

Legal Services Trust Fund Commission  
Commission Meeting  
November 17, 2017  
Held in person at:

State Bar of California, 180 Howard Street, San Francisco

**MINUTES**

**I. ROLL CALL**

- In San Francisco: Corey Friedman, Co-Chair; Banafsheh Akhlaghi, Co-Vice Chair; Amin Al-Sarraf; Kim Bartleson; Hon. Louise Bayles-Fightmaster; Herman DeBose; J. Eric Isken; James Meeker; LaQuita Robbins; Susan Ryan; Rebecca Delfino; Kim Savage; Melanie Snider; Paul Staley; Hon. John Sutro Jr.; Christina Vanarelli; Hon. William J. Murray, Jr.\*; Hon. Brad Seligman\*
- By Telephone: Pariss Knox

*\* Non-Voting advisory member*

The following Commission members and advisors were absent: Co-Chair Richard Reinis, Co-Vice Chair Christian Schreiber, Fred Bailard, Robert Planthold, Hon. Michael J. Convey\*

The following staff were present: Catherine Borgeson, Stephanie Choy, Rodney Fong, Frank Bittner, Mary Tam, Rocio Avalos, Tiffany Woon, Doan Nguyen, Daniel Passamaneck, Elizabeth Hom

The following guest was present in San Francisco: Salena Copeland (Legal Aid Association of California)

The following guest participated by telephone: Bonnie Hough (Judicial Council of California)

A quorum being established, Co-Chair Corey Friedman called the meeting to order at 12:35 pm.

**II. CALL FOR PUBLIC COMMENT**

No public comment was offered.

**III. APPROVAL OF MINUTES FROM AUGUST 18, 2017**

Corey Friedman moved to approve the August 18, 2017 minutes; Melanie Snyder seconded the motion, which was approved unanimously.

**IV. REPORTS ON DEVELOPMENTS**

**A. Staff Report on Status of Grant Administration**

Mary Tam reported as follows:

The Trust Fund Program is fully staffed, with Frank Bittner as our new Senior Accountant and Rocio Avalos on the Grants Administration team.

All Partnership Grant budget revisions have been submitted, reviewed, and approved. Staff are now concluding their review of 2018 IOLTA/EAF budgets.

The last monitoring visit of 2017 has been completed, with thanks to all Commission members who participated in these visits this year. Commission members were provided a list of visits to be completed in 2018, and were invited to identify one they'd like to join.

Support Centers are now making presentations on the Trust Fund Program's bimonthly legal services calls, providing a further opportunity to present themselves and their support resources. We hope to provide a Financial training for grantees in 2018.

Staff now have the in-house capacity to build out new modules in the SmartSimple system, thanks to Tiffany and Catherine's expertise. We are working on improving our annual Application based on feedback from grantees and staff, as well as working on stronger evaluation tools and external reporting functions. Tiffany and Catherine recently attended a SmartSimple user's conference and are starting a west coast user group for sharing challenges and solutions.

Additionally, Catherine Borgeson advised that Commission members can subscribe through her for advance notice and copies of Commission meeting agenda notifications, and invited Commission members to sign up for this service. She also offered support with travel reimbursements, which can now be submitted either in hard copy or electronically with scanned receipts (in which case, Commission members are encouraged to retain their originals).

Finally, Corey Friedman reported that Reboot Project workgroups are now analyzing case and economic outcome data collected from LSPs. Data show some variations and holes, so efforts are focused on refining questions and formatting to ensure consistent and complete reporting. Data will be used in general and targeted advocacy to show the value of funding for legal services.

#### **B. Staff report on Campaign for Justice, IOLTA and Justice Gap Fund revenue**

Stephanie Choy, Catherine Borgeson and Dan Passamaneck reported that the Campaign for Justice will ramp up in December with the release of licensing statements to attorneys. Staff are building out a WordPress website for the campaign which could be managed internally, and are also considering IT's internal DNN dot net network - which might require more reliance on State Bar IT for maintenance. We have updated our *cy pres* materials, which Judge Seligman presented at a judge's conference for complex cases. Under legislation passed this year, any *cy pres* award will be distributed 25% to trial court access projects, 25% to the Equal Access Fund, and 50% to be designated consistent with the judgment, which can be to Legal Services through the Justice Gap Fund.

Stephanie also reported that IOLTA revenue in 2017 might increase by \$300,000 over our 2016 receipts of a little over \$6 million. With the federal target rate inching up, it's time to work with banks to ensure comparability and strong rates.

### **C. Office of Legal Services Report on Program Developments**

Rod Fong reported as follows:

The Bar has undertaken major re-organization of its structure and management. The new CEO is the prior COO, Leah Wilson. The Office of Legal Services (OLS) has been placed under the purview of the Chief Program Officer – a new position for which recruitment is ongoing. The Bar's Board has restructured its committees, merging Stakeholders with Sections and Education into a new committee now known as the Program Committee or ProCom. The Board has directed ProCom to study and examine its relationship with all State Bar subentities, including the LSTFC.

The licensing statement for lawyers will be issued on December 1. It will retain both the \$40 contribution to Legal Services Assistance, and the \$100 suggested donation for Access to Justice, with the option to donate more or less than that amount.

OLS is working on wildfire recovery assistance, coordinating all Bay Area legal services to help victims.

The Bar is now obligated to evaluate the availability and adequacy of legal services to veterans and their families under new legislation (AB 360). A report on this study will be due at the end of 2018.

State Bar Sections are being separated into their own stand-alone agency, California Lawyers Association, consistent with the Bar's reformulated mission of public protection. Management of affinity programs like discounts, and non-affinity programs like malpractice insurance, will be shifted from the State Bar to the independent State Bar Foundation for management going forward.

### **D. Judicial Council Report on Program Developments**

Bonnie Hough reported on a presentation to the Judicial Council on Family Law and Shriver projects, which highlighted that attorneys provide meaningful value to their clients. The Judicial Council will co-sponsor a conference in February together with the National Self-Represented Litigant Network and LAAC, for a nationwide audience.

### **E. Legal Aid Association of California Report on Program Developments**

Salena Copeland reported as follows:

The *cy pres* set-aside for legal services was part of LAAC's budget advocacy; the funding from that set-aside is now "in the pipeline" and the amount to be received by the Trust Fund Program will soon be known. She is encouraging local LSPs to visit their local legislators for "educational" visits, laying groundwork for subsequent lobbying.

Fox media has run a television news piece about landlord-tenant issues resulting from the wine country wildfires.

LAAC, the Judicial Council, and the State Bar are partnering on various conferences, including the SRL conference that Bonnie mentioned, and also a California legal aid and technology conference in San Francisco in early 2018 – a small gathering focused on national issues with a California focus, as well as a Family law and Self-Help conference in July. LAAC also participated in organizing a Traveling Training two weeks ago in Fresno, in which Support Centers bring their wisdom and resources to underserved regions.

## **V. BANK COMMUNITY STABILIZATION AND REINVESTMENT (BCSR) GRANTS**

Melanie Snider and Doan Nguyen provided a brief overview of the process and criteria used for analyzing and ranking the proposals, as follows:

Regarding the existing grants, about five programs have a third year of funding that starts in 2018 (the others were two-year funding plans, ending at the end of 2017). Of these, one program - LSNC – asked to convert its \$68,000 foreclosure grant to a Community Economic Development Grant due to declining demand for foreclosure services. They further requested that this funding be rolled into their existing CED bank grant. Upon recommendation from the Bank Grants Committee, Melanie moved and Louise seconded approval of the conversion. The motion was approved unanimously.

The 2018 bank grant proposals are three year grants – the first multi-year grants issued by the Trust Fund Program. We received 71 applications, of which 62 were for “RFP” grants with a “formula” fallback; nine simply requested a “formula” grant.” After committee review, the Committee recommended “formula” allocations for ten of the 62 that submitted RFP requests. Some of the factors involved in determining whether to fund an “RFP” proposal, and the level at which to fund it, included diversity of program size, geographic area, and legal focus, whether the components of the project were well-integrated, and whether non-qualifying work was contemplated (such as non-legal business assistance, or individual legal assistance in a CED project). To the extent non-qualifying work was part of an otherwise qualifying proposal, we explored how to carve the non-qualified pieces off of the funded project.

Stephanie Choy noted that, after initial recommended allocations had been identified by the Bank Grant Committee, the programs that were being offered only a Formula grant, or an RFP allocation significantly less than their original request, were contacted by Trust Fund Program staff to invite them to offer additional information to buttress their proposal or address committee concerns and to discuss how they would use the reduced funding.

Judge Seligman noted that the recommended allocations left some funds unallocated, for potential statewide or disaster response projects, to be issued in new rounds of grants over the next two years.

Doan concluded by advising that programs would be notified next week of their formal allocations; those that are being offered a non-Formula grant in an amount less than they'd originally requested would be required to provide revised budgets.

Corey Friedman moved, and Paul Staley seconded, a motion to accept the proposed grant allocations for 2018's 3-year bank grants; the motion was approved unanimously.

## **VI. ELIGIBILITY AND BUDGETS**

### **A. Recommendations for 2017 IOL/EAF Budget Revision and Carryover Requests**

Mary Tam reported that four programs requested carryovers of more than 25% of their 2017 IOLTA or EAF grants: Affordable Housing Advocates, the Center for Health Care Rights, IELLA Legal Aid Project, and Inland Counties Legal Services. After discussion, and upon recommendation from the Eligibility and Budgets Committee, Rebecca Delfino moved and Corey Friedman seconded a motion to approve all carryover requests before the Commission. The motion was approved unanimously.

### **B. Recommendations for 2018 IOL/EAF budget submissions**

Mary Tam reported on review of 2018 IOLTA/EAF Budgets, beginning with an overview of the process by which staff and the Eligibility and Budgets Committee reviewed applications and budgets. She advised that the Committee has recommended approval of the 2018 budgets as to which review has been completed, as described in the meeting materials, and further recommended delegating authority to staff to approve any remaining budgets subject to resolution of remaining minor issues.

Per the meeting materials, certain programs were approved subject to further review of certain issues:

- Programs requiring help with budgeting and other organizational challenges resulting in unspent funds: Affordable Housing Advocates, IELLA Legal Aid Project
- Support Centers requiring guidance in focusing services on QLSPs: California Women's Law Center, Youth Law Center, National Center for Youth Law.
- Programs requiring help with developing a more specific and "reportable" portfolio of EAF-funded activities: Asian-Pacific Islander Legal Outreach, Family Violence Appellate Project

Banefsheh Akhlaghi moved, and Kim Savage seconded, a motion approving the Eligibility and Budget Committee recommendations as provided in the meeting materials, contingent upon staff concluding any necessary follow-up. The motion was approved unanimously.

## **VII. PARTNERSHIP GRANTS**

Christina Vanarelli reported that this year there was sufficient funding to fully fund all Partnership Grant proposals. Some programs received less than they requested because the Committee determined that some proposals included excessive soft costs or staffing allocations, but all proposals were substantially if not fully funded. After doing so, \$700,000 was still available for distribution. In coordination with the Judicial Council, we opened a new application for recipients of Shriver grants that included a self-help

component that was eligible for Partnership funding. Nine organizations applied for this Partnership Shriver grant and each received some level of support; those that didn't get all they asked for were asked to submit revised budgets. Those have now been reviewed by staff and approved. Grant Agreements for these "Shriver/Partnership" grants will be issued shortly.

Mary Tam noted that we are still pursuing four Memoranda of Understanding between 2018 Partnership applicants, and their local courts. She also noted that the Committee is recommending softening of current policy that terminates grants after five years except in extraordinary circumstances, as this policy can result in the termination of services that are valuable, well-utilized, and difficult to replace.

## **VIII. 2018 ADMINISTRATIVE ACTIVITIES**

### **A. Replacing the Old Monitoring Checklist**

Mary Tam reported that new documents to guide staff questioning during monitoring visits - long a work in progress - are in the final editing process. The old "Checklist" version in use to date originated in the first years of the Trust Fund Program and no longer suits operational needs; the new draft draws from LSC and ABA materials and is shaped by our experience and our statutory requirements. The goal of the new document is to help us understand what a model program looks like, and then to flag key points for the follow-up report. Commission members were invited to offer comments on this document, which was included with the meeting materials.

### **B. Review of 2018 Administrative Calendar**

Mary Tam reported on the calendaring of key dates for 2018, which largely mirror those from 2017. The May 4 Commission meeting regarding IOLTA distribution might be conducted by teleconference. After discussion it was preliminarily determined to hold the July meeting on the 20<sup>th</sup>, with a Partnership Committee in the morning and a full Commission meeting in the afternoon; staff will confirm this date after verifying availability of space.

### **C. Clarified Voting Procedure**

Stephanie Choy suggested mirroring Board voting procedure: to vote by combined voice vote going forward instead of individual votes, except in case where individual exceptions or concerns are raised. Melanie Snider moved, and Louise Fightmaster seconded, a motion to establish this rule, which was unanimously approved. Trust Fund procedure henceforward will be to take voice votes unless a request is lodged to the contrary.

The Commission's business being concluded, Corey Friedman moved, and the Commission seconded and approved by unanimous voice vote, to adjourn this meeting.

**Legal Services Trust Fund Commission**  
**Abstention List**  
**November 17, 2017**

<b>ORGANIZATION</b>	<b>TYPE</b>	<b>NAME</b>
Advancing Justice - Asian Law Caucas	LSP	
Advancing Justice - Los Angeles	LSP	
Affordable Housing Advocates	LSP	
Aids Legal Referral Panel	LSP	
Alameda County Bar Volunteer Legal Services	LSP	
Alameda County Homeless Action Center	LSP	
Alliance for Children's Rights	LSP	
Asian Pacific Islander Legal Outreach	LSP	
Bay Area Legal Aid	LSP	
Bet Tzedek Legal Services	LSP	Eric Isken
California Indian Legal Services	LSP	
California Rural Legal Assistance, Inc.	LSP	
Casa Cornelia Law Center	LSP	
Center for Health Care Rights	LSP	
Central California Legal Services	LSP	
Centro Legal de la Raza	LSP	
Chapman University Family Protection Clinic	LSP	
Community Legal (Sierra, Nevada)	LSP	
Community Legal Services in East Palo Alto	LSP	
Contra Costa Senior Legal Services	LSP	
Disability Rights California	LSP	Kim Savage
Disability Rights Legal Center	LSP	
East Bay Community Law Center	LSP	
Elder Law & Advocacy	LSP	
Family Violence Law Center	LSP	
Greater Bakersfield Legal Assistance	LSP	
Harriett Buhai Center for Family Law	LSP	
IELLA Legal Aid Project	LSP	Sue Ryan
Inland Counties Legal Services	LSP	Sue Ryan
Inner City Law Center	LSP	
Justice & Diversity Center of the Bar Association of San Francisco	LSP	
La Raza Centro Legal	LSP	
LACBA Counsel for Justice	LSP	
Law Foundation of Silicon Valley	LSP	
Lawyers' Committee for Civil Rights	LSP	
Learning Rights Law Center	LSP	
Legal Aid at Work	LSP	
Legal Aid Foundation of Los Angeles	LSP	Amin Al-Sarraf
Legal Aid Foundation of Santa Barbra	LSP	
Legal Aid of Marin	LSP	
Legal Aid of Sonoma County	LSP	Louise Fightmaster
Legal Aid Society of Orange County	LSP	
Legal Aid Society of San Bernardino	LSP	
Legal Aid Society of San Diego	LSP	LaQuita Robbins
Legal Aid Society of San Mateo County	LSP	
Legal Assistance for Seniors	LSP	
Legal Assistance to the Elderly	LSP	
Legal Services for Children	LSP	
Legal Services for Seniors	LSP	
Legal Sevices of Northern California	LSP	
Los Angeles Center for Law and Justice	LSP	
McGeorge Community Legal Sevices	LSP	
Mental Health Advocacy Services	LSP	
Neighborhood Legal Services	LSP	
New American Legal Clinic	LSP	
Positive Resource Center	LSP	

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<b>ORGANIZATION</b>	<b>TYPE</b>	<b>NAME</b>
Prison Law Office	LSP	
Pro Bono Project Silicon Valley	LSP	
Public Advocates Inc.	LSP	
Public Counsel	LSP	
Public Law Center	LSP	Jim Meeker
Riverside Legal Aid	LSP	Sue Ryan
San Diego Volunteer Lawyer Program, Inc.	LSP	
San Luis Obispo Legal Assistance Foundation (San Luis Obispo)	LSP	
Santa Clara County Asian Law Alliance	LSP	
Santa Clara University Alexander Law Center	LSP	
Senior Adults Legal Assistance	LSP	
Senior Citizens Legal Services	LSP	
UC Davis School of Law Legal Clinics	LSP	
USD School of Law Legal Clinics	LSP	
Veterans Legal Institute (Los Angeles, Orange)	LSP	
Voluntary Legal Services Program of Northern California	LSP	
Wage Justice Center	LSP	
Watsonville Law Center	LSP	
Yuba-Sutter Legal Center for Seniors	LSP	
California Advocates for Nursing Home Reform	SC	
California Rural Legal Assistance Foundation	SC	
California Women's Law Center	SC	
Center for Gender and Refugee Studies - California	SC	
Center for Human Rights and Constitutional Law	SC	
Child Care Law Center	SC	
Coalition of California Welfare Rights Organizations	SC	
Disability Rights Education and Defense Fund	SC	
Family Violence Appellate Project	SC	
Immigrant Legal Resource Center	SC	
Impact Fund	SC	
Justice in Aging	SC	
Legal Services for Prisoners with Children	SC	
National Center for Youth Law	SC	
National Health Law Program	SC	
National Housing Law Project	SC	
National Immigration Law Center	SC	
OneJustice	SC	
Public Interest Law Project	SC	
Western Center on Law and Poverty	SC	
Worksafe, Inc.	SC	
Youth Law Center	SC	