



The State Bar *of California*

Overview of Reboot Committee

Corey Friedman, Legal Services Trust Fund Commission



The Reboot Project

- Streamline grant administration for grantees, staff and Commission
- Rethink the data collected on a statewide basis to:
 - Make the case for legal services
 - Facilitate program self-assessment



Restructuring Grant Administration

- IOLTA and EAF applications merged into one
- Budget forms improved
- Fiscal to calendar year
- Offline to online and automation (Smart Simple)



Timeline

- 2012: Legal services providers convened for discussion of "IOLTA reboot"
- Oct. 2013: Commission votes to approve calendar changes and overall goal of collecting main benefits data
- Feb. 2014: Board of Trustees briefed; Board votes on six month disbursement
- March 2014: Commission approves staff proposal to evaluate changes to certain budget
- 2014 – 2015: Bar staff convene groups of subject-matter experts to consider "main benefits" and economic benefits. Bar staff implement online grantmaking
- 2015: Shift in grant year calendar
- Jan. - June 2016: Grantees required to begin new data collection
- 2016 – 2018: Bar staff and subject-matter experts evaluate and revise data collection
- July and October 2018 - Proposed rule change to better align audit rules with new grantmaking calendar brought to Board of Trustees for a vote.
- Early 2019 - Impact Report to be issued.



Substantive Areas

- Conservatorship
- Consumer/Finance
- Disability Rights
- Domestic Violence
- Education
- Employment
- Family
- Guardianship
- Health and Long-Term Care
- Housing
- Immigration
- Income Maintenance
- Juvenile
- Miscellaneous



Components of Impact Evaluation

- Outputs: We closed 15,028 Domestic Violence matters in 2017
- Main Benefits (Short-term outcomes): We obtained 4,976 restraining orders to protect survivors from abuse
- Economic Benefits: We obtained \$2.5 million in annual child and spousal support for clients
- Social Science Analysis: Restraining orders* saved California taxpayers an estimated \$2.9 - \$3.9 million in avoided Medi-Cal costs associated with sexual assault and rape resulting from intimate partner violence

*Limited to 231 restraining orders after hearing



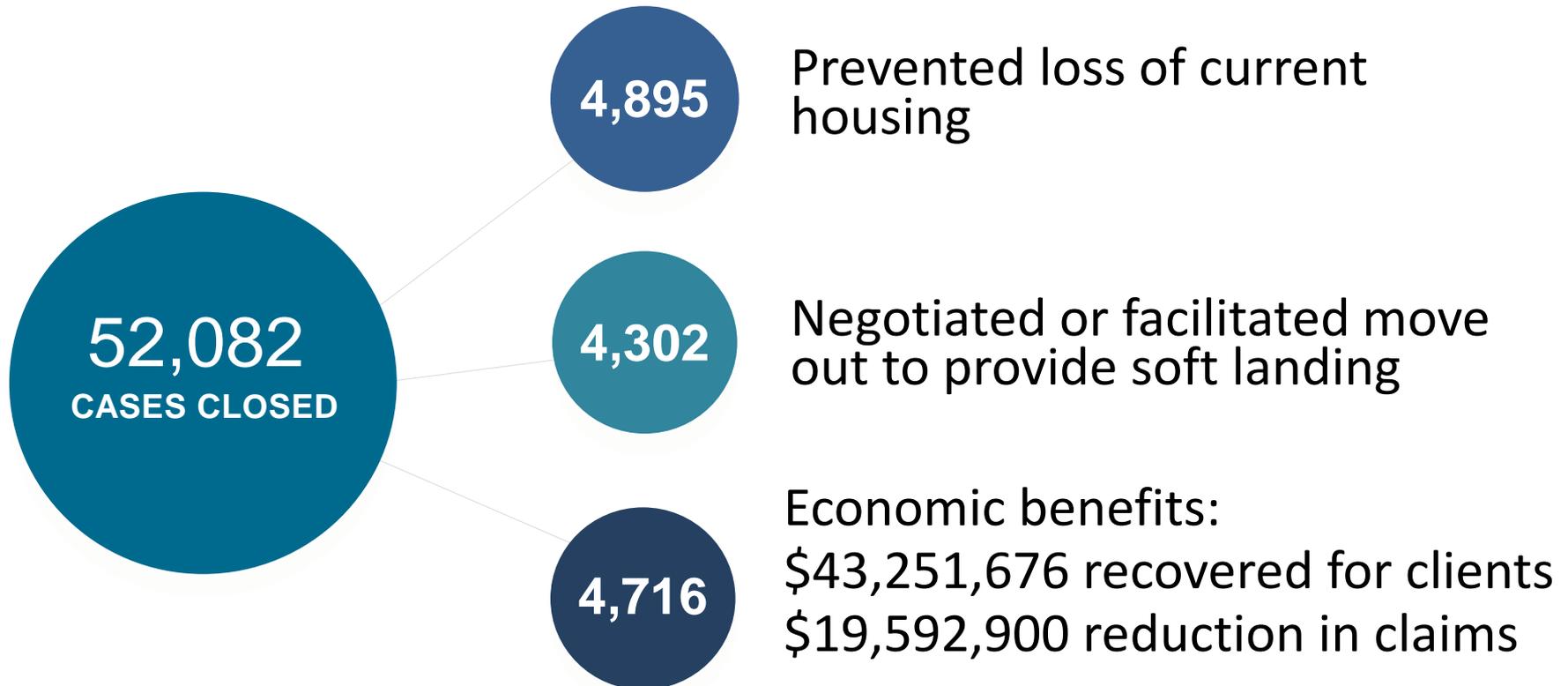
Main Benefits

Domestic Violence (DV): refers to abuse perpetrated against any of the individuals identified in the Domestic Violence Protection Act, California Family Code §6211.

- DV1: Obtained a temporary restraining order or reissuance of a TRO under the DVPA
- DV2: Obtained other services and benefits to protect from abuse or neglect
- DV3: Prevented issuance or Obtained Termination of Protective Order
- DV4: Obtained a restraining order after-hearing or renewal order under the DVPA



Housing by the Numbers





2016 Impact Report

\$97,916,073 Recovered for Clients

Top Three Service Areas Cases Closed



Who We Serve



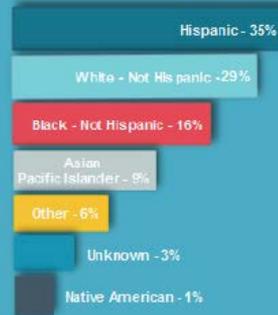
Services provided in over **40 languages**



Multilingual
14% clients with Limited English Proficiency

Making a Difference

- Prevented **3,633** families from being homeless. **\$500+ million** in funding for affordable housing.
- 4,976** restraining orders. Saved the state **\$10 - \$16 million** in costs avoided related to domestic violence.
- \$10.73 million** recovered in wages and other benefits earned. **576** workers recovered unpaid wages owed.
- \$9.9 million** recovered from fraudulent sales, unlawful or deceptive acts. **11,266** assisted with consumer protection or financial abuse issues.
- 15,059** private attorneys provided **439,624** hours of pro bono legal aid worth an estimated **\$109.9 million**.



258,968 Clients Served



The State Bar of California

Governance in the Public Interest Task Force: Appendix I Review

Richard Schauffler

Senior Program Analyst

Office of Research & Institutional Accountability

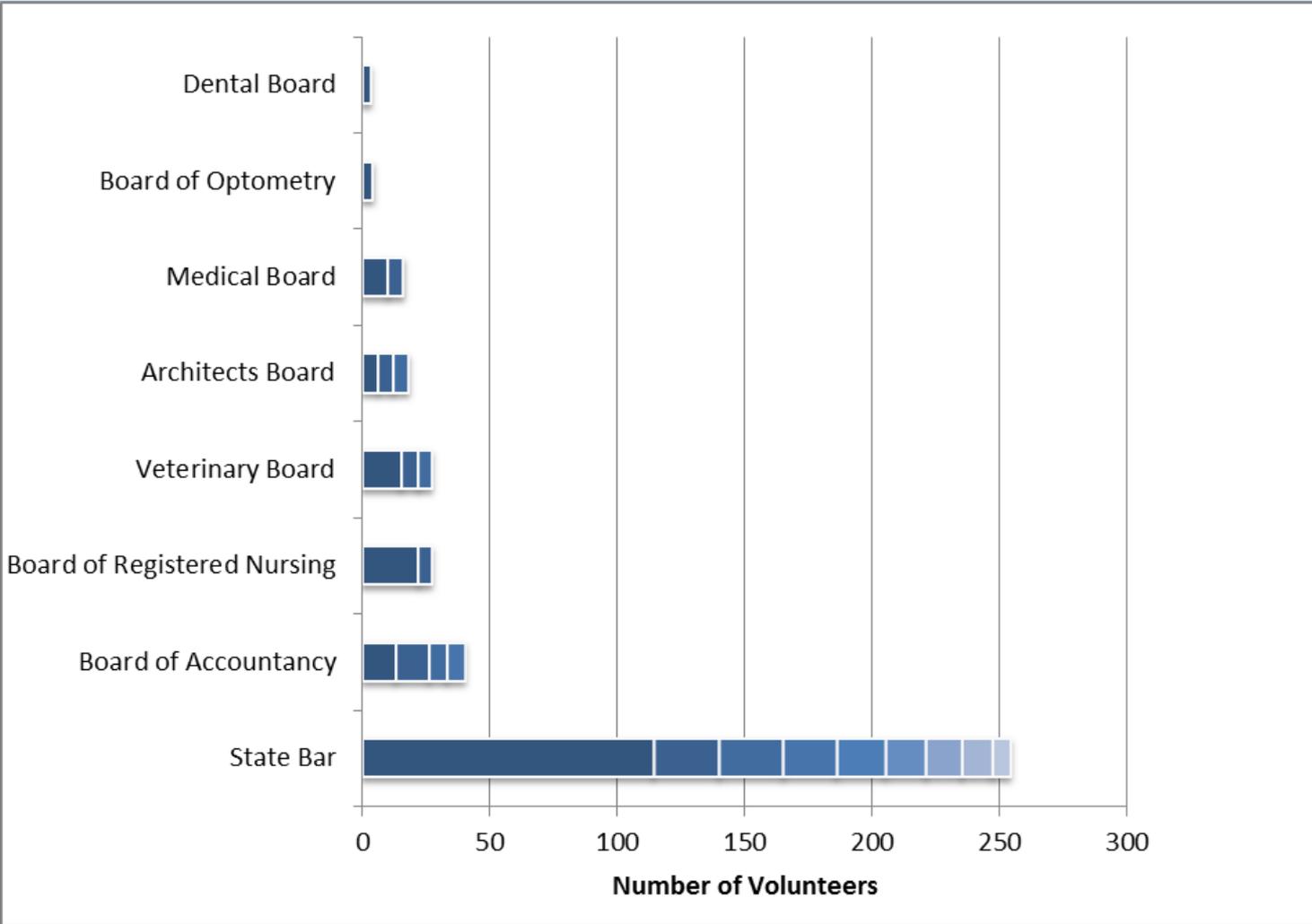


Operationalizing Governance

- Role definition
- Accountability & Transparency
- Clear lines of authority
- Impartial, consistent, & fair decision making
- Engagement



Subentities by Number and Size



	California	District of Columbia	Florida	Georgia	Michigan	Texas	Virginia
Type of Bar	Mandatory	Unified	Unified	Unified	Unified	Unified	Mandatory
Committee of Bar Examiners (CBE)	X	Supreme Court	Supreme Court	Supreme Court	Supreme Court	Supreme Court	Supreme Court
Law School Council	X						
CA Bd of Legal Specialization (CBLs)	X		Bar (23)			Supreme Court (24)	
Calif. Commission on Access to Justice (CCAJ)	X	Court of Appeals	Supreme Court	Bar Cte	Bar Cte	Bar	Bar Special Cte
Council on Access and Fairness (COAF)	X	Task Force	Bar Cte	Bar Cte	Bar Cte	Bar Cte, Section	Bar Conference
Legal Services Trust Fund Commission (LSTFC)	X	Bar Foundation	Bar Foundation	Bar Foundation	Bar Foundation	Access to Justice Foundation	Legal Svcs Corp
Lawyer Assistance Program (LAP)	X	X	Private Org	Contracted Out	X	X	Nonprofit
Client Security Fund Commission (CSF)	X	X	X	X	X	X	X
Cte on Mandatory Fee Arbitration (CMFA)	X	X	Voluntary	Voluntary		Voluntary	Voluntary



Role Definition

- Does each subentity have a clear purpose that aligns with the mission, priorities and strategic plan of the Bar?
 - To protect the public through the primary functions of licensing, regulation and discipline of attorneys;
 - To advance the ethical and competent practice of law; and
 - To support of efforts for greater access to, and inclusion in, the legal system.



Accountability and Transparency

- Does each subentity utilize outcome measures that measure the effectiveness of its work?
- Does each subentity report meaningful management information to the Board on a regular basis?



Clear Lines of Authority

- Do the Board and the subentity share a common and clear understanding of what authority the Board has delegated to the subentity?
- Do the Board and the subentity speak with one voice internally and externally?
- Is the Bar management team able to exercise effective control over the allocation and use of Bar staff and resources?



Impartial, consistent, and fair decision-making

- Are the decision rules and precedents of the subentity documented?
- Are professional standards for decision-making in use?
- Does the continuity of institutional knowledge reside in the subentity members, staff, or both?



Engagement

- Is the public well informed about the services provided to them by the Bar?
- Are Bar licensees aware of the scope and nature of the Bar's work?
- Are opportunities for participating in improvement of the Bar's current and future work well understood and acted upon?
- Does the Bar successfully avoid conflicts of interest and guard against being "captured" by those it regulates or funds?



SIZE

matters



Operationalizing Governance

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- **Thank You**

- Richard Schauffler
- 415-538-2274
- richard.schauffler@calbar.ca.gov



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Governance in the Public Interest Task Force: Appendix I Review

Richard Schauffler

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California Commission on Access to Justice

Policy Advisory

(26 members)

- **Challenges**

- Size
- Role definition
- Clear lines of authority

- **Future Direction**

- Will CCAJ remain within the Bar?
- If yes, how clarify its role and authority and align its work with Board priorities and strategic plan



Council on Access and Fairness

Policy Advisory (25 members)

- **Challenges**

- Size
- Role definition
- Clear lines of authority

- **Future Direction**

- Need to clarify its role and authority
- Integrate and align its work with Board priorities and strategic plan
- Implement Board strategy re diversity and inclusion



California Board of Legal Specialization

Licensing

(15 members plus 99 volunteers)

- **Challenges**
 - Size
 - Engagement



California Board of Legal Specialization

- **National perspective**
 - 3% of all active attorneys
 - 5 states prohibit claims to specialization
 - 16 states allow but disclaim
 - 15 states allow through private providers
 - 11 states provide through Bar
- **California**
 - 3% of all active attorneys
 - Offers 11 certifications directly, contracts with ABA-accredited providers for 11 certifications
 - Applications increased by 28%, 2015-2017



California Board of Legal Specialization

- **Future Directions**
 - Outsource to other providers
 - Eliminate certified specialization
 - Status quo but streamline



Legal Services Trust Fund Commission

Grant-making (21 members)

- **Challenges**
 - Size
 - Role definition
 - Clear lines of authority



Legal Services Trust Fund Commission 2018 Grants

- **Formula-driven (76%)**
 - IOLTA—\$14M
 - Equal Access Funds—\$23.1M
- **Discretionary (24%)**
 - Equal Access Fund—Partnership \$2.9M
 - Bank Settlement Funds—\$9.9M*

*of \$44.9M one-time revenue booked in 2016-17.



Legal Services Trust Fund Commission

- **Future Direction**
 - Shift to staff-driven grant-making and grant management
 - For each category of grants, staff develops/provides policies, guidelines, and decision rules to Board for review and approval



Operationalizing Governance

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- richard.schauffler@calbar.ca.gov



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Appendix I Staff Recommendations

Donna Hershkowitz, Amy C Nuñez
& Destie Overpeck



Admissions Functions Currently Performed by CBE &/or Staff

- **Exam Development**
- **Exam Analysis/Review**
- **Moral Character**
- **Testing Accommodation**
- **Policy Development/Enforcement**
- **Maintaining Relationships with Legal Institutions**
- **Law School Accreditation**
- **Budgeting**
- **Personnel**



Additional Functions That Should be Performed But Are Not Currently

Trends in Licensing and Certification



Exam Development

Licensing Functions	Proposed Responsible Entity: CBE, Staff or Other	Change from Current Structure?	Law School Role?	Board of Trustees Role?
Exam Development			Yes, law schools would be requested to comment/recommend on exam fees only.	Yes, results of review evaluation and grading process should be presented to the BOT; sampling plan should be evaluated as part of seven year bar exam study effort directed by BOT. BOT should approve all changes to exam fees.
1. Development of questions	1. EDG team	1. Status quo		
2. Review of questions	2. CBE	2. Status quo		
3. Review and evaluation of grading process	3. CBE	3. New		
4. Sampling plan (to determine exam content areas)	4. Staff & Psychometrician	4. New		
5. Challenges to exam questions	5. CBE	5. Status quo		
6. Set exam fee	6. CBE	6. Status quo		



Exam Analysis/Review

Licensing Functions	Proposed Responsible Entity: CBE, Staff or Other	Change from Current Structure?	Law School Role?	Board of Trustees Role?
Exam Analysis/Review <ul style="list-style-type: none">• Standard Setting Study• Content Validation Study• Job Analysis	Staff with consultant support.	Status Quo	Yes, law school representatives would serve on study working groups.	Yes, BOT to submit study results and recommendations to Supreme Court and the Legislature.



Moral Character

Licensing Functions	Proposed Responsible Entity: CBE, Staff or Other	Change from Current Structure?	Law School Role?	Board of Trustees Role?
<i>Moral Character</i> 1. MC Policy Development 2. Reviews/Informal Conferences 3. Appeals of Denials	1. Staff & CBE 2. Staff 3. CBE	1. Status quo 2. Change 3. Status quo	Yes, law school participants would serve on working groups established to develop /revise moral character review policies as appropriate.	Yes, new and revised policies / rules / guidelines should be approved by BOT.



Testing Accommodations

Licensing Functions	Proposed Responsible Entity: CBE, Staff or Other	Change from Current Structure?	Law School Role?	Board of Trustees Role?
<i>Testing Accommodations</i> 1. TA Policy Development 2. Reviews of petitions 3. Review of appeal of denial / partial grant	1. Staff & CBE 2. Staff (with consultant support) 3. CBE	1. Status quo 2. Status quo 3. Status quo	Yes, law school representatives would serve on working groups established to develop/revise testing accommodation policies as appropriate.	Yes, policy changes should be approved by the BOT.



Policy Development/Enforcement

Licensing Functions	Proposed Responsible Entity: CBE, Staff or Other	Change from Current Structure?	Law School Role?	Board of Trustees Role?
<i>Policy Development /Enforcement, such as Eligibility to sit for exam, challenges to exam policies & chapter 6 violations</i>	1. Staff for initial determinations 2. CBE for appeals	1. Change 2. Status quo	Yes, law schools would be informed of policy and procedural changes through the annual law school assembly and through a periodic “newsletter”.	Yes, policy changes / new rules should be approved by the BOT.



Budget

Licensing Functions	Proposed Responsible Entity: CBE, Staff or Other	Change from Current Structure?	Law School Role?	Board of Trustees Role?
Budget	Staff	Change	No	BOT approves Office of Admissions budget annually, as well as budget amendments.



Personnel

Licensing Functions	Proposed Responsible Entity: CBE, Staff or Other	Change from Current Structure?	Law School Role?	Board of Trustees Role?
Personnel	Staff	Change	No	No



Trends in Licensing & Certification

Licensing Functions	Proposed Responsible Entity: CBE, Staff or Other	Change from Current Structure?	Law School Role?	Board of Trustees Role?
Trends in Licensing & Certification	Staff & CBE	Change	Yes, law schools would be updated via regular communication from the State Bar. Law schools would be invited to provide input via annual assembly and/or working groups as appropriate.	Yes, BOT would receive updates as appropriate; trend information will inform design and implementation of seven-year bar exam studies.



Maintaining Relationships with Legal Institutions

Licensing Functions	Proposed Responsible Entity: CBE, Staff or Other	Change from Current Structure?	Law School Role?	Board of Trustees Role?
<i>Maintaining Relationships with Legal Institutions</i>	Staff	Change	Institutionalized format for relationships might include bi-annual newsletter (outgoing communication from the State Bar), annual law school assembly (two-way communication), and law school participation on working groups established to address topics relevant to the law schools.	



Law School Accreditation

Licensing Functions	Proposed Responsible Entity: CBE, Staff or Other	Change from Current Structure?	Law School Role?	Board of Trustees Role?
Law School Accreditation	<ol style="list-style-type: none">1. Staff and/or outsource2. If maintained in house, CBE to hear appeals of denials of accreditation or branch/satellite campuses3. Policy development	<ol style="list-style-type: none">1. Change2. Change3. Change	Law school representatives could serve on working groups established to develop/revise accreditation policies as appropriate.	Policy changes / New rules should be approved by the BOT.

AUTHORITIES FOR REVENUE DISTRIBUTION

SOURCE OF FUNDING STREAM	AUTHORITY FOR DISTRIBUTION
IOLTA Revenue	California Business & Professions Code, §§ 6210, et seq.
Licensee Fee Statement-Opt out	California Business & Professions Code, §§§ 6033, 6140.03, 6216
Justice Gap Donations-Opt in	California Business & Professions Code, §§ 6033, 6216
Justice Gap Donations-Cy Pres	California Code of Civil Procedure § 384
Justice Gap Donations-Other	California Business & Professions Code, §§ 6033, 6216
Tax-Intercept Funds	California Business & Professions Code, §§§ 6034, 6033, 6216
Equal Access-CA General Funds	Annual budget legislation
Equal Access-AB145 Filing Fees (Trial Court Trust Fund)	Annual budget legislation
Bank Settlement Awards	Bank Settlement Agreement

Key Grant Approval and Administration Functions by Grant Type	Current Staff Role	Current Commission Role	Proposed Staff Role	Proposed Commission Role	Change from Current?	Policy?	Administrative?	Current BOT Role?	Proposed BOT Role	
IOLTA/EAF/Justice Gap/Licensee Fee Statement Grants										
1	Development of policy/guidelines/statutory change	Propose rule and guideline changes	Commission role has been inconsistent	Propose rule and guideline changes; identify "gray areas" and bring to Commission for review	Approve rule and guideline changes, identify need for new rules and guidelines to address "gray areas"; address "gray areas" through guideline or rule revision proposals annually	Yes	X		Unclear as related to guidelines	Approve all rule and guideline changes
2	Determine total amount available for distribution	Staff develops options and recommendations based on evaluation of current interest revenue and projection for future	Commission (vote on staff identified options)	Same	Same	No	X (determination of overall reserve balance to maintain)	X (determination of actual dollar amount available once policy decision made)	Approve	Same
3	Review application and audit to determine eligibility	Staff determines eligibility for most programs, subject to final Commission approval	Commission determines eligibility (If staff review reveals substantive issues.) Final vote on all eligible programs.	See * below	See * below	Yes			None	None
	*Determination of primary purpose as the provision of legal services to the indigent			Staff makes final determinations for all applications within established policy / guidelines	Commission makes determination for all applications presenting novel issues or issues not clearly identified within established policy / guidelines	Yes	X (Commission)	X (Staff)	None	None

Key Grant Approval and Administration Functions by Grant Type		Current Staff Role	Current Commission Role	Proposed Staff Role	Proposed Commission Role	Change from Current?	Policy?	Administrative?	Current BOT Role?	Proposed BOT Role
	*Review of qualified expenditures to meet presumption of "primary purpose"			Staff makes final determinations for all applications within established policy / guidelines	Commission makes determination for all applications presenting novel issues or issues not clearly identified within established policy / guidelines	Yes	X (Commission)	X (Staff)	None	None
	* Review to determine if meet definition of "legal services"			Staff makes final determinations for all applications within established policy / guidelines	Commission makes determination for all applications presenting novel issues or issues not clearly identified within established policy / guidelines	Yes	X (Commission)	X (Staff)	None	None
	* eligibility conferences	1 staff participates in eligibility conference when Commission cannot determine eligibility on the face of the application	2 Commission members participate in eligibility conference with staff person	Same	Same	No	X		None	None
4	Determination of program level allocation	Staff runs the formula	Commission approval of full list of programs and allocations	Staff	None	Yes		X	None	Informational item to BOT
5	Review of program submitted budgets (regarding how grant funds will be used)	Staff reviews budget for consistency with guidelines/rules, e.g. excess overhead, % to personnel, EAF for an identified project	Commission approves budgeting of the allocation (in rare circumstances, elevate to conference with staff & Commission)	Same	Commission reviews elevated items only	Yes		X	None	None

Key Grant Approval and Administration Functions by Grant Type		Current Staff Role	Current Commission Role	Proposed Staff Role	Proposed Commission Role	Change from Current?	Policy?	Administrative?	Current BOT Role?	Proposed BOT Role
	* review/revise carryover policy	Staff proposes	Commission approves	Same	Same	No	X		None	Approve changes to carryover policy
	*review of carryover requests	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves requests in excess of 25%	Review/approve all carryover requests greater than 10%	None	Yes		X	None	None
13	Review / approval of budget revision	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves revisions in excess of 25%	Review/approve all budget revisions greater than 10%	None	Yes		X	None	None
14	Deeming process									
	* review/revise deeming process/policy	Unclear	Unclear	Same	Same	No	X		None	Approve
	*implement deeming process/policy	Staff conducts process	None	Same	Same	No		X	None	None
15	Appeal of staff determinations	New	New	None	Commission hears "appeals" of staff determinations	Yes	X		None	None
Partnership Grants										
1	Establish evaluation, selection, and funding level criteria	Unclear	Unclear	Staff recommends	Commission approves		X			Approve (Judicial Council may also need to approve)
2	Review application (including prior year evaluation and financials)	Team of Staff and Commission	Team of Staff and Commission	Same	Same	No			None	None
3	Review proposed budgets	Team of Staff and Commission	Team of Staff and Commission	Same	Same	No			None	None

Key Grant Approval and Administration Functions by Grant Type		Current Staff Role	Current Commission Role	Proposed Staff Role	Proposed Commission Role	Change from Current?	Policy?	Administrative?	Current BOT Role?	Proposed BOT Role
4	Recommendations for project approval and funding amount	Team of Staff and Commission	Team of Staff and Commission	Same	Same	No			None	Informational item to the BOT
5	Review/approval of budget revisions	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves revisions in excess of 25%	Review/approve all carryover requests greater than 10%	None	Yes		X	None	None
6	Carryover Requests									
	* review/revise carryover policy	Staff proposes	Commission approves	Same	Same	No	X		None	Approve changes to carryover policy
	*review/approval of carryover requests	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves requests in excess of 25%	Review/approve all budget revisions greater than 10%	None	Yes		X	None	None
Bank Grants										
1	Develop policy regarding how funds will be distributed	Staff works with Commission to develop proposal	Commission approves	Same	Same	No	X		None	Board approval of policy regarding how funds will be distributed
2	Develop RFP	Staff develops/distributes	None	Same	Commission reviews and approves	Yes		X	None	None
3	Review of applications	Team of Staff and Commission	Team of Staff and Commission	Same	Same	No			None	None
4	Approval of budget revisions	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves revisions in excess of 25%	Review/approve all budget revisions over 10%	None	Yes		X	None	None

Key Grant Approval and Administration Functions by Grant Type		Current Staff Role	Current Commission Role	Proposed Staff Role	Proposed Commission Role	Change from Current?	Policy?	Administrative?	Current BOT Role?	Proposed BOT Role
5	Carryover requests									
	* review/revise carryover policy	Staff proposes	Commission approves	Same	Same	No	X		None	Approve changes to carryover policy
	*review/approval of carryover requests	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves requests in excess of 25%	Review/approve all carryover requests over 10%	None	Yes		X	None	None
6	Review of annual reports									
	* program evaluation	Staff	Commission reviews of program evaluation only when part of application review	Same	Same	No		X	None	None
	* expense reports	Staff	None	Same	Same	No		X	None	None