

**LSTFC Eligibility and Budget Review Committee
Meeting**

Tuesday, April 23, 2019
10:00 am – 2:00 pm

Held via conference call and in person at:

State Bar of California, 180 Howard Street, San Francisco

MINUTES

The meeting was called to order at 10:14 a.m.

OPEN SESSION

I. ROLL CALL

Roll call was conducted. Initially a quorum was not established, however an additional member joined and a quorum was established prior to the taking of any vote.

The following Commission members and advisors were present:

- In San Francisco: Chair Banafsheh Akhlaghi and Robert Planthold
- On the Telephone: Pariss Knox and Melanie Snider

The following Commission members and advisors were not present: Prof. Herman DeBose and Prof. Rebecca Delfino

The following staff were present:

- In San Francisco: Rocio Avalos, Raquel Hines, Hellen Hong, and Doan Nguyen

The following liaisons and guests were present:

- On the Telephone: Bonnie Hough, Judicial Council Liaison

No other guests identified themselves.

II. CALL FOR PUBLIC COMMENT

No comments were offered by members of the public.

III. CONSENT

A. Approval of Meeting Minutes from March 27, 2019.

A Motion was made to approve the Meeting Minutes from March 27, 2019. Banafsheh Akhlaghi moved, and Robert Planthold seconded. The Motion was unanimously approved by roll call vote.

IV. MONITORING VISITS

A. Summary of 2018 monitoring visits and discussion regarding plans for 2019 visits

Staff provided a summary of the 2018 monitoring visits and shared plans to move towards a template to report “no-findings” for 2019. A copy of the template will be shared at the next meeting of the Committee.

B. Discuss Prison Law Office’s 2018 monitoring visit

Staff provided an update on the 2018 Monitoring Visit to Prison Law Office and shared a copy of the monitoring visit letter sent to the organization requesting a response to the findings. No formal action was requested of the Committee. Upon receipt of the response from Prison Law Office addressing the findings, a copy will be shared with the Committee.

V. IMPACT LITIGATION & ADVOCACY WORK (ILAW) REPORTS

A. Discuss and approve impact cases and advocacy activities in 2018 ILAW reports

The Committee reviewed potentially non-qualifying impact litigation and advocacy activities, as reported by both qualified legal services projects (QLSPs) and support centers (SCs) in the Impact Litigation and Advocacy Work (ILAW) report, as identified in the meeting materials.

Staff conducted an initial review of the ILAW reports to assess the qualifying nature of activities according to the requirements for QLSPs and SCs. Where the activity initially appeared to be non-qualifying, staff elevated said activity to the Committee for further review. Of the 390 impact cases and 437 advocacy activities reported, staff requested the Committee’s determination on 12 impact cases and 23 advocacy activities.

Each of the 35 cases/activities were discussed in detail and voted upon. Results of each are shown below:

Prior to discussing the individual cases, staff identified four (4) categories for which organizations were not able to provide clear data to demonstrate that the activities primarily impact indigent persons, although the sheer number of indigent persons who benefitted may

have been large and the substantial impact on indigent persons was clear. In the absence of existing policy to provide further guidance, staff proposed that the Committee approve impact litigation and advocacy activities this year in four categories as meeting the indigency requirement: affordable housing, low-income immigrants, public benefits, and education equity where free or reduced lunch statistics were used as a proxy for indigent persons.

A motion was made to approve the following three (3) categories: affordable housing, low-income immigrants, and public benefits. Banafsheh Akhlaghi moved, and Robert Planthold seconded. The motion was unanimously approved by roll call vote.

A motion was not made to approve the last category on education equity where free or reduced lunch statistics were used as a proxy for indigent persons; instead, the Committee requested the review of each case and/or activity individually at the next meeting of the Committee.

IMPACT LITIGATION CASES

1. A motion was made to approve the following seven (7) impact litigation cases as qualifying activities for their respective QLSPs for 2018 only, pending creation of policy that may impact future approvals. Banafsheh Akhlaghi moved, and Melanie Snider seconded. The motion was unanimously approved by roll call vote.

- ***Coalition on Homelessness v. City and County of San Francisco et. Al***, (Bay Area Legal Aid)
- ***Kim v. Reins***, (Bet Tzedek Legal Services)
- ***Yousif v. Sup. Court (RPI Marri)***, (Bet Tzedek Legal Services)
- ***Courthouse News v. Yamasaki***, (Public Law Center)
- ***Kings Credit Services v. Dalva***, (Central California Legal Services)
- ***Financial Credit Network v. Gonzalez***, (Central California Legal Services)
- ***Meza v. Portfolio Recovery Associates***, (Public Law Center)

2. A motion was made to approve the following three (3) impact litigation cases as qualifying activities for their respective QLSPs for 2018 only, pending creation of policy that may impact future approvals. Melanie Snider moved, and Banafsheh Akhlaghi seconded. The motion was unanimously approved by roll call vote.

- ***Faiz v. Fidelity Home Energy, Inc.***, (Legal Aid at Work)
- ***Roger Joiner v. City and County of San Francisco***, (Legal Aid at Work) and
- ***Alqalqili v. Barstow Community Hospital et al.***, Legal Aid at Work

3. The impact litigation case, ***Immigration Impact Advocacy*** (Public Law Center) was reviewed and vote tabled. The Committee found the cases non-qualifying absent additional information. Staff was asked to request more information to support that it primarily impacts indigent persons and if response is sufficient, the Committee will reconsider.

4. A motion was made to approve the impact litigation case, ***Yumori-Kaku v. City of Santa Clara*** (Santa Clara County Asian Law Alliance) as a non-qualifying activity. Banafsheh Akhlaghi moved, and Robert Planthold seconded. The motion was unanimously approved by roll call vote.

ADVOCACY ACTIVITIES

1. The following two (2) advocacy activities were reviewed and vote tabled. The Committee determined that the activities are non-qualifying as presented in the ILAW report narrative. Staff has been asked to request more information to support that it primarily impacts indigent persons and if the response is sufficient, the Committee will reconsider.
 - ***Census Planning & Outreach funding***, (Advancing Justice - Asian Law Caucus)
 - ***Advocating for Transparency, Equity, and Accountability in 2018***, (La Raza Centro Legal)
2. A motion was made to approve the advocacy activity, ***Signed on to CHANGE CALIFORNIA'S DEADLY USE OF FORCE LAW*** (La Raza Centro Legal) as a non-qualifying activity. Banafsheh Akhlaghi moved, and Robert Planthold seconded. The motion was unanimously approved by roll call vote.
3. The following three (3) advocacy activities were reviewed and vote tabled. The Committee determined that the activities are non-qualifying as presented in the ILAW report narrative. Staff has been asked to request more information to support that it primarily impacts indigent persons and if the response is sufficient, the Committee will reconsider.
 - ***AB 617 Blueprint Comments***, (California Rural Legal Assistance, Inc.)
 - ***HCD/HUD Community Development Block Grant Disaster Recovery Program (CDBG-DR)***, (California Rural Legal Assistance, Inc.)
 - ***Fresno Council of Governments (COG) Regional Transportation Plan (RTP) Justice Advisory Committee***, (California Rural Legal Assistance, Inc.)
4. A motion was made to approve the advocacy activity, ***Transportation Accessibility Bill*** (Disability Rights California) as a qualifying activity for 2018 only, pending creation of policy that may impact future approvals. Robert Planthold moved, and Melanie Snider seconded. The motion was unanimously approved by roll call vote.
5. A motion was made to approve the advocacy activity, ***Transit Equity Advocacy*** (Public Advocates Inc.) as a qualifying activity. Robert Planthold moved, and Melanie Snider seconded. The motion was unanimously approved by roll call vote.
6. A motion was made to approve the advocacy activity, ***2018 UCP Stakeholders Meetings*** (California Rural Legal Assistance, Inc.) as a qualifying activity for 2018 only, pending

creation of policy that may impact future approvals. Banafsheh Akhalaghi moved, and Robert Planthold seconded. The motion was unanimously approved by roll call vote.

7. A motion was made to approve the advocacy activity, ***Educational Equity/Opportunity to Learn Project*** (Public Advocates Inc.) as a qualifying activity. Banafsheh Akhalaghi moved, and Robert Planthold seconded. The motion was unanimously approved by roll call vote.
8. A motion was made to approve the advocacy activity, ***Equal Access to Fully-Prepared and Effective Teachers*** (Public Advocates Inc.) as a non-qualifying activity. Banafsheh Akhlaghi moved, and Robert Planthold seconded. The motion was unanimously approved by roll call vote.
9. A motion was made to approve the advocacy activity, ***Higher Education — Low-Income Student Advocacy Project*** (Public Advocates Inc.) as a non-qualifying activity. Banafsheh Akhlaghi moved, and Robert Planthold seconded. The motion was unanimously approved by roll call vote.
10. A motion was made to approve the advocacy activity, ***California Low-Income Consumer Coalition (CLICC)*** (Bet Tzedek Legal Services) as a qualifying activity. Robert Planthold moved, and Banafsheh Akhlaghi seconded. The motion was unanimously approved by roll call vote.
11. A motion was made to approve the advocacy activity, ***IIPP Employee Access Regulatory Comments*** (California Rural Legal Assistance, Inc.) as a qualifying activity. Robert Planthold moved, and Parissh Knox seconded. The motion was unanimously approved by roll call vote.
12. The following two (2) advocacy activities were reviewed and vote tabled. The Committee determined that the activities are non-qualifying as presented in the ILAW report narrative. Staff has been asked to request more information to support indigency and if response is sufficient, the Committee will reconsider.
 - ***Providing Comments in Opposition to Changes to the USCIS Fee Waiver Application Process***, (Legal Services of Northern California)
 - ***NoMuslimBanEver.com sign on***, (La Raza Centro Legal)
13. A motion was made to approve the following three (3) advocacy activities as qualifying activities for their respective QLSPs. Robert Planthold moved, and Parissh Knox seconded. The motion was unanimously approved by roll call vote.
 - ***Support of AB 2343 (Chiu)***, (Legal Aid Society of San Diego)
 - ***Opposition to Proposal to Apply All Limited Case Procedures to Unlawful Detainer Cases***, (Legal Services of Northern California)

- ***Housing Advocacy***, (Public Law Center)

The remaining four (4) advocacy activities were reviewed and votes taken, with a consensus to approve as qualifying activities. Unfortunately, although quorum held, the Committee was not able to reach a majority vote to formally approve. The following will be voted upon at the next meeting of the Committee:

- ***AB 2366*** (Legal Aid at Work)
- ***Advocacy concerning regulations about national origin discrimination, retaliation, and harassment being issued by the California Fair Employment and Housing Council*** (Legal Aid at Work)
- ***Berkeley Paid Family Leave Ordinance*** (Legal Aid at Work)
- ***SB 937*** (Legal Aid at Work)

VI. ADJOURN

Meeting was adjourned at 1:55pm