



## American Bar Association Fact Sheet

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### Legal Services Corporation Board of Directors

The ABA's Role in Evaluating the Qualifications of Nominees

On April 9, 2002, President George W. Bush forwarded to the Senate for confirmation the names of five individuals to serve on the 11-member LSC Board. Once the President nominates the remaining six board members and background investigations have been completed, the Senate Committee on Health, Education, Labor and Pensions (HELP) will hold one confirmation hearing for all nominees.

After conducting its own confidential background investigation, the American Bar Association, through its Standing Committee on Legal Aid and Indigent Defendants (SCLAID), will inform the HELP Committee whether each LSC Board nominee is qualified or not qualified to serve.

**The ABA's Evaluations are Necessary to Ensure an LSC Board that is Qualified to Serve and Supportive of the LSC Act.** In 1989, following a period of appointment of LSC Board members who were hostile to the program, the ABA's Board of Governors authorized SCLAID to conduct evaluations of LSC Board nominees and to express to the United States Senate ABA support or opposition for each individual nominated to the LSC Board. The ABA's role in the confirmation process is critical to ensuring that the Board is free of conflicts of interest and supportive of the purposes of the LSC. The ABA evaluations provide the Senate HELP Committee with valuable assistance in fully evaluating the nominees.

#### **ABA Evaluation Criteria for LSC Board Nominees**

Each nominee should:

- Be free of conflict of interest with the existence and function of the Corporation;
- Support the continued existence and the effective operation of the LSC;
- Be committed to the freedom of the LSC from political control; and
- Be committed to the role of legal services attorneys.

The Board of Directors collectively should be representative of various interested constituencies.

#### **Procedure Used by SCLAID Evaluators**

A member of SCLAID reviews each nominee's responses to a questionnaire, as well as any available public documents relating to the candidate. The SCLAID evaluator conducts confidential telephone interviews with a broad and representative array of persons with information about the nominee's qualifications. The evaluator requests a meeting with the nominee to review his or her background and qualifications and to clarify data gathered during the research process. SCLAID then meets to review the results of all evaluations, and votes on whether each nominee should be recommended or opposed.

#### **Reporting Evaluation Results**

SCLAID works with the ABA President to develop a report detailing ABA support or opposition for each nominee. This is sent to the Senate HELP Committee for their consideration in the confirmation process. The ABA President or SCLAID's chair may report the ABA's findings during a confirmation hearing.

*This provides a condensed version of the ABA process for LSC Board Evaluations. More detailed information on this topic is available from Terry Brooks, Counsel to SCLAID at (312) 988-5747, or on the web at [www.abalegalservices.org](http://www.abalegalservices.org)*