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LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

MEETING OF THE  
PROVISION FOR THE DELIVERY  
OF LEGAL SERVICES COMMITTEE

Friday, August 1, 2008

1:45 p.m.

Sheraton Suites Hotel  
422 Delaware Avenue  
Wilmington, Delaware

COMMITTEE MEMBERS PRESENT:

- David Hall, Chairman
- Thomas A. Fuentes (by telephone)
- Michael D. McKay
- Bernice Phillips-Jackson
- Frank B. Strickland, ex officio

OTHER BOARD MEMBERS PRESENT:

- Lillian R. BeVier
- Jonann C. Chiles (by telephone)
- Herbert S. Garten
- Thomas R. Meites

Diversified Reporting Services, Inc.  
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1 STAFF AND PUBLIC PRESENT:

2 Helaine M. Barnett, President

Karen M. Dozier, Executive Assistant to the President

3 Victor M. Fortuno, Vice President for Legal Affairs,  
General Counsel, and Corporate Secretary

4 Mattie Cohan, Senior Assistant General Counsel

David L. Richardson, Treasurer and Comptroller,

5 Office of Financial and Administrative Services

Patricia D. Batie, Manager of Board Operations

6 Charles Jeffress, Chief Administrative Officer

Karen J. Sarjeant, Vice President for Programs and

7 Compliance

Jeffrey Schanz, Inspector General

8 Laurie Tarantowicz, Assistant Inspector General and

Legal Counsel, Office of the Inspector General

9 Ronald "Dutch" Merryman, Assistant Inspector General

for Audit, Office of the Inspector General

10 Thomas Coogan, Assistant Inspector General for

Investigations, Office of the Inspector General

11 David Maddox, Assistant Inspector General for

Management and Evaluation, Office of the Inspector

12 General

John Constance, Director, Government Relations and

13 Public Affairs Office

Stephen Barr, Media Relations Director, Government

14 Relations and Public Affairs Office

Douglas B. Canfield, Executive Director, Legal Services

15 Corporation of Delaware

James J. Woods, Jr., Chairman of the Board, Legal

16 Services Corporation of Delaware

Charles J. Greenfield, Executive Director, Legal Aid

17 Society of Hawaii (via telephone)

18

Linda Perle, Center for Law & Social Policy (CLASP)

19 Charles A. Wynder, Jr., Vice President for Programs,

National Legal Aid and Defenders Association

20 (NLADA)

Hillary Evans, Civil Associate, National Legal Aid

21 and Defenders Association (NLADA)

22

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

2 (1:45 p.m.)

3 CHAIRMAN HALL: I would like to call to order  
4 the Provisions Committee and to welcome committee  
5 members who are here. The committee has been  
6 reconstituted. The members of the committee are now  
7 myself, David Hall, as chair, Mike McKay, Bernice  
8 Phillips-Jackson, Tom Fuentes, who is joining us by  
9 phone, and Sarah Singleton, who will not be able to  
10 join us.

11 We certainly welcome other board members who  
12 are present in the room right now, and Jonann Chiles,  
13 who is also joining us by phone. So welcome to  
14 everyone and to our guests who are present.

15 I would like to first seek an approval of the  
16 agenda, which is on page 4 in the board book.

17 M O T I O N

18 MS. PHILLIPS-JACKSON: So move.

19 CHAIRMAN HALL: Is there a second?

20 MR. MCKAY: Second.

21 CHAIRMAN HALL: All in favor?

22 (A chorus of ayes.)

1 CHAIRMAN HALL: Any opposed?

2 (No response.)

3 CHAIRMAN HALL: The agenda stands approved.

4 You will also notice that there are minutes  
5 from our last meeting of the provisions committee of  
6 April 25, 2008 that is also in the board book. And I  
7 would like to seek approval of those minutes.

8 M O T I O N

9 MS. PHILLIPS-JACKSON: So moved.

10 CHAIRMAN HALL: Is there a second?

11 MR. STRICKLAND: Second.

12 CHAIRMAN HALL: All in favor?

13 (A chorus of ayes.)

14 CHAIRMAN HALL: Opposed?

15 (No response.)

16 CHAIRMAN HALL: They stand approved.

17 As you see from our agenda, we have a number  
18 of different presentations which we're going to try to  
19 walk through as quick as we can. And hopefully we can  
20 maybe make up a little time and get us all back on  
21 schedule.

22 The first item is a report that I have been

1 asked to give on the LSC executive directors meeting  
2 that was held back in June, June 10th through the 11th.  
3 I was honored to be able to facilitate one session,  
4 which was the closing session to that conference. And  
5 it was on the role of executive directors in promoting  
6 quality.

7           And so I just want to share a few insights  
8 about that conference and, more importantly, about that  
9 session, and to then ask Karen to give some updates as  
10 to what is happening since that conference or since  
11 that session. And I am not going to be able to do  
12 justice to all that happened in that session, but I  
13 thought it was worth sharing with this body and  
14 certainly with the provisions committee.

15           The importance of this particular session was  
16 that we had all of the executive directors there from  
17 the offices around the country and U.S. territories.  
18 And before coming, all of them had spent some time  
19 thinking about the concept of quality and how they  
20 could promote -- what sort of things they were doing  
21 already to promote quality, and second, what sort of  
22 things they could do in the future to promote quality.

1           There was a planning committee made up of  
2 executive directors who came up with this idea. And so  
3 before arriving, we already had a document that  
4 contained their insights about the concept of quality  
5 and how to promote quality in their various programs.

6           What we wanted to do at that particular  
7 session was not just to rehash the submissions that we  
8 had received from the executive directors, but to try  
9 to build on that foundation. So the materials that  
10 were provided, I think, provided a comprehensive  
11 analysis of quality and what the executive directors  
12 were doing in that particular area. But I believe by  
13 the end of the session, we had probably an even more  
14 comprehensive understanding of what was going on.

15           Just to highlight a few points from the  
16 session, there were 114 executive directors who  
17 responded to the survey that was sent out to them ahead  
18 of time. They were representing 48 states, including  
19 and in addition to Guam, Puerto Rico, and the Virgin  
20 Islands. And I think the executive directors took this  
21 process very seriously.

22           Working with Helaine and Karen, the responses

1 were put into different categories because that were  
2 some themes or patterns in the responses from the  
3 executive directors.

4           The three major patterns of themes were: what  
5 the executive director, him or herself, was doing in  
6 order to promote quality. The second category was  
7 program staffing, that is, things that were happening  
8 among the staff and things that the staff needed in  
9 order for quality to occur. And the third category was  
10 office structure, looking at it from an organizational  
11 standpoint.

12           I won't go through the list of different  
13 examples that fell into those various categories. But  
14 we had a good list of things not only that executive  
15 directors were presently doing, but also some things  
16 they hope to do in the future to promote quality.

17           Despite the exhaustive nature of those  
18 responses, after looking at them I think again Helaine,  
19 Karen, and I felt that there was still some more that  
20 could be done in regards to this question of quality.  
21 And so many of those responses came from what we kind  
22 of felt was the manager's perspective of the executive



1 director, and that we needed to try to get them to talk  
2 more from a leadership perspective as to how they would  
3 promote quality.

4           And so after surveying the existing results,  
5 what we did was create an open session where we asked  
6 the managers to really talk about, from a leadership  
7 perspective, how they could better embed quality in  
8 their organization. And we got some enormously  
9 enriching responses right there on the spot from  
10 executive directors about some additional things that  
11 they felt they can do and were planning on doing, and  
12 shared a lot with each other in that regard.

13           I was, one, impressed with the sincerity that  
14 the executive directors brought to the question and how  
15 much they build on each other's responses. We even  
16 were able to get responses from some people who had not  
17 participated in the survey originally. So I would say  
18 by the end of the session, we probably had responses  
19 just about from everyone, or from every office that we  
20 fund.

21           We are going to take those responses and now  
22 try to incorporate that into the previous document so

1 that at some point in time, LSC will have this, I would  
2 argue though there may be others who would disagree,  
3 the most comprehensive assessment of how do you ensure  
4 that quality exists in our legal services programs.

5 So it was, I think, a very important session  
6 for the executive directors. I was honored to  
7 participate in it. Those of you who have the board  
8 books can certainly see some of the examples of types  
9 of things that executive directors are doing and plan  
10 to do.

11 But I thought it was a very important  
12 contribution on their part because this was not  
13 management telling them how you promote quality. It  
14 was them telling us their values in what they are  
15 presently doing and their future goals for making sure  
16 quality stayed at the top of the agenda.

17 So since the session, I know that Karen and  
18 others may have been talking about what some next steps  
19 are. So I'd like to hear from her as to whether there  
20 are some plans going forward in regards to the  
21 materials that were produced at that session.

22 MR. STRICKLAND: Mr. Chairman, before you hear

1 from Karen, may I note for the record that your  
2 participation in the executive directors conference, I  
3 thought, was one of the highlights of the meeting. And  
4 your role as the facilitator for the afternoon  
5 discussion was just absolutely outstanding. And I  
6 thought it should be noted in the record of this  
7 meeting.

8 CHAIRMAN HALL: Thank you.

9 MS. SARJEANT: Thank you, Chairman Hall.

10 Karen Sarjeant, vice president for programs and  
11 compliance.

12 I too would like to say that not only were we  
13 very pleased and honored to have your participation,  
14 there were other board members who attended parts of  
15 the executive directors conference, and we were very  
16 happy to have their participation in the conference  
17 also.

18 There is a summary report in the president's  
19 report of the entire conference, so I won't go over  
20 that. But I did want to just share a couple of points,  
21 that the evaluations that we have done after the  
22 conference show that there was a very high degree of

1 satisfaction and approval of the conference, having the  
2 conference, the content of sessions.

3           And when we do get to the point where we share  
4 those evaluations with the board, you will see that the  
5 quality session and your facilitation of it was very  
6 highly regarded. And I think gave our directors, as  
7 you said, an opportunity for them to not only take the  
8 time to tell each other, but to think about, for  
9 themselves, what it is that they do and what it is they  
10 want to do in the future to promote quality. And we  
11 all thought it was a very powerful session.

12           Since that time, we have divided and taken the  
13 information that has come through the evaluations, the  
14 information that we gathered in the various sessions,  
15 and we've divided our staff into work groups to develop  
16 some follow-up plans for addressing the issues that  
17 came out of the conference.

18           And we really received some very good, some  
19 wonderful ideas from the executive directors on things  
20 that LSC could do to provide better support to them.  
21 One of the things that they were very strong on asking  
22 the Corporation to do again was to update the Justice

1 Gap study. They said it was very useful to them on a  
2 local basis. It's useful to LSC. It is something that  
3 ought to be periodically updated. So that is one of  
4 the things that we think should be a priority for our  
5 work.

6 We're also going to look into what it is to  
7 better track the services that our programs, our LSC-  
8 funded programs, are able to provide to veterans. That  
9 was something that came up on several occasions in the  
10 discussion, and they asked us to look at how we want to  
11 do that.

12 Then there was quite a bit of discussion about  
13 ways in which LSC could better support programs and  
14 better communicate with programs on issues such as  
15 compliance issues, internal controls, private attorney  
16 involvement with clients, on board issues, on  
17 effectiveness, looking at issues of board training,  
18 their governance responsibility. So we have several  
19 work groups that are at this time developing work plans  
20 that we are going to get back together and determine  
21 what should be our actual priorities going forward.

22 So we think this was a wonderful thing to do.

1 We were very pleased that we got such a high attendance  
2 of the executive directors. And we look forward to  
3 developing some very useful procedures and activities  
4 going forward that will include members of the field  
5 programs and the executive directors in working  
6 directly with LSC in improving our communication in our  
7 various activities.

8 CHAIRMAN HALL: Are there questions from any  
9 committee members? And I also want to check in with  
10 those on the phone whether the sound has improved at  
11 all.

12 MR. FUENTES: The sound has improved at my  
13 end. Thank you, David.

14 CHAIRMAN HALL: Okay. Thank you.

15 MR. MEITES: David, I have a question.

16 CHAIRMAN HALL: Yes?

17 MR. MEITES: From your remarks, David, I  
18 gather that you found the conference to be very helpful  
19 and stimulating. However, it came at a considerable  
20 cost. It was expensive for the Corporation to hold the  
21 conference.

22 As you look back on the conference, do you

1 believe that the executive directors conference  
2 furthered the mission of LSC? And in what ways?

3 CHAIRMAN HALL: Well, again, I was not there  
4 for the entire conference, so I can only speak in  
5 regards to the time that I was there. And I was there  
6 for just about all of the second day.

7 And to me, it was very worthwhile in regards  
8 to the expenditure. And the thing that I will point  
9 to, which is that one could argue that, well, if you  
10 did a survey and you had the executive directors submit  
11 their ideas about quality, then you have all of the  
12 information and you don't need to bring them together.

13 But the session that I facilitated was a  
14 classic example of when you bring people together and  
15 have them hear what each other is saying and then  
16 respond to it. It takes the understanding to a much  
17 deeper level. And I certainly saw that happen.

18 I think it also -- because the executive  
19 directors, you know, are a body in and of themselves.  
20 And even though we had our vision about how things  
21 should play out, there were times when they were  
22 suggesting things to each other that may have related

1 to a point that I made, but related to things that they  
2 developed.

3           And to me, one of the things I observed was  
4 them feeling the need for there to be more  
5 communication among the executive directors because  
6 they have that need. They have that need to have each  
7 other serve as mentors. And I don't think you develop  
8 that type of camaraderie, that type of mentoring and  
9 learning from each other by just having people exchange  
10 e-mails or sending out a document to them.

11           So I thought it was very much worth the time  
12 of having the executive directors there. And even the  
13 sessions that I did not facilitate, there was one from  
14 members of congressional staff who were there talking  
15 about the budget process and giving the executive  
16 directors the opportunity to ask some very hard  
17 questions, and I think to be more informed about how  
18 difficult the budgeting process is.

19           So again, I don't think that's something you  
20 can get people to understand through a memo. So from  
21 my perspective, it was worth it.

22           MR. MEITES: Thank you very much.



1           MS. SARJEANT:  If I could just add a couple of  
2 things, having been there throughout the entire  
3 session.  One of the things that I think was very  
4 helpful was the opportunity for LSC to have everyone in  
5 the room be able to share our expectations around the  
6 issues that we're dealing with on an everyday basis --  
7 the compliance issues, the financial controls issues,  
8 the private attorney involvement.

9           And we were able to say to the programs, here  
10 are the priorities.  Here are the things that are  
11 important to LSC.  Compliance is important.  Your role  
12 in ensuring compliance in your programs is important.  
13 And we were able to also get from programs some very  
14 pointed questions and some very pointed suggestions  
15 about ways in which we could be more helpful to what  
16 they have to do in operating their programs.

17           So I think in terms of the LSC mission and  
18 ensuring high quality legal services and ensuring  
19 compliance in when our programs are providing services,  
20 that this conference was in fact a very effective way  
21 for us to have that dialogue with the programs.

22           MR. MEITES:  Thank you.

1           CHAIRMAN HALL: Any other questions on this  
2 topic about the executive directors session on quality?

3           MR. FUENTES: David, could you identify who  
4 was the last speaker?

5           CHAIRMAN HALL: Excuse me?

6           MR. FUENTES: Could you just identify who was  
7 the last speaker?

8           CHAIRMAN HALL: Karen Sarjeant.

9           MR. FUENTES: Thank you.

10          CHAIRMAN HALL: If there are no other  
11 questions, we will move to our next agenda item, which  
12 is the staff update over the LSC technology criteria  
13 for legal aid offices.

14          MR. JEFFRESS: Mr. Chairman, I'm using a  
15 PowerPoint. I apologize to Chairman Strickland and  
16 Mr. McKay because it'll be directed right at you.

17          MR. STRICKLAND: I'll move out of the way.

18          MR. JEFFRESS: Thank you, Mr. Chairman. I'm  
19 Charles Jeffress, chief administrative officer. And  
20 I'm the convener and facilitator for the LSC technology  
21 committee that's been working on the technology  
22 capacity document for our grantees.

1           You also will recall that at the previous  
2 meeting, we went through the -- the previous two  
3 meetings, we went through this capacity document, and  
4 at the last meeting we told you that we were conducting  
5 a survey of our grantees to ascertain to what extent  
6 our grantees already had the capacities that we were  
7 proposing should be placed in a legal aid office today.

8           What I'll be presenting today is the overview  
9 of those survey results. Should any of you want the  
10 detailed survey results, I'll be happy to provide them.  
11 I have a copy here. I can send them to you by e-mail  
12 if you want them that way. 107 grantee executive  
13 directors responded to the survey.

14           The survey was based on a capacity document.  
15 That document has eleven sections in it related to  
16 different types of capacities that we believe that a  
17 grantee's technology should have. In responding to the  
18 survey, different grantees had different levels of  
19 capacity, as you can imagine, in each of these areas.

20           Rather than take them in the order which they  
21 appear in the document, which is that order on the  
22 screen, I'm going to group them according to where

1 grantees have most capacity, where they have a fair  
2 amount, and a couple at the end where they have very  
3 little. So I'm going to go through them in groups.

4           There were three sections where grantees  
5 overwhelmingly have all of the capacities that were  
6 listed in our technology capacity document: the client  
7 case data, production and supervision, and knowledge  
8 management. Those were the three sections, of course,  
9 that are the core of providing legal services in a  
10 legal aid office. We were very pleased with the  
11 responses that we saw in these three areas.

12           In three sections of the document, the  
13 capacities were not as high but they generally had most  
14 of the capacities. There were a few exceptions, and  
15 I'll go over those exceptions shortly. Those three  
16 areas are direct assistance to low income persons,  
17 security, and communications.

18           In three other sections, that were mixed  
19 capacity, mixed amounts in capacities, as to support  
20 for private attorneys -- and you'll be interested in  
21 some of those conversations on the report in just a  
22 moment -- records management, and administration.

1           And the final two areas where the capacities  
2 are not as high as we might desire is with the training  
3 and telephone systems.

4           So let me go back to the top now and take  
5 these areas one at a time.

6           Client case data: 98 to 100 percent of the  
7 grantees, and we have 107 reporting -- and when we  
8 looked at who reporting, it was a good cross-section;  
9 we don't have all the big ones or all the little ones.  
10 It was a very good cross-section of grantees  
11 reporting -- but 98 to 100 percent of the grantees had  
12 all the capacities listed in this section, primarily  
13 through their case management systems.

14           One exception, and this comes up later in  
15 talks about the support for private attorneys, is in  
16 the transferring client case data to other providers.  
17 Seventy percent report they were able to do so. Thirty  
18 percent either do not have the capacity or do not use  
19 the capacity currently to transfer this client case  
20 data to other providers.

21           They might, for instance, be transferring  
22 something to a private attorney who's handling the

1 case. They might be transferring it to another agency  
2 that shares or might share information on the same  
3 case. But transferring that client case data outside  
4 of the legal aid program is possible for only  
5 70 percent of our grantees.

6 In the production and supervision sections,  
7 96 percent of grantees report having all the capacity  
8 for this section. There were a few areas, two  
9 exceptions, I think, where -- are worth noting that we  
10 will take those on and work on. One is creating forms  
11 and documents using automated document assembly, and  
12 program-wide calendaring for program events, where  
13 approximately three-quarters of the grantees had the  
14 capacity to do these two things and a quarter did not.

15 And on that first piece, the creating forms  
16 and documents using automated document assembly, I'm  
17 happy to report to you that LexisNexis has just this  
18 week agreed to make donations to our grantees for  
19 document assembly software free to grantees, so that  
20 any grantee needing the document assembly software that  
21 Lexis promotes, which is HotDocs software, which we've  
22 heard before in presentations, that will now be

1 available free for our grantees. So we expect this  
2 particular section to be greatly improved by that  
3 donation from LexisNexis.

4           The next section is a support section, storing  
5 and maintaining and being able to recall your  
6 information. Ninety to 95 percent of grantees have all  
7 the capacities in this section. The only exception was  
8 a program-wide searchable contact matching system which  
9 70 percent, because of the software, everyone has, of  
10 course, a contacts list in their own Outlook.

11           But we were asking that programs have one that  
12 anybody in the program could search for a contact.  
13 Seventy percent at this point have that capacity. It's  
14 not a significant feature to add. As a matter of fact,  
15 it may be in some of these programs, and folks just  
16 aren't using it yet.

17           The next section is this area where it's not  
18 everybody, but it's still pretty high in terms of  
19 capacity, direct assistance to low income persons. And  
20 this included links like community legal education  
21 requirements. Ninety to 95 percent of grantees have  
22 the basic capacity in this area for the website in

1 terms of community legal education.

2           There were two exceptions -- and again, these  
3 aren't very high, but areas that we want to work on --  
4 the capacity to serve persons with limited English  
5 proficiency through their websites, and 86 percent have  
6 that capacity, and websites being fully compliant with  
7 standards for accessibility for persons with  
8 disabilities, and 79 have that.

9           And through the providers that we've worked  
10 with on the statewide websites, we know that we have  
11 the capacity to assist with this. We have what are  
12 those websites that are not compliant and then make  
13 sure they take advantage of the capacities that TIG has  
14 made available to them for this purpose.

15           The next category in terms of security, which  
16 is our fourth category, 99 to 100 percent of the  
17 grantees had the security software necessary. So I  
18 feel good about the security of the data itself. Some  
19 use instant messaging, and they are not encrypting  
20 their instant messaging. And security folks would tell  
21 you that even instant messaging should be encrypted.  
22 That's something that needs to be developed.



1           Not everyone, only 85 percent, had developed  
2 security policies in place. They are using the  
3 internet for the protection of confidential data. So  
4 while they have the capacity and they're satisfied that  
5 their data is secure, in terms of having policies that  
6 tell people how they may and may not use their new  
7 technology, there are a few that have not yet developed  
8 policies.

9           This is not a type of area where we can make a  
10 difference, but we can put model policies up on our LSC  
11 resources website and people can use those model  
12 policies to develop policies for themselves.

13           A third area where, again, most of the  
14 capacity is there is communication. Ninety to  
15 100 percent of the grantees report having the basic  
16 communication capacities. Two areas where there was  
17 some falloff was the capacity for staff to develop and  
18 use blogs and wikis; 75 percent had that capacity. You  
19 know, a relatively new feature in the communication  
20 world, but something that is coming, people need to  
21 develop. And again, we suspect that they have the  
22 capacity but just have not yet developed its use.

1           Eighty-four percent maintain listservs by  
2           substance and function. Listservs are what we used to  
3           call a mailing list. It's an electronic mailing list.  
4           And while many of them, of course, have electronic  
5           mailing lists, in order to be able to search that list  
6           by substance and function, 84 percent are able to do  
7           that at this point.

8           Moving to the area where we felt like that  
9           were some significant improvements that we would like  
10          to see, support for private attorneys, while 90 to 96  
11          percent of the grantees can recruit attorneys over the  
12          web, they can track their cases, they can ensure  
13          compliance with our procedures -- in other words, their  
14          paperwork system seems to be fully in place for  
15          tracking what's going on with private attorneys and  
16          trying to recruit private attorneys, only two-thirds to  
17          three-quarters of them can transmit the case data  
18          electronically to the attorney, can provide that  
19          volunteer attorney with access to electronic pleadings  
20          and brief banks, provide them training through the web  
21          or DVDs or videoconferencing.

22          Clearly, there are some areas where support

1 for private attorneys needs some work. Volunteer  
2 attorneys, of course, may have access to things like  
3 electronic pleadings and brief banks other ways than  
4 through the provider, so it may not be essential that  
5 the provider have this capacity. However, we thought  
6 it was a technology that should be in place, and that  
7 is an area where we hope to see some improvement and we  
8 need to do some work to assist the grantees with that  
9 issue.

10 The next area is records management. And of  
11 course everybody can create electronic records; we do  
12 that with attention to some basics. Less than half the  
13 grantees have developed a policy regarding the  
14 management of those electronic records, their storage  
15 and retention.

16 In the administration area, we asked questions  
17 about several different categories of administration.  
18 When it came to accounting, 90 to 94 percent have the  
19 capacity for accounting purposes, as they reported.  
20 With respect to human resources, 90 to 97 percent of  
21 grantees have payroll and timekeeping capacities, as  
22 you would expect.

1           But only I think three-quarters of them again  
2     have benefits administration and maintain their  
3     individual employee records electronically. Those may  
4     be less important, but it did seem to be technologies  
5     that would be appropriate. So there are areas that  
6     improvement could be helpful, I think.

7           A couple of other areas of administration:  
8     While 90 percent reporting have the basic accounting  
9     software necessary, only half -- in one case, 87  
10    percent of them reporting had them in one capacity.  
11    But they're reporting some weakness in being able to  
12    track separate grants electronically.

13           This was surprising to us. A lot of times,  
14    people have multiple grants. I'm sure that they are  
15    keeping records electronically on those multiple  
16    grants. But this may have been an area where our  
17    question may not have been clear enough, but it's an  
18    area we obviously need to explore further.

19           With regard to fundraising, 80 to 85 percent  
20    of the grantees maintain donor lists that generate  
21    letters and reports electronically. Only 55 percent,  
22    though, could accept donations over the internet. You

1 know, folks pay by credit card, make contributions with  
2 that credit card over the internet. It seems like a  
3 capacity that might be useful for grantees' fundraising  
4 activities.

5 Now, there are two areas, as I mentioned to  
6 you at the outset, where we felt like that there's some  
7 significant improvements that are needed. One is  
8 telephone systems. There were no features in the  
9 telephone systems which we laid out that received  
10 100 percent or even a 90 percent positive response from  
11 grantees. The highest rated services for people with  
12 hearing or speaking disabilities, the TTY, 80 percent  
13 of folks have some ability to serve folks with hearing  
14 or speaking disabilities.

15 But in terms of getting recorded information  
16 after hours, it was three-quarters of the folks. If  
17 someone called in in Spanish or a different language,  
18 being able to push a button and get to that language,  
19 55 percent.

20 In terms of the electronic tools for  
21 evaluating the system, only 53 percent could actually  
22 get a report reviewing the waiting time or the dropped

1 call data for the telephone system. Nineteen percent  
2 had the ability to call someone back who had been on  
3 hold for too long and wanted a callback. Nineteen  
4 percent had that generated electronically. The others,  
5 presumably, if a message is left, they have to get the  
6 message and then some person calls them back.

7           So there's features with telephone systems  
8 that need to be upgraded. Depending on the telephone  
9 system, this might be an expensive item. This and the  
10 transmission of data to people outside of the  
11 organization are the two items where there may be some  
12 expenses involved, and we need to look at what it is we  
13 will be expecting for the grantees.

14           The final area that was in the survey, and  
15 again, an area where we would like to see some  
16 improvement, only 61 percent of the grantees reported  
17 conducting a periodic organization-wide assessment of  
18 the training needs. But even those who weren't doing  
19 assessments annually provided some training for  
20 programs they have. Eighty-five to 90 percent provided  
21 some training for programs staff. Training for IT  
22 staff, only 53 to 57 percent reported at least annual

1 training for IT staff. And perhaps we need to see or  
2 encourage folks to have more training for their IT  
3 professionals on their staffs.

4 So that's an overview of the survey and the  
5 results from the survey. And in terms of our next  
6 steps and what does LSC do with the survey results, we  
7 have scheduled a meeting for this month of our teaching  
8 group to focus on where the capacities were less than  
9 what we'd like to see what it is we can do to assist  
10 grantees, or should we in fact change our expectations  
11 and modify the capacities. We need to look at all of  
12 those issues.

13 Some of the things we know already that we've  
14 talked about that we want to do: model policies and  
15 LRI, two of these areas where people had capacity but  
16 simply did not have policies in place to govern the use  
17 of the capacity. So we can get model policies from  
18 people who have them, put them up on LRI, and share  
19 them with others.

20 TIG systems for document assembly and website  
21 compliance: I mentioned to you that Glenn Rawdon, who  
22 is our program counsel who works primarily with the TIG

1 program, has been working with LexisNexis, and that  
2 commitment by LexisNexis to donate that software will  
3 be a huge assistance in document assembly.

4 The website compliance assistance is already  
5 out there. The grantees have some work to do if they  
6 want to take advantage of it.

7 We also expect, through our program staff who  
8 make programs visits, to educate grantees about why  
9 some of these capacities are important and why they're  
10 necessary and how this could be helpful, and where  
11 necessary, make referrals to grantees to teaching  
12 resources that they might be using to improve their  
13 capacities. And as I said, our technology group will  
14 be meeting to develop further strategies for following  
15 up on it.

16 So that's an overview of the survey and  
17 responses we received and where we're headed with it.  
18 I'll be happy to share it with anyone who wants to read  
19 the responses to all the questions. And I'll be happy  
20 to respond to any questions you have.

21 CHAIRMAN HALL: Thank you for an excellent  
22 overview.



1 Questions from board members?

2 (No response.)

3 CHAIRMAN HALL: Just a small one. In various  
4 points there, you had a range of responses from 90 to  
5 95 and --

6 MR. JEFFRESS: Yes.

7 CHAIRMAN HALL: How did you come up with a  
8 range?: Wasn't there a finite number of people who  
9 either responded that they had the capacity or didn't  
10 have the capacity?

11 MR. JEFFRESS: Yes. Each of the questions,  
12 though, had four or five parts. So those ranges are  
13 the range of those subparts to the basic question. I  
14 could have averaged them, but that might be misleading.  
15 So it's in recognition that there were some subparts.

16 CHAIRMAN HALL: Okay. If there are no other  
17 questions, then thank you, Charles.

18 And we'll go back to Karen for some additional  
19 updates from staff on various documents.

20 MS. SARJEANT: Thank you, Chairman Hall.  
21 These are very quick updates and without benefit of a  
22 PowerPoint.

1           But on private attorney involvement, the staff  
2           activities that we continue to undertake are enhancing  
3           the models and the best practices resources on the LRI  
4           website. We are continuing to encourage programs to  
5           embrace and adopt the PAI resolution. And in fact, at  
6           the last check, 93 programs have done resolutions. And  
7           we see this as their extended effort to enhance their  
8           private attorney involvement.

9           Our program counsel are following up on the  
10          programs they visit and the PAI activities that those  
11          programs are undertaking. And we're working with the  
12          ABA on a national celebration of pro bono. And in  
13          fact, there was a call yesterday, a conference call  
14          yesterday, in which LSC participated. And the ABA is  
15          moving ahead on developing this national celebration of  
16          pro bono. We are continuing to participate in that  
17          planning.

18          And as a part of that, we are continuing with  
19          our idea of developing a PAI honor roll for LSC  
20          programs. We will be encouraging programs, as the ABA  
21          moves forward with this national celebration, to make  
22          the PAI honor roll part of that.

1                   Now, we haven't done as much work on  
2     developing all the criteria for that honor roll as we  
3     expected to do by this meeting. But hopefully we'll  
4     make progress on it and have something to report to you  
5     at the October meeting.

6                   My understanding from hearing about the call  
7     on Friday is that the ABA will be rolling out at the  
8     ABA meeting next week this concept of the national  
9     celebration of pro bono. There will be a new website  
10    developed. I believe they're going to have some  
11    buttons that will be handed out that talk about the  
12    national celebration of pro bono. So that planning is  
13    underway.

14                  Are there any questions?

15                  CHAIRMAN HALL: Any questions?

16                  (No response.)

17                  CHAIRMAN HALL: One nagging one.

18                  MS. SARJEANT: Yes?

19                  CHAIRMAN HALL: In the original plan, there  
20    was this concept of working more closely with the  
21    academy and having this pilot program. I see the look  
22    on your face so I know the answer. But I'll just keep

1 raising it to see if that idea has vanished altogether  
2 or it's something that, based on how busy your schedule  
3 is, that the staff just hasn't been able to get to.

4 MS. SARJEANT: No. I'm sorry. I've never had  
5 a poker face. But we have not forgotten that, but we  
6 have not done any work on that.

7 CHAIRMAN HALL: Including if the staff  
8 concludes that it's nonviable, I think that, you know,  
9 should be reported back as well to the committee to say  
10 that you really don't believe there could be any  
11 mileage in pursuing that. But I just don't think it  
12 should fall off the agenda altogether.

13 MS. SARJEANT: That's right. And in fact,  
14 that's why we've put several things on the agenda even  
15 though we don't have a lot of progress to report. We  
16 didn't want them to get lost. And thank you for  
17 reminding us of that, and we will be able to respond  
18 to it.

19 CHAIRMAN HALL: Okay. Go ahead.

20 MS. SARJEANT: The next subject is LRAP, which  
21 continues to be an important pilot project for LSC.  
22 And at pages 14 through 16 of your board book are the

1 summary findings of the LSC pilot LRAP second year  
2 evaluation.

3 The data gathered in the evaluation surveys  
4 and interviews confirms what we already know, and that  
5 is that the existence of an LRAP makes a significant  
6 difference in a program's ability to recruit and retain  
7 quality staff.

8 I'm not going to go through everything that's  
9 there in the summary. There were just a couple of  
10 points I wanted to highlight. One is that according to  
11 the evaluation, 31 percent of the participating  
12 attorneys in the pilot LRAP said they would leave when  
13 the LRAP ends due to financial pressures, and another  
14 25 percent said that they would consider leaving --  
15 they would consider leaving -- at the time. So that's  
16 a fairly large number when you put that together. So  
17 we truly believe the LRAP makes a difference.

18 As you've heard in previous provisions  
19 committee meetings, the issue of low salaries for legal  
20 services staff will have to be addressed. This is a  
21 recurrent theme that comes up in every recruitment and  
22 retention study. It came up at the executive directors

1 conference, and in fact, several of the executive  
2 directors asked that LSC take a more public position on  
3 the need to increase salaries.

4 Other significant points from the evaluation  
5 are the data shows that attrition of staff in the  
6 participating programs that did not receive an LRAP was  
7 higher than those that did. It was 29 percent  
8 attrition versus 18 percent for those who did.

9 CHAIRMAN HALL: And on that point, if I could  
10 have a question, were these individuals in the same  
11 cohort, that is, the people who left were in their  
12 second or third year in the same way the people who  
13 were receiving the LRAP were?

14 MS. SARJEANT: I believe they were, but I  
15 don't know that for sure. My guess is, given who was  
16 doing the survey, Bristow Hardin, who has a social  
17 science background, that he would have ensured that he  
18 was looking at the same cohort. But I can check that.

19 So our evaluation findings, both on the first  
20 and second year now, are consistent with the evaluation  
21 findings of other studies on recruitment and retention  
22 and the benefit of LRAP. The third year of the pilot

1 is underway. We have fewer participating attorneys,  
2 and again, this is because of attrition, and the loan  
3 amounts have increased to \$5600.

4 So we will keep you updated as we move forward  
5 with this project. And if you have any questions, I'll  
6 be happy to try to answer them.

7 CHAIRMAN HALL: Mr. Meites?

8 MR. MEITES: Karen, is Mr. Hardin in your  
9 shop?

10 MS. SARJEANT: Yes, he is.

11 MR. MEITES: It would be helpful if folks put  
12 their titles in there so we know who produced the memo.  
13 But I thought the memo was quite good. But I would  
14 like to know --

15 MS. SARJEANT: Certainly. Will do.

16 Absolutely.

17 CHAIRMAN HALL: Any other questions?

18 MR. MEITES: I guess I still have -- the  
19 thought just occurred to me. I was very impressed with  
20 the memo, and it is clear how important LRAP is, and  
21 that what you were telling the Hill turns out to be  
22 absolutely true. So this information is very helpful,

1 not for us to know but also when we're communicating  
2 with our friends, and folks who aren't our friends, on  
3 the Hill, let them know how good it is.

4 MS. SARJEANT: Absolutely.

5 MR. MEITES: How important it is, how  
6 effective it is. Thank you.

7 CHAIRMAN HALL: Yes?

8 MR. MEITES: Maybe -- John?

9 MR. CONSTANCE: Yes?

10 MR. MEITES: You may be able to help Karen  
11 answer these questions. I have been trying to get us  
12 out of the LRAP business and get Congress into it since  
13 the LRAP program started. Since we have very limited  
14 resources and we have now demonstrated the efficacy of  
15 the program, I'd like John to tell us that we have  
16 succeeded and that Congress has stepped up and has  
17 taken on this obligation from us. Is that the case?

18 MR. CONSTANCE: It was reported this week,  
19 Mr. Meites, that fortunately, I think we're at the  
20 point where Congress has come to an agreement on the  
21 Pilot Education Act, the reauthorization of that. And  
22 it's my understanding that final passage is imminent.



1 In fact, I've been checking my e-mail today to see  
2 whether action was taken in Congress before departure  
3 for the August recess.

4 The expectation is that that is going to  
5 happen in this Congress. And that will go ahead and  
6 put the larger LRAP program in place that will cover a  
7 number of those in public positions, civil legal aid  
8 attorneys being one of them.

9 And essentially, the way it's structured in  
10 the PEA, as we've discussed before, it will be  
11 administered by Department of Education. Its  
12 authorization will be at a \$10 million level. And  
13 given the fact that the main sponsor of that provision  
14 in the Senate is Senator Harkin, and he is also the  
15 appropriations chairman that funds the Department of  
16 Education, there's a feeling in Washington that there's  
17 a high likelihood that that program will be funded.

18 So I think that's very, very good news. It  
19 again affirms what we have found and what we have been  
20 doing from a pilot standpoint. I think what we have  
21 done has been supportive of that position, and I think  
22 we may take some credit for having proven the model.

1 And this board had a lot to do with that.

2 MR. MCKAY: Ten million dollars, what's the  
3 limitation of the use? Where can those funds be used?

4 MR. CONSTANCE: Basically, the provisions of  
5 that act I would be more than happy to you all for the  
6 record because in terms of the detail of it right now,  
7 there have been so many provisions flying around in  
8 terms of different laws, I don't want to guess on that.

9 But it is a much higher level than what we  
10 have been talking about. I believe it's 10,000 a year,  
11 in that range. I think that, again, there is a very,  
12 very strong advocacy certainly by our friends in  
13 Washington for it. And I think it's -- again, that  
14 10 million was specifically for the civil legal aid  
15 attorney portion of it.

16 MR. MCKAY: All right. Thank you. So not  
17 criminal defense or anything else?

18 MR. CONSTANCE: Right.

19 MR. MCKAY: Thank you.

20 CHAIRMAN HALL: Any other questions?

21 (No response.)

22 CHAIRMAN HALL: Next?

1 MS. SARJEANT: Okay. The very last update I  
2 have is on Native American delivery and funding. And  
3 again, we left this on the agenda because we think it's  
4 a pending and an important issue even though we haven't  
5 made a lot of progress on it since the last board  
6 meeting.

7 But at the time of the April board meeting,  
8 NAILS had provided -- the Native American Indian Legal  
9 Services Program had provided to LSC some updated  
10 information. We need to review that and provide our  
11 comments to them.

12 We also need to respond to their request for  
13 financial support to help them update a study. And  
14 unfortunately, given LSC's current financial situation,  
15 we're not sure that we will be able to support that.  
16 But we want to continue to sit and talk with them and  
17 work with them because we do need to develop clearly  
18 articulated rationales and the information to support  
19 any increase in funding for Native American service  
20 delivery.

21 So by the October meeting, it is our plan to  
22 provide to this committee the comments that we will

1 provide to the updated NAILS report. We expect to do  
2 some work on these issues in the next few months, and  
3 we understand that Native American funding is a  
4 priority for this board. So this is something we  
5 wanted to leave on the agenda.

6 CHAIRMAN HALL: Thank you. Any questions to  
7 Karen on this last topic?

8 (No response.)

9 CHAIRMAN HALL: If not, I'd just like to thank  
10 you, Karen, for updating us on quite a number of  
11 different topics. And clearly there's a lot of work to  
12 do. But some good things are happening, and we  
13 appreciate your keeping us on top of those things.

14 The next item on the agenda is public comment.

15 (No response.)

16 CHAIRMAN HALL: If there is no one from the  
17 public who would like to speak the provisions  
18 committee, then we would consider and act on other  
19 business that committee members would like to bring  
20 before the provisions committee.

21 (No response.)

22 CHAIRMAN HALL: If there isn't, then we will

1 seek adjournment of the provisions committee. I thank  
2 all of those who presented information today. It was a  
3 shorter provisions committee, but I'm sure in the  
4 future we'll have more to provide.

5 Thanks to those who were on the phone. And  
6 the provisions committee at this point stands  
7 adjourned.

8 (Whereupon, at 2:30 p.m., the committee was  
9 adjourned.)

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