

**Legal Services Trust Fund Commission  
Commission Meeting  
November 16, 2018  
Held in person at:**

**State Bar of California, 180 Howard Street, San Francisco  
State Bar of California, 845 Figueroa Street, Los Angeles**

**MINUTES**

The meeting was called to order at 12:30.

***OPEN SESSION***

**I. ROLL CALL**

The following Commission members and advisors were present:

- In Los Angeles: Amin Al-Sarraf, Herman DeBose, Jim Meeker; Hon. Lisa Jaskol
- In San Francisco: Co-Chair Corey Friedman, Co-Chair Richard Reinis; Co-Vice Chair Christian Schreiber; Fred Bailard, Robert Planthold; Hon. Brad Seligman, Hon. William Murray
- On the Telephone: Kim Bartleson, Parissh Knox, Melanie Snider

The following Commission members and advisors were not present: Vice Co-Chair Banafsheh Akhlaghi; Louise Bayles-Fightmaster, Rebecca Delfino, Eric Isken

The following staff were present:

- In San Francisco: Andrew Tuft; Catherine Borgeson, Doan Nguyen; Dan Passamaneck, Tiffany Woon; Justin Ewert
- In Los Angeles: Elizabeth Hom

The following liaisons and guests were present:

- In Los Angeles: Paul Tepper (Western Center on Law and Poverty)
- In San Francisco: Salena Copeland, Loren Kline (Legal Aid Association of California)
- On the Telephone: Bonnie Hough (Judicial Council)

(Previously scheduled guest Legal Aid at Work was absent due to wildfire.)

No other guests identified themselves.

**II. CALL FOR PUBLIC COMMENT**

No comments were offered by members of the public.

### **III. WELCOME AND INTRODUCTIONS**

All Commission members, staff, liaisons and guests introduced themselves.

### **IV. CONSENT**

#### **A. APPROVAL OF MINUTES FROM OCTOBER 3, 2018 LEGAL SERVICES TRUST FUND COMMISSION MEETING**

Bob Planthold moved, and Corey Friedman seconded, approval of the Minutes of the October 3, 2018 Commission Meeting. The motion was approved by unanimous voice vote.

### **V. PRESENTATION FROM GRANTEE**

Paul Tepper is the Executive Director of the Western Center on Law and Poverty, the oldest and largest support center in California. He described their range of services, breadth of subject areas, and impact on legislation, regulations, and other aspects of the legal environment impacting indigent people. He noted that racial justice issues are a primary aspect of their mission.

### **VI. STATE BAR REPORTS**

#### **A. Office of Access & Inclusion**

Staff reported:

- Interviews are ongoing for a permanent program director.
- Sharon Ngim, a member of our staff for 30 years, has passed away; she will be honored posthumously at LAAC's 35th anniversary and with an Award of Merit. Bob Planthold suggested that we adjourn in her honor today, and the motion was unanimously approved by voice vote.
- The Pathways to Justice Conference is being planned with partner agencies LAAC and the Judicial Council.
- Elizabeth Hom will staff a Veteran's Round Table on November 29.
- New rules on audit deadlines are circulating for a second round of public comment; staff will present the audit rules as revised to the Board of Trustees in January requesting they be formally adopted.

#### **B. Grants Administration Report**

Staff reported:

- We will be releasing grant agreements shortly. Grantees will have the ability to execute these agreements via e-signature.

- Staff have completed all 35 monitoring visits scheduled for program review for 2018. Six fiscal reviews are scheduled to be completed by the end of the year.
- PLO reported an audit error resulting in a recalculation of their IOLTA and EAF grants for 2018. In addition, CRLA Inc. experienced an audit error resulting in a recalculation of their 2019 grant. These recalculations resulted in lower allocations; the variance will be added to the funds available for distribution in 2020.

### **C. Campaign for Justice, IOLTA, and Cy Pres Revenue**

Staff reported:

- Campaign for Justice:
  - LAAC will soon take over maintenance of the Campaign for Justice website.
  - The licensing fee statement will be released in early December, the fee statement includes two revenue lines for legal services funding: one is an “opt out” of \$40 and the other is a Justice Gap “contribution” with a recommended level of \$100.
- IOLTA revenue: Actual revenues as of September 30 are \$11,260,000. The Established Compliance Rate (ECR) is currently 1.53%.
- Cy Pres:

Code of Civil Procedure §384 has been revised. As of July 1, new orders no longer come under the prior version of §384 and therefore no longer include a mandatory set-aside for the EAF.

It was suggested the new Campaign for Justice website could add language to reflect the current law and legal requirements.

### **D. Justice Gap Study**

Catherine Borgeson and Justin Ewert reported on the Bar’s ongoing study of gaps in the availability of legal services. This study will also address the impact of the cost of law school in California on access to legal services. The Bar will contract with NORC from the University of Chicago, to assess the need for legal services in California, and the extent to which that need is not met. For some individuals, it may be that because of their background, level of education, or other reasons, do not even identify a problem as one requiring a legal solution. For others, they may not know how to access legal services or have the ability to do so. NORC will survey those at 125% of poverty and will do an identical survey that is not income bound.

The Bar will also conduct a six-week intake census among all grantee programs, to parallel a similar one LSC will be conducting nationwide. This is intended to identify those fully served, those partly served, and those not served due to lack of resources, grouped by substantive or topic area. Whereas the

intake census will assess those who appear at legal services offices but cannot get served, the NORC panel will also be identifying those who do not appear at a legal services office, and so would be uncounted in the census.

Staff reported that the Bar was considering using a portion of Bank Grant funds to support this Justice Gap study. The budget allocates \$250,000 for this work, of which \$150,000 will be paid from State Bar general funds, and the Bar is considering other funding sources to pay the remainder of the balance. Staff will make a recommendation to the Board of Trustees. If the Bank Grants funds are identified as the funding source, it will be based on our broad definition of "Community Economic Redevelopment."

Commission members expressed concern. Among the concerns raised were: this may not be consistent with the criteria of the settlement agreements which require that the services funded be "legal assistance" and not a study; and that the Commission has undertaken an extensive process to determine the best use for these funds, and the Bar should not make decisions to the contrary without being better informed about the Commission's existing work on this issue.

Bob moved, and Fred seconded, that a letter be prepared to express the concerns of the Commission as a whole as to these two issues of "fit" and "process." By roll call vote the Commission unanimously approved the motion.

The Commission approved (Bob Planthold moved, Fred Bailard seconded) by voice vote a motion to send a letter from the Commission to the BOT to express concerns regarding the process for potential allocation for Bank Grant funds, and question whether funds should be used for the Justice Gap Study given restrictions on funding.

## **VII. ELIGIBILITY AND BUDGET**

The recusal lists were circulated.

### **A. Recommendations for 2018 IOLTA/EAF Budget Revision and Carryover Requests**

Staff reported on carryover and revision requests for 2018 grants:

- Staff reported to the Budget and Eligibility Committee the programs seeking to carry unspent funds over from the 2018 grant year to 2019. After report and review, the Committee recommends that all requested IOLTA and EAF carryovers be approved by the Commission.
- Additionally, the Committee recommended approval of all proposed budget revisions.

Fred Bailard moved that the 2018 budget revisions and carryover requests be approved; Corey Friedman seconded and the motion was unanimously approved by roll call vote.

### **B. Recommendations for 2019 IOLTA/EAF Budget Submissions**

Staff reported that all budget proposals had been reviewed and all technical issues had been resolved by staff. Only one substantive issue had been raised to the Eligibility and Budget Committee which relates

to the proposal by Public Advocates to use its IOLTA and EAF grants for their policy advocacy work in the areas of education, housing, environmental issues, and transit. The Committee considered how to determine the extent to which this kind of policy work should be considered “qualified” for purposes of determining primary purpose.

The Committee formed a working group to study how to determine the qualified nature of policy work. Bob Planthold moved that the Commission appoint a working group; Fred Bailard seconded the motion, which was approved by unanimous roll call vote.

Upon approval of this motion, the following Commission members volunteered for this working group: Amin Al-Sarraf, Fred Bailard, Herman DeBose, Bob Planthold.

Bob Planthold moved, and Christian Schreiber seconded, a motion to approve the 2019 IOLTA and EAF budgets. The motion was approved by unanimous roll call vote.

## **VIII. PARTNERSHIP GRANTS**

Staff reported that the Partnership Grants Committee met on November 8 to consider a document setting out operational practices that have been identified by the Partnership Grants Committee as being helpful in reviewing proposals for projects that would provide services that may include the function of an attorney-client relationship, that may seek funding for a period in excess of five years, that seek to provide funding for court staff through a subcontract, or that seek to use Partnership Grant funding for organizational administrative costs. Bonnie Hough confirmed that the recommendations were consistent with the Standards for Operation of Court Self-Help Centers. Christian Schreiber moved to approve the document entitled *Partnership Grants: Considerations and Analytical Approaches*; Bob Planthold seconded the motion, which was approved by unanimous roll call vote.

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

### **A. 2019 Budget Revision and Carryover Requests**

Staff reported that the Bank Grants Committee recommended approval of all the requested carryovers with the exception of the request from California Indian Legal Services (CILS) regarding their “Strengthening Tribal Communities through Economic Development” project. CILS requested to carry over funds for the project for a second consecutive year, and to shift the funds to a different project.

Corey Friedman moved to approve all the Bank Grant Revision and Carry-Over Requests, with the exception of the CILS request to carry over funds; Richard Reinis seconded, and the motion was unanimously approved by roll-call vote.

### **B. Request for Proposals and Timeline for 2020 Grants**

Staff reminded the Commission that \$9.5 million of Bank Grant Settlement funds remain. An RFP is being prepared for these funds. The proposed use of the funds will be approved by the Board of Trustees in January or March, with the goal of circulating the RFP in March of 2019. A total of \$6.5 million is proposed to be distributed under this RFP in three years grants, with \$2.17 million distributed each year. It is proposed that only IOLTA-funded programs be eligible to apply, but they may have non-

IOLTA subgrantees. The restriction to IOLTA programs is intended to reduce administrative costs and will improve oversight. The proposal requires each project to include a collaboration between at least two programs, with services must be provided statewide or regionally. Community Economic Development work is proposed to include legislative and administrative policy advocacy. The proposal is more explicit about preferences for projects serving rural or isolated areas.

This new grants program, if approved, will leave approximately \$3 million of Bank Settlement Grant funding still to be granted.

Fred Bailard moved to approve the terms of this grant program generally; Herman DeBose seconded and the motion was approved by unanimous roll call vote.

## **X. LEGAL AID EVALUATIONS**

### **A. Update on 2017 Impact Report and on New Impact Litigation and Advocacy Work Report**

Staff reported on the following:

- Impact Report: The report is being finalized with a designer. This report uses data acquired through an updated Impact and Advocacy reporting form completed by all grantees. A new streamlined version has now been produced which incorporated feedback from grantees and should be easier to complete, to be due in the spring with our other evaluation reports.
- As part of a process of updating all our reporting forms, bank grant reports will now be consolidated from three different reports to one annual report. Staff is working with the Judicial Council on further updating the Equal Access Report and the Partnership Evaluation materials.

### **B. Streamlining of Reporting and Evaluation**

Staff reported on results of a survey of the grantees which asked about grant reporting and support center deeming. The survey results indicated that programs would prefer that all grantee reports be due at the same time instead of on staggered dates. This feedback will be used for the 2019 administrative calendar for grantees. Survey responses regarding Support Center deeming did not indicate current community interest in making changes to that process.

Richard Reinis moved to approve streamlining of reporting with a single due date (with the exception of Quarterly Expenditure Reports); Bob Planthold seconded and the motion was approved by unanimous roll call vote.

## **XI. LIAISON REPORTS**

### **A. Judicial Council Program Developments Report**

Bonnie Hough provided the Liaison Report:

- The Council is working on getting contracts out and payments disbursed for EAF grants.

- Collections from filing fees have continued to be lower than anticipated but appear to be stabilizing and no longer dropping.
- The Council is revising the evaluations for Partnership Grants.

## **B. Legal Aid Association of California Program Developments Report**

Salena Copeland provided the Liaison Report:

- Focus groups are being formed at law schools for a recruitment/retention study, assessing student perceptions about working in legal services and the relative effectiveness of different kinds of incentives.
- LAAC will be taking on more duties with respect to the Access Commission Rural Task Force, in response to reduced State Bar staffing, with special focus in the short term on the rural impact of disasters, housing shortages, immigration, and attorney debt.
- LAAC is working to provide trial training through NITA for \$400, subsidized with grants. This project is already oversubscribed and they are seeking to extend it.
- LAAC's 35<sup>th</sup> anniversary event will honor Stephanie Choy as well as the memory of Sharon Ngim.

## **XII. LEGAL SERVICES TRUST FUND COMMISSION STAKEHOLDER WORKING GROUP REPORT**

Corey Friedman reminded the Commission that Richard Reinis is Co-Chair of the Working Group, with Debbie Manning, but that the Board has extended his role only as a Co-Chair of the Commission through December 31. Since the Working Group will continue to have meetings in January, and may continue to work on a report after that date, Corey expressed interest in ensuring that Richard could continue to participate in the Working Group's activities after December 31.

Corey Friedman moved to authorize Richard Reinis to continue to represent the Commission's interests on the Working Group for so long as that group exists; Bob Planthold seconded the motion, which was approved by unanimous roll call vote.

## **XIII. Administrative Activities for 2019**

### **A. Nomination of 2018-2019 LSTFC Officers**

Corey reported that Richard Reinis' term as Co-Chair of this Commission will end on December 31 and create a vacancy on the Executive Committee. Corey will be staying on in her current role as Co-Chair, and Banafsheh Akhlaghi will remain in her current role as Co-Vice Chair. Bob Planthold moved to send the following nominations for approval to the Board of Trustees: to retain the officers now serving – Corey Friedman as Co-Chair and Banafsheh Akhlaghi as Co-Vice Chair; and to elevate Christian Schreiber from Co-Vice Chair to Co-Chair; and to have Eric Isken named as Co-Vice Chair. Fred Bailard seconded the motion, which was approved by unanimous roll call vote.

**B. Review of 2019 Administrative Calendar**

This item was tabled.

**C. Recognition of Departing Commission Members**

Richard Reinis expressed heartfelt thanks to Commission members terming out, including Sue Ryan, Kim Savage, Paul Staley, Hon. Jack Sutro, Christina Vanerelli, and advisor Hon. Michael Convey. Richard was thanked in person by all assembled.

There being no further business before this Commission, the meeting was adjourned at 4:10 p.m., in memory of Sharon Ngim.



**11/16/18 LSTFC Recusal List - 2019 IOL/EAF Applicants**

| <b>Legal Services Projects</b>                                     | <b>Name</b>                           |
|--|---------------------------------------|
| Family Legal Assistance at CHOC Children's                         |                                       |
| Housing and Economic Rights Advocates                              |                                       |
| Leadership Counsel for Justice and Accountability                  |                                       |
| Senior Advocacy Network  |                                       |
| Advancing Justice - Asian Law Caucus                               |                                       |
| Advancing Justice-Los Angeles                                      |                                       |
| Affordable Housing Advocates                                       |                                       |
| Aids Legal Referral Panel  |                                       |
| Alameda County Bar Volunteer Legal Services                        |                                       |
| Alameda County Homeless Action Center                              |                                       |
| Alliance for Children's Rights                                     |                                       |
| Asian Pacific Islander Legal Outreach                              |                                       |
| Bay Area Legal Aid   | Bob Planthold                         |
| Bet Tzedek Legal Services  | Eric Isken                            |
| California Indian Legal Services                                   |                                       |
| California Rural Legal Assistance, Inc.                            |                                       |
| Casa Cornelia Law Center   |                                       |
| Center for Health Care Rights                                      |                                       |
| Central California Legal Services                                  |                                       |
| Centro Legal de la Raza  |                                       |
| Chapman University Family Protection Clinic                        |                                       |
| Community Legal  |                                       |
| Community Legal Services in East Palo Alto                         |                                       |
| Contra Costa Senior Legal Services                                 |                                       |
| Disability Rights California                                       |                                       |
| Disability Rights Legal Center                                     |                                       |
| East Bay Community Law Center                                      |                                       |
| Elder Law & Advocacy   |                                       |
| Family Violence Law Center   |                                       |
| Greater Bakersfield Legal Assistance                               |                                       |
| Harriett Buhai Center for Family Law                               |                                       |
| IELLA Legal Aid Project  |                                       |
| Inland Counties Legal Services                                     |                                       |
| Inner City Law Center  |                                       |
| Justice & Diversity Center of the Bar Association of San Francisco |                                       |
| La Raza Centro Legal   |                                       |
| LACBA Counsel for Justice  |                                       |
| Law Foundation of Silicon Valley                                   |                                       |
| Lawyers' Committee for Civil Rights                                |                                       |
| Learning Rights Law Center   |                                       |
| Legal Aid at Work  | Bob Planthold/<br>Christian Schreiber |
| Legal Aid Foundation of Los Angeles                                | Amin Al-Sarraf                        |
| Legal Aid Foundation of Santa Barbara                              |                                       |
| Legal Aid of Marin   |                                       |
| Legal Aid of Sonoma County   |                                       |
| Legal Aid Society of Orange County                                 |                                       |
| Legal Aid Society of San Bernardino                                |                                       |
| Legal Aid Society of San Diego                                     |                                       |
| Legal Aid Society of San Mateo County                              |                                       |
| Legal Assistance for Seniors                                       |                                       |
| Legal Assistance to the Elderly                                    |                                       |
| Legal Services for Children  |                                       |
| Legal Services for Seniors   |                                       |
| Legal Services of Northern California                              |                                       |
| Los Angeles Center for Law and Justice                             |                                       |
| McGeorge Community Legal Services                                  |                                       |
| Mental Health Advocacy Services                                    |                                       |

| <b>Legal Services Projects</b>                          | <b>Name</b>  |
|---|--------------|
| Neighborhood Legal Services                             |              |
| New American Legal Clinic                               |              |
| Prison Law Office                                       |              |
| Pro Bono Project Silicon Valley                         |              |
| Public Advocates Inc.                                   |              |
| Public Counsel  |              |
| Public Law Center                                       | Jim Meeker   |
| Riverside Legal Aid                                     |              |
| San Diego Volunteer Lawyer Program                      |              |
| San Luis Obispo Legal Assistance Foundation             |              |
| Santa Clara County Asian Law Alliance                   |              |
| Santa Clara University Alexander Law Center             |              |
| Senior Adults Legal Assistance                          |              |
| Senior Citizens Legal Services                          |              |
| UC Davis School of Law Legal Clinics                    | Fred Bailard |
| USD School of Law Legal Clinics                         |              |
| Veterans Legal Institute                                |              |
| Voluntary Legal Services Program of Northern California |              |
| Wage Justice Center                                     |              |
| Watsonville Law Center                                  |              |
| Yuba-Sutter Legal Center for Seniors                    |              |

| <b>Support Centers</b>                               | <b>Name</b>         |
|--|---------------------|
| California Advocates for Nursing Home Reform         |                     |
| California Rural Legal Assistance Foundation         |                     |
| California Women's Law Center                        |                     |
| Center for Gender and Refugee Studies - California   |                     |
| Center for Human Rights and Constitutional Law       |                     |
| Child Care Law Center                                |                     |
| Coalition of California Welfare Rights Organizations |                     |
| Disability Rights Education and Defense Fund         |                     |
| Family Violence Appellate Project                    |                     |
| Immigrant Legal Resource Center                      |                     |
| Impact Fund  | Christian Schreiber |
| Justice in Aging                                     |                     |
| Legal Services for Prisoners with Children           |                     |
| National Center for Youth Law                        |                     |
| National Health Law Program                          |                     |
| National Housing Law Project                         |                     |
| National Immigration Law Center                      |                     |
| OneJustice   |                     |
| Public Interest Law Project                          |                     |
| Western Center on Law and Poverty                    |                     |
| Worksafe, Inc.                                       | Corey Friedman      |
| Youth Law Center                                     |                     |