

**AMERICAN BAR ASSOCIATION**

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August 2, 2010

The Honorable Tom Harkin, Chairman  
The Honorable Michael Enzi, Ranking Member  
Committee on Health, Education, Labor and Pensions  
428 Dirksen Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Harkin and Ranking Member Enzi:

The American Bar Association has a longstanding commitment to an effective, federally funded legal services program and has frequently expressed its views on related matters to Congressional committees. We write at this time to provide the ABA's evaluation of the qualifications of two individuals nominated by the White House in July 2010 to serve on the Legal Services Corporation Board of Directors.

In 1989, the ABA House of Delegates unanimously adopted, as Association policy, criteria that the ABA urges this Committee and the Senate to apply in considering nominees to the LSC Board of Directors. The criteria were derived from the principles and responsibilities set forth in the Legal Services Corporation Act. The criteria are:

1. All persons considered for nomination should be free of all conflict, or the appearance of such conflict, with the existence and function of the Corporation or the representation of poor persons in legal matters, so that they may act and may be perceived to act with objectivity and fairness;
2. All nominees should support and demonstrate a high order of commitment to the continued existence and the effective operation of the Legal Services Corporation;
3. Those nominated should be committed to the freedom of the Legal Services Corporation, its operation and its grantees from political control;
4. Potential board members should provide assurance that they understand and are fully committed to the role of legal services attorneys and support the underlying principle of the Legal Services Corporation Act that it is in the national interest that the poor have full access under law to comprehensive and effective legal services; and
5. The Board of Directors as finally constituted should be adequately representative of the organized bar, legal education, legal services attorneys, the clients to be served, and organizations involved in the development of legal assistance for the poor.

Subsequent to the House of Delegates policy adoption, the ABA Board of Governors authorized the ABA president or designee to express to the U.S. Senate the Association's support or

opposition with respect to individuals nominated to serve on the Legal Services Corporation Board. Such support or opposition is to be based on the evaluation of the individuals by the ABA Standing Committee on Legal Aid and Indigent Defendants (SCLAID) in accordance with the five criteria stated above. SCLAID has conducted evaluations of nominees to the LSC Board on numerous occasions and has submitted the ABA's recommendation to this Committee.

For the current nominees, pursuant to previously established procedures, SCLAID formed a subcommittee to conduct an evaluation. The subcommittee did not include anyone who works for an LSC-funded legal services program, or who has a conflict of interest regarding LSC. The subcommittee did not participate in any efforts to identify or suggest individuals for nomination to the LSC Board. Each nominee was notified that the ABA conducts nominee evaluations and was asked to complete a questionnaire concerning his background, experience, and views. Each nominee submitted a timely response to the questionnaire. Subcommittee members were then assigned to evaluate each nominee with regard to the ABA criteria. The subcommittee members reviewed available written materials about the nominee, conducted confidential interviews with people knowledgeable about the nominee, and interviewed each nominee. The subcommittee then convened and considered whether each nominee conformed to the ABA criteria set forth above.

Based upon its investigations and deliberations, the recommendations of the ABA are as follows for those individuals who have been nominated to serve as members of the Legal Services Corporations Board of Directors:

The ABA supports the confirmation of Harry Korrell, of Washington who has demonstrated views and qualifications that are consistent with the ABA criteria set forth above; and

The ABA supports the confirmation of Father Pius Pietrzyk of Ohio, who has demonstrated views and qualifications that are consistent with the ABA criteria set forth above.

The American Bar Association also assessed whether the prospective Board is, in accordance with the ABA's fifth criterion, adequately representative of various interested groups. Effective governance of the LSC requires a diverse Board that is representative of various constituencies. As required by the LSC enabling statute and in conformance with past practice, two Board members have been selected because they represent the interests of LSC clients. While one earlier nominee, Julie Reiskin, clearly is qualified as a client representative and was selected because of her work as a client with the disability community, none of the other nominees, confirmed or pending, were expressly selected as client representatives. Father Pius brings to the Board a real life view of poverty in a community and may well be able to fill that role although he was apparently not expressly selected for it. The ABA continues to believe that there should be at least two members of the LSC Board who are drawn from the client community.

Additionally, we would note that if all of the members nominated or nominated and confirmed are seated, the Board will have only two members drawn from the many minority communities served by LSC and one member from the disability community. While we believe that those

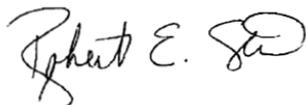
selected will fulfill their duties with care, we are concerned that the Board as finally constituted may not be perceived as being adequately representative of all interested groups, and in particular may not be perceived as sufficiently representative of the minorities that make up much of the client community.

The ABA appreciates this Committee's great interest in and support for the legal services program and hopes that the information provided will be helpful to you as you consider these nominations. If you have any further questions about these nominees we will endeavor to answer them as quickly as we can.

Yours truly,



Carolyn B. Lamm, President  
American Bar Association



Robert E. Stein, Chair  
Standing Committee on Legal Aid and Indigent Defendants

cc: Pam Smith, Senate HELP Committee, Deputy Staff Director  
Daniel Goldberg, Senate HELP Committee, Counsel to Senator Tom Harkin  
Frank Macchiarola – Senate HELP Committee, Minority Staff Director  
Greg Dean, Senate HELP Committee, Minority General Counsel  
Terry Brooks, Chief Counsel, ABA Standing Committee on Legal Aid and Indigent Defendants  
Julie Strandlie, ABA Legislative Counsel/Director, Grassroots Operations