

As prepared for the Legal Services Trust Fund Commission Meeting, February 21, 2019

LSTFC Stakeholder Meetings						
		Estimated Time for 2019				
LSTFC Functions by Committee		Eligibility and Budget (E&B)	Partnership Grant	Bank Grant*	Full Commission	Ad Hoc
Funding Source - Duration		IOLTA & EAF - Ongoing	EAF - Ongoing	Bank Settlements - ends 2022	All - Ongoing	
Meetings/Year	4-5 committee meetings 2-4 eligibility conferences 3-4 impact work working group meetings	2-3 committee meetings 4 workings groups meet 2x	4-5 committee meetings 4 working groups meet 3-4x 2019 is 3 year RFP and bulk of the work	4 commission meetings	Onboarding and trainings Executive mtgs (varies approx 50 hours by chairs for LSTFC prep and ad hoc issues) No planned Revenue Enhancement mtgs (staff leading leadership bank effort) No Planned Reboot mtgs (3-4 in 2018) based on priority for codification of policies Site visits (5 Commissioners attended in 2018)	
Workload Calendar "Intensity"	mid June - August (Eligibility & Allocation) November (Budgets)	May - August	April -August	-	-	
# Hours/Year of Meetings Per Committee Member	12 hours of committee meetings 4 hours of eligibility conferences 4 hours of working group meetings	10 hours of committee meetings 16 hours for each working group	16 hours of committee meetings 8 hours for each working group	16 hours of commission meetings	4 hours of onboarding/trainings 4 hours Reboot meetings 8 hours per site visit	
Prep Hours/Year Per Committee Member	6 additional hours meeting/conference prep	20 additional hours meeting prep	40 additional hours meeting prep	4 additional hours of meeting prep	2 additional hours meeting prep 2 additional hours of prep per site visit 50 additional hours by LSTFC chair(s)	
Size of Committee	10 in 2018	8 in 2018	8 in 2018	24 in 2018 (average attendance 15)	-	
Number of Grants Approved/Reviewed	98	32	~50	-	-	
Est. Grand Total # Hours/Year Per Committee Member	26 hours	46 hours	64 hours	20 hours	Varies by Comission Member	
LSTFC Make-Up by Committee		Eligibility and Budget (E&B)	Partnership Grant	Bank Grant		
Commission Representation: entities/organizations/constituent groups	Legal aid; courts; self-help; finance/bank; indigent client representation; private bar	Legal aid; courts; self-help; indigent client representation; private bar	Legal aid; courts; self-help; finance/bank; indigent client representation; private bar; community redevelopment; foreclosure prevention			
LSTFC Distribution by Grant Type		IOLTA & EAF Formula Grant	Partnership Grant	Bank Grant		
2018	\$13.8 million (IOLTA) + \$22.9 million (EAF) = \$36.7 million	\$2.9 million	\$9.9 million			
2019	\$27.5 million (IOLTA) + \$22.9 million (EAF) = \$50.4 million	\$2.6 million	\$9.5 million			
				*2020-2022 Bank grants will only require approval of carryover requests and budget revisions.		
*Unless noted, committee hours listed are projections for 2019. Projections are based on 2018 estimates						

	A	B	C	D	E	F	G	H	I
1	LSTFC Appointments								
2	As prepared for the Legal Services Trust Fund Commission Meeting, February 21, 2019								
3		<b>LSTFC Member</b>	<b>Appointed by</b>	<b>Role</b>	<b>Role2</b>	<b>Term end</b>	<b>Current</b>		
4		Judge Lisa Jaskol	Judicial Council	Advisory		2021	x		
5		Judge Brad Seligman	Judicial Council	Advisory		2020	x		
6		Justice William Murray	Judicial Council	Advisory		2019	x		
7		Corey Friedman (as of 2019)	Judicial Council	Attorney		2021	x		
8		Banafsheh Akhlaghi	Judicial Council	Attorney		2019	x		
9		Hon. Louise Bayles Fightmaster	Judicial Council	Attorney		2020	x		
10		Rebecca Delfino	Judicial Council	Attorney		2020	x		
11		Melanie Snider	Judicial Council	Attorney		2019	x		
12		Kim Bartleson	Judicial Council	Public		2020	x		
13		Herman DeBose	Judicial Council	Public		2020	x		
14		Amin Al-Sarraf	State Bar	Attorney		2020	x		
15		Christian Schreiber	State Bar	Attorney		2019	x		
16		Eric Isken	State Bar	Attorney		2020	x		
17		Parish Knox	State Bar	Attorney		2019	x		
18		Jim Meeker	State Bar	Attorney		2019	x		
19		Fred Bailard	State Bar	Public		2019	x		
20		Bob Planthold	State Bar	Public	Eligible Client	2019	x		
21		Susan Ryan	Judicial Council	Attorney		2018			
22		Richard Reinis	State Bar	Attorney		2018			
23		Kim Savage	State Bar	Attorney		2018			
24		Jack Sutro	State Bar	Attorney		2018			
25		Christina Vanarelli	State Bar	Attorney		2018			
26		Corey Friedman (through 2018)	State Bar	Attorney		2018			
27		La Quitta Robbins (passed away)	State Bar	Public	Eligible Client	2019*			
28		Paul Staley	State Bar	Public		2018			
29									
30									
31									

\*BOT extended a special exception to the rule of 2 -3year terms in 6/16 from Commission's recommendation (so she served 8 years)

	A	B	C	D	E	F	G	H	I
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35									

## Some Thoughts on Determining the Optimal Size of the Legal Services Trust Fund Commission

James W. Meeker JD, PhD  
Legal Services Trust Fund Commissioner  
Advisor to the Working Group  
Professor Emeritus UC Irvine

As a Legal Services Trust Fund (LSTF) commissioner and working group (WG) advisor I would like to start by saying I am in complete agreement with what Co-Vice Chair Christian Schreiber said at Monday's meeting, the commission has been working very well for many years at its current size and the BOT or other interested parties have not produced any evidence that the size is not optimal and should be changed. Testimony at the public meetings of the WG by Legal Service Providers (LSP) were all supportive of the commission and none recommended a size or membership change. It seems to me that those who are arguing for change should have the burden of proof with clear and convincing evidence to support their point. That said, since Ms. Wilson asked for input the following represents my thoughts on the matter.

First off, the analysis by Mr. Schaffler, "Appendix I Sub-Entity Review: Report and Recommendations" September 13, 2018 is misleading and irrelevant for the determination of the optimal size of the commission. I have attached more detailed comments outlining why his analysis does not apply to the functional analysis of the commission's size. What may or may not be an analysis of optimal meeting size does not apply to board of directors, board of trustees or commissions.

Second, a detailed analysis of what the commission members do and how much time they spend in doing it should be done. The staff has apparently started this workload analysis, but I am not sure where they are getting their estimates of time for preparation. While their estimates for time spent in meetings may be real as they know how long the meetings lasted, I would add the following. I was in the bank grant committee and in reviewing the grants and taking notes on issues to raise at the meetings I would spend between 30 minutes and an hour, depending on the complexity and use of proportional resources (ie. 30 % of the library and IT equipment, and partial use of FTE) so put me down for 45 minutes for each grant my subcommittee reviewed. Put me down for 1.5 hours of preparation for each full bank grant meeting. I was also on the reboot committee. Rocio will have the number of meetings and how long they took. Also add another 40 hours for the work done on calculating the costs avoided by the state for each restraining order obtained by LSPs in domestic violence cases. I have also attended a number of site visits, each of those are a full day (8 hours) plus 2 hours of preparation in reading material and discussions with staff doing the visit as well as reading and commenting of the staff letter to the LSP. This of course does not include any of the work and time involved with the WG but this does not involve routine work of the LSTFC. In order to monitor workload in the future you might start collecting data from the members on how much time they are spending on commission duties.

Third there should be a detailed comparison of what our LSTFC does to other state commissions/boards/committees that distribute IOLTA funds. Each state plus DC and Puerto Rico has one. I have started a partial analysis, see attached spread sheet. The first line contains the url of the source I used to get the contact information for the various organizations. The groupings were from the recent analysis of Access to Justice Commissions where states are grouped by level of support provided, so the categories may not be of interest for this analysis. The red states are the states that were listed in one of Mr. Schaffler's charts in an earlier report about the LSTFC and CCAJ. Why he picked those states is not clear but I made sure I looked at them for a point of comparison. This is not an easy task, as not all commissions/boards/committees provide yearly reports and many web sites are not well constructed. That said, this would allow a comparison of number of grants made, total grantees served, total funds allocated and number of members doing the work. You might also want to gather information on the number of FTE staff assisting in the work because staff supports impacts on members' work load

Fourth there should be a comparison of the time it takes individual commissioners to do the work of the LSTFC to the time it takes members of other sub-entities to do their work. Without substantial justification, time commitments from volunteers should not vary greatly across sub-entities and size should be adjusted accordingly. Assuming that the BOT is not compensated, their workload should also be compared. Size should not be reduced to the point that volunteers are putting in more time than the members of the BOT. In terms of leadership and making an example, it could be argued that the BOT work load should be greater than the average volunteer.

Finally other issues need to be taken into account, such as statutory requirements relating to size as well as representation of various groups, stake holders and the client community and their impact on size.

From: James W. Meeker [jwmeeker@uci.edu](mailto:jwmeeker@uci.edu)  
Sent: Thursday, January 24, 2019  
To: Lea Wilson  
Subject: Draft Report

I strongly oppose the senior staff recommendation that the LSTFC be reduced in size. At the Working Group public meetings there was testimony from current and former members of the LSTFC that reducing its size would severely impact its ability to function.

There were no data or analyses presented that indicated that the commission size should be reduced. The only document submitted to the Working Group supporting size reductions in sub-entities was the report by Richard Schauffler on September 13, 2018, Subject: Appendix I Sub-Entity Review: Report and Recommendations. In this report he did not analyze either LSTFC or any of the other 51 organizations that allocate IOLTA funds across the county. He specifically states in the last sentence of the executive summary that:

“This agenda item provides a final report and recommendations of the following subentities for the Board’s consideration: Committee of Bar Examiners; California Board of Legal Specialization; Council on Access and Fairness; Client security Fund Commission, Lawyer Assistance Program Oversight Committee; and Committee on Mandatory Fee Arbitration.”

So the findings and recommendations of this report do not apply to the LSTFC.

To support his recommendation that all sub-entities should be the size of seven comes from one book Blenko, Rogers, and Mankins, “Decide and Deliver: Five Steps to Breakthrough Performance in Your Organization, (Harvard University Press, 2010). The authors have MBAs and work for Bain and Company. They are not research scholars whose expertise is organizational theory. They say their work is based on a survey of 760 companies and they are focused on financial performance and shareholder returns for measures of success. They do not list their organizations nor present any statistical analysis for the conclusions they draw. The only place they mention the “Rule of Seven for meetings” is on page 88. It is specifically addressed to meetings not board of directors, board of trustees, or commissions. Without citing any research, data or findings they assert “Our research highlights what we might call the Rule of Seven: every person added to a decision-making group over seven reduces decision effectiveness by 10 percent.” Mr. Schauffler uses this obscure “Rule” that is not data driven, to establish a size limit. A better rule to follow is that form follows function, and given the testimony presented at the Working Group public meetings that the full size is needed for the commission’s work and lack of evidence that the when the commission is fully staffed it is less effective, the Working Group’s recommendation and not the senior staff’s should be followed.

The only other IOLTA administration organization mentioned at the meetings was Minnesota’s the Legal Services Advisory Committee. That organization has eleven members served twenty grantees and allocated \$5,403,000 in grants. The LSTFC deals with over four times as many grantees and allocated more than ten times the funds. It has twenty two members but is doing well more than twice the work of the Minnesota’s committee. A proper analysis of what the optimal size of the commission should be would be to look at the other similar commissions throughout the states plus Puerto Rico and DC and look at the number of commissioners, number of grantees, grants allocated, etc to determine the appropriate size.

The Board is not the only entity that appoints members to the commission, yet the senior staff in their unilateral recommendation appears to have no concern about the court’s reaction to this. In my opinion, the senior staff recommendation on commission size is arbitrary and capricious and should not be followed, rather the recommendations of the Working Group should be followed.

alternatives were on the table, and whether everyone agreed on the criteria for making the ultimate choice. In a separate session, they would then choose from among the alternatives and plan how to mobilize for execution. This two-step process contributed to Roche's superior performance for much of Humer's tenure.

- *Follow the Rule of Seven for meetings.* Who should come to a meeting is always a sensitive issue, and the basic precept is often "The more the merrier." But more is rarely better when it comes to making decisions. Our research highlights what we might call the Rule of Seven: every person added to a decision-making group over seven reduces decision effectiveness by 10 percent. If you take this rule to its logical conclusion, a group of seventeen or more rarely makes any decisions. Of course, a larger group may sometimes be necessary to ensure buy-in. But organizations trying to make important decisions should limit the size of the group as much as possible.
- *Track the timing as well as the level of bottleneck resources to ensure effective execution.* Timing, as they say, can be everything. If performance depends on one particular resource, as it often does, a key measure of execution must capture whether the right level of resource gets to the right place at the right time. So companies must track the level of resources both over time and at specific points in time to ensure performance. A few years ago, for instance, Cisco Systems had decided to roll out a series of products for the rapidly growing Internet protocol (IP) telephony market. Executives came to realize that the number of trained service engineers—people capable of developing new products and applications and training customers in how to use them—was the single most im-



source	<a href="https://www.americanbar.org/groups/interest-lawyers-trust-accounts/resources/directory-of-iolta-programs/">https://www.americanbar.org/groups/interest-lawyers-trust-accounts/resources/directory-of-iolta-programs/</a>		
Category one	members		
Arkansas	19 <a href="https://arkansasjustice.org/about/commissioners/">https://arkansasjustice.org/about/commissioners/</a> - toggle-id-13-closed		
Californian	21 <a href="http://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Client-Trust-Accounting-IOLTA/FAQ">http://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Client-Trust-Accounting-IOLTA/FAQ</a>		
Florida Bar Foundation	33 <a href="https://thefloridabarfoundation.org/about/membership-and-governance/">https://thefloridabarfoundation.org/about/membership-and-governance/</a>	13 staff 2016-17 \$9,344,751 in grants	
Illinois Lawyers Trust Fund of IL	10 <a href="http://www.ltf.org/about/board-of-directors/">http://www.ltf.org/about/board-of-directors/</a>		
Louisiana Bar Foundation IOLTA	23 <a href="https://www.raisingthebar.org/board-of-directors">https://www.raisingthebar.org/board-of-directors</a>		
IOLA Fund of New York	10 <a href="https://www.iola.org/all-documents/118-2018-annual-report/file">https://www.iola.org/all-documents/118-2018-annual-report/file</a>	2017-2019 \$48 mil IOLTA grants 69 grantees	
North Carolina State Bar IOLTA	9 <a href="https://www.ncbar.gov/for-lawyers/directories/agencies-boards-commissions/">https://www.ncbar.gov/for-lawyers/directories/agencies-boards-commissions/</a>		
Tennessee Bar Foundation IOLTA	12 <a href="http://www.tnbarfoundation.org/leadership/">http://www.tnbarfoundation.org/leadership/</a>		
Texas Access to Justice Foundation	12 <a href="http://www.teajf.org/about-teajf/board-staff.aspx">http://www.teajf.org/about-teajf/board-staff.aspx</a>	7 staff, 15-17 31 IOLTA grants	Texas bar foundation appears to
Legal Foundation of Washington	9 <a href="https://legalfoundation.org/leadership/">https://legalfoundation.org/leadership/</a>	2017 approximately \$2.5mil 11 staff	hand out more money and grants
mean	15.8		
Category 2			
Alabama Law Foundation	19 <a href="https://www.alabamalawfoundation.org/about-us/meet-the-board/">https://www.alabamalawfoundation.org/about-us/meet-the-board/</a>		
Arizona Foundation for Legal Services & Education	26 <a href="https://www.azflse.org/azflse/about/bod.cfm">https://www.azflse.org/azflse/about/bod.cfm</a>		
District of Columbia Bar Foundation	11 <a href="https://dcbarfoundation.org/about/board/">https://dcbarfoundation.org/about/board/</a>	also has advisory committee of 10, 7staff	\$9 mil to 20 grantees for 2019
Hawaii Justice Foundation	22 <a href="http://www.hawaiijustice.org/hawaii-access-to-justice-commission/about-the-commission/commissioners">http://www.hawaiijustice.org/hawaii-access-to-justice-commission/about-the-commission/commissioners</a>		
Indiana Bar Foundation	20 <a href="https://inbf.org/Portals/0/Uploads/NBF2017AnnualReport.pdf">https://inbf.org/Portals/0/Uploads/NBF2017AnnualReport.pdf</a>		
Kentucky IOLTA Fund	13 <a href="https://www.kybar.org/page/iolta">https://www.kybar.org/page/iolta</a>		
Maryland Legal Services Corp	9 <a href="https://www.mlsc.org/about-mlsc/mlsc-board-and-staff/">https://www.mlsc.org/about-mlsc/mlsc-board-and-staff/</a>		
Mississippi Bar Foundation IOLTA			
Program	20 <a href="https://www.msbar.org/programs-affiliates/ms-bar-foundationiolta/officers-trustees/">https://www.msbar.org/programs-affiliates/ms-bar-foundationiolta/officers-trustees/</a>	Since 1984 awarded \$12 mil in IOLTA grants	
Nevada Bar Foundation	12 <a href="https://www.nevadabarfoundation.org/board-of-trustees/">https://www.nevadabarfoundation.org/board-of-trustees/</a>	2015 awarded \$2.8 mil in IOLTA grants	
	<a href="https://www.nmbar.org/nmstatebar/AboutUs/Governance/Board-of-Bar-Commissioners/Nmstatebar/About-Us/BB">https://www.nmbar.org/nmstatebar/AboutUs/Governance/Board-of-Bar-Commissioners/Nmstatebar/About-Us/BB</a>		
State Bar of New Mexico	25 <a href="C.aspx?hkey=5ed62821-a919-4156-9f92-d7548a9b4b66">C.aspx?hkey=5ed62821-a919-4156-9f92-d7548a9b4b66</a>	last 5 years awarded \$1.716 mil	not clear if Foundation members are the bar members
South Carolina Bar Foundation IOLTA			
Program	17 <a href="https://scbarfoundation.org/about/board/">https://scbarfoundation.org/about/board/</a>	For 2019 awarded \$1.9 mil	
	<a href="https://static1.squarespace.com/static/5632a199e4b0292ace726ae4/t/5a579696652dea1b6c04eb96/1515689646658/">https://static1.squarespace.com/static/5632a199e4b0292ace726ae4/t/5a579696652dea1b6c04eb96/1515689646658/</a>		
Legal Services Corporation of Virginia	21 <a href="LSCV+FY16-17+Overview+1.10.18.pdf">LSCV+FY16-17+Overview+1.10.18.pdf</a>	FY2016-17 awarded \$11.9 mil, 4 staff	
	17.9167		
Category 3			
Alaska Bar Foundation	8 <a href="https://alaskabar.org/for-lawyers/bar-foundationiolta/board-of-trustees/">https://alaskabar.org/for-lawyers/bar-foundationiolta/board-of-trustees/</a>	2016 \$30K 2017 Bank Grants \$900K	
Colorado Lawyer Trust Account			
Foundation	16 <a href="http://www.coltaf.org/about/">http://www.coltaf.org/about/</a>	2018 awarded \$1,003,900 grants	
Massachusetts IOLTA Committee	9 <a href="https://www.maiolta.org/about-us/committee-and-staff">https://www.maiolta.org/about-us/committee-and-staff</a>	2016 awarded \$14,515,417	
Nebraska Lawyers Trust Account			
Foundation	14 <a href="https://www.nltaf.org/board/">https://www.nltaf.org/board/</a>	Since 1984 awarded \$5,168,500	
Wisconsin Trust Account Foundation, Inc	15 <a href="https://www.wistaf.org/wistaf/Contacts_29">https://www.wistaf.org/wistaf/Contacts_29</a>	2018 awarded \$1,222,750	
	12.4		
Category 4			
Connecticut Bar Foundation IOLTA			
Program	22 <a href="https://www.ctbarfdn.org/officers">https://www.ctbarfdn.org/officers</a>	2017 awarded \$17,422,067	
Delaware Bar Foundation	12 <a href="http://www.delawarebarfoundation.org/about-us/">http://www.delawarebarfoundation.org/about-us/</a>	FY2017 \$1,450,000 IOLTA \$580,000 Bank Grants	

Iowa Lawyer Trust Account  
 Commission  
 Kansas Bar Foundation  
 Main Justice Foundation  
 Montana Justice Foundation  
 New Hampshire Bar Foundation  
 Oklahoma Bar Foundation  
 Puerto Rico Fundacion FondoDe  
 Acceso A La Justicia  
 Vermont Bar Foundation IOLTA  
 Virgin Islands  
 West Virginia State Bar  
 Equal Justice Wyoming Foundation

- 7 <https://www.iowacourts.gov/opr/about-opr/lawyers-trust-account-commission/>  
 25 <https://www.ksbar.org/mpage/bot>  
 23 <https://www.justicemaine.org/about/leadership-board-of-directors/>  
 15 <http://www.mtjustice.org/about-us/board-of-directors/>  
 22 <https://www.nhbar.org/nh-bar-foundation/about-the-foundation/>  
 27 <http://www.okbarfoundation.org/about-obf/trustees/>  
 9 <https://fundacionfondoaccesoalajusticia.org/nosotros/junta-administrativa/>  
 13 <https://vtbarfoundation.org/about-the-foundation/>  
 9 <https://wybar.org/committees/bar-committees/iolta-advisory-committee/>  
 8 <https://www.equaljusticewyomingfoundation.org/board>  
 16

2016-2017 \$239,990 IOLTA, \$346,652 Brank Grants  
 For 2019 awarded \$400,000  
 2017 report awarded \$1,502,620 in grants  
 2017 awarded over \$383,000  
 FY2018 \$800.00  
 2019 funding IOLTA \$500,000 Bank Grants \$1.36mil

Cite is in spanish  
 Since 1982 awarded more than \$15mil  
 Virgin Islands Bar Association does not discuss IOLTA  
 2018 \$80,000 awarded

No Access to Justice Commission  
 Georgia Bar Foundation  
 Idaho  
 Michigan State Bar Foundation  
 Minnesota Legal Services Advisory  
 Committee  
 Missouri  
 North Dakota  
 Ohio  
 Oregon  
 Pennsylvania  
 Rhode Island  
 South Dakota  
 Utah

- 19 <https://www.gabar.org/aboutthebar/lawrelatedorganizations/iolta/iolta.cfm>  
 14 <https://www.msbf.org/trustees/>  
 11 <http://www.mncourts.gov/lac>

3 staff, no reports on grants

3 x officio 1 ct liaison 1 emeritus  
 26 grantees \$5,403,000 in grants, includes Bank  
 Grants from 2018 report

Current year 2 grants tot \$18,938

Groupings from Access to Justice  
 Commissions chart 4 p23