask Terry Brooks -- if
7 he would come to the table -- if you know how long they
8 have had it.

9 MR. BROOKS: I am Terry Brooks, I am the
10 counsel to the ABA standing committee on legal aid and
11 indigent defendants, and also the director of legal
12 services at the ABA.

13 This is a very, very long-standing contract
14 between the ABA's Young Lawyers Division and FEMA. It
15 precedes my tenure at the ABA, which now goes back over
16 20 years. There have been several attempts to revisit
17 it during that period of time, and for various reasons
18 it has not been revisited. We are very hopeful that,
19 with the establishment of this new ABA committee,
20 chaired by two leaders of the Bar, that that issue will
21 receive significant examination, going forward.

22 CHAIRMAN STRICKLAND: Thank you very much.

1 MS. SINGLETON: Mr. Chairman?

2 CHAIRMAN STRICKLAND: Yes, Sarah, go ahead.

3 MS. SINGLETON: I wanted to Mr. Meites know
4 that that contract may not be as helpful to our client
5 population as one would think at first blush. Having
6 been a volunteer for FEMA, all the Young Lawyers do is
7 organize volunteers, and you're specifically told that
8 you're not allowed to tell people if they might have an
9 action against FEMA.

10 So, it's not really quite the boon one might
11 think for the client population who is -- finds
12 themselves caught in a disaster.

13 MR. MEITES: Well, if the fellows who are
14 re-building the levees are getting paid, and the tanker
15 captains who lost work are getting paid, why aren't our
16 grantees getting paid for providing services that are
17 occasioned solely by an act of nature? Is it because
18 legal services somehow go with the territory?

19 MS. BARNETT: I would just state a follow-up
20 to what Mr. Brooks said. In our testimony before this
21 ABA committee, we also asked them to please put on
22 their agenda that supplemental appropriation should

1 include money for legal services in the future, since
2 we were not successful in getting it added to any
3 supplemental appropriation following this disaster.

4 CHAIRMAN STRICKLAND: Okay. Any other
5 questions relative to Helaine's report?

6 (No response.)

7 CHAIRMAN STRICKLAND: All right, I think we
8 probably better take our lunch break at this time. I
9 know there are several of us that need to go through
10 the check-out process before going to lunch.

11 So, we will now recess for lunch, and
12 reconvene in approximately one hour. Thank you very
13 much.

14 (Whereupon, at 12:06 p.m., a luncheon recess
15 was taken.)

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1 MS. BEVIER: Second.

2 CHAIRMAN STRICKLAND: All right. Any
3 discussion on that? All those in favor, please say
4 aye.

5 (Chorus of ayes.)

6 CHAIRMAN STRICKLAND: Opposed, nay?

7 (No response.)

8 CHAIRMAN STRICKLAND: The ayes have it, and
9 the minutes are approved.

10 All right, next we will take up the inspector
11 general's report. Kirt West?

12 MR. WEST: Good afternoon, Mr. Chairman and
13 members of the board. Hopefully this will be pretty
14 brief.

15 As you mentioned, Mr. Chairman, I also
16 testified on, I believe it was, September 26th on H.R.
17 6101, and we also had some discussions at the
18 performance review committee this morning. And
19 clearly, there is an area where I think I am in some
20 disagreement with the board over some things, and
21 that's fine. But I want to report on the more positive
22 things.

1 I think that the working relationship, in
2 general, has improved. I think we had an experience
3 going through the fiscal practices report that I
4 issued, the board and management's response, and the
5 overall product. I found that a positive experience.
6 I have talked with President Barnett about that. We
7 both agreed that it was a good way to work together.

8 Most recently, I have shared with both
9 President Barnett and Chairman Strickland our draft
10 semi-annual report. We have had some discussions as a
11 result of that. I think there is -- we will have an
12 improved product. And from my perspective, that's a
13 very good development.

14 We have also been having a number of informal
15 meetings at different, you know, the senior management
16 level of my office and LSC management. And I think, as
17 a result of those kinds of ongoing discussions, the
18 exchange of information, that that's been a very
19 positive thing.

20 And I may have mentioned this before, but I
21 think that I would want to thank Chairman Strickland
22 and Vice Chairman BeVier for setting that process in

1 place back in June, when you met with us. I think it
2 was a positive development. I'm not sure we will have
3 a completely smooth road -- we may have some
4 hiccups -- but from my perspective, I see us heading in
5 the right direction, in terms of the appropriate
6 relationship, and how we work together to try to, each
7 of us, carry out our duties, ultimately resulting in
8 LSC -- you know, the betterment of LSC.

9 We will be issuing our final -- our strategic
10 plan shortly. I want to let you know we did receive
11 comments from board member Sarah Singleton. We also
12 received comments from Charles Jeffress. We have sent
13 it to the appropriate committees of the congress for
14 comment, and we are awaiting that. And once that is
15 done, we will put that in final, put it on our web
16 page, and I will let you know when that happens.

17 We will also be developing, as part of that,
18 our 2007 work plan. And I have discussed with a few
19 members of the board -- but I would like to throw this
20 out to the entire board --

21 PHONE OPERATOR: Thomas Fuentes has joined.

22 MR. WEST: -- that we are searching, and are

1 looking for work that the board and management would
2 like us to do that we could do an independent report on
3 that the board and management could use that would
4 help, you know, administration of the corporation.

5 For instance, we talked about what -- perhaps
6 we could do a review of the TIG program, and out of
7 that take some of the -- you know, show how dollars are
8 being leveraged, and you know, look at where it seems
9 to be effective, you know, the most effective kind of
10 program, and do a report of that nature that could then
11 be used as -- going to Congress and saying, "Look, you
12 know, you need to fund more on technology."

13 So, anyway, I am searching for those ideas. I
14 will send something out to the board and to management,
15 sort of soliciting ideas, as we put together our work
16 plan. But I really would encourage the board to send
17 us your ideas of the sorts of things you would like to
18 see us do.

19 I won't go into much on the CRLA
20 investigation, because President Barnett commented on
21 it in her report, other than tell you that we did, in
22 fact, issue a subpoena on October 17th, with a return

1 date of November 17th.

2 We will also be issuing a memorandum to both
3 the board and management, proposing a number of areas
4 of regulatory change that have come as a result of our
5 work -- in a couple of cases, clarifying regulations
6 and another area where there may not be regulations,
7 where we found they would have been useful. And I
8 won't go into those in detail, but I will be preparing
9 something to the board, and I have shared some of those
10 ideas with Chairman Meites of the ops and regs
11 committee.

12 We will -- I -- on September 19th I had a
13 meeting -- I believe it was the 19th -- with the new
14 SCLAID chairperson, Deborah Hankinson, and Terry
15 Brooks, and I think it was a very candid and, I think,
16 very productive exchange of information to sort of what
17 our role is, and how we were perceived, and how I am
18 trying to correct some of the perceptions of maybe the
19 way we're perceived and what we're trying to do, and I
20 found that a very positive exchange.

21 And in terms of work, we had to defer some of
22 our audit work, as a result of the couple of requests

1 we had gotten from Congress. But we will be issuing
2 very shortly -- hopefully by early to middle of next
3 week -- a discussion draft on the OPP program, and
4 the -- my head of audit, Dutch Merryman and Karen
5 Sarjeant, I think already have a meeting set to
6 discuss, and will be issuing a discussion draft before
7 we actually issue a draft -- a report.

8 David Richardson mentioned briefly that
9 the -- they were going to start the audit for the
10 annual financial audit of LSC. That is something that
11 we hire the independent outside auditor to do. And
12 there is a meeting, I believe, November 8th that will
13 be LSC management, OIG staff, and the independent
14 auditor, to kick that process off.

15 We will be expected soon to be issuing a fraud
16 alert bulletin to all the executive directors. In one
17 of our investigations, we uncovered over \$100,000 in
18 potential travel claim fraud, and we want to sort of
19 show how -- you know, like we did back when we found an
20 embezzlement in one of the programs, to "Here are sort
21 of the indicators of things to look for, and this
22 happened over a period of time."

1 And it's just things for the executive
2 directors check, it's just, you know, it was something
3 where, if you actually looked at a map, this person
4 couldn't have been in two places. I mean, it was like
5 driving 800 miles a day and doing hearings. So it was
6 like -- so, anyway, we're going to be issuing that.

7 And the last thing I wanted to mention is that
8 there is an annual awards ceremony that the IG
9 community goes through, and it's pretty significant to
10 receive an award. And Dave Maddox on my staff received
11 an award for excellence at the awards ceremony that was
12 held this past Tuesday, and it was for his years of
13 work in the area of mapping, some issues that we have
14 discussed with the board at some time in the past, but
15 that we worked very closely with the grantees from
16 different states, and using the geo-spatial mapping to
17 assist them in administering their programs, as well as
18 doing fundraising. So that concludes my report.

19 CHAIRMAN STRICKLAND: Any questions about
20 that? I have Dave's name down here, so I was going to
21 call on you to mention that award, and I appreciate
22 your doing it.

1 And, Dave, we congratulate you on the receipt
2 of that award, and keep up the good work. How about a
3 round of applause for David?

4 (Applause.)

5 CHAIRMAN STRICKLAND: Any questions for Kirt?
6 Go ahead.

7 MS. BEVIER: Kirt, are you planning to get to
8 us -- to the board, and to the ops and regs committee
9 -- your suggestions for the regulatory changes
10 by -- in time for us to take them up and consider them
11 at our next meeting? Because that's very much on the
12 agenda for ops and regs.

13 MR. WEST: Yes, I am. And in fact, our goal
14 would be to get them to you by early January, rather
15 than waiting for the briefing book, so that you would
16 have time to digest them.

17 I think before we do that, before we send it
18 to the board, we will -- I will share a draft of what
19 we are proposing with Helaine, and go over some issues
20 and see where there is maybe issues that we both want
21 to say, "This is what we should do," versus just what
22 we want to do. But you will have it way -- much in

1 advance.

2 MS. BEVIER: Thank you.

3 CHAIRMAN STRICKLAND: Any other questions for
4 Kirt? Mike?

5 MR. MCKAY: Thank you, Mr. Chairman. First, I
6 was so pleased to hear in your opening remarks about
7 the improving relationship between your office and
8 management. I am almost inclined to order a copy of
9 the transcript.

10 (Laughter.)

11 MR. MCKAY: But I am happy to hear it. I want
12 to follow up on the questions I posed to Karen relating
13 to the CRLA investigation. I am confident that your
14 answer to the first question as to whether or not CRLA
15 has an obligation is yes. It is implicit in your
16 actions, so I won't even ask it.

17 But obviously, my concern -- and area of
18 interest, as well as, I'm sure, my colleagues -- is to
19 be confident that LSC management is doing everything it
20 can to assist you in your efforts to obtain the
21 documents you think you're entitled to.

22 I am aware of the issue relating to

1 attorney-client privilege, and it's -- I don't mean to
2 blow off that issue, it's an important issue,
3 obviously.

4 But in your opinion, is LSC management -- or
5 was LSC management -- doing everything it could to
6 assist you, and was there anything that you asked LSC
7 management to do in order to assist you in obtaining
8 those documents that they would not do for you?

9 MR. WEST: Well, let me answer the second part
10 of your question first. No, there was not. We -- at
11 no time did LSC management say, "No, we're not going to
12 do this."

13 As to the first question, we might have taken
14 different approaches. I think that's probably pretty
15 clear from some of the things, that we may have taken
16 different approaches, but we were both approaching the
17 same issue of trying to get the information. I think,
18 you know, it's up to management's discretion as to how
19 they want to approach it.

20 Our approach was -- I think we had a slightly
21 different philosophical view on the approach. I think
22 that's one of the reasons I ultimately decided to issue

1 the subpoena. I think a number of board members had
2 expressed that they thought that was a cleaner process.

3 But I also think what came out of this -- and
4 for me it was something of a learning
5 curve -- is -- and it's something I will be
6 recommending to the ops and regs committee -- is
7 management was put in this position that, in order to
8 take action, that it was a pretty detailed extensive
9 process, just to get compliance.

10 And one of the things I think we're going to
11 be recommending is to consider some lesser sanctions to
12 give more tools in management's toolbox to deal with
13 grantees. Because, from my perspective, you know, if
14 you get -- you know, it's sort of the analogy if you
15 get caught for speeding, two things happen. You either
16 get off or you get executed. There is nothing in
17 between.

18 And I think things need to be in between,
19 there need to be shorter remedies, and it's something
20 we will be proposing, and it's something I think the
21 board may want to entertain. Because I think when you
22 had the briefing about what would happen, in terms of

1 the hearings and the notice, just to produce
2 information was pretty time consuming.

3 And I certainly appreciate the concerns
4 management had about where that would lead them, in
5 terms of, you know, time, effort, and litigation. So
6 at the end of the day, we -- at sort of the speed at
7 which things were going, I made the determination it
8 was more effective to issue a subpoena. And we will
9 all have to stay tuned as to whether it's produced, and
10 what happens in court.

11 MR. MCKAY: Appreciate your answer. I just
12 want to make sure, though, that the issuance of your
13 subpoena was not a result of frustration with
14 management, but rather a recognition of perhaps
15 procedures that are in place here, and the tools that
16 we have at our disposal.

17 MR. WEST: I would say it was a little bit of
18 frustration, but more recognition of all the other
19 problems. I mean, we were -- it was a little, you
20 know, maybe impatience on my part. We really needed
21 this information to get it done.

22 I did take into consideration some of the

1 comments I got from the board, in terms of from their
2 perspective, in terms of doing that.

3 I am hoping, as a result of this, we will
4 create some very clear law so that the next time that
5 both either the IG or management can feel pretty
6 comfortable that a court has specifically addressed the
7 information without case identifiers, or anything else,
8 but just simply you're entitled to the following
9 information by virtue of the law and the assurances.

10 MR. MCKAY: Thank you.

11 CHAIRMAN STRICKLAND: Okay, any other
12 questions for Kirt?

13 (No response.)

14 CHAIRMAN STRICKLAND: I thank you for your
15 remarks, Kirt. On the improvement of the relationship,
16 I join you in the things you expressed. I think that's
17 an accurate summary of the discussions we have had, and
18 the steps that have been taken. So, I commend you for
19 taking those steps, and urge that we continue -- both
20 sides of the equation continue -- in that direction.

21 Next is to consider and act on the report of
22 the Committee on Provision for the Delivery of Legal

1 Services. Chairman David Hall?

2 MR. HALL: Thank you, Chairman Strickland.

3 Excuse me for my voice. The provisions committee had a
4 very productive meeting, as we have had in the past. I
5 will try to highlight a little bit of what occurred.

6 There were two presentations that we had. The
7 first included some local guests, and the presenters
8 were: Adrienne Worthy, who is the executive director
9 of Legal Aid of West Virginia; Elizabeth Wehner, who is
10 also with Legal Aid of West Virginia, and is the
11 partnership attorney, which I will explain a little bit
12 more as we get into the presentation; and Angie Rosser,
13 who is the West Virginia Coalition Against Domestic
14 Violence, a staff person and a coordinator.

15 Their presentation, which I will in no way try
16 to capture all of the points that they made, but was
17 describing this unique partnership that exists between
18 Legal Aid of West Virginia and the Coalition Against
19 Domestic Violence.

20 I think the reason our guests chose to focus
21 on this was because they really do believe that this
22 partnership represents a model about how to address

1 domestic violence. And so I would like to highlight
2 some of the points that they made to kind of
3 demonstrate why this is a unique model that other
4 states may need to follow.

5 Some of the points that they mentioned was by
6 collaborating -- that is, a legal services operation
7 with a domestic violence program -- that they have been
8 able to receive more funding than they would if they
9 were operating separately, that they have had a 33
10 percent increase in the number of cases closed since
11 they have been collaborating, which is certainly the
12 goal of trying to get more people the help that they
13 need, and that they believe that the staff is more
14 highly engaged in this work, and that they are
15 receiving much more support than they had received in
16 the past.

17 Some other points that they made in regards to
18 the partnership, and how unique it is, and what they
19 believe has been developed. One, they indicated that a
20 certain level of trust has been developed between those
21 in the domestic violence program and those within legal
22 aid. They developed a three-year strategic plan that

1 is helping them decide how to move forward in a very
2 cooperative and collaborative way.

3 One interesting point that was made by
4 Adrienne was that, as a way of making the partnership
5 come into existence, that Legal Aid of West Virginia
6 had to give up some funding that they had that was
7 funding paralegals in order to make the partnership
8 work.

9 But she felt that in the long run, that
10 sacrifice on their part paid off. And I think the
11 message to us was that there are times when grantees
12 need to be creative in looking at how they partner with
13 other agencies, or organizations, and that though they
14 may have to give up something, in the long run they
15 will benefit from it.

16 Another point that they did highlight was the
17 joint training that is able to occur now. They have
18 been able to do trainings on changes in the law that is
19 occurring in the area of child abuse and neglect. The
20 two programs have been able to develop a memorandum of
21 understanding so that any issues, conflicts, disputes
22 that may occur between them can be resolved in a way

1 that is consistent with this memorandum of
2 understanding.

3 They have been able to provide training for
4 the community, probably in ways that they would not
5 have been able to do if they were operating separately.
6 They have done at least 136 different training events
7 for medical professionals, for the religious community,
8 for the schools.

9 The law school community has been involved in
10 this to the point where there is now a course at West
11 Virginia University Law School. They have done CLE
12 training, and at least 71 private attorneys have
13 received some type of training from them. And because
14 of that, they have quite a number of private attorneys
15 who are willing to provide some assistance to them.

16 One of the issues that we talked about was
17 some of the challenges that staff confront in dealing
18 with the issue of domestic violence in the state. Some
19 sobering information that they shared with us was the
20 fact that West Virginia is the third highest -- is
21 rated the third, nationally, in the number of incidents
22 of domestic violence.

1 About one-third of homicides in the state are
2 domestic violence-related, and that therefore, they are
3 dealing with a very, very critical problem. And even
4 recently, there have been a number of allegations in
5 regards to domestic violence-related deaths that have
6 been occurring.

7 To make this problem even more difficult for
8 those who do this work, there is an uneven distribution
9 and a scarcity of lawyers, that there are some counties
10 where there are just very few lawyers. And therefore,
11 it's hard to incorporate or get those lawyers involved
12 in this type of work. And so access to pro bono
13 resources is often limited because of the geography and
14 the rural nature.

15 And despite that, though, they are, certainly
16 through the partnership, developing a holistic approach
17 to services, meaning that they are not just trying to
18 get orders for individuals who are the victims of
19 domestic violence, but they are trying to look at all
20 the client's needs in regards to housing, in regards to
21 divorce or other sorts of matters, so that people leave
22 feeling whole, and are able to get their lives moving.

1 So, in summary -- and again, this does not do
2 justice to everything that they shared with us -- but
3 they feel that: the partnership has been able to
4 increase the level of training that people have; it has
5 increased the quality of service that they are able to
6 provide; they have been able to build a greater sense
7 of capacity to do the work; that they have probably
8 been able to retain more staff because of the
9 partnership; and last, but not least, they have been
10 able to involve more individuals in the private bar in
11 this work.

12 So, just based on their presentation, I think
13 it's clear that what is happening in the state in
14 regards to domestic violence is a model that should be
15 shared with other states. And so, the provisions
16 committee was thankful to have all three of them come
17 and present. I think, as you recognize Chairman,
18 Adrienne is here today, and I personally again want to
19 thank her and the people who she brought before us.

20 Our second presentation, which I will try to
21 also go through quickly, was presented by Karen
22 Sarjeant. This was the -- I would say ultimate

1 combination of a number of programs we have had, in
2 trying to look at the issue of pro bono.

3 And those three panels that the provisions
4 committee has convened was hopefully leading us to a
5 particular point, and that was trying to get a better
6 understanding of what this board and what LSC
7 management could do to move this issue forward.

8 Karen gave an excellent summary of kind of
9 where we are now. I would like to share some of those
10 points, only because I believe that what we are moving
11 forward to from the provision standpoint, is a point
12 where we will be asking this board to adopt some
13 recommendations. And so I would like to -- for those
14 board members who weren't present -- to at least kind
15 of highlight some of the recommendations that Karen put
16 before us that will be coming back probably in a more
17 developed form next time.

18 From the board perspective, she
19 suggested -- and again, this is summarizing the
20 presentations that had come, and putting them in the
21 form of recommendations. These are not new things.
22 But the idea that the board needs to consider issuing a

1 resolution, or a series of resolutions, on pro bono,
2 the importance of it, why we need to get more attorneys
3 doing it, either partnering with others as we issue
4 that resolution, but to make sure that we send a very
5 strong message about its importance.

6 Second, to continue the process that we
7 already have in place of recognizing local attorneys
8 who are doing this work at our meetings, to recognize
9 those programs that are doing a very good job, and
10 highlighting that, to publicize more about what board
11 members may be doing in this regard.

12 Some -- and again, some of this was a dialogue
13 between Karen and suggestions coming from various board
14 members. There was the idea of having a pro bono grant
15 program, where we are hopefully getting more money from
16 Congress to assist in promoting this idea, getting
17 judges to be advocates for change, especially in rural
18 areas.

19 One of the -- some of the suggestions, as I
20 said, came from board members, in addition to what
21 Karen presented.

22 A few suggestions in regards to what LSC needs

1 to be doing as management looks at its efforts in
2 personnel, she suggested that they need to look
3 seriously at the notion of: promoting best practices,
4 and to look at what the programs are doing, and issuing
5 either program letters or looking at their work
6 activity -- that is, what staff is presently doing, and
7 seeing how they can promote best practices; looking at
8 other publications that can get the word out in regards
9 to pro bono; advocating for rural changes; advocating
10 through these publications for more CLE credit, and
11 things of that sort.

12 She mentioned a library resource initiative,
13 which is trying to get to the grantees some tool kits
14 around how to do this work, what's the best way to do
15 this work, so that they can have ready access to the
16 various information that they need.

17 Through their program visits, both in the
18 program side and the compliance side, they anticipate
19 having a greater focus on this particular issue. Some
20 training function that is clearly part of management is
21 that they will try to ensure that the grantees are
22 provided some training on how to work better with the

1 private bar, and how to make that successful.

2 There was also mentioned the possibility of
3 preparing a significant presentation at the equal
4 justice conference in March 2007, which would be a way
5 of kind of highlighting the efforts that are going on
6 in LSC, and being able to make that presentation to the
7 kind of right audience. Many of our grantees are at
8 the equal justice conference. Many individuals who
9 work on pro bono initiatives are also at this
10 conference. And so it would be a natural place.

11 Some other suggestions -- and again, I think
12 some of these came from either committee members or
13 board members -- was the notion of having a national
14 pro bono recognition day in Washington, as a way of
15 trying to bring more recognition to this effort, and
16 leveraging what's going on, getting large law firms
17 more involved, so that they can see the benefit to
18 themselves, such as providing experience for their
19 associates, as another way of, again, leveraging this.

20 And also, the notion of having a contact
21 person at LSC who people would know to go to in case
22 they had questions, needed some support, et cetera.

1 There are some other important suggestions
2 that she raised. I will not share them at this time.
3 I think what provisions is envisioning is that these
4 ideas and others will be presented to us at some point
5 before the next meeting, so that the provisions
6 committee can react to it.

7 And then, a "final recommendation" will be
8 made to provisions, and I think the provisions
9 committee anticipates at the next meeting, after having
10 had a chance to discuss those recommendations, to be
11 putting before this board a comprehensive plan for
12 increasing and enhancing the pro bono activities of
13 lawyers, especially as it relates to our grantees.

14 That is the end of our report. There are no
15 issues that need to be voted on at this time.

16 CHAIRMAN STRICKLAND: Thank you very much,
17 David. Do any board members have questions for David?

18 (No response.)

19 CHAIRMAN STRICKLAND: All right. Hearing
20 none, we will move on to the next item, which is to
21 consider and act on the report of the finance
22 committee.

1 MR. MCKAY: Thank you, Mr. Chairman.

2 CHAIRMAN STRICKLAND: Mike McKay?

3 MR. MCKAY: Thank you. The Finance
4 Committee -- Tom, could you hear me?

5 CHAIRMAN STRICKLAND: Tom Fuentes, can you
6 hear Mike?

7 MR. FUENTES: Sir, I can hear.

8 MR. MCKAY: Thank you. The Finance Committee
9 chose to defer a staff report on LSC's directors and
10 officers insurance briefing to the closed session this
11 afternoon.

12 M O T I O N

13 MR. MCKAY: And so, at this time I would like
14 to move that that be considered at the closed session
15 this afternoon. It relates to litigation, and it is
16 also just a briefing, so there will be no
17 decision-making done at that time. We heard from our
18 counsel, from Vic, that it's appropriate. And so I
19 make that motion at this time.

20 CHAIRMAN STRICKLAND: All right. Is there a
21 second to that motion?

22 MS. BEVIER: I will second.

1 CHAIRMAN STRICKLAND: Any discussion?

2 (No response.)

3 CHAIRMAN STRICKLAND: All those in favor,
4 please say aye.

5 (Chorus of ayes.)

6 CHAIRMAN STRICKLAND: Opposed, nay?

7 (No response.)

8 CHAIRMAN STRICKLAND: The motion is passed.

9 MR. MCKAY: Thank you. We received a
10 presentation on financial reports for the year ending
11 September 30, 2006 from Mr. Richardson and from Mr.
12 Jeffress. The report was a good one. We are -- we
13 continue to be -- or we were well within budget at the
14 end of the year.

15 Mr. Richardson also explained to us certain
16 line item adjustments that he made, all of which seemed
17 appropriate. So that was a very good and very well
18 received report.

19 We then went on to consider resolution number
20 2006-013, which relates to the special circumstance and
21 operating authority. As this board knows, we do not
22 yet have a budget for Fiscal Year 2007. Congress has

1 not yet acted. And Congress will -- if Congress does
2 act, as it likely will, before our next meeting, the
3 resolution that is about to be before the board would
4 authorize management, in consultation with the chairman
5 of the board and the chairman of the Finance Committee
6 to increase or decrease the annual grants awards,
7 consistent with whatever final Fiscal Year 2007
8 appropriation we receive.

9 M O T I O N

10 MR. MCKAY: Accordingly, I do move the
11 board -- or, the committee recommended, and I move, the
12 adoption of resolution 2006-013.

13 CHAIRMAN STRICKLAND: Is there a second?

14 MR. GARTEN: Second.

15 CHAIRMAN STRICKLAND: Any discussion on the
16 adoption of the resolution?

17 (No response.)

18 CHAIRMAN STRICKLAND: All right. All those in
19 favor of the motion, please say aye.

20 (Chorus of ayes.)

21 CHAIRMAN STRICKLAND: Those opposed, nay. And
22 the resolution is adopted.

1 MR. MCKAY: We also discussed a resolution to
2 increase the maximum amount an LSC employee may
3 contribute to their health reimbursement fund. We
4 received a report that 4 employees have hit the \$5,000
5 limit. Resolution 2006-015 would increase the ceiling
6 from the current \$5,000 limit to \$7,500.

7 M O T I O N

8 MR. MCKAY: The committee approved the
9 recommendation to this board, that that resolution be
10 adopted. So I do move the adoption of resolution
11 2006-015.

12 CHAIRMAN STRICKLAND: Is it 015?

13 MR. MCKAY: It is 015.

14 MR. FUENTES: Second.

15 CHAIRMAN STRICKLAND: All right. Seconded by
16 Mr. Fuentes. Any discussion on the motion?

17 (No response.)

18 CHAIRMAN STRICKLAND: Hearing none, let's
19 proceed to a vote. All those in favor of the motion,
20 please say aye.

21 (Chorus of ayes.)

22 CHAIRMAN STRICKLAND: Those opposed, nay?

1 (No response.)

2 CHAIRMAN STRICKLAND: The ayes have it. The
3 resolution is adopted.

4 MR. MCKAY: Thank you. We received a staff
5 report from Mr. Richardson on the projected increase in
6 our health insurance premiums. Of course, both in our
7 work and as here, those are going up. The broker came
8 back with a proposal of a 25 percent increase for next
9 year. That was considered to be too high, and sent
10 back to the broker. The broker continues to work on
11 this. And there was a commitment to keep this increase
12 as low as possible.

13 This is simply informational, an alert to the
14 committee and now to the board, that our health
15 insurance premiums are likely going to go up. And
16 hopefully, the increase will be as low as possible.

17 I believe that is the conclusion of our report
18 from the Finance Committee.

19 CHAIRMAN STRICKLAND: All right.

20 MR. MCKAY: Thank you.

21 CHAIRMAN STRICKLAND: Any questions of Mike
22 McKay?

1 (No response.)

2 CHAIRMAN STRICKLAND: All right, thank you,
3 Mike. Let's move now to consider and act on the report
4 of the Operations and Regulations Committee. And are
5 you going to present that?

6 MS. BEVIER: Mm-hmm.

7 CHAIRMAN STRICKLAND: Lillian BeVier will
8 present that report.

9 MS. BEVIER: Thank you, Mr. Chairman. The
10 operations and regs committee has one matter to bring
11 to the board for their action, and that is to -- we
12 have a motion to adopt the draft final rule revising
13 45CFR1624, prohibition against discrimination on the
14 basis of handicap.

15 Mattie Cohan presented a staff report to us,
16 which explained the changes that had been made,
17 explained the public comments, explained to us which of
18 the public comments had been accepted or, if you will,
19 incorporated into the draft final rule, and which we
20 had -- it was management's recommendation not to
21 include them.

22

1 M O T I O N

2 MS. BEVIER: This is actually not a very
3 controversial rule, in particular because it is
4 essentially, in many respects, redundant with respect
5 to provisions of the Americans With Disabilities Act.
6 Nevertheless, it comes to you as -- this draft final
7 rule comes to you as a recommendation from the ops and
8 regs committee that the board adopt this final rule.
9 And I so move.

10 CHAIRMAN STRICKLAND: Is there a second to the
11 motion?

12 MR. MCKAY: Second.

13 CHAIRMAN STRICKLAND: Any discussion on the
14 motion?

15 (No response.)

16 CHAIRMAN STRICKLAND: Hearing none, let's
17 proceed to a vote. All those in favor of the motion,
18 please say aye.

19 (Chorus of ayes.)

20 CHAIRMAN STRICKLAND: Those opposed, nay?

21 (No response.)

22 CHAIRMAN STRICKLAND: Motion is adopted.

1 MS. BEVIER: Mr. Chairman, the second matter
2 that came before the ops and regs committee was the
3 draft final rule revising 45CFR1621, clients grievance
4 procedure.

5 The committee moved -- and I'm not sure this
6 requires board action, because the committee moved to
7 recommend deferral of action on the adoption of this
8 rule, and to reopen for public comment this draft rule
9 for 45 days, and put this, the invitation for public
10 comment, in the Federal Register, and consider this
11 draft final rule and any changes that might be made to
12 it as a result of final comment, at the January
13 meeting.

14 What seems to have occurred is that some
15 representatives of the client community have indicated
16 that they, having not provided comments in a timely
17 fashion, nevertheless it has come to their attention
18 that we were considering this draft final rule, and
19 they wanted to offer some comments about how the final
20 rule ought to read.

21 And we certainly felt that it was appropriate
22 to have their comments, but we didn't want just their

1 comments. If we were going to reopen the comment
2 period, we wanted to reopen it for everyone. So that's
3 the recommendation of the ops and regs committee.

4 CHAIRMAN STRICKLAND: Let's ask Vic Fortuno
5 whether any board action is required to reopen the
6 comment period on that rule. Is there any such action
7 required?

8 MR. FORTUNO: I don't believe that -- I
9 believe that the notice was published at the direction
10 of the committee. I don't think that the full board
11 voted on the original publication. So I wouldn't think
12 that the full board has to vote on this. It wouldn't
13 hurt, but it's not necessary.

14 CHAIRMAN STRICKLAND: All right. Then I think
15 we will just move on, based on the committee's
16 recommendation, if that's acceptable to the board.

17 MR. MCKAY: Yes.

18 CHAIRMAN STRICKLAND: All right.

19 MS. BEVIER: The next item, Mr. Chairman, is
20 the Freedom of Information Act improvement plan and
21 resolution number 2006-014. Our general counsel, Vic
22 Fortuno, gave us a summary of the background of this

1 plan, and the resolution.

2 It has to do with the fact that there was an
3 executive order issued to which we are not formally
4 required to -- with which we are not formally required
5 to comply, because we are not a government agency, but
6 which management decided, between the last meeting of
7 the board and this meeting, that we ought to submit a
8 plan for implementation of -- improving the
9 implementation of our Freedom of Information Act
10 procedures.

11 M O T I O N

12 MS. BEVIER: And we have -- and management did
13 submit that plan, and the resolution 2006-014
14 essentially confirms management's decision. And in
15 addition, confirms the plan as written. And therefore,
16 I would recommend to the board that -- or I move that
17 the board adopt the improvement plan and the resolution
18 2006-014.

19 CHAIRMAN STRICKLAND: Is there a second to
20 that motion?

21 MS. PHILLIPS: Mr. Chairman?

22 CHAIRMAN STRICKLAND: Yes?

1 MS. PHILLIPS: Before you --

2 CHAIRMAN STRICKLAND: Let's take a second,
3 please, and then we will get a question.

4 MR. FUENTES: Second.

5 CHAIRMAN STRICKLAND: All right. It's been
6 seconded. Go ahead.

7 MS. PHILLIPS: I just wanted to ask Vic two
8 questions, and I wanted to make an amendment to the
9 resolution.

10 CHAIRMAN STRICKLAND: Okay.

11 MS. PHILLIPS: And I don't know if I should be
12 asking Vic or Helaine, but I will just ask Vic. I just
13 wanted to know, were there any other executive orders
14 that has not been brought to the committee that we
15 should be aware of, or are there other documents that
16 were approved that the board or the committee were not
17 aware of?

18 MR. FORTUNO: None of which I am aware,
19 although -- Charles?

20 (Pause.)

21 MR. FUENTES: Hello?

22 CHAIRMAN STRICKLAND: Yes, we're still here.

1 They're just conversing.

2 MR. FORTUNO: My response was not that I am
3 aware of. Although, as I said that I thought that
4 there was something else that I should consult Charles
5 on, because he had some contact, and he does recall
6 something. So he is going to elaborate on that now.

7 MR. JEFFRESS: The President's management
8 agenda was put out, pursuant to executive order several
9 years ago. Periodically, the Office of Management and
10 Budget asked for plans in progress in implementing the
11 President's management agenda. That executive order
12 and president's management agenda applied to executive
13 agencies, not to groups like Legal Services
14 Corporation.

15 I did receive an inquiry from Office of
16 Management and Budget, whether we were going to be
17 providing a response, a progress report on
18 implementation of the President's management agenda.
19 We indicated it did not apply to us, so we had not done
20 the initial response, back when it was first adopted.
21 It turned out we were not the only agency in this
22 situation, and OMB decided there was no need for us to

1 proceed. They didn't pursue that.

2 MS. PHILLIPS: Okay. Then on that note, I
3 would like to make a motion to amend resolution
4 2006-014, and I recommend that the board be kept
5 oversight authority of the evaluation order, and
6 monitor staff ability to implement improvements.

7 CHAIRMAN STRICKLAND: By way of suggestion,
8 you might want -- I think the motion before us is
9 whether or not to adopt 2006-014, and I think we should
10 take that up by itself, and then you should make that
11 motion as a separate motion, as opposed to an amendment
12 to this motion. Is that acceptable to you?

13 MS. PHILLIPS: Yes.

14 CHAIRMAN STRICKLAND: All right. Let's --

15 MR. GARTEN: Frank?

16 CHAIRMAN STRICKLAND: Yes, sir?

17 MR. GARTEN: I think that we need an
18 amendment, or an understanding that the footnote one
19 will be revised.

20 CHAIRMAN STRICKLAND: Oh, gosh, that's right.
21 We do need to clarify that. Who can clarify that for
22 us, so that we are adopting the resolution in the

1 correct format?

2 MS. BEVIER: I will be happy to clarify what
3 the amendment to the motion refers to, or that to which
4 the amendment to the motion refers.

5 There is a footnote one to the FOIA report and
6 plan under executive order 13,392, which reads, as
7 originally adopted, or as originally presented, "The
8 Legal Services Corporation is now a department agency
9 or instrumentality of the federal government and,
10 strictly speaking, is therefore not subject to the
11 executive order."

12 We had extensive discussion about this at the
13 committee meeting, and decided that, strictly speaking,
14 we should eliminate the "strictly speaking" language,
15 because it was redundant and served no real purpose in
16 advancing the meaning of the sentence. So we
17 would -- the motion that I made, that we adopt and
18 approve this plan and this resolution, I meant to
19 include the deletion of "strictly speaking."

20 CHAIRMAN STRICKLAND: All right. With that
21 clarification, is there any further discussion on the
22 main motion?

1 (No response.)

2 CHAIRMAN STRICKLAND: All right. All those in
3 favor, please say aye.

4 (Chorus of ayes.)

5 CHAIRMAN STRICKLAND: And those opposed, nay.

6 (No response.)

7 CHAIRMAN STRICKLAND: The ayes have it, and
8 the resolution is adopted.

9 Now, if you want to make your motion, Bernice,
10 please proceed.

11 M O T I O N

12 MS. PHILLIPS: Okay. I would like to make a
13 motion that the board -- to amend resolution 2000-014
14 (sic), I recommend that the board be kept oversight
15 authority of this executive order, and monitor staff's
16 ability to implement improvements.

17 CHAIRMAN STRICKLAND: Is it --

18 MS. SINGLETON: I am wondering if she would
19 accept a friendly amendment that takes out the part
20 about amending the resolution.

21 CHAIRMAN STRICKLAND: Right.

22 MS. SINGLETON: I think we just need an

1 affirmative motion --

2 CHAIRMAN STRICKLAND: Correct.

3 MS. SINGLETON: -- that we be kept informed,
4 and that we monitor the staff compliance. I don't
5 think we have to amend the old resolution. Is
6 that -- would you accept that?

7 MS. PHILLIPS: Okay. So you're saying you
8 don't have to add on to --

9 CHAIRMAN STRICKLAND: I don't think it's
10 necessary, or actually even appropriate, to tack that
11 on to the resolution we just adopted. I think instead,
12 I agree with Sarah, that it should be a separate
13 motion, an affirmative motion, not related to the one
14 we just adopted --

15 MS. PHILLIPS: Oh, so I can't say "amend?"

16 CHAIRMAN STRICKLAND: No, you don't need to
17 amend anything. Just make a motion.

18 MS. PHILLIPS: Okay.

19 MR. FUENTES: Mr. Chairman, I cannot hear
20 anything being said by -- I think it's Bernice.

21 CHAIRMAN STRICKLAND: Yes.

22 MS. PHILLIPS: Sorry, Tom. Can you hear me?

1 MR. FUENTES: Yes, now I can.

2 MS. PHILLIPS: Okay.

3 CHAIRMAN STRICKLAND: Why don't you
4 restate -- did you not hear any part of her motion?

5 MR. FUENTES: Nothing that Bernice said.

6 CHAIRMAN STRICKLAND: All right. Bernice, why
7 don't you restate your motion, just as a motion, as
8 opposed to an amendment to a previous motion? It's
9 just a main motion.

10 MS. PHILLIPS: Okay. So I recommend that the
11 board be kept oversight authority of this executive
12 order, and monitor staff's ability to implement
13 improvements.

14 MS. SINGLETON: Second.

15 CHAIRMAN STRICKLAND: All right. Moved and
16 seconded. Is there any discussion on the motion?

17 (No response.)

18 CHAIRMAN STRICKLAND: All right. Let's
19 proceed to a vote. All those in favor of the motion,
20 please say aye.

21 (Chorus of ayes.)

22 CHAIRMAN STRICKLAND: And those opposed, nay.

1 (No response.)

2 CHAIRMAN STRICKLAND: And the motion is
3 adopted.

4 MS. BEVIER: Mr. Chairman, item six and seven
5 on the agenda of the ops and regs committee were
6 deferred until January, it being our intention that, at
7 that time, we will get a history of the regulatory
8 activity since 1996, and begin to establish a report on
9 dormant class action -- sorry, begin to decide what
10 we're going to be doing as a regulatory agenda in 2007.

11 And I might make reference at this point to
12 the inspector general's suggestion that his office is
13 going to have some suggestions for us to consider, and
14 I think it will be timely in January for us to begin a
15 process of review and perhaps reconsideration and
16 redrafting of a number of regulations. But we did
17 postpone that until the January meeting.

18 The next item was a staff report on dormant
19 class action cases. The Performance Reviews Committee
20 has asked for a -- every six months, for the staff to
21 tell us about dormant class actions and what our
22 grantees are doing to get out from those dormant class

1 actions.

2 The bottom line, I think with respect to
3 those, is that essentially there hasn't been much
4 movement with respect to dormant class actions. It's
5 sort of a wash. The grantees that are still in the
6 class actions assure us that, first of all, they are
7 dormant, and secondly, that the grantees themselves are
8 trying to find substitute counsel.

9 And we just invited -- we took that report, we
10 invited Vic, and directed him to come back in six
11 months and tell us what's going on at that time.

12 Mr. Chairman, that completes the report of the
13 operations and regs committees.

14 CHAIRMAN STRICKLAND: Thank you very much.
15 It's been brought to my attention that the -- on
16 45CFR1621, and the previous direction regarding the
17 rule making, was -- it was a board of directors
18 direction.

19 M O T I O N

20 CHAIRMAN STRICKLAND: So, I think we should go
21 back and revisit that and consider and adopt a motion
22 directing that the comment period for that rule be

1 reopened, pursuant to the direction of the board. So I
2 would entertain a motion to that effect.

3 MS. SINGLETON: For 45 days, right?

4 CHAIRMAN STRICKLAND: For 45 days, correct.

5 MS. BEVIER: So moved.

6 MR. HALL: Second.

7 CHAIRMAN STRICKLAND: All right. Any
8 discussion?

9 (No response.)

10 CHAIRMAN STRICKLAND: All those in favor,
11 please say aye.

12 (Chorus of ayes.)

13 CHAIRMAN STRICKLAND: Opposed, nay.

14 (No response.)

15 CHAIRMAN STRICKLAND: Motion is adopted.

16 Thank you.

17 All right. The next item is staff report on
18 footnote to the inspector general's semi-annual report
19 to Congress for the period of October 1 -- oh, sorry,
20 we now -- I need to take up -- all right, let me start
21 over.

22 We will next take up item 15 on the agenda,

1 which is a staff report on the footnote to the
2 inspector general's semi-annual report to Congress for
3 the period of October 1, 2005 through March 31, 2006.
4 And I see an array of presenters has come to the table.
5 So please proceed.

6 MR. WEST: And hopefully when I am done,
7 neither of them will need to speak. We met, we
8 discussed it, we came to agreement. The OIG and
9 management worked out language that we're both
10 comfortable with. It's going to be in the semi-annual
11 report, it's been shared with you, Mr. Chairman.

12 And I don't think there is anything else to
13 discuss. It was, again, one of the processes, we
14 worked together and we came to a situation where we
15 were both comfortable with the language.

16 CHAIRMAN STRICKLAND: So is any action
17 required by the board?

18 MR. WEST: No action is required.

19 CHAIRMAN STRICKLAND: Thank you very much.

20 MS. SINGLETON: Just our hearty
21 congratulations.

22 (Laughter.)

1 MS. BEVIER: And thank you, all three of you,
2 for coming up to tell us this.

3 MR. MERRYMAN: We knew you wouldn't believe
4 us, otherwise.

5 (Laughter.)

6 CHAIRMAN STRICKLAND: Next is a staff report
7 on LSC management's response to the office of inspector
8 general's September 2006 report on certain fiscal
9 practices at LSC.

10 Charles, are you going to take the lead on
11 that?

12 MR. JEFFRESS: Yes, sir. Thank you, Mr.
13 Chairman.

14 CHAIRMAN STRICKLAND: Go ahead.

15 MR. JEFFRESS: Charles Jeffress, chief
16 administrative officer. This report is found on page
17 235 in your book. If you wanted to follow along, what
18 I will be doing is briefly describing what management
19 has done in response to each of the 11 recommendations,
20 and --

21 MR. FUENTES: Mr. Chairman?

22 CHAIRMAN STRICKLAND: Yes?

1 MR. FUENTES: Might the speaker try another
2 microphone?

3 CHAIRMAN STRICKLAND: Well, let's ask him. He
4 has got one of these microphones that are supposedly
5 powerful. We will ask him to speak directly into the
6 microphone.

7 MR. JEFFRESS: I will switch mics as well, and
8 maybe this will be better.

9 MR. FUENTES: That's very good now.

10 MR. JEFFRESS: All right.

11 CHAIRMAN STRICKLAND: Thank you.

12 MR. JEFFRESS: So I will be reporting on each
13 of the 11 recommendations of what management has done,
14 and where we are headed on the others.

15 And Mr. Fuentes, if you didn't hear me
16 earlier, it's found on page 235 of your board book.

17 MR. FUENTES: Thank you.

18 MR. JEFFRESS: The first recommendation was
19 that management should consider lower cost options for
20 food in connection with board meetings. You all have
21 been able to appreciate that we have implemented that
22 recommendation this weekend, and we will continue to

1 implement that.

2 And attached to this memo in your board book
3 is a memorandum that describes the specific actions we
4 are taking, in terms of lower cost meals. There are
5 only beverages during the breaks, there are no longer
6 any snacks. We will be including the cost of meals --

7 PHONE OPERATOR: Alan Levine joins.

8 MR. JEFFRESS: Sorry? Who was that?

9 MS. BATIE: Alan Levine.

10 MR. JEFFRESS: Oh. I don't think we're ready
11 for --

12 MR. LEVINE: Hello?

13 CHAIRMAN STRICKLAND: Alan, this is Frank
14 Strickland speaking. Thank you for calling in. We are
15 proceeding at a little slower pace than we had
16 anticipated. Is there a number where we could call you
17 at the appropriate time, and then ask you to call us
18 back, or however it works best, logistically?

19 MR. LEVINE: Sure, that's fine.

20 (Discussion is held regarding contact
21 information.)

22 CHAIRMAN STRICKLAND: Fair enough. We will

1 talk to you in a few minutes. Thank you.

2 MR. LEVINE: Okay, thank you.

3 CHAIRMAN STRICKLAND: Go ahead, Charles.

4 MR. JEFFRESS: Thank you, Mr. Chairman. And
5 the remainder of the recommendations are contained in
6 that memo. I won't read each of them. But we have
7 implemented them, and I expect this, along with four
8 other recommendations, we will be submitting
9 information to the inspector general in the next month
10 and ask him to close these recommendations with a
11 positive statement.

12 The second recommendation, that the board
13 should consider holding its annual board meeting at LSC
14 headquarters. You all voted at your last meeting to do
15 that. And we will also be asking that recommendation
16 be closed.

17 The third recommendation, that we should
18 follow the federal policies with respect to first class
19 or business class travel, we reviewed the federal
20 policies with respect to first and business class
21 travel, and we have actually adopted those that are
22 relevant to us.

1 Now, there were some policies in there that
2 spoke to special couriers accompanying classified
3 packages, and people accompanying folks otherwise
4 entitled to travel first class were not relevant or
5 applicable to LSC, but we did adopt those that are
6 relevant to LSC, and they are also
7 contained -- attached to the memo at page 239 and 240,
8 are the changes we made in our administrative manual
9 with respect to first and business class travel.
10 Having adopted those, we also will be asking the
11 inspector general to close that recommendation.

12 Number four, with respect to chauffeured car
13 services, there are no comparable federal regulations
14 anywhere, no guidance in the federal policy manual on
15 chauffeured car services, so we will be writing our own
16 and will be amending our administrative manual to
17 include circumstances when car services may be used.

18 Recommendation number five, that we would
19 revise our administrative manual to provide guidance
20 regarding the circumstances under which a lodging
21 waiver request would be appropriate. We have reviewed
22 the federal guidance on that, and we are adopting the

1 federal guidance on that. That also is attached to the
2 memo in your board book. Pages 241 and 242 details
3 what we have done, with respect to lodging waivers.

4 And again, there were some federal provisions
5 that were not applicable to LSC. We have adopted those
6 that are applicable. Having done that, we will be
7 sending a formal request to the inspector general to
8 close that recommendation, as well.

9 Excuse me, President Barnett reminds me, on
10 page 242, after we sent this to you we had one
11 amendment to what was sent to you. There are five
12 numbered items under the paragraph regarding the waiver
13 for lodging per diem rate. Number three simply says,
14 in the federal travel regulations, "because of mission
15 requirements." That's what we initially proposed
16 adopting.

17 After further discussion, we decided to add a
18 clause there, even though it's not in the federal
19 rules, and say, "Because of mission requirements as
20 explained in the travel waiver -- the lodging waiver
21 request," so that we will ensure that LSC staff who are
22 requesting waivers explain in their request why mission

1 requirements warrant a waiver from the maximum lodging
2 rate.

3 MS. BARNETT: Did we have a change in one?

4 MR. JEFFRESS: No, one is we incorporated the
5 specific reference to the -- I'm sorry, there is a
6 change. It was also after the -- this was sent out,
7 where we added a clause at the end of number one,
8 that -- at the request of Kirt West after Kirt and I
9 talked about this -- that the office director will be
10 responsible for determining that the value of staying
11 at the conference hotel warrants the waiver from the
12 maximum lodging rate.

13 Kirt pointed out that the federal regulations
14 don't say who has responsibility for making that
15 determination, they simply say the agency may determine
16 who will do that. We didn't -- did not have a specific
17 determination in there, and so we have added a clause
18 saying that the office director is the one responsible
19 for making that determination, that the value of
20 staying at the conference site warrants the waiver.
21 Thank you.

22 So that was number six. Recommendation number

1 seven, "LSC should undertake a comprehensive review to
2 bring LSC's spending policies and practices,
3 particularly in the areas of travel, meals, meetings,
4 and entertainment, in line with those applicable to
5 federal agencies."

6 We have already begun modifying the travel
7 policies, to make sure that they conform to federal
8 policies, and we expect to complete our review of the
9 travel policies, and have them conform by the first of
10 December. The spending policies and procedures with
11 respect to meals, meetings, and entertainment, we
12 expect to have done before the end of January.

13 So I would expect to be able to report to you
14 at our January meeting that we will have adopted
15 whatever modifications seem appropriate, in response to
16 this recommendation.

17 Recommendation number eight is one where there
18 may be a bit of an issue. The board should require
19 that it be advised of and specifically approve any
20 policies and practices in those areas which are
21 different from federal practice. We propose to present
22 you a briefing in January 2007, with respect to the

1 changes that are mentioned in recommendation 7, and
2 show you what we have adopted as part of our
3 administrative manual.

4 The recommendation, strictly speaking by its
5 wording, requires that the board specifically approve
6 any policies and practices that are different. Now, I
7 have here the federal travel regulations. I have here
8 the LSC travel guidelines. We will do, in good faith,
9 what the inspector general has requested, which is go
10 through these federal travel regulations, see what is
11 applicable and appropriate to apply to LSC, and make
12 appropriate modifications to our administrative manual.

13 Should the board wish to comply precisely with
14 this recommendation, you would actually have to approve
15 each of the changes that we make, and perhaps each of
16 the ones in here that we think are not relevant that we
17 don't adopt. The board needs to decide what type of
18 review you would like to have of these changes.

19 Even though this is the recommendation, in a
20 conversation I had with Kirt prior to coming I think he
21 also acknowledges too much detail to expect board
22 members to review, and --

1 MS. SINGLETON: He was at breakfast, wasn't
2 he?

3 MR. JEFFRESS: It was before coming. And
4 perhaps what we should do is brief you on the changes
5 we have made, and if there are areas where there is
6 then some different opinion as to whether we should
7 make those changes, present those areas of differing
8 opinions to you, rather than expect you to review all
9 of these federal regulations, as well as those.

10 So, at this point, I would expect, Mr.
11 Chairman, that we will do whatever you direct, but we
12 would expect to prepare a briefing for the board, and
13 you all need to decide, A, do you want to hear it as a
14 full board, or one of your committees hear it, and what
15 level of review you would like to have.

16 CHAIRMAN STRICKLAND: Well, by way of
17 suggestion, I think that unless there is objection from
18 the board, I would propose that that presentation be
19 made to the ops and regs committee.

20 MS. SINGLETON: Hear, hear.

21 (Laughter.)

22 MR. MEITES: I'm stunned.

1 (Laughter.)

2 MR. MEITES: Are you seriously proposing that
3 we are supposed to review that white notebook next to
4 your left hand against that very slim, sleek volume
5 next to it?

6 MR. JEFFRESS: That's not what I am
7 recommending. I am recommending that we brief you on
8 what changes management has made, and there may be some
9 that we believe you ought to look at, but not ask you
10 to look at the whole book.

11 MR. MEITES: Well, I'm sure in the white
12 notebook there is a regulation on the transportation of
13 elephants and other large animals. We can skip that.
14 But I think it would be helpful, if there are major
15 points of diversion.

16 MR. JEFFRESS: Yes.

17 MR. MEITES: And I think that's probably what
18 Kirt has in mind.

19 MR. JEFFRESS: Yes.

20 MR. MEITES: That you bring those to our
21 attention.

22 MR. JEFFRESS: That's what we would recommend

1 we do.

2 CHAIRMAN STRICKLAND: And I am suggesting that
3 the route for bringing that to the attention of the
4 board be through the ops and regs committee.

5 MR. MEITES: That sounds appropriate.

6 CHAIRMAN STRICKLAND: All right.

7 MR. MEITES: Okay.

8 CHAIRMAN STRICKLAND: Any objection to that
9 from other board members?

10 (No response.)

11 CHAIRMAN STRICKLAND: All right, go ahead,
12 Charles.

13 MR. JEFFRESS: All right. Number 9 and 10
14 both relate to reviewing our employment policies and
15 practices, and our settlement policies and practices,
16 settlement procedures, with respect to liability from
17 employment disputes.

18 And we are in the process, as you know, of
19 reviewing and revising our personnel manual as a part
20 of that, working with the office of legal affairs, to
21 look at ways that we can, in fact, reduce any potential
22 liability. We will also be submitting that personnel

1 manual for outside counsel to review for their advice
2 on how we might reduce any potential liability.

3 And, of course, the board adopted the last
4 personnel manual, and it requires the board's approval
5 for the adoption of this personnel manual. So we will
6 be presenting that to you, again, through whatever
7 appropriate mechanism that you recommend for board
8 adoption of the manual, and it will include whatever
9 provisions we recommend, with respect to 9 and 10.

10 I am not promising that for January 2007,
11 although it is my target. I would like to have the
12 discretion, since we depend on outside counsel to
13 review, to consult further about the exact timing with
14 that.

15 CHAIRMAN STRICKLAND: I think we will follow
16 the same route, in terms of his presentation to the
17 board. That is, via the ops and regs committee. And
18 Chairman Tom Meites has agreed -- graciously, I might
19 say -- to be the board's liaison with respect to the
20 personnel manual, which I have told him is a short-term
21 project. So you have a challenge to live up to.

22 MR. MEITES: Frank?

1 CHAIRMAN STRICKLAND: Yes, sir.

2 MR. MEITES: Lillian and I were just
3 cogitating. There is quite a bit on the ops and regs
4 agenda for January. And it may be that our committee
5 should schedule a meeting, just of our committee,
6 before the January meeting. I think it will be helpful
7 if staff could figure out what they could
8 have -- Helaine is shaking her head.

9 MS. BARNETT: Only because of the holiday.

10 MR. MEITES: Oh, so they won't be able to get
11 to it. Then the alternative is we will get as much
12 done in January as we can, and we may have to have a
13 special meeting of our committee after that.

14 CHAIRMAN STRICKLAND: All right, that's fine.
15 Anything else, Charles?

16 MR. JEFFRESS: And the last recommendation,
17 number 11, regarding LSC determine whether it is
18 appropriate and proper to have a look at the pay rate
19 higher than the other staff, that is already on the
20 agenda for your January meeting.

21 CHAIRMAN STRICKLAND: All right. Anything
22 else?

1 MR. JEFFRESS: That's it.

2 CHAIRMAN STRICKLAND: Does anyone have any
3 questions for Charles? Yes, sir?

4 MR. MCKAY: I don't know if it's a question or
5 a comment, but getting back to page one of your memo,
6 Charles, paragraph two, having our annual meeting at
7 the headquarters, obviously we're going to have the
8 January 2007 meeting at our headquarters. I was under
9 the impression we were going to -- this wasn't just a
10 one-time decision, that we would look in a positive way
11 to make that our practice.

12 And I kind of thought that your response there
13 was -- while our vote was to have the meeting in
14 January of 2007, that that -- we probably were going to
15 have it every January at the headquarters, as well.

16 MR. JEFFRESS: Certainly the board voted to
17 have its January 2007 meeting at the headquarters. I
18 wasn't presuming to speak where you would -- might want
19 all the future meetings.

20 MR. MCKAY: I just want to make it clear that
21 we should, as a --

22 CHAIRMAN STRICKLAND: Go ahead, Herb.

1 MR. MCKAY: To complete my thought --

2 MR. GARTEN: It's very clear to me that we
3 agreed that we would do it for the January, but there
4 was no precedent.

5 MR. MCKAY: There was no what?

6 MR. GARTEN: Precedent set.

7 MR. MCKAY: For the future?

8 MR. GARTEN: Just for the January --

9 CHAIRMAN STRICKLAND: I think we're going to
10 examine and re-evaluate --

11 MR. MCKAY: Indeed, and -- but to say it's a
12 one-time thing, and that's our response and we're going
13 to go off and go to other locations again in the
14 future, is not also a given. We would -- so I just
15 didn't want --

16 MR. GARTEN: No, there was no intent to that.

17 MR. MCKAY: Right. Right. I just don't want
18 it to be a closed one-time shot. We are going to keep
19 our mind open for doing it here in the future.

20 MR. GARTEN: I think that was the intent.

21 MR. MCKAY: Yes, all right.

22 MS. BEVIER: It's not so much doing it in

1 D.C., it's doing it at the headquarters.

2 MR. MCKAY: At the headquarters. Yes, that's
3 right.

4 CHAIRMAN STRICKLAND: All right. Charles,
5 thank you very much. Next, item 17, to discuss outside
6 counsel's report about circumstances under the
7 government Sunshine Act, permitting governing body to
8 discuss and deliberate and plan in closed session.

9 I propose that we postpone that item until the
10 January meeting, when we can have Tom Williamson, our
11 outside counsel, present to give us a briefing on that
12 item.

13 Is there any objection to that disposition of
14 item 17? And we will have Mr. Williamson present to
15 present that briefing?

16 (No response.)

17 CHAIRMAN STRICKLAND: All right, let's move to
18 number 18, which is consider and act -- can you hear
19 me, Tom?

20 MR. FUENTES: I can, yes.

21 CHAIRMAN STRICKLAND: All right, good, because
22 you're up. Consider and act on Director Fuentes's

1 recommendation that the board increase the frequency of
2 its meetings and briefings from management and the
3 office of inspector general. So we will turn to you to
4 lead that discussion.

5 MR. FUENTES: Well, as you recall, this was
6 raised from the floor at the meeting in the context of
7 discussions about interest on Capitol Hill, and the
8 role of oversight and direction and involvement of our
9 board, and the affairs of the corporation.

10 And it was my suggestion that we might discuss
11 the possibility of more regular gatherings by
12 telephone, and this item here says that "frequency of
13 its meetings," but I think it should properly say
14 "frequency of telephone meetings and briefings from
15 management and the office of inspector general," that
16 we might have input from staff, from our treasurer,
17 from our president, from the inspector general, other
18 officers.

19 If there is substantive material to bring
20 before us, maybe we could consider, you know, the first
21 Monday of the month, 11:00 in the morning, or whatever
22 time might be considered, that a telephone conference

1 call could be a potential for discussion, input by the
2 board. And it was as simple as that.

3 CHAIRMAN STRICKLAND: All right, do you have
4 a -- Tom Meites, did you want to address that?

5 MR. MEITES: I just wanted to raise one
6 practical problem, Tom. As I understand it --

7 MR. FUENTES: Who is speaking?

8 MR. MEITES: Tom Meites. As I understand it,
9 Tom, briefings do not require public participation, and
10 could be done quite informally. I am afraid if we
11 schedule telephone meetings, we have to bring the whole
12 apparatus of a notice and public access. And Vic is
13 shaking his head, indicating to me that I finally
14 understand it.

15 My question is would the -- would monthly
16 briefings be enough, or do you think that the meeting
17 format is essential for what you're proposing?

18 MR. FUENTES: Well, I guess I see this as an
19 opportunity to -- for the board to receive more ongoing
20 input from department heads and those I have mentioned,
21 and the opportunity for us to agendize actions, if
22 necessary.

1 I offered this as a suggestion for
2 consideration today. I guess I would look to those on
3 staff to tell us how we might facilitate this if it is
4 the pleasure of the board to do so. I -- if we had one
5 hour a month on our calendars that we could regularly
6 devote to the business of the corporation, that would
7 not be too much to ask.

8 And if there isn't a need, after consideration
9 perhaps with the president and the chairman or the
10 inspector general and them, et cetera, we don't have to
11 have the meeting that month. But if there is
12 worthwhile input, it gives us the opportunity to be
13 more involved.

14 CHAIRMAN STRICKLAND: I would ask Vic Fortuno
15 to refresh us on the distinction between a meeting and
16 a briefing, and the requirements for each, and what we
17 might do. I mean, the thought occurred to me if we
18 were having regular briefings, and if during a briefing
19 it came to the board's attention that some action
20 needed to be taken, we could then say, "Well, we need
21 to schedule a meeting."

22 MR. FUENTES: That's right. We could agendize

1 then.

2 CHAIRMAN STRICKLAND: Correct. So, Vic, give
3 us a --

4 MR. FORTUNO: That's correct.

5 CHAIRMAN STRICKLAND: Advice?

6 MR. FORTUNO: If you simply -- if what the
7 objective is to have staff and management and the IG
8 brief or update the board on its activities, then there
9 is no need to have a formal meeting under the Sunshine
10 Act, which would require advance public notice, and
11 having a court reporter present to record and have the
12 meeting transcribed.

13 If, on the other hand, what is contemplated is
14 an exchange of views among board members -- that is,
15 you have discussions among yourselves which would
16 either constitute action or predetermine an action to
17 be taken by the board, then it should be a meeting.

18 So, in short, if it's going to be staff
19 presenting information to the board, maybe the board
20 asking some questions just for clarification purposes,
21 that doesn't have to be a meeting, you can -- that's a
22 less formal process.

1 If, on the other hand, you intend to get the
2 information and then discuss among yourselves and
3 compare the relative merits of positions, and to
4 formulate a position or a view on a particular issue,
5 then that's probably the sort of thing that you would
6 want to notice in the Federal Register and proceed on
7 as a meeting.

8 CHAIRMAN STRICKLAND: Suppose all we did is
9 during a course of a briefing -- speaking
10 hypothetically, during a course of a briefing, we said,
11 "We need to have a meeting," does that constitute
12 action?

13 MR. FORTUNO: No.

14 CHAIRMAN STRICKLAND: So --

15 MR. FORTUNO: No, because you can decide to
16 have a meeting. You can decide what to -- when to have
17 the meeting.

18 CHAIRMAN STRICKLAND: Right.

19 MR. FORTUNO: Where to have the meeting, and
20 what the subject matter of the meeting can be. All
21 those things can be decided without it occurring at a
22 meeting.

1 So, if you had a briefing and you received
2 information that caused you to conclude that it was
3 probably appropriate to have a discussion of the board,
4 then you would schedule a meeting to have the
5 discussion.

6 CHAIRMAN STRICKLAND: Right.

7 MR. FORTUNO: So long as you didn't have the
8 discussion privately and then held a meeting for
9 purposes of simply taking the vote.

10 CHAIRMAN STRICKLAND: Understand.

11 MR. FORTUNO: That's fine.

12 CHAIRMAN STRICKLAND: But just during the
13 briefing, someone says, "Well, this -- what we have
14 heard today -- is of sufficient importance that we need
15 to have a meeting about it," at which we could take
16 some action.

17 MR. FORTUNO: And that is legally permissible.

18 CHAIRMAN STRICKLAND: All right. Herb, go
19 ahead, and then David.

20 MR. GARTEN: I have a question. The chairman,
21 I presume, would have a right to call a meeting at any
22 time, telephonic or in presence, under our bylaws.

1 MR. FORTUNO: Yes.

2 MR. GARTEN: Is there any other group that can
3 call a meeting?

4 MR. FORTUNO: As the bylaws are currently
5 written, I think it's the chairman and the president,
6 either one. I believe that once they were written so
7 that a -- if you -- I forget what the necessary number
8 was, but if you got a minimum number of board members,
9 et cetera --

10 MR. GARTEN: Most bylaws will provide -- I
11 think we are stepping -- going a little bit too far.
12 There is nothing about getting e-mails or notices or a
13 monthly newsletter, to which all these people that Tom
14 refers to could report. And once we get it and see it,
15 if we feel there is a need, or the president or the
16 chairman sees a need for a meeting, telephonic or in
17 person, that is fine.

18 But why should we go to the expense and time
19 of setting up meetings at regular dates? We have our
20 quarterly meetings, we can have these additional
21 meetings if we need it. In the meantime, we can be
22 kept up to date by informal memos, notices, e-mail from

1 any of the people mentioned that he would like to hear
2 from.

3 CHAIRMAN STRICKLAND: All right, David? I
4 believe you had a comment.

5 MR. FUENTES: Mr. Chairman, may I respond to
6 that?

7 CHAIRMAN STRICKLAND: Yes, sir, Tom. Go
8 ahead, and then we will hear from David.

9 MR. FUENTES: I guess I am looking here for
10 these monthly scheduled hours, whatever we are going to
11 decide we call them, for the opportunity for engagement
12 by the board, for participation, greater knowledge
13 gathering, better and greater exercise of our fiduciary
14 responsibilities, better opportunity to send to Capitol
15 Hill the fact that we are constantly and regularly
16 engaged in our concern for the affairs of the
17 corporation.

18 So, I don't know that reading a newsletter
19 addresses the concern or the intent that I have in
20 proposing these regularly scheduled more frequent
21 involvements by the board.

22 CHAIRMAN STRICKLAND: All right. Thank you,

1 Tom. Let's hear from David Hall.

2 MR. HALL: Yes, my concern is I think we do
3 have a fiduciary duty to make sure that management is
4 operating consistently with the law, and that we are
5 informed, and that we are not allowing things to get by
6 us.

7 I think we need to be sensitive to the fact
8 that whenever we ask for a meeting, ask for a briefing,
9 that we are adding a lot to the plates of management.
10 It is not something that they just do. I mean, they
11 prepare for it, and it's a deep time commitment. And
12 that's not to say the time isn't important, but we have
13 to balance, you know, what is it that we really are
14 asking them to do on a day-to-day basis.

15 And I think our experience recently is that
16 there are other things that pull them away from our
17 ultimate goal, which is serving our grantees who are
18 serving these clients. And I would just ask us to be
19 thoughtful about not putting on additional expectations
20 so that they are serving us so much that they can't do
21 the other type of work.

22 So that's one concern, and I'm not saying that

1 I know that a monthly meeting does that, but I think we
2 at least need to be sensitive that if we say we want a
3 meeting on Monday and we're going to talk about these
4 different issues, that that's going to involve a lot of
5 staff time in getting ready for that, because that's
6 just the nature of how that operates.

7 And my second concern is that I think the more
8 boards begin to interact with management, the more we
9 come closer to crossing the line of engaging in
10 micromanagement, and begin to start dictating too much
11 of the work of management, as opposed to operating in
12 our fiduciary responsibility of trying to just make
13 sure that they are doing things in the right way. So
14 the regularity creates the potential of us crossing the
15 line.

16 So, those are two concerns that I would just
17 ask us to keep in mind as we decide whether we want to
18 have more briefings or meetings.

19 CHAIRMAN STRICKLAND: Sarah?

20 MS. SINGLETON: I am concerned if we start
21 having briefings over the telephone, that not involve
22 members of the legal aid community and other members of

1 the staff --

2 MR. FUENTES: I'm sorry, I can't hear anything
3 that Sarah is saying.

4 MS. SINGLETON: Let me try to get another
5 microphone, unless you can hear it now.

6 I am concerned, if we start holding briefings
7 over the telephone, that it -- do not involve members
8 of the legal aid community, other members of the staff
9 besides the one that's giving the briefing, I think
10 that it's too easy to flow from information receiving
11 into discussion. And very good discussions, but I
12 don't think that that is really appropriate.

13 And I, for one at least, like getting input
14 from people who are not on the board, the people from
15 the legal aid community who attend our meetings. So I
16 don't think I would like to have these things be
17 briefings.

18 If they then become meetings, I think we are
19 putting what can become an onerous task on the members
20 of our -- onto our staff, when if we need to have a
21 meeting, we can always call one as needed. The chair
22 can call one. And I feel certain that if any one of us

1 had an issue we thought ought to be addressed by a
2 meeting, that Chairman Strickland would call one.

3 He did that before, when some of us had
4 concerns about, you know, various things that were
5 happening, and he called a meeting. So I don't think
6 it's a good idea to routinize these meetings, and I
7 would really be reluctant to start having briefings
8 over the telephone.

9 CHAIRMAN STRICKLAND: Are there other
10 comments?

11 MR. FUENTES: One comment that I would make --

12 CHAIRMAN STRICKLAND: Go ahead.

13 MR. FUENTES: -- there is a format in the
14 private sector where, from time to time, when the
15 corporate community has information relative to
16 condition of a company or changes in items of import,
17 or the quarterly or annual report is about to come out,
18 that briefings are had where anyone who has an interest
19 may dial in and listen in, plug in. And this is
20 technology that is available.

21 Yes, I certainly agree with Sarah that we want
22 to have these as public as possible. I mean, that's

1 part of the intent of suggesting that we might have a
2 greater exchange, because I would like to see us get
3 word to our constituencies, as well as to the congress
4 and to the media, that this board is concerned and
5 engaged, and spending as much as a whole hour per month
6 attempting to be so.

7 CHAIRMAN STRICKLAND: All right. Does anyone
8 else want to discuss this item? Tom, do you want to
9 make a proposal or motion of any sort?

10 MR. FUENTES: I think that I was just looking
11 for input, looking for recommendations and feedback. I
12 was expecting something more from those who might be
13 the presenters, members of our staff as well.

14 I might like to keep this on the agenda and
15 see if staff, the inspector general, the president, the
16 treasurer, et cetera, might like to offer comment at
17 our next meeting, and then maybe we can come up with a
18 path.

19 CHAIRMAN STRICKLAND: All right. Why don't we
20 agree to -- or not just agree, but we will instruct our
21 management team and also the inspector general to bring
22 us some thoughts on this agenda item at the January

1 meeting. So we will ask that that agenda item be
2 placed before us at that meeting for some further
3 discussion. Is that satisfactory for the board?

4 MR. FORTUNO: If I might, Mr. Chairman?

5 CHAIRMAN STRICKLAND: Yes, sir.

6 MR. FORTUNO: Just one point, since the issue
7 is raised, I can close the loop on this. I think
8 special meetings can be called by the chairman or by 40
9 percent of the directors in an office.

10 CHAIRMAN STRICKLAND: All right.

11 MR. FORTUNO: Or by the president and 30
12 percent of the directors in an office.

13 CHAIRMAN STRICKLAND: Thank you for that
14 clarification.

15 The final agenda item for the open session,
16 other than other business and public comment, is item
17 22, which is listed under closed session, but it was
18 taken up by the Performance Reviews Committee in open
19 session. Therefore, it's an open session item for this
20 meeting.

21 So we will now consider and act on the report
22 of the Performance Reviews Committee.

1 MS. BEVIER: Thank you, Mr. Chairman. We had
2 two items on our agenda. The first was to consider
3 whether and how to engage in a performance evaluation
4 of the inspector general. This is an issue that has
5 been on our agenda of the Performance Reviews Committee
6 for quite some time. We have had a good bit of input,
7 both from our counsel, Tom Williamson of Covington &
8 Burling, and from the IG himself, and a member of his
9 staff.

10 And we have concluded, I believe, that the
11 issue of whether we may engage in a performance review
12 is resolved in favor of the answer being yes. The
13 issue of whether we should, and if we do, how to engage
14 in an evaluation of the inspector general, remains on
15 the table.

16 What I would bring to the board is that, in
17 particular in the spirit of the board going the extra
18 mile with respect to this, that the chairman of the
19 Performance Reviews Committee, in consultation with the
20 chairman of the board promptly appoint a team to
21 undertake to work with the inspector general to try to
22 come up with a procedure for evaluating his performance

1 motion that we ask the staff to undertake a review of
2 how other agencies "like ours" go about the process of
3 evaluating and reporting the results of their
4 evaluations of their CEOs.

5 The -- we may believe that we ought to replace
6 the Performance Reviews Committee with another mode of
7 evaluating the president. And in that spirit, I offer
8 this motion that we ask staff to find out what they can
9 about how other agencies engage in this activity.

10 MR. MCKAY: Second.

11 CHAIRMAN STRICKLAND: Yes, sir? Discussion?

12 MR. MEITES: Let me propose for discussion
13 that perhaps we should broaden the motion to include an
14 investigation not just of how other entities evaluate
15 the president, but also the inspector general. Since
16 we're going to have our staff asking around, it might
17 be useful to gather that information, as well, and not
18 just limit it to the president.

19 CHAIRMAN STRICKLAND: All right. Is that
20 amendment acceptable to the movant?

21 MS. BEVIER: Yes.

22 CHAIRMAN STRICKLAND: All right. Any

1 discussion on that motion, as amended?

2 MS. BEVIER: With the understanding -- could I
3 just suggest that my agreement to the amendment is on
4 the understanding that the two inquiries are -- you
5 might conduct them by asking the same agencies the
6 questions, but I want to be clear that we want two
7 different questions?

8 Because one of the things we have learned is
9 that the inspector general is a different kind of
10 employee from the CEO and the management team. And
11 thus, the question should invite perhaps, or be
12 prepared to receive, different answers, depending upon
13 whether they are talking about the president or the
14 inspector general.

15 But I do -- with that understanding, I agree
16 to the amendment.

17 MS. SINGLETON: I would like to speak against
18 the amendment.

19 CHAIRMAN STRICKLAND: Go ahead.

20 MS. SINGLETON: If it's time for discussion.

21 Tom, can you hear this?

22 MR. FUENTES: Yes, I can hear you.

1 MS. SINGLETON: All right. I think that
2 looking into what someone does to evaluate an inspector
3 general is an entirely different matter than looking
4 into how somebody evaluates an agency head, and that to
5 do a thorough job of looking into the IG situation is
6 going to take a lot more work, it's going to be a
7 different inquiry made to different kinds of agencies.

8 I don't think we should add that to this
9 motion. I think the motion was more appropriate
10 limited to the president, which is where I think
11 it -- what the committee discussed, and was thinking
12 of.

13 MR. MEITES: I agree. I will withdraw my
14 proposed amendment. My thought is that we could do two
15 things at once. But if it makes more sense to do the
16 president first, get some good ideas from that and then
17 move on to the inspector general, that's fine with me.

18 CHAIRMAN STRICKLAND: All right, let us --

19 MS. BEVIER: I withdraw my whatever it was I
20 did.

21 (Laughter.)

22 CHAIRMAN STRICKLAND: With that clarification,

1 we will now -- unless there is further discussion, we
2 will proceed to a vote on the main motion. All those
3 in favor of the motion, please say aye.

4 (Chorus of ayes.)

5 CHAIRMAN STRICKLAND: Those opposed, nay.

6 (No response.)

7 CHAIRMAN STRICKLAND: The ayes have it, and
8 the motion is adopted. Anything else? Do you have
9 anything else, Lillian?

10 MS. BEVIER: Oh, I'm sorry, no. Nothing else.
11 That concludes the Performance Reviews Committee
12 report.

13 CHAIRMAN STRICKLAND: All right. Thank you
14 very much. Next is consider and act on other business.
15 Is there any other business?

16 (No response.)

17 CHAIRMAN STRICKLAND: Is there any public
18 comment? Yes, sir? Don Saunders.

19 MR. SAUNDERS: Very, very briefly, I am Don
20 Saunders with the National Legal Aid and Defenders
21 Association. I primarily want to respond to Mr.
22 Garten's request for some clarification.

1 But I would just take a moment of your time to
2 really thank you for letting us participate in your
3 visits to your grantees. I have been privileged to
4 view the wonderful work of programs like Adrienne's,
5 and get the feedback from these communities when you
6 come into them, and take a look at their work. The
7 extraordinary event of last evening -- I just want to
8 give you the positive feedback of how invigorating this
9 is to your grantee, how important it is, and how
10 privileged we are to be treated with the courtesies
11 that you extend us in these visits.

12 With regard to the point that Mr. Garten asked
13 me to respond to, he is referring to a news release
14 that we entered on our website that announces the
15 kick-off of something that is called the "eGuide to
16 Public Service in America's Law Schools." It was put
17 together through an extensive survey -- took over a
18 year -- by Equal Justice Works, which is the former
19 National Association of Public Interest Law School.

20 And the purpose of it, really, is to give
21 students, lawyers, administrators of law schools and
22 others, a good look at law schools' performance, with

1 regard to public interest opportunities and pro bono
2 opportunities. It really looks at curriculum, it looks
3 at what kinds of pro bono opportunities are offered,
4 and it looks at programs that promote both public
5 service in a law school environment, and pro bono.

6 There is a great deal of buzz in the law
7 school community. It will give students an idea of
8 what their school is doing, what other schools are
9 doing. Probably the primary function that it may well
10 serve is law schools pay attention to what their
11 colleague schools are doing, as I am sure several of
12 you know. And there is a sense that by having this
13 information on the record put out through the system,
14 that it will encourage the increasing development of
15 public service and pro bono opportunities.

16 It can be accessed at Newsweek.com, but the
17 primary moving force behind it is Equal Justice Works.
18 Cindy Adcock reported briefly to you at your Providence
19 meeting. That was right before it was unveiled. This
20 is the project that she was talking about during your
21 law school presentation.

22 CHAIRMAN STRICKLAND: Okay, Don. Thank you

1 very much. Any questions of Don?

2 (No response.)

3 CHAIRMAN STRICKLAND: Thank you very much,
4 Don. Welcome to Terry Brooks.

5 MR. BROOKS: All right, this is Terry Brooks,
6 with the ABA standing committee on legal aid and
7 indigent defendants, staff counsel to that committee,
8 and I approach the microphone at this late hour with
9 some trepidation and promise to move quickly.

10 I did want to report on the many resolutions
11 adopted by our house of delegates last August that
12 pertain to the work of the corporation. President
13 Barnett has already reported on three of those, and I
14 will not review those.

15 But I just wanted to note for the record that
16 there were several other resolutions considered and
17 adopted by the house that this board may find of
18 interest, four of them going to various aspects of pro
19 bono, and one going to service to homeless individuals.
20 And if anyone wants further information on those, I
21 would invite you to contact me following the meeting,
22 and I will be happy to provide that.

1 The standing committee on legal aid, it looks
2 forward to working closely with the corporation to
3 implement the standards for civil legal aid providers.
4 We plan to make a complimentary copy of that document,
5 a hard copy of that document, available to each of your
6 recipients, and all other legal aid programs. That
7 document is also available on our website, free of
8 charge, for download by any interested group.

9 The standing committee, with the support of
10 the ABA board of governors, has established this year a
11 new resource center for access to justice initiatives,
12 and that center is intended to support the activities
13 in the states that have adopted blue ribbon commissions
14 involving the judiciary, the bar, and other elements of
15 the community, in expanding access to justice for those
16 of limited means, and for finding resources for those
17 efforts.

18 This resource center brings together things
19 that SCLAID has done in the past, including fundraising
20 and resource development support, and structural
21 support for those entities. It involves a new website
22 that brings all of that information together, in a

1 somewhat more expanded staff capacity to reach out and
2 provide those services.

3 One of the things that that group does is
4 sponsor an annual meeting of access to justice
5 commission chairs. That meeting will occur next March
6 24th, in conjunction with the equal justice conference.
7 And members of this board are also more than welcome to
8 participate in that event, if they wish.

9 One other item I wanted to mention is that the
10 standing committee on pro bono and public service,
11 working with Pro Bono Net, will launch soon a new pro
12 bono opportunities guide. This will be founded on data
13 that the ABA has long maintained on the wealth of pro
14 bono programs, nearly 1,000 pro bono programs that
15 exist throughout the country. We will bring that
16 information together with similar information that has
17 been collected by Pro Bono Net, and offer on the
18 Internet a guide and ready access to any lawyer who
19 wishes to participate in pro bono activities.

20 Thank you for this opportunity to speak, and
21 thank you for your warm welcome to the ABA at these
22 meetings.

1 CHAIRMAN STRICKLAND: Thank you, Terry. Does
2 anyone have a question for Terry?

3 (No response.)

4 CHAIRMAN STRICKLAND: All right. Any other
5 public comment?

6 (No response.)

7 M O T I O N

8 CHAIRMAN STRICKLAND: At this point, I would
9 entertain a motion as to whether we should go into
10 executive session to address the items listed below
11 under closed session. Is there such a motion?

12 MR. MCKAY: So moved.

13 CHAIRMAN STRICKLAND: A second?

14 MR. GARTEN: Second.

15 CHAIRMAN STRICKLAND: Any discussion?

16 (No response.)

17 CHAIRMAN STRICKLAND: All those in favor of
18 the motion, please say aye.

19 (Chorus of ayes.)

20 CHAIRMAN STRICKLAND: Those opposed, nay.

21 (No response.)

22 CHAIRMAN STRICKLAND: The ayes have it, and we

1 will move into closed session.

2 (Whereupon, at 2:49 p.m., the meeting was
3 adjourned to closed session.)

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