

**From:** Friedman, Corey@DIR [<mailto:CFriedman@dir.ca.gov>]  
**Sent:** Tuesday, January 15, 2019 9:26 AM  
**To:** Wilson, Leah  
**Cc:** Reinis, Richard G.  
**Subject:** Fw: Draft Report and Functional Matrix

Thank you for the draft report. Here are a few comments. Please feel free to give me a call, if anything is unclear.

1) I do not think it is appropriate to introduce new recommendations for a vote at a meeting that was agreed upon for the sole purpose of approving a report. The time to do that was at the last meeting, when there was time for face-to-face discussion, and when everyone was aware weeks in advance when the meeting would occur so they could make themselves available---in contrast to the 22nd, which was selected without even polling the group on availability. Plus, if you open the report to new recommendations now, I strongly suspect other people will offer some. That will cause debate & likely require re-writing the report such that it cannot be revised and approved before the Board of Trustees meeting.

2) In terms of the substance of the newly proposed recommendation, it is incorrect that data suggested that some populations are underserved. We received some limited data, some of which proved to be factually incorrect (the geographic disparity chart), while some was just inconclusive. Importantly, there was plenty of discussion of how complex issues of data collection can be. It is totally appropriate for the Bar to reconsider its recordkeeping requirements for grantees, and to study the possibility of additional demographic recordkeeping, but the Bar shouldn't decide *now* whether or not to add new requirements, because no one has yet consulted with legal services providers to evaluate the *cost* of implementation. The value of new data collection must be balanced against the risk that the cost of collection will reduce the number of clients served. This draft recommendation suggests that this critical step can be skipped, because it directs the imposition of some new (unspecified) requirements, even though the requisite analysis has not yet been performed.

I note also that the draft recommendation states that additional study is warranted, yet the only solution proffered is for legal services providers to shoulder the cost. The Working Group heard plenty of support for the proposition that the Bar take steps to study gaps in access to justice, including gaps along racial/ethnic/geographic lines. Also, it is curious that this section is titled "non-statutory changes to grant administration and/or *allocation*," since allocation is indeed statutory. I am not sure what that title means.

4) I am very confused about the division between minority and majority recommendations. My understanding was that there was a single issue for which there was a minority opinion: whether to include the language "at this time." That can be done in one sentence, in the appropriate location in the list of recommendation, and therefore avoid the confusion of forcing the reader to compare nearly identical lists.

Also, the number of minority vs. majority votes should be identified, since there was a formal vote.

5) No votes were taken on the spreadsheet lines itself; the working group only agreed that the lines upon which there was consensus should be discussed in the report. The lines in yellow should therefore not be included or referenced at all - they are not a minority opinion, because we have no formal record whether *anyone* on the working supports some of those recommendations. It doesn't make sense to include all the issues that happened to be raised before the group but were not approved, since there was a lot over the course of these 5 meetings which could fall into that category.

6) A few errors in the spreadsheet:

- the proposed change for carry-overs was not approved by the working group for any category, incl. bank grants, but it is listed in that category & not highlighted

- overall bank grants distribution policy was originally developed by staff & commission working together in a long stakeholder engagement process (I think you are confused because the RFPs are written by staff, but I believe the overall policy was developed jointly)

yours,  
Corey