

RECOMMENDATIONS FROM THE LEGAL SERVICES TRUST FUND COMMISSION (LSTFC) STAKEHOLDER PROCESS WORKING GROUP (WORKING GROUP)

1. No recommended statutory changes at this time.
2. The LSTFC should continue to exist.
3. Status quo division of responsibilities between staff and the Commission except as reflected in consensus changes in the matrix (provided as Attachment A).
4. No recommended changes to the size of the LSTFC.
5. LSTFC vacancies must be filled immediately.
6. Any recommendations to change the LSTFC size should return to the Working Group for study and further recommendation to the Board of Trustees.
7. All procedures, policies, and practices governing the allocation and/or administration of grant funds should be codified in guidelines and/or State Bar Rules and approved by the Board of Trustees.
8. The Board of Trustees should receive training and regular reports about the activities of the LSTFC and the legal services funded by the State Bar.
9. The LSTFC and the Board of Trustees should seek additional funding for legal services.

FUNCTIONAL MATRIX: STAFF, LSTFC, AND BOARD OF TRUSTEE CURRENT AND PROPOSED ROLES

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/EAJ/Justice Gap/Licensee Fee Statement Grants									
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
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.	Staff determines whether programs have met the primary purpose requirement for most programs, and where determination is not apparent, staff elevates to Commission for determination. Staff prepares agenda item for Commission review and approval reflecting eligibility determination recommendations with ability to place some or all recommendations on consent calendar.	Commission determines eligibility (If staff review reveals substantive issues.) Final vote on all eligible programs.	No*			None	None
Determination of program level allocations	Staff runs the formula	Commission approval of full list of programs and allocations	Staff	Approve full list of programs and allocations	No		X	None	Informational item to BOT
Establish data reporting requirements	Staff	Commission approval of changes inconsistent	Staff may propose changes to data reporting requirements.	Commission approves all changes to data reporting requirements.	Yes	X (non-technical changes)	X (technical changes)	None	Approve data reporting requirements which will be codified in either guidelines or rules.
Review/revise carryover policy	Staff proposes	Commission approves	Same	Same	No	X		None	Approve changes to carryover policy which will be codified in either guidelines or rules.
Review of carryover requests	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves requests in excess of 25%	Same	Same	No		X	None	None

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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/approve budget revision	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves revisions in excess of 25%	Same	Same	No		X	None	None
Review/revise deeming process/policy	Staff proposes	Commission approves	Staff proposes	Commission approves	No	X		None	Approve changes to deeming process which will be codified in rules or guidelines.
Partnership Grants									
Establish evaluation, selection, and funding level criteria	Unclear	Unclear	Staff recommends	Commission approves	Yes	X		None	Approve (Judicial Council may also need to approve)
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
Review/approval of budget revisions	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves revisions in excess of 25%	Same	Same	No		X	None	None
Review/revise carryover policy	Staff proposes	Commission approves	Same	Same	No	X		None	Approve changes to carryover policy which will be codified in either guidelines or rules.
Review/approve carryover requests	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves requests in excess of 25%	Same	Same	No		X	None	None
Bank Grants									
Develop policy regarding how funds will be distributed	Joint Staff and Commission Effort	Joint Staff and Commission Effort; Commission approved terms of RFP	Same	Same	No	X		None	Board approval of policy regarding how funds will be distributed

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Approval of budget revisions	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves revisions in excess of 25%	Same	Same	No		X	None	None
Review/revise carryover policy	Staff proposes	Commission approves	Same	Same	No	X		None	Approve changes to carryover policy
Review/approve of carryover requests	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves requests in excess of 25%	Same	Same	No		X	None	None