



The State Bar *of California*

OPEN SESSION AGENDA ITEM 54-116 JULY 2019 BOARD EXECUTIVE COMMITTEE III.E

DATE: July 11, 2019

TO: Members, Board Executive Committee
Members, Board of Trustees

FROM: Mark Broughton, Appointments Liaison, Board Executive Committee
Brandon Stallings, Appointments Liaison, Board Executive Committee

SUBJECT: Legal Services Trust Fund Commission - Annual Appointment of Members

EXECUTIVE SUMMARY

This agenda item presents the recommendation of the Board Executive Committee's Appointments Liaisons for the vacancies on the Legal Services Trust Fund Commission (LSTFC). There are five vacancies that need to be filled: two attorney positions and three public member positions, of whom two must be client eligible members. The five recommended appointments will replace the four LSTFC members whose terms expire in September 2019 and the remaining client-eligible vacancy. All five vacancies should be filled commencing at the close of the September 2019 meeting of the Board of Trustees for one, four-year term. Appointment recommendations for the Chair and Vice-Chair positions will be presented during the September 2019 Board meeting.

For more information about this item, please contact Director of the Office on Access & Inclusion, Hellen Hong at hellen.hong@calbar.ca.gov or 415-538-2249.

BACKGROUND

FUNCTIONS OF THE LSTFC

The LSTFC was established by the Board of Trustees in 1982 to administer revenue from the

Interest on Lawyers' Trust Accounts (IOLTA) and other funds "remitted to the Legal Services Trust Fund Program of the State Bar."¹ Grants from these funds are made to nearly 100 nonprofit providers of such legal services, including resource centers that provide technical assistance and support to direct providers. In 2018, the LSTFC distributed nearly \$50 million in legal aid grants. In 2019, the State Bar anticipates distributing more than \$77 million in legal aid funding.

The Board has delegated to the Commission three primary duties:

1. The LSTFC must determine an applicant's eligibility for grants and notify each grant applicant that its application has been approved or denied.²
2. The LSTFC must monitor and evaluate a recipient's compliance with Trust Fund requirements and grant terms.³
3. The LSTFC may terminate a grant for noncompliance or require a grant recipient to take corrective action.⁴

The LSTFC fulfills its duties to oversee grants distribution and recipient compliance primarily through committee work. The three primary committees are described below:

1. The **Eligibility and Budget Review Committee** is charged with responsibility for reviewing annual IOLTA and Equal Access Fund (EAF) applications from non-profit organizations. When eligibility is not apparent, eligibility issues are discussed by the committee, and when eligibility is unclear, committee members may request in-person eligibility conferences with applicants. Committee recommendations for eligibility are reported to the LSTFC, which takes formal action to approve or deny eligibility. Additionally, this committee is responsible for reviewing and approving proposed budgets submitted by eligible programs for their utilization of IOLTA and EAF grants. The committee has responsibility for determining that budgets conform to statutory requirements and regulatory rules governing the use of these funds. This committee is also charged with the responsibility of reviewing cases in which a grantee's funding may be terminated because of their failure to comply with relevant legal standards and authorities.

2. The **Partnership Grants Committee** is charged with administering funds set aside for the Partnership Grants Program. Funded pursuant to legislative action with 10 percent of EAF monies, Partnership Grants are used to support joint projects of court and legal services programs to provide services to indigent self-represented litigants. These grants are discretionary, both in terms of the programs that receive funding as well as the amounts of funding to be allocated to each successful applicant.

¹ Title 3, Division 5, Chapter 2, Article 1, Rule 3.660, Rules of the State Bar.

² Title 3, Division 5, Chapter 2, Article 1, Rule 3.661(A), Rules of the State Bar.

³ Title 3, Division 5, Chapter 2, Article 1, Rule 3.661(B), Rules of the State Bar.

⁴ Title 3, Division 5, Chapter 2, Article 1, Rule 3.661(D), Rules of the State Bar.

3. The **Bank Grants Committee** assumed responsibility for administering funds received from legal settlements with the US Department of Justice and Bank of America and Citi. The funds are to be used for foreclosure prevention legal assistance and for community redevelopment legal assistance. The committee set all parameters regarding grant eligibility, the amounts available for distribution, funding criteria and priorities, and grant periods. To date, the LSTFC has allocated \$40.8 million to fund 128 community redevelopment and foreclosure prevention projects.

SIZE OF THE LSTFC

The LSTFC consists of 21 voting members, and three nonvoting judicial advisors. The Board appoints 14 of the 21 voting members, 10 of whom must be members of the State Bar and four of whom must be public members. The Chief Justice, as chair of the Judicial Council of California, appoints seven of the 21 voting members, five of whom must be members of the State Bar and two of whom must be public members, as well as the three nonvoting judges, one of whom must be an appellate justice. Two of the public members (whether appointed by the State Bar or the Judicial Council) must be or have been within five years of appointment indigent persons (known as client-eligible) as defined by the Business and Professions Code section 6213(d). Historically, client-eligible appointments have been appointed by the State Bar. In addition, the Board appoints officers of the LSTFC. The global recommendations for subentities under the Appendix I review provide that the Board appoint new members for one, four-year term. Technically, the current State Bar Rules 3.662 for the LSTFC state that the Board of Trustees may appoint commissioners for up to two, three-year terms; these rules have not yet been updated to reflect the global recommendations but at this time, we recommend that the current appointments be for one, four-year term.

Of the 24 total members of the LSTFC, there are currently five vacancies, all of which are subject to appointment by the Board. The vacancies include two attorneys and three public members (two of whom must be client-eligible) positions.

DISCUSSION

The State Bar received eight applications from individuals with very impressive qualifications. After review of the applications, receiving feedback from the LSTFC Co-Chairs and staff, we recommend that **James Meeker** and **Zahirah Mann** be appointed to fill the two attorney member vacancies and **Will Boschelli**, **Erin Lewellen**, and **Robert Planthold** be appointed to fill the public and two client-eligible member vacancies respectively. A brief overview of each of the applicants is listed below.

- **Attorney Applicant: James Meeker,⁵ Irvine, CA**

Current LSTFC attorney member. Professor Emeritus at the Department of Criminology Law & Society at UCI with substantial academic research authorship on access to justice issues for the poor. Trained quantitative social scientist. In terms of considering the impact of this appointment on the diversity of the Commission, the applicant self-identifies as male, White, and heterosexual.

- **Attorney Applicant: Zahirah Mann, Los Angeles, CA**

Current grant-maker at The Ralph M. Parson's Foundation with experience in strategic philanthropy. Direct experience as a legal services attorney and previous board experience on statewide entities. In terms of considering the impact of this appointment on the diversity of the Commission, the applicant self-identifies as female, Black/African American, and heterosexual.

- **Public Applicant: Will Boschelli, Los Angeles, CA**

Self-employed in website development and programming. Prior participation in a non-profit arts board and regular attendance at South Bay Service Council (LA Metro) meetings to advocate for better transit. Client eligible applicant. Applicant did not provide demographic information.

- **Public Applicant: Erin Lewellen, Oakland, CA**

President and Chief Operating Officer of Global Citizen Year. Significant experience working with under-served communities through prior roles as Board Chair at Oakland Leaf (current Advisory Board Member), Regional Director at Playworks, and Vice President of School Partnerships at Revolution Foods. She received her B.A. in History from the University of Oregon and completed an Executive Program for Nonprofit Leaders at Stanford University's Graduate School of Business. In consideration of the impact of this appointment on the diversity of the LSTFC, the applicant self-identifies as female, White, and lesbian.

- **Public Applicant: Robert Planthold, Oakland, CA**

Current LSTFC client-eligible member. Former Commissioner for the San Francisco Ethics Commission and currently employed by Friends of Ethics. An advocate for individuals with disabilities. In terms of considering the impact of this appointment on the diversity of the Commission, applicant self-identifies as a person with a disability, male, White, and heterosexual.

The applicants not selected are listed below in alphabetical order:

- **Lawyer Applicant: Caroline Avery, Los Angeles, CA** – Applicant self-identifies as male, White, and heterosexual.

⁵ Professor Meeker is not a licensed attorney in California but was admitted to practice in New York. However, he was previously appointed as an attorney member to the LSTFC in 2016. He is not eligible to be appointed as a public member because public members cannot have been admitted to practice law in any U.S. jurisdiction. However, based on his expertise and previous appointment as an attorney member, we recognized an exception for this appointment. Moving forward, we recommend adherence to the State Bar Rules 3.662(A) for LSTFC appointments.

- Lawyer Applicant: Suma Mathai, Los Angeles, CA – Applicant self-identifies as female, Asian, and heterosexual.
- Lawyer Applicant: Balpreet Paino, Irvine, CA – Applicant self-identifies as female, East Indian, and heterosexual.

Based on the timing of when the LSTFC officers were selected for the 2018-2019 Commission term, staff didn't solicit letters of interest for the Chair and Vice-Chair positions for the 2019-2020 Commission term. Appointment recommendations for officers will be brought to the Executive Committee and the Board during the September meeting in time for the start of the new Commission term.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

None

BOARD BOOK AMENDMENTS

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None

RECOMMENDATIONS

It is recommended that the Board Executive Committee and Board of Trustees approve the following resolution:

RESOLVED, that upon recommendation of the Board Executive Committee, the Board of Trustees approve appointment of James Meeker and Zahirah Mann as attorney members, and Will Boschelli, Erin Lewellen, and Robert Planthold as public members, for one, four-year term, commencing at the close of the September 2019 meeting of the Board of Trustees, and expiring at the close of the September 2023 meeting of the Board of Trustees.

ATTACHMENT(S) LIST

- A. 2019 Roster of the Legal Services Trust Fund Commission

ATTACHMENT A

Name	Appt by	Role	Term end	Seat open for 9/2019	Geo
Judge Lisa Jaskol	Judicial Council	Advisory	2021		
Judge Brad Seligman	Judicial Council	Advisory	2020		
Justice William Murray	Judicial Council	Advisory	2019		
Corey Friedman	Judicial Council	Attorney/Co-Chair	2021		
Banafsheh Akhlaghi	Judicial Council	Attorney/ Vice Chair	2019		
Hon. Louise Bayles Fightmaster	Judicial Council	Attorney	2020		
Rebecca Delfino	Judicial Council	Attorney	2020		
Melanie Snider	Judicial Council	Attorney	2019		
Kim Bartleson	Judicial Council	Public	2020		
Herman DeBose	Judicial Council	Public	2020		
Amin Al-Sarraf	State Bar	Attorney	2020		LA
Christian Schreiber	State Bar	Attorney/Co-Chair	2019	n/a extension as Chair	SF
Eric Isken	State Bar	Attorney/Vice Chair	2020		LA
Susan Ryan	State Bar	Attorney	2022		Riverside
Richard Reinis	State Bar	Attorney	2022		LA
Kim Savage	State Bar	Attorney	2022		LA
Erica Connely	State Bar	Attorney	2022		SF
Christina Vanarelli	State Bar	Attorney	2022		Ventura
Pamela Bennett	State Bar	Public	2022		LA
Parishh Knox	State Bar	Attorney	2019	X	LA
Jim Meeker	State Bar	Attorney	2019	X	OC
Fred Bailard	State Bar	Public (bank)	2019	X	SF
Bob Planthold	State Bar	Public (client)	2019	X	Oakland
Vacant	State Bar	Public (client)	n/a	X	

Potential Applicants

Name	Appt by	Role	Term end	Seat open for 9/2019	Geo
Caroline Avery	State Bar	Attorney			LA
Will Boschelli	State Bar	Public			LA
Erin Lewellen	State Bar	Public			SF
Zahirah Mann	State Bar	Attorney			LA
Bob Planthold	State Bar	Public (client)			Oakland