

Legal Services Trust Fund Commission
Meeting Minutes
October 3, 2018
Conference Call

Minutes

Roll Call

Commissioners

Corey Friedman
Richard Reinis
Christian Schreiber
Banafsheh Akhlaghi
Amin Al-Sarraf
Kim Bartleson
Louise Bayles-Fightmaster
Herman DeBose
Rebecca Delfino
J. Eric Isken
Parissh Knox
James Meeker
Robert Planthold
Melanie Snider

Advisors

Judge Lisa Jaskol
Justice William J. Murray, Jr.
Judge Brad Seligman

Staff

Elizabeth Hom
Doan Nguyen
Andrew Tuft

Board of Trustees

Mark Broughton
Debbie Manning

Public

Salena Copeland
Chris Punongbayan

I. Co-Chairs' Report

A. Call for Public Comment

Co-Chair Rich Reinis requested members of the public identify themselves who wished to provide public comment. Salena Copeland from the Legal Aid Association of California (LAAC) requested time to comment on item V on the agenda regarding the proposed rule change.

B. Roll Call

Roll Call was conducted and a quorum was established.

II. Consent

A. Approval of Meeting Minutes from August 17, 2018

The Commission approved (Planthold moved, Friedman seconded) the meeting minutes from August 17, 2018 by voice vote.

III. State Bar reports

A. Update on Board of Trustee Actions

Board of Trustee liaisons Mark Broughton and Debbie Manning introduced themselves and expressed their interest in working with the Commission.

B. Staff Report

Doan Nguyen reported that the Bank Grant committee meeting on October 19 has been cancelled but the committee will meet on November 16. The Partnership Grant Committee will meet in October. The Eligibility and Budget Committee will meet on November 2, and on November 16.

IV. Partnership Grant Applications

Doan reported that there was a full discussion regarding the Partnership grant recommendations; however, notes from that meeting did not clearly show whether the Commission formally approved the grant recommendations.

The Commission accepted (Planthold moved, Snider seconded) the Partnership Grant Committee recommendations dated August 17, 2018 by voice vote.

V. Proposed Amendment to State Bar Rules 3.680(E)(1), 3.681 and the Appendix Schedule of Charges and Deadlines

Andrew Tuft reported that the revised State Bar Rules 3.680(E)(1), 3.681 and Appendix A, the Schedule of Charges and Deadlines, were circulated for a 30-day public comment period which ended on August 27, 2018. Eight comments were received. All commenters expressed concern that 90 days is not enough time for programs to complete an audit/review of financial statements when the program's fiscal year ends on December 31st. Some commenters also

urged allowing discretion to provide an extension when requested. After considering the comments, staff revised the proposed rules. The revisions require audits/reviewed financial statements be submitted by May 1, which is at least 120 days from the end of every program's fiscal year. Upon written request, staff would have discretion to grant an extension up to the application deadline. The proposed amendments also permitted staff to grant extensions beyond the application deadline upon a showing of extraordinary circumstances.

There was discussion regarding staff discretion to grant extensions beyond the application deadline. There was also discussion about the definition of "extraordinary circumstances."

Following discussion, the Commission approved (Friedman moved, Planthold seconded) the revised rule as proposed, but amended the proposal to provide the Commission with the authority to determine when an extension may be granted beyond the application deadline, upon a showing of extraordinary circumstances.

Staff will seek authorization from the Board of Trustees for an additional 30 day public comment circulation for the rule as revised.

VI. Discussion Regarding State Bar Sub-Entity Review and IOLTA Statute Review

Rich and Corey reviewed the scope of the stakeholder engagement process which will include a review of the IOLTA statute. Rich will be a co-chair of the working group and as the co-chair of the Commission, along with Corey Friedman, has the authority to appoint three commissioners as well as three IOLTA grantees. The LSTFC appointees are: Judge Brad Seligman, Chris Schreiber, and Corey Friedman. The IOLTA grantee appointees are: Judge Margaret Morrow, Lynn Martinez, and Yvonne Maria Jimenez. On October 15, the first of five meetings will be held at the State Capitol in Room 4203 in Sacramento; a conference call line will be available for people wishing to call-in to participate. There will be an overview of IOLTA funding, the grant making process, and the process for evaluating the impact of funding. The goal is to provide a report to the Board of Trustees in January 2019. There will be an opportunity to present a minority report if necessary.

VII. Adjourn

There being no other business, the meeting was adjourned.