

Legal Services Trust Fund Commission
Video Conference Meeting
Friday, July 27, 2018
State Bar of California Offices, San Francisco and Los Angeles

Minutes

I. ROLL CALL

The following Commission members were present:

- In San Francisco: Co-Chair Corey Freidman, Co-Vice Chair Christian Schreiber, Fred Bailard, Louise Bayles-Fightmaster, Justice William Murray, Bob Planthold, Kim Savage, Judge Brad Seligman, Melanie Snider
- In Los Angeles: Co-Chair Richard Reinis, Judge Michael Convey, Herman DeBose, Rebecca Delfino, Jim Meeker, Susan Ryan
- By Telephone: Banafsheh Akhlaghi, Parissh Knox

The following Commission members and advisors were not present: Amin Al-Sarraf, Kim Bartleson, Eric Isken, Paul Staley, Judge Jack Sutro, Christina Vanarelli

The following staff were present:

- In Los Angeles: Donna Hershkowitz, Elizabeth Hom
- In San Francisco: Catherine Borgeson, Doan Nguyen, Dan Passamaneck, Richard Schauffler, Leah Wilson, Tiffany Woon

The following guests were present:

- In Los Angeles: Salena Copeland (LAAC), Bonnie Hough (Judicial Council)
- In San Francisco:
- By telephone: Mark Broughton (BOT)

The following members of the public were present:

- In Los Angeles: Amy Fitzpatrick, Silvia Argueta, Neil Dudovitz, Lorin Kline, Genevieve Richardson, Yvonne Mariajimenez
- In San Francisco: Kim Irish, Tiela Chalmers, Jora Trang, Kevin Clune, Kim Kruckel,
- By Telephone: Teshara Kuspa, Elan Consuella Lambert, Jennifer Cloyd, Tim Iglesias, Lauren Hansen, Glen Olson

A quorum being established, Co-Chair Richard Reinis called the meeting to order at 12:26 p.m.

II. CALL FOR PUBLIC COMMENT

Co-Chair Richard Reinis invited members of the public to comment on any item on the agenda. Salena Copeland, Neil Dudovitz, Silvia Argueta, Amy Fitzpatrick, Lorin Kline, Genevieve Richardson, Yvonne Maria Jimenez, Kim Irish, Tiela Chalmers, Jora Trang, Kevin Clune, Kim Kruckel, Elan Lambert, Jennifer Cloyd, Tim Iglesias, Lauren Hansen, and Glen Olson each provided comment regarding the Board of Trustee Sub-entity review. The public commenters expressed support for the continuation of the Legal Services Trust Fund Commission, and emphasized the critical nature of the Commission's work, including its oversight function, understanding of the legal services community and poverty population needs, and expertise in the field. Staff from the Legal Aid Association of California (LAAC) noted that many programs could not be present to provide comment, but are similarly in support of the Commission.

III. CONSENT

A. Approval of Minutes from May 25, 2018

With minor edits, the board moved (Friedman, seconded Bayles-Fightmaster) and approved unanimously the minutes of the May 25, 2018 meeting.

IV. 2019 PARTNERSHIP GRANT APPLICATIONS

Co-Chairs Richard Reinis and Corey Friedman opted to take the Partnership Grant Applications and IOLTA and EAF Applications out of order.

Chris Schreiber reported on the Partnership Grant Committee's activities to review the 42 applications submitted, noting that two applications were withdrawn by the applicants. Chris reported tentative funding numbers. The Committee also discussed policy issues regarding the life cycle of the grants and how technology might impact grant projects in the future. The Committee anticipates that it will present to the Commission Partnership Grant recommendations with funding recommendations at the next meeting.

V. 2019 IOLTA AND EAF APPLICATIONS

Program Supervisor Doan Nguyen reported that there are 100 IOLTA and EAF applications, with 77 legal services projects, 22 support centers, and 4 new legal services project applicants. There are 21 pro bono applicants. One applicant withdrew. There will be two Eligibility Review Conferences for new applicants, Family Legal Assistance at CHOC (Children's Hospital, Orange County) and Leadership Counsel for Justice and Accountability. Staff anticipates that all application review will be complete before the next meeting.

Doan also reported that the Eligibility and Budget Committee discussed the pro bono threshold requirement and separate tests to qualify for the pro bono allocation as it related to programs in rural areas. The Commission agreed to review the threshold requirement and eligibility tests to obtain clarity on its application.

IOLTA revenue is projected to be \$27.6 million for 2019. It is anticipated that, between IOLTA and EAF, more than \$60 million will be distributed in 2019, compared to approximately \$50 million in 2018.

There was a discussion about cy pres funds effect on funding. There is an issue that may require redrafting of the statute. Salena Copeland from LAAC reported that they are working on the issue. Chris requested that LAAC communicate to constituency organizations and requested that Judge Seligman communicate with judges about this issue and the pending resolution.

Staff Tiffany Woon reported on streamlining the project budgets form for “by county” details. Currently, multi-county programs have to enter budget data for each county. Streamlining the project budget form allows grantees to upload a spreadsheet with the same information. There was discussion about the county allocations.

VI. STATE BAR REPORTS

A. Co-Chair Report on Developments Impacting the Legal Services Trust Fund Commission

Richard reported on his presentation to the BOT at its last meeting. He provided information about the various grants and an overview of the grantees. Jessie Kornberg from Bet Tzedek also gave a presentation about the impact of funding from the LSTF, where she noted that the funding gave them flexibility to respond to emerging issues in the community. Richard also reported that he discussed some of the sticky issues that the Commission often grappled with, but due to time limitations, he did not finish his presentation as anticipated. Richard noted that Chief of Programs Donna Hershkowitz could circulate the presentation PowerPoint, which included the grantmaking work, and access and inclusion initiatives.

B. Board of Trustees Report on Board Actions

Donna reported on behalf of board member Mark Broughton. The BOT approved the Commission’s recommendation regarding the IOLTA distribution for 2019, which is an increase of 97%. Donna reported that the BOT also approved for public comment the Commission’s recommendation to amend the rules on the timeline for programs financial audit submissions. The public comment period will be 30 days. Should there be public comments, the Commission will consider the comments to determine if further revision to the rule is required. If the comments do not require substantive change to the proposal, the recommendation will be brought to the BOT for adoption of the rule change.

C. Staff Report on Program Developments, State Bar Developments, and Staffing

Donna announced that the Office of Legal Services is now the Office of Access & Inclusion (OA&I). She reported that the office was reorganized and that staff had

portfolios that included both grants and policy work. There are three supervisory positions (one that replaced Mary Tam's position and two new ones.) She introduced Catherine Borgeson, Elizabeth Hom, and Doan Nguyen as the new supervisors. Stephanie Choy is no longer with the office, and Andrew Tuft from the Office of Professional Competence would be Acting Director while the search for a permanent Director continued. The Bar has engaged with a search firm for the position, and Donna will forward the job description to Commissioners.

Commissioners expressed concern about Stephanie's departure, and the impact on the Commission and programs. The Commission unanimously requested that the minutes reflect their appreciation to Stephanie for services rendered to the Commission, emphasizing that she would be missed and wishing her well.

Tiela Chalmers requested time for public comment. She commented that she and her colleagues who are also executive directors wanted to echo the Commission's sentiments, and commented that recent actions at the Bar are concerning as they signal to the community what is valued and important.

VII. STATE BAR SUB-ENTITY REVIEW

Richard Schauffler presented the framework for the BOT's sub-entity review. The BOT is examining whether a structure involving multiple sub-entities, and large numbers of volunteers is the appropriate one for the Bar. Richard noted that the Board has not been engaged in the oversight process for access in the past, and did not always see its policy goals reflected in access entity work. Two options that have been discussed by the BOT are: 1) staff driven process with staff applying statutory requirements and other authorities/guidance to award grants, with policy issues going to the BOT; and 2) a smaller volunteer body acting as an appellate body.

Commission member proposed other alternatives to increasing BOT oversight and involvement, including having BOT members liaisons assigned as regular participants in the Commission meetings. Executive Director Leah Wilson indicated that the Board's use of liaisons has not served the important goals of increased Board involvement in important access issues and important policy decisions. Leah remarked that the review has been challenging and emphasized that it is not an indictment of the Commission, but instead it is about the BOT's lack of engagement and responsibility in the area. There are also concerns that the some important policy decisions of the Commission are not written or codified, which makes transparency and accountability difficult.

There was discussion about oversight over the grantmaking, and the granular nature of the Commission's current work. The Commission expressed concern that the BOT does not have the experience or time to understand the myriad issues raised. The Commission is also concerned that the BOT appears to be acting without input from the community. There was

further discussion about the Reboot Committee's activities, and the BOT's lack of involvement in this effort. Jim Meeker clarified that the reboot's purpose was to measure impact and did not influence funding allocations. He also remarked that the sub-entity review may be conflating efficiency with size of the Commission. Commissioners noted that Commissioner's expertise and relevant experience helps to inform grantmaking decisions, and that eliminating the Commission would add hundreds of staff hours, and increase staff costs. Richard R. remarked that the Commission has often been a sword and shield for staff, which has allowed more collaboration with grantees. Additionally, the Commission has played a similar role for the BOT by separating it from the legal issues that have arisen.

There was agreement that the options to be presented to the Board would include an option for the Commission to separate from the Bar and act as its own independent entity.

Judge Seligman requested clarification on the process and whether there would be opportunity for public comment. Leah said that the full BOT would discuss recommendations at its September meeting and the Programs Committee will discuss at the August 17 meeting. Donna noted that there will be a survey for the legal services community. Donna also invited the Commission to submit written comment which would be included with the report to the BOT.

There was further discussions about expertise and judgment required in the grantmaking process, and additional options for the Commission. There was a question of whether the appointing entities for the Commission had been contacted regarding the Bar's recommended changes. Staff indicated there is regular contact with the appointing entities.

Corey proposed that the Ad Hoc Committee be expanded to include whomever wants to determine next steps, including possibly developing a written response to the BOT, and that a meeting date set and noticed as soon as possible. Public members are welcome at the meeting. Staff will work with the Commissioners to set a date.

VIII. LIAISON REPORTS

Bonnie Hough from the Judicial Council reported that the Council is piloting a new tool to help Self-Help Centers collect information in an efficient manner. This tool may be useful for Partnership Grant programs, and thought the Commission might wish to consider its use for next year's grants. Bonnie has presented the tool to the Department of Consumer Affairs in Los Angeles as well. There is an additional \$19.1 million for Self-Help services in the courts. The Council and LAAC are also hosting a Family Law Training in August.

Salena reported that LAAC is working on a legal services retention report, like the one they published in 2010. They are focusing on diversity and planning to hold a series of focus groups at law schools around the state to learn about differences of perceptions of legal aid and pro bono.

Leah commented that the BOT's Strategic Plan includes a Justice Gap study for California, and this may be an area for potential partnership.

IX. REVIEW OF GRANTS CALENDAR FOR YEAR

Doan reviewed upcoming meeting dates, highlighting the Eligibility and Budget Committee and Partnership Grant Committee meetings on August 17; the full Commission meeting on August 17; Budget and Eligibility Committee meetings on October 19, November 2, and November 16; and the full Commission meeting on November 16.

There being no other business, the meeting was adjourned.