



The State Bar *of California*

DATE: July 19, 2019

TO: Members, Eligibility and Budget Committee, Legal Services Trust Fund Commission

FROM: Office of Access & Inclusion

SUBJECT: IOLTA/EAF Eligibility and Review Issues for Grant Year 2020

EXECUTIVE SUMMARY

Interest on Lawyers Trust Accounts (IOLTA) and Equal Access Fund (EAF) grants are awarded to approximately 100 non-profits each year to provide free civil legal aid in California to indigent persons. These grants must comply with criteria set forth in Business & Professions Code sections 6210-6228, State Bar Rules, and Eligibility Guidelines for Legal Services Projects and Support Centers.

This year, in addition to six first-year funding applications, review of the IOLTA/EAF applications for grant year 2020 has raised six issues that require consideration and recommendations by the Legal Services Trust Fund Commission Eligibility and Budget Committee. The purpose of this memo is to describe the issues and provide the relevant governing authorities to aid the Committee in its deliberations and recommendations. Recommendations made by the Eligibility and Budget Committee will be approved by the Legal Services Trust Fund Commission. Any determinations will be subject to the Legal Services Trust Fund Commission Rule Committee's future review process.

BACKGROUND

Interest on Lawyers Trust Accounts (IOLTA) and Equal Access Fund (EAF) grants are awarded to approximately 100 non-profits each year to provide free civil legal aid in California to indigent¹ persons. Although IOLTA and EAF grants are separate sources of funding, there is one combined application for both IOLTA and EAF grants.

IOLTA funds are mainly generated from interest accrued on lawyers' trust accounts while EAF funds are budgeted by the California legislature each year. The "IOLTA Statute," California

¹ Per the IOLTA statute, indigent includes a person 1) whose income is not higher than 125% of the federal poverty threshold, or 2) eligible for Social Security Income or free services under the Older Americans Act (seniors 60+) or Developmentally Disabled Assistance Act (B&P 6213(d)).

Business & Professions Code (B&P) sections 6210-6228, is the primary governing authority that defines how IOLTA funds are generated and distributed. EAF funds are also distributed using the IOLTA formula. IOLTA and EAF grants are both governed by the IOLTA statute, State Bar Rules, and Eligibility Guidelines for Legal Services Projects (LSP) and Support Centers (SC). Organizations may apply for IOLTA and EAF funding as either a LSP or SC.

LSPs must be found to have a primary purpose to provide free civil legal aid to indigent individuals to be eligible for funding. LSPs may apply for funding in each county in which they provide these services. IOLTA and EAF grant amounts are based on an LSP's qualified expenditures, the amount spent on the delivery of free civil legal aid to eligible individuals, from the previous fiscal year in each county they are applying for funding. In addition, if an LSP's primary purpose is the delivery of these services through pro bono volunteers, they may apply for an additional pro bono allocation for those counties.

Support Centers must be found to have a primary purpose to provide support services to LSPs and the broader legal aid community statewide to be eligible for funding. SCs apply for IOLTA and EAF grants on a statewide basis. The total amount of IOLTA and EAF funds available for distribution to SCs each year is determined by the IOLTA formula. That total amount available is then split equally amongst all eligible SCs.

Grant Year 2020

The Office of Access & Inclusion (OA&I) received 103 applications for IOLTA/EAF funding for grant year 2020. There are 97 renewal applications and 6 new applications for funding. There are 81 applicants seeking funding as LSPs and 22 from SCs. One LSP that funded in 2019, Senior Citizens Legal Services, did not reapply for funding. The application from Legal Aid of Marin was submitted late on June 3 at 5:59 p.m. See Attachment A for list of IOLTA/EAF funding applicants for grant year 2020.

IOLTA/EAF funding applications were due on June 3, 2019 at 5 p.m., and staff are currently reviewing them. The purpose of the IOLTA and EAF application review is to determine if applicants 1) meet Primary Purpose; 2) have identified appropriate Qualified Expenditures; and 3) have adequate Quality Control. Staff completes an initial review of grant applications and presents recommendations to the Eligibility and Budget Committee (Committee), which makes recommendations to the Legal Services Trust Fund Commission (Commission) for a final determination.

The purpose of this memo is to describe the issues raised during the course of staff review, and provide the relevant governing authorities to aid the Committee in its deliberations and recommendations. If the Committee decides it requires further review of an organization in order to determine eligibility, an Eligibility Conference may be called. Committee recommendations, including funding recommendations, will be submitted to the LSTFC for approval at its August 23 meeting. Any policy determinations will be subject to the LSTFC Rule Committee's review of overall grant review processes and procedures.

DISCUSSION

After initial review, OA&I staff presents the applications for first-year funding as well as six issues for the Committee's consideration and recommendation. Staff recommendations are provided where appropriate.

A. New Applications

There are six applicants applying as legal services projects for first-time IOLTA/EAF funding for 2020. Please see Attachment A for their profile sheets.

1. Community Lawyer Inc.
2. Dependency Advocacy Center
3. Eviction Defense Collaborative
4. HEART L.A.
5. Open Door Legal
6. Women's Employment Rights Clinic, Golden Gate University School of Law

Staff will provide a verbal update regarding these applications at this Committee's July 19 meeting.

B. Late Submission of Required Audited or Reviewed Financial Statement

State Bar Rule 3.680(E)(1) and the related Schedule of Charges and Deadlines requires that audited and reviewed financial statements be submitted no later than May 1. Upon written request, staff has discretion to grant an extension up to the application deadline (June 3, 2019). Upon a showing of extraordinary circumstances, the LSTFC may grant a further extension beyond the application deadline, up to but not beyond the date upon which grant allocations are determined (scheduled this year for early September). The audited or reviewed financial statements are an independent fiscal review of an organization that staff relies on to verify sources of income and corporate expenditures, which impacts eligibility for and calculation of allocations for IOLTA/EAF funding.

Community Legal has not yet submitted an audited or reviewed financial statement, and did not provide an anticipated date for submission. See Attachment C for Community Legal's letter explaining their situation.

Staff Recommendation

Staff does not believe the organization's explanation warrants a deadline extension for submission. However, if the Committee finds their reasoning to show an extraordinary circumstance, we request a deadline to submit the audited financial statement or financial review no later than July 31, 2019.

C. Incorrect Audited or Reviewed Financial Statements

State Bar Rule 3.680(E)(1) and the related Schedule of Charges and Deadlines states that the “[t]hreshold amount of gross corporate expenditures requiring submission of an audited financial statement” is \$500,000. Organizations with gross corporate expenditures of less than \$500,000 submit a reviewed financial statement. Four organizations have submitted reviewed financial statements though their gross corporate expenditures exceed \$500,000.

Two of the organizations, Center for Gender and Refugee Studies (CGRS) and San Luis Obispo Legal Aid Foundation (SLOLAF,) are over the \$500,000 threshold because of in-kind/donated services. On the application, in-kind/donated services are specifically deducted from qualified expenditures. State Bar Rule 3.869(E)(3) and related authorities are silent on whether total corporate expenditures should include in-kind/donated services. At Attachment D and E, each applicant submitted a letter explaining their situations.

Watsonville Law Center (WLC)’s total corporate expenditures for fiscal 2017-2018 were \$520,000. WLC did not anticipate their expenditures to exceed \$500,000, and had engaged an auditor to conduct a financial review. When they became aware that the total corporate expenditures would exceed \$500,000, they reached out to their auditor to inquire about the cost and timing to conduct an audit. Because the cost and the inability to meet the State Bar audit deadline, WLC submitted a reviewed financial statement. See Attachment F.

Child Care Law Center (CCLC)’s gross corporate expenditures for fiscal year 2017-2018 were \$623,198. For many years, CCLC’s expenses did not exceed \$500,000, and they did not realize that the State Bar required an financial audit for organizations with gross corporate expenditures in excess of \$500,000. Their gross corporate expenditures for the last three fiscal years have exceeded \$500,000, and State Bar staff accepted the reviewed financial statements and allocations were approved by the LSTFC during these years. CCLC submits a letter to the LSTFC detailing their situation and corrective action to ensure the appropriate financial statement is submitted in the future. See Attachment G.

Staff Recommendation

Absent a policy on in-kind/donated services, staff recommends that the Committee accept the reviewed financial statements from CGRS and SLOLAF for grant year 2020. Staff also recommends that the Committee accept the reviewed financial statements from WLC and CCLC as each organization has provided explanation as well as have offered detail on internal corrective actions they will take to ensure the appropriate financial statements are provided in the future. Further staff recommends that the LSTFC Rule Committee consider whether in-kind/donated services should be included in gross corporate expenditures.

D. Primary Purpose

Business and Professions Code section 6213(a) and State Bar Rule 3.671 require a qualified legal services project (QLSP) to have as its “primary purpose and function providing legal services

without charge to indigent person. A qualified legal services project applying for Trust Fund Program funds is presumed to have such a purpose and function if 75% or more of the budget for the fiscal year for which it is seeking funds is **designated to provide free legal services to indigents, and 75% or more of its expenditures for the most recent reporting year were incurred for such services.**” (emphasis added) State Bar Rule 3.671(C) allows a QLSP that does not meet the 75% test to demonstrate it meets the primary purpose and function by other means. Applicants provided a narrative in the application to demonstrate how they meet primary purpose and function by other means.

There are four applicants Family Violence Law Center (62.17%), Impact Fund (74.3%), Legal Assistance for Seniors (66.68%), and Veterans Legal Institute (57.32%) with budgets that fall below the 75% marker, and the narratives are listed in Attachment H.

Staff will provide a verbal update regarding these applications at this Committee’s July 19 meeting.

Pro Bono Allocations

As indicated above, an additional pro bono allocation is available to grantees whose primary purpose is the delivery of legal services through pro bono volunteers. There are 21 applicants for the pro bono allocation for grant year 2020. At this time, there are 15 programs that do not require Committee discussion as they meet the threshold requirement and qualify for the pro bono allocation under either Test A or Test B. Further, Community Lawyers, Inc. is a first-time applicant and their eligibility should be determined before determining whether they qualify for a pro bono allocation. Similarly, Veterans Legal Institute’s primary purpose and function should be determined before qualification for a pro bono allocation. Last, Community Legal qualifies in Nevada County, but will require the Committee’s discussion regarding their pro bono allocation application in Sierra County.

See Attachment A for list of Pro Bono Allocation Applicants

E. Threshold Eligibility for Pro Bono for Allocation Applications

The Legal Services Trust Fund Program Eligibility Guidelines for Legal Services Projects Only (Guidelines) sets forth the criteria for LSPs to qualify for pro bono allocations. The Commentary in Guidelines 2.6.3.1 requires that applicants meet a threshold test to qualify for the pro bono allocation. The threshold requires the applicant to have “recruited at least 30 attorneys who provided services in the previous calendar year,” or the applicant to have “recruited at least 5% of the licensed attorneys in the county in the previous calendar year,” or that the attorneys recruited “donated at least 1,000 hours of legal services for clients in the previous calendar year.”

Two applicants, Community Legal (CL) and San Luis Obispo Legal Assistance Foundation (SLOLAF,) do not meet the threshold requirement described in Guidelines 2.6.3.1. Both organizations answered the threshold question affirmatively in the application so that they

would have the opportunity to provide additional information. CL does not meet the threshold requirement, but would meet Test A and Test B for Sierra County. SLOLAF does not meet the threshold requirement, Test A, or Test B. See Attachment I for the excerpt from each organization's application regarding qualifying for the pro bono allocation.

Staff Recommendation

The Commentary in Guidelines 2.6.3.1 requires applicants for the pro bono allocation to meet the threshold requirement, and does not provide for staff or Commission discretion to waive this requirement. As such, staff does not recommend waiver of the threshold requirement for either CL or SLOLAF. Additionally, because the threshold requirements are high, particularly for small rural counties, staff recommends that the LSTFC Rule Committee consider revising the requirements to qualify for the pro bono allocation.

F. Test C for Pro Bono Allocation Applications

If an applicant answers affirmatively to the initial pro bono threshold question, the commentary in Guidelines 2.9.2 sets forth the additional requirement that the applicant utilizes private attorneys as their principal means to provide legal services. The commentary lists three ways an applicant can meet this requirement:

- Test A: Demonstrate that the number of hours of services provided by recruiting private attorneys exceeds the number of hours of services provided by lawyer staff employed by the applicant;
- Test B: Demonstrate that volunteer attorneys actually provided substantial free civil legal services, show the number of hours of service of the combined number of all volunteers exceeds the combined number of hours of service by staff and that the number of attorney volunteer hours is more than half the number of the combined hours of service for staff;
- Test C: Allows applicants to "describe and explain" in narrative how the applicant's principal deliver means is recruitment of attorneys in private practice.

Four applicants, Casa Cornelia Law Center, Legal Aid of Sonoma County, Riverside Legal Aid, Veterans Legal Institute meet the threshold requirement and have applied for the pro bono allocation under Test C, and the narratives they submitted in their applications are in Attachment I.

Staff will provide a verbal update regarding these applications at this Committee's July 19 meeting.

G. HICAP

Business and Professions Code section 6213, State Bar Rule 3.672(a), and Commentary to 2.3.1 of the Guidelines, define civil legal services to “include all professional services provided by a member of the State Bar, and similar or complementary services of a law student or paralegal under the supervision and control of a member of the State Bar in accordance with the law.” Other services that do not meet this definition must be identified and deducted from qualified expenditures in grant applications for applicable organizations.

Health Insurance Counseling and Advocacy Program (HICAP) services appear to consist of both legal and non-legal services. For example, a portion of HICAP consists of counseling on insurance options where there is no legal issue whereas issues such as Medicare appeals and complex cases require legal support. Currently, there is no policy for how to determine the qualifying nature of HICAP services and how to make the appropriate deduction(s) in the IOLTA and EAF grant application.

Four organizations, Elder Law & Advocacy (EL&A), Legal Assistance for Seniors (LAS), Legal Services of Northern California (LSNC), and Center for Healthcare Rights (CHCR) have included HICAP service activities in their applications. See Attachment J for excerpts from each organization’s application describing their HICAP services. These four organizations reported receiving HICAP funding in 2018. HICAP funding comprised 60% or less of total funding for three of the organizations and 99.38% of funding for CHCR. This distribution is consistent with the HICAP activities described in each organization’s application. While HICAP was considered a component of EL&A, LAS and LSNC’s work, CHCR described HICAP as its primary work, and included activities such as community education not described by the other three organizations.

Historically, each organization made self-imposed deductions on their IOLTA and EAF applications based on HICAP activities they determined as non-qualifying. Staff recently discovered that the organizations were inconsistent in making those deductions. While all four organizations identified a portion of their HICAP activities as non-legal services, the methodology for calculating expenses related to these activities varied.

Two of the organizations deducted non-qualifying expenditures based on actual services provided in 2018, including staff time and administrative costs. Staff had advised both EL&A and LAS to deduct HICAP-related expenses based on actual services provided following their regular monitoring visits.

The remaining two organizations made deductions using a pre-determined formula, not based on actual services provided in 2018. LSNC’s pre-determined formula deducted 50 percent from its total HICAP expenditures. CHCR historically also used a pre-determined formula methodology that deducted 25 percent of its total corporate expenditures. However, in 2018 State Bar staff conducted a monitoring visit to CHCR and advised the organization to propose a methodology for calculating qualified expenditures based on actual services provided and in the

context of CHCR's unique HICAP model led by staff rather than volunteers. See Attachment K for CHCR's proposed methodology.

	Deducted HICAP Amount	Total Corporate Expenditures	% for HICAP Deduction	Reasoning
EL&A	\$103,785	\$1,825,032	5.7%	1.9 FTE direct costs for Program Assistants in its HICAP program plus related operating and administrative costs for these positions
LAS	\$325,283	\$1,800,694	18.1%	Combined salaries of 3 full time positions & 3 part time positions that are directly responsible for the oversight, coordination and scheduling of volunteer counselors, including indirect administrative personnel and fringe benefits
LSNC	\$363,603	\$10,921,241	3.3%	Pre-determined formula: 50 percent of HICAP expenditures.
CHCR	\$224,337	\$1,602,706	14%	Proposed methodology (Attachment K)

Staff Recommendation

In the absence of a policy to provide guidance on the qualifying nature of HICAP services, and recognizing the need for uniformity, staff recommends that the Committee approve all four applications with their current HICAP-related deductions. At a minimum, these organizations appear to deduct for the volunteer management portion and related administrative costs. Staff also recommends that the LSTFC Rule Committee consider HICAP services during the codification process and as such, we expect to be able to apply a uniform standard to all applicable organizations for the 2021 grant year.

ATTACHMENTS LIST

- A.** IOLTA/EAF Funding Applicants for Grant Year 2020
- B.** Profile Sheets for Applicants for First-Year Funding
- C.** Letter from Community Legal
- D.** Letter from Center for Gender and Refugee Studies
- E.** Letter from San Luis Obispo Legal Aid Foundation
- F.** Letter from Watsonville Law Center

- G.** Letter from Child Care Law Center
- H.** Excerpts from Applications that are below 75% Primary Purpose and Function
- I.** Excerpts from Applications Regarding Pro Bono Allocation Threshold and Test C
- J.** Excerpts from Applications Describing HICAP services
- K.** Proposed Methodology from Center for Healthcare Rights

Attachment A: 2020 IOLTA & EAF Applicants

Legal Services Projects	Note	Apply for Pro Bono
Community Lawyers Inc.	NEW	Yes
Dependency Advocacy Center	NEW	
Eviction Defense Collaborative	NEW	
HEART L.A.	NEW	
Open Door Legal	NEW	
Women’s Employment Rights Clinic, Golden Gate University	NEW	
Advancing Justice - Asian Law Caucus		
Advancing Justice-Los Angeles		
Affordable Housing Advocates		
Aids Legal Referral Panel		
Alameda County Homeless Action Center		
Alliance for Children's Rights		Yes
Asian Pacific Islander Legal Outreach		
Bay Area Legal Aid		
Bet Tzedek Legal Services		Yes
California Indian Legal Services		
California Rural Legal Assistance, Inc.		
Casa Cornelia Law Center		Yes
Center for Health Care Rights		
Central California Legal Services		
Centro Legal de la Raza		
Chapman University Family Protection Clinic		
Community Legal		Yes
Community Legal Aid SoCal		
Community Legal Services in East Palo Alto		Yes
Contra Costa Senior Legal Services		
Disability Rights California		
Disability Rights Legal Center		
East Bay Community Law Center		
Elder Law & Advocacy		
Family Legal Assistance at CHOC Children’s		
Family Violence Law Center		
Greater Bakersfield Legal Assistance		
Harriett Buhai Center for Family Law		Yes
Housing and Economic Rights Advocates		
IELLA Legal Aid Project		Yes
Inland Counties Legal Services		
Inner City Law Center		
Justice & Diversity Center of the Bar Association of San Francisco		Yes
La Raza Centro Legal		
LACBA Counsel for Justice		Yes
Law Foundation of Silicon Valley		
Lawyers' Committee for Civil Rights		Yes
Learning Rights Law Center		
Legal Access Alameda		Yes
Legal Aid at Work		
Legal Aid Foundation of Los Angeles		
Legal Aid Foundation of Santa Barbara County		
Legal Aid of Marin		
Legal Aid of Sonoma County		Yes
Legal Aid Society of San Bernardino		Yes
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		

Neighborhood Legal Services		
New American Legal Clinic		
Prison Law Office		
Public Advocates Inc.		
Public Counsel		Yes
Public Law Center		Yes
Riverside Legal Aid		Yes
San Diego Volunteer Lawyer Program		Yes
San Luis Obispo Legal Assistance Foundation		Yes
Santa Clara County Asian Law Alliance		
Santa Clara University Alexander Law Center		
Senior Adults Legal Assistance		
Senior Advocacy Network		
UC Davis School of Law Legal Clinics		
USD School of Law Legal Clinics		
Veterans Legal Institute		Yes
Voluntary Legal Services Program of Northern California		Yes
Wage Justice Center		
Watsonville Law Center		
Yuba-Sutter Legal Center for Seniors		

Support Centers	Note
California Advocates for Nursing Home Reform	
California Rural Legal Assistance Foundation	
California Women's Law Center	
Center for Gender and Refugee Studies - California	Deeming
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	
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.	
Youth Law Center	

2020 IOLTA & EAF Applicant Profile

Organization Name:	Community Lawyers Inc.
Grant Type:	Legal Services Project
Date Incorporated:	05/13/2005
First Year TFP Funded:	New Program
Application Reviewer:	Elizabeth Hom

Eligibility Criteria

Applying for:	Initial Funding as a Legal Services Project
Applicant type:	A nonprofit corporation that provides civil legal services to the indigent without charge as its primary purpose and function.
Applying for Pro Bono:	Yes
Organization's Mission & Vision	Community Lawyers, Inc. provides low and moderate-income people access to affordable legal services and develops innovative opportunities for attorneys and law students in underserved communities.
Primary Purpose %:	88.49%
Qualifying Legal Services Activities:	Community legal education and information; Limited services; Legal self-help support; Representation; Other legal services
Other Activities:	
County Served	<ul style="list-style-type: none"> Los Angeles
Funding Summary:	Individual Contributions: \$54,910 Organizations: \$22,000 Foundations: \$48,000 LSC/AAA: \$0 Government Resources: \$20,000 Residual and Cy Pres Awards: \$0 Fees and Reimbursement: \$7,140 Other: \$0 Total: \$152,050
Corporate Expenditure Summary:	Personnel: \$116,000 Non-Personnel: \$36,050 Total: \$152,050

Staffing (total FTEs):	Attorneys: 0 Paralegals: 0 Law Students: 0 Professional Services: 0 Clerical/Admin: 0 Other Personnel: 2.5 Vacant Positions: 0 Total: 2.5
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2020 IOLTA & EAF Applicant Profile

Organization Name:	Dependency Advocacy Center
Grant Type:	Legal Services Project
Date Incorporated:	06/19/2008
First Year TFP Funded:	1899
Application Reviewer:	Elizabeth Horn

Eligibility Criteria

Applying for:	Initial Funding as a Legal Services Project
Applicant type:	<p>A nonprofit corporation that provides civil legal services to the indigent without charge as its primary purpose and function.</p> <p>An organization that receives at least \$20,000 annual cash funds from sources other than the State Bar of California to support free legal representation to indigent persons (as reflected in the Total of Non-State Bar Revenue calculated on Form VI) and can show community support for the program</p>
Special Client Groups:	<ul style="list-style-type: none"> • Indigent Parents involved in the Child Welfare System/Juvenile Dependency Law • Children involved in the Child Welfare System/Juvenile Dependency Law • Indigent Parents and Children who are non-English speaking and involved in the Child Welfare System/Juvenile Dependency Law • Undocumented indigent parents and children involved in the Child Welfare System/Juvenile Dependency Law • Incarcerated parents involved in the Child Welfare System/Juvenile Dependency Law
Applying for Pro Bono:	No
Organization's Mission & Vision	Dependency Advocacy Center provides zealous legal representation to indigent clients in the juvenile dependency system to promote timely reunification and preservation of families in a safe, healthy environment. DAC believes that every parent and child entering the dependency system has a right to be treated with dignity, compassion and respect.
Primary Purpose %:	97.58%
Qualifying Legal Services Activities:	Community legal education and information; Limited services; Representation
Other Activities:	Provided to non-indigent clients/non-qualified organizations Fiscal agent/sponsor
County Served	<ul style="list-style-type: none"> • Santa Clara

Funding Summary:	Individual Contributions: \$72,590 Organizations: \$0 Foundations: \$10,173 LSC/AAA: \$0 Government Resources: \$3,141,607 Residual and Cy Pres Awards: \$0 Fees and Reimbursement: \$0 Other: \$8,750 Total: \$3,233,120
Corporate Expenditure Summary:	Personnel: \$2,348,391 Non-Personnel: \$556,323 Total: \$2,904,714
Staffing (total FTEs):	Attorneys: 13 Paralegals: 0 Law Students: 0 Professional Services: 1.2 Clerical/Admin: 2 Other Personnel: 12.9 Vacant Positions: 0 Total: 29.1

2020 IOLTA & EAF Applicant Profile

Organization Name:	EVICTON DEFENSE COLLABORATIVE
Grant Type:	Legal Services Project
Date Incorporated:	10/20/1999
First Year TFP Funded:	New Program
Application Reviewer:	Rocio Avalos

Eligibility Criteria

Applying for:	Initial Funding as a Legal Services Project
Applicant type:	<p>A nonprofit corporation that provides civil legal services to the indigent without charge as its primary purpose and function.</p> <p>An organization that receives at least \$20,000 annual cash funds from sources other than the State Bar of California to support free legal representation to indigent persons (as reflected in the Total of Non-State Bar Revenue calculated on Form VI) and can show community support for the program</p>
Special Client Groups:	<ul style="list-style-type: none"> • Tenants/Housing Law
Applying for Pro Bono:	No
Organization's Mission & Vision	<p>Born out of a collaborative of a dozen non-profit providers and law groups, EDC provides legal assistance, advocacy and representation to predominately low-income and indigent tenants in San Francisco who are being evicted. The EDC strives to prevent homelessness, preserve affordable housing and protect the diversity of San Francisco. We are driven by a belief that safe, healthy, affordable housing is a human right, and all our work is geared towards making this a reality for all of San Francisco's tenants. We work toward these goals by providing emergency rental assistance and legal services to low-income tenants facing eviction. Furthermore, EDC is building upon its existing role as the initial point of entry for tenants at risk of eviction to provide citywide, coordinated, streamlined, client-centered referrals and legal services to tenants facing eviction. We are also the only agency in San Francisco that advocates on behalf of homeless being evicted from their shelters - we ensure they have access to due process and ensure enforcement and accountability of San Francisco's Shelter Client Grievance Policy. In short, we ensure equal access to the law where someone's home or shelter are at risk.</p>
Primary Purpose %:	62.99%
Qualifying Legal Services Activities:	Limited services;Legal self-help support;Representation;Other legal services

Other Activities:	<p>Provided to non-indigent clients/non-qualified organizations; Fee-generating activities</p> <p>Other non-legal services</p> <p>The non-legal service EDC provides is rental assistance to tenants whose landlords have not started the eviction process (i.e. served the tenant with a Three Day Notice to Pay or Quit, Unlawful Detainer Complaint, etc.). Only approximately 30% of individual receiving RADCo assistance have not been served with unlawful detainer related document and signs point to the rate staying the same.</p>
County Served	<ul style="list-style-type: none"> San Francisco
Funding Summary:	<p>Individual Contributions: \$41,164</p> <p>Organizations: \$101,321</p> <p>Foundations: \$155,000</p> <p>LSC/AAA: \$0</p> <p>Government Resources: \$3,498,363</p> <p>Residual and Cy Pres Awards: \$0</p> <p>Fees and Reimbursement: \$77,065</p> <p>Other: \$24,701</p> <p>Total: \$3,897,614</p>
Corporate Expenditure Summary:	<p>Personnel: \$1,902,905</p> <p>Non-Personnel: \$1,994,851</p> <p>Total: \$3,897,756</p>
Staffing (total FTEs):	<p>Attorneys: 9</p> <p>Paralegals: 3</p> <p>Law Students: 0</p> <p>Professional Services: 0</p> <p>Clerical/Admin: 6</p> <p>Other Personnel: 7.1</p> <p>Vacant Positions: 0</p> <p>Total: 25.1</p>

2020 IOLTA & EAF Applicant Profile

Organization Name:	HEART L.A.
Grant Type:	Legal Services Project
Date Incorporated:	05/17/2018
First Year TFP Funded:	New Program
Application Reviewer:	Dan Passamaneck

Eligibility Criteria

Applying for:	Initial Funding as a Legal Services Project
Applicant type:	<p>A nonprofit corporation that provides civil legal services to the indigent without charge as its primary purpose and function.</p> <p>An organization that receives at least \$20,000 annual cash funds from sources other than the State Bar of California to support free legal representation to indigent persons (as reflected in the Total of Non-State Bar Revenue calculated on Form VI) and can show community support for the program</p>
Special Client Groups:	<ul style="list-style-type: none"> • Non-English Speaking • Disabled
Applying for Pro Bono:	No
Organization's Mission & Vision	<p>HEART L.A. is driven by the fundamental principle that what is inside a person's wallet should not determine whether they are a loving pet owner, capable of providing care and kindness. All of the services provided by HEART L.A. are provided to low-income individuals and families free of cost. The Proactively Preventing Homelessness Program takes a comprehensive, long-term approach to addressing systemic inequity and institutional barriers by creating access to free legal representation to individuals and families with pets facing housing displacement.</p>
Primary Purpose %:	100.00%
Qualifying Legal Services Activities:	Community legal education and information; Limited services; Representation; Legislative or policy advocacy
Other Activities:	
County Served	<ul style="list-style-type: none"> • Los Angeles

Funding Summary:	Individual Contributions: \$11,888 Organizations: \$0 Foundations: \$60,000 LSC/AAA: \$0 Government Resources: \$0 Residual and Cy Pres Awards: \$0 Fees and Reimbursement: \$0 Other: \$0 Total: \$71,888
Corporate Expenditure Summary:	Personnel: \$12,469 Non-Personnel: \$7,884 Total: \$20,353
Staffing (total FTEs):	Attorneys: 1 Paralegals: 0 Law Students: 0 Professional Services: 0 Clerical/Admin: 0 Other Personnel: 0 Vacant Positions: 0 Total: 1

2020 IOLTA & EAF Applicant Profile

Organization Name:	Open Door Legal
Grant Type:	Legal Services Project
Date Incorporated:	07/29/2011
First Year TFP Funded:	New Program
Application Reviewer:	Rocio Avalos

Eligibility Criteria

Applying for:	Initial Funding as a Legal Services Project
Applicant type:	<p>A nonprofit corporation that provides civil legal services to the indigent without charge as its primary purpose and function.</p> <p>An organization that receives at least \$20,000 annual cash funds from sources other than the State Bar of California to support free legal representation to indigent persons (as reflected in the Total of Non-State Bar Revenue calculated on Form VI) and can show community support for the program</p>
Special Client Groups:	<ul style="list-style-type: none"> • Elderly • Disabled • Non-English-speaking groups
Applying for Pro Bono:	No
Organization's Mission & Vision	<p>Open Door Legal (ODL) started in 2013 with a simple mission: to pioneer the country's first system of universal access to legal services as the most cost-effective way to reduce poverty. We believe we can show that when everyone has access to the law, poverty will be dramatically reduced. We seek to operate much like a general hospital, ensuring that everyone who walks through our door and has a real legal need gets timely, effective legal help. We triage issues to ensure that everyone in our service area who walks in with a legal need can 1) leave within 20 minutes with an appointment to see an ODL attorney; and 2) get legal representation in any of over 35 sub-areas of civil law. Our custom-built technology helps coordinate the people, resources, and knowledge needed to make all of this happen. We opened our flagship office in the southeast San Francisco neighborhood of Bayview Hunters Point (BVHP) in 2013 because of the dearth of legal aid providers and high level of need in the area. Approximately 71% of our clients are residents of Bayview. Since then, we have expanded to serve the residents of District 10 and District 11 in San Francisco, which includes BVHP, Visitacion Valley, McLaren Park, Excelsior, and Potrero Hill. With now over 1,700 cases of end-to-end representation on behalf of over 1300 clients, we have developed a very strong track record of defending our clients' rights.</p> <p>We know our model of universal access works for our communities; the data suggests it is also scalable and the most cost-effective way to address poverty. Our vision over the next three years is to expand city-wide, making San Francisco the first city in the country with universal civil legal access. From there, we hope to become a model for national replication, thereby making a systemic impact on how we, as a society, ensure justice for the poor.</p>

Primary Purpose %:	85.00%	
Qualifying Legal Services Activities:	Community legal education and information;Representation	
Other Activities:		
County Served	<ul style="list-style-type: none"> San Francisco 	
Funding Summary:	Individual Contributions: \$531,841 Organizations: \$498,360 Foundations: \$550,000 LSC/AAA: \$0 Government Resources: \$252,482 Residual and Cy Pres Awards: \$0 Fees and Reimbursement: \$83,714 Other: \$0 Total: \$1,916,397	
Corporate Expenditure Summary:	Personnel: \$705,649 Non-Personnel: \$374,150 Total: \$1,079,799	
Staffing (total FTEs):	Attorneys: 6.3 Paralegals: 3 Law Students: 0 Professional Services: 0 Clerical/Admin: 1.3 Other Personnel: 4.5 Vacant Positions: 0 Total: 15.1	

2020 IOLTA & EAF Applicant Profile

Organization Name:	Women's Employment Rights Clinic, Golden Gate University
Grant Type:	Legal Services Project
Date Incorporated:	05/19/1923
First Year TFP Funded:	New Program
Application Reviewer:	Dan Passamaneck

Eligibility Criteria

Applying for:	Initial Funding as a Legal Services Project
Applicant type:	<p>An identifiable unit of a law school accredited by The State Bar of California that provides civil legal services to the indigent without charge as its primary purpose and function, and has operated for at least two years at a cost of at least \$20,000 per year.</p> <p>An organization that receives at least \$20,000 annual cash funds from sources other than the State Bar of California to support free legal representation to indigent persons (as reflected in the Total of Non-State Bar Revenue calculated on Form VI) and can show community support for the program</p>
Special Client Groups:	<ul style="list-style-type: none"> • Low-Wage Workers • Domestic Worker - Substantive Law Expert • Residential Care Facilities - Substantive Law Expert
Applying for Pro Bono:	No
Organization's Mission & Vision	The Women's Employment Rights Clinic (WERC) serves as a training ground for the next generation of ethical, competent, and socially responsible professionals and provides critical legal services and support to the community. WERC's mission is centered on ensuring that every worker has the right to economic fairness, equal opportunity, and dignity in the workplace. Our mission is to collaborate with grassroots, community-based organizations, and worker centers to enhance their capacity for systemic change. Our individual and impact cases are informed and are coordinated in partnership with broader community campaigns for economic justice.
Primary Purpose %:	83.86%
Qualifying Legal Services Activities:	Community legal education and information; Limited services; Legal self-help support; Representation; Legislative or policy advocacy
Other Activities:	Provided to non-indigent clients/non-qualified organizations; Fee-generating activities
3 Counties Served:	<ul style="list-style-type: none"> • Alameda • San Francisco • San Mateo

Funding Summary:	Individual Contributions: \$15,652 Organizations: \$157,438 Foundations: \$72,500 LSC/AAA: \$0 Government Resources: \$0 Residual and Cy Pres Awards: \$14,951 Fees and Reimbursement: \$0 Other: \$11,091 Total: \$271,632
Corporate Expenditure Summary:	Personnel: \$294,391 Non-Personnel: \$10,752 Total: \$305,143
Staffing (total FTEs):	Attorneys: 2 Paralegals: 0 Law Students: 6 Professional Services: 0 Clerical/Admin: 0.5 Other Personnel: 0 Vacant Positions: 0 Total: 8.5

Attachment C: Letter from Community Legal



1740 EAST MAIN STREET, SUITE #103
GRASS VALLEY, CA 95959

(530) 265-3425

WWW.COMMUNITYLEGAL.NET

To whom it may concern,

Community Legal is currently in the process of completing our annual audit and/or financial review. The cost associated with completing an audit annually per our contract with the Agency on Aging Area 4 coupled with our modesting operating budget has made it difficult for our organization to complete the audit/review process in a timely manner.

AAA4 requires our program to complete an annual audit, that includes a program specific audit. This adds to the cost and time of the audit process for us considerably. Last year, our program spend \$6800 on the audit, a significant percentage of our overall operating budget. For a small organization like ours to do this annually is, for lack of a better word, burdensome.

We have been working to complete the audit requirement as soon as practicable.

Kind Regards,

Megan Sasaki
Executive Director

CENTER FOR
Gender & Refugee
STUDIES

Legal Services Trust Fund Commission
The State Bar of California
180 Howard Street
San Francisco, CA 94105

June 25, 2019

Re: Audit requirement for renewed IOLTA and EAF funding

Dear Commissioners,

Our partnership with the State Bar of California Legal Services Trust Fund Program has enabled the Center for Gender & Refugee Studies-California (CGRS-California) to provide services benefitting indigent Californians statewide. We respectfully request that the Commission take into consideration this letter in support of our 2020 IOLTA Application.

On May 29, 2019, we were informed by State Bar staff, via email, that the financial review we submitted in support of our 2020 IOLTA Application was not compliant with State Bar rule 3.68(E)(1) because our total expenditures of \$778,493 exceeds the threshold for requiring a fiscal audit rather than a financial review. We are not disputing the need to submit an audit but request adequate time to complete the audit.

As you may recall, we have been a Support Center since 2017 and have been incorporated as a 501(c)(3) since 2015. Although we are a separate and independent non-profit, our Center is housed at UC Hastings College of the Law, and our staff are employees of UC Hastings who dedicate a portion of their time to CGRS-California program activities. We have grown our budget and expanded our revenue sources in recent years, yet we still rely heavily on in-kind contributions from UC Hastings in the form of office space and additional staff time.

For the fiscal year at issue (Fiscal Year 2018, ending June 30, 2018), our total expenses of \$778,493 included \$454,664 of in-kind non-cash expenditures. We submitted our Reviewed Financial Statement on September 24, 2018, within 90 days of the close of our fiscal year as required. We were not aware that these expenditures would count towards the threshold requiring a full audit until we received notice from the State Bar staff on May 29, 2019. We took immediate action to retain an auditor to complete a full fiscal audit of both fiscal years ending in 2018 and 2019. Our auditors have informed us that this process will take at least 90 days to complete.

We request that the Commission please accept the tardy audit and grant our application for renewed funding for fiscal year 2020. We hope that the Commission agrees that the support

services and asylum law expertise we provide legal services providers and their indigent clients in California are vital at this time, especially given the recent attack on the rights of asylum seekers and our statewide reach into many underserved communities of California as reflected in our application.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read 'Moira Duvernay', with a stylized, flowing script.

Moira Duvernay
Executive Director, CGRS-California
duvernaym@uchastings.edu
415-565-4791



WLC
Watsonville Law Center

315 Main Street, Suite 207
Watsonville, CA 95076
tel: (831) 722-2845
fax: (831) 761-3295
watsonvillelawcenter.org

May 31, 2019

Office of Access and Inclusion
Legal Services Trust Fund Program (LSTFP)
The State Bar of California
180 Howard Street
San Francisco, CA 94105-1617

RE: Addendum to the 2020 IOLTA and EAF Application

Dear Trust Fund Program,

This addendum is in response to the Legal Services Trust Fund Program's (LSTF) requirement for a financial audit for gross expenditures exceeding \$500,000.

The Watsonville Law Center (WLC) fiscal year 2017-18 budget projections were under \$500,000, however actual expenses were \$520,000, exceeding the LSTF audit threshold by \$20,000. Based on its budget and prior years' practice, WLC planned and budgeted for a financial review. At the time WLC auditors, BKD CPAs and Advisors, were engaged to conduct a financial review WLC was not yet aware expenses surpassed \$500,000. Once noted, WLC asked BKD if they could complete a full financial audit by the LSTF application deadline, and if so what was the cost. BKD confirmed it would be an additional \$15,000 for a full audit and that they were unable to complete one timely for the Trust Fund deadline. Due to the cost and inability to meet the LSTF deadline, WLC did not request a full audit and instead submits a detailed financial review completed by BKD.

As a long-standing LSTF recipient and a dedicated legal aid provider with limited resources, we respectfully request LSTF accept the financial review in lieu of a full audit for fiscal year 2017-18. WLC will provide fully audited financials for fiscal year 2018-19.

We thank you in advance for your consideration of this request and encourage you to contact us should you need any additional information.

Sincerely,

Dori Rose Inda
Chief Executive Director



CHILD CARE LAW CENTER.

June 17, 2019

Elizabeth Hom
Office of Access and Inclusion
State Bar of California
180 Howard Street
San Francisco, CA 94105

Re: Child Care Law Center IOLTA application for 2020

Dear Elizabeth,

We write to respectfully request the Legal Services Trust Fund Commission to approve the Child Care Law Center's application for IOLTA and EAF funding for calendar year 2020. This letter explains why our application is incomplete, and outlines our Corrective Action and Prevention Plan for the future.

Background

The Child Care Law Center ("The Law Center") has been providing legal support services for low-income Californians since 1978, and has been a recipient of IOLTA funds since the inception of IOLTA funding.

Between 2009 and 2011, the Law Center was forced to significantly reduce operations, after the Great Recession of 2008 caused a severe funding crisis. The Board hired Kim Kruckel as Executive Director in 2012. Since then, the organization has steadily improved its financial strength.

Hundreds of thousands of low-income children have reliable, high quality child care and preschool as a result of legal and policy changes the Law Center has made through its support center activities. When children have good early learning experiences, they can grow and achieve their full potential, and their communities will too.

Financial Reviews in Lieu of Audits

Between 2010 and 2016, the Law Center had less than \$500,000 in gross operating expenses. Each year, the Harrington Group CPAs conducted a Financial Review of our organization's income and expenses. State Bar Rule 3.680(E) states that a Financial Review by an independent CPA firm may be submitted in lieu of an audit where an organization's gross corporate expenditures are \$500,000 or less. The amount of \$500,000 is specified in the Schedule of Charges and Deadlines.

In the fiscal year ending June 30 2016, and each year since then, the Law Center's operating expenses slightly exceeded \$500,000.

Our gross corporate expenditures have been:

Fiscal year ending June 30, 2016 - \$574,049

Fiscal year ending June 30, 2017 - \$639,530

Fiscal year ending June 30, 2018 - \$623,198

California Business and Professions Code §6222 states that an audit or financial review is necessary for IOLTA fund recipients, and State Bar Rule 3.680(E) requires an audit, not a financial review, for organizations with gross expenditures over \$500,000.

We did not catch the fact that our expenses had exceeded the \$500,000 limit for a financial review. We continued to submit our application with an independent financial review, as we had done in years past. The Legal Services Trust Fund staff approved each of these submissions.

Our last monitoring visit was in January of 2016. Staff from the Office of Access and Inclusion had scheduled a monitoring visit for April 2019, but had to postpone it till August.

We deeply regret this oversight. We understand that our 2020 application is not complete without an audit.

Our Corrective Action and Prevention Plan

In August, 2019, the Harrington Group will conduct an audit of the Child Care Law Center finances for FY18-19.

At its next meeting on July 25, 2019, the Board of Directors will take any and all action necessary to ensure that the CCLC Bylaws and Committee structure support:

1. Proper oversight of this and all future audits
2. Compliance with California Business and Professions Code Sections 6210-6228; the State Bar Rules governing the Legal Services Trust Fund; and any additional applicable guidance, rules, and laws.

Among other actions, this may include establishing an Audit Committee. Child Care Law Center bylaws state that the Board “shall create an Audit Committee if required by the Nonprofit Integrity Act.”

We will gladly provide any additional information you may need regarding our finances or operation. Our independent CPA, Harrington Group, has also agreed to provide you information, to the best of its ability.

The Law Center is deeply grateful to Office of Access and Inclusion staff and Legal Services Trust Fund Commissioners. Your hard work ensures that low-income Californians have educational and economic opportunities they would not otherwise have. We are proud to work with you.

Elizabeth Hom

p. 3

Please contact Kim Kruckel, Executive Director, at kkruckel@childcarelaw.org or 415-854-0362 if you have additional instructions for the Law Center.

Sincerely,

“/s/ Fernando Gaytan”
Fernando Gaytan
Chair, Board of Directors

A handwritten signature in black ink, appearing to read 'Kim Kruckel', with a long horizontal flourish extending to the right.

Kim Kruckel
Executive Director

445 Church Street | Fourth Floor | San Francisco, CA 94114 | 415.558.8005
info@childcarelaw.org | www.childcarelaw.org

Attachment H: Excerpts from Applications that are below 75% Primary Purpose and Function

Text as submitted in the 2020 IOLTA and EAF grant application, Form VIII, question 10A (support centers) or 12A (qualified legal services projects).

Less than 75% Explanation: If the percentage of expenditures...calculated above is less than 75 percent, explain how the organization meets the primary purpose requirement.

1. Family Violence Law Center (62.17%)

FVLC tracks expenditures in three different program areas: Legal Services, Family Violence Intervention Unit, and Youth Services. FVLC also tracks expenditures related to Management & General and Fundraising activities on an ongoing basis.

We calculated qualified expenditures using the following methods:

Unqualified expenditures in Legal Services include \$74,122 in subcontractor expenses for fiscal year 2017-18 to Bay Area Women

Against Rape and the Alameda County Family Justice Center, under the federal LAV grant, and to our CalWORKS Domestic Violence

Collaborative subcontractors. We received funding for legal services under the CalWORKS Domestic Violence Collaborative and are the

lead agency, so the grant falls in our legal department budget but the subcontractors primarily are shelter providers. We also included lobbying expenses and the 22% of our legal clients who are not income qualified.

The Family Violence Intervention Unit (FVIU) includes four crisis intervention specialists, two case management specialists and two managers who review police reports and provide case management support to victims identified in the reports. Upon advice from State Bar staff, we took the percentage of client time FVIU spent with legal clients, averaged FVIU staff percentages, and applied the averaged percentage to FVIU expenses. 88% of their time is spent directly supporting clients with active legal cases or serving the agency's legal intake function, which includes providing legal information and legal assessment to clients.

FVLC also employs a part-time therapist who provides ongoing counseling and support to clients and their children. Both FVLC attorneys and therapists have seen improved legal outcomes among clients receiving therapy. The emotional support received has increased clients' abilities to follow through with the legal process during the difficult period of separation and legal proceedings. Approximately 58% of the therapeutic hours were spent directly supporting clients with active legal cases.

Youth Services provides youth leadership development to high school aged youth. Approximately 5% of Youth Services staff time is spent providing legal information to youth, who have questions about restraining orders and general questions about their legal rights. Youth Services staff uses FVLC attorneys as resources for legal information and supports legal staff when a legal client is a minor.

FVLC's primary purpose continues to be providing access to comprehensive legal services that will help domestic violence survivors achieve long-term safety and self-sufficiency. Although our qualified expenditures in FY 2017-18 are under the 75% presumption, we believe that we are a qualified provider for the Legal Services Trust Fund IOLTA Program for the following reasons:

Legal Services are Essential to FVLC's Mission: FVLC was founded in 1978 as a legal service agency serving victims of domestic violence, and our core program continues to be the delivery of legal services. We are the only domestic violence agency in Alameda County that provides free representation in civil legal proceedings. We have an attorney at our helm and 90% of our Board of Directors are attorneys.

FVLC's Legal Services are a critical service at the ACFJC and throughout Alameda County: Since the establishment of the Alameda County Family Justice Center (ACFJC) in August 2005, FVLC has been the primary onsite provider of free civil legal services to clients seeking assistance with domestic violence restraining orders. FVLC staff responds to drop-in clients who request legal assistance. In Alameda County, only two legal services agencies staff attorneys who provide family law representation – Bay Area Legal Aid and FVLC.

Together we are able to cover only a fraction of the need, but we are in close communication so we can coordinate our limited resources to provide the best possible legal assistance to domestic violence survivors most at risk.

FVLC's Legal Services Provision Continues to Expand: We currently have six full time staff attorneys, in addition to a managing attorney, and our Executive Director is an attorney. Our staff attorneys, with the continued support of volunteer attorneys, have continued our weekly legal clinics in Oakland and Hayward to serve southern Alameda County. With funding from the Office of Violence Against Women's Legal Assistance for Victims Grant Program (LAV) and now also funding from California Office of Emergency Services, we have been able to provide some limited family law assistance beyond or independent from restraining orders. The LAV grant focuses on serving sexual assault victims, including people who experience sexual assault as part of an intimate partner relationship. Both grants also allow us to partner significantly with Centro Legal de la Raza, who receives close to half of each grant as a subgrantee; together we have developed screening tools that allow us to identify the comprehensive legal needs of domestic violence and sexual assault victims. We also now have a three year grant, starting in

January 2018, from the State Bar bank grant program to work on housing and gender justice issues. And in January 2019 we began receiving a Housing First grant, administered by CalOES, to provide legal and case management services for survivors with housing issues.

FVLC Continues to Fundraise for Legal Services: FVLC is continuing our commitment to raising funds to support our legal services work.

We apply for government and foundation funding when opportunities arise and we continue to seek out new opportunities, building on existing relationships with funders. However, government and foundation resources continue to be limited. With the addition of more lawyers on our Board of Directors (currently 9 of our 10 directors are lawyers) we have increased the number of law firm donations we receive and we are building our base of individual donors.

FVLC regularly promotes and participates in coordinated public and private efforts within the local community to aid crime victims. FVLC is a regular participant at the Alameda County Domestic Family Violence Council, which links stake-holders throughout Alameda County (including civil and family law judges, the District Attorney's Office, the Families and Children's Bureau, and the Probation Department, among others) to address local systemic and larger conceptual issues arising in domestic violence cases in Alameda County. In this capacity, FVLC's Managing Attorney currently serves on a subcommittee comprised of judges, court and county staff tasked with creating and providing a county-wide training on the impact of domestic violence, juvenile, and related proceedings, with the goal of better educating all service providers as to areas of overlap and opportunities for collaboration and coordination of services to victims of crimes.

FVLC's Managing Attorney also currently serves as the Chair of the Community Projects Committee, which is comprised of several other community legal service providers along with court managerial staff. In this capacity, we work closely with the Court's Chief Executive Officer and with court staff supervisors to identify and remedy gaps in service provision.

FVLC also regularly attends the Alameda County Domestic Violence Collaborative Meeting in Oakland, which brings together local domestic violence prevention partners to discuss emerging issues, trends, and concerns within the field. Similarly, FVLC sits on both the Alameda and San Leandro Domestic Violence Task Forces, which each focus on city-specific efforts to promote domestic violence awareness and local prevention resources.

Beyond the local level, FVLC also participates in state-wide efforts to assist crime victims. FVLC's Executive Director, Erin Scott, was the Board Chair and President & Bay Area Regional

Representative of the California Partnership to End Domestic Violence (CPEDV), California's recognized domestic violence coalition representing over 1,000 advocates, organizations and allied groups. She also served on the Board of Directors of the Family Violence Appellate Project. Additionally, FVLC's Family Violence Intervention Unit Coordinator, Marissa Seko, was Co-Chair for CPEDV's Public Policy Research Committee, which helps craft legislative solutions to strengthen prevention and intervention responses to domestic violence across the state; Marissa continues to be active in policy discussions and legislative proposals at both the state and national level. Both Ms. Scott and Ms. Penrod were fellows in the One Justice Executive Fellowship program for legal services leaders in California.

FVLC's Integrated Service Delivery Model Supports Successful Legal Outcomes: Finally, integration of services is an important component of FVLC's legal services model: our clients receive legal services in combination with other assistance. To support our primary purpose of providing legal services to domestic violence survivors, FVLC provides critical social and mental health services, such as emergency housing and relocation services, and help applying for financial assistance. These services help to stabilize and support victims of domestic violence during a time of extreme crisis. Our data indicate that this service delivery model makes it more likely that clients will follow through in obtaining a protective order and other family law orders.

We respectfully request that this integrated legal service delivery model, along with our 40 year history as a legal service provider, be considered when determining our eligibility for continued IOLTA funding.

2. Impact Fund (74.3%)

In 2018 , the Impact Fund's qualified expenses ratio fell slightly below the 75% mark for one primary reason:

The Impact Fund has been lead counsel in a gender discrimination lawsuit against a major retailer since 2002. In 2014, the case settled but required that women seeking to participate in the \$8 million settlement fund must individually arbitrate their claims. At the time that the settlement was reached, the Impact Fund had four private firms who were co-counsel and who committed to share the work of the arbitrations.

Each of the arbitrations proved to be far more time-consuming than anticipated, in part because the employer insisted on fully litigating, rather than settling, the vast majority of them. But, much more challenging, the four co-counsel firms for various reasons dropped out of their commitments to do the work. One firm dissolved, another decided not to participate, a third became too busy with other work, and the partner in charge at the fourth law firm left the firm. The Impact Fund was left with the bulk of the work, though we made efforts and were able to

secure limited commitments from two other firms to share some of the work.

Because we had committed to the representation, we had an ethical obligation to see it through. These clients were both inside and outside California and many did not fall below the income guidelines. We have now completed the process which continued into the first half of 2019, although at a much reduced rate.

Because the Impact Fund ordinarily satisfies the “primary purpose” requirement and the situation explained above is temporary, we believe that funding for 2020 should not be affected.

3. Legal Assistance for Seniors (66.68%)

LAS is committed to providing legal and educational programs designed to improve the quality of life for the most vulnerable seniors in our community. While some of the services are not free civil legal services, LAS provides them because there is a pressing need in the community and the services meet our overall mission and vision.

In calculating the percentage of expenditures for free civil legal services to indigent persons, LAS is required to exclude conservatorship cases despite 100% of these clients qualifying as indigent. LAS is also including HICAP cases in the calculation for this year. If HICAP is not included and these cases were required to be counted against the percentage of clients that LAS could consider indigent, the percent of expenditures for free civil legal services to indigent persons would be less than 75 percent. However, LAS would still meet the primary purpose requirement for funding due to the nature of these services.

HICAP provides counseling and advice regarding Medicare and health insurance options. Using the IOLTA definition, 100% of HICAP’s clients would qualify as indigent due to age and/or disability. HICAP counsels between 4,000 and 5,000 seniors per year on issues regarding their health care coverage. Without this counseling, seniors would be left without the information they need to make informed decisions about their health care. Although HICAP does not fall within the category of free civil legal services, it is a program that is dedicated to meeting the critical health care needs of Alameda County seniors, many who are indigent.

LAS’ conservatorship program is fee-for-service but performs a critical function for the County of Alameda. Before LAS began this work, the courts were having a difficult time finding counsel for vulnerable seniors in those cases. Now LAS represents some of the most vulnerable seniors in Alameda County through the conservatorship program. These are often seniors who have completely lost their ability to advocate for their rights and are no longer able to make

decisions regarding their care, well-being and finances. LAS ensures that these vulnerable seniors are treated with dignity and respect and are receiving appropriate care. If they were to be counted toward our percentage of indigent clients, 100% of those clients would be considered indigent because they are all eligible for Older Americans Act funding services with LAS.

When those two areas of practice are not considered, over 94% of the clients that LAS works with are defined as indigent. All of the other practice areas for LAS are almost completely dedicated to the service of indigent clients. Although HICAP and conservatorship are not considered free civil legal services, both of these programs address critical needs of the senior community.

4. Veterans Legal Institute (57.32%)

Please note: Previously, a Think Tank was developed under VLI and grew to where it had to split off into its own organization. \$140,000 in funds were distributed to that new organization as a one time basis. The payments were made in two equal installments in December 2018 and June 2019. In consultation with accountant, this total cost of \$140,000 was amortized over 20 years (\$7,000 each year), and the 2018 audit was adjusted accordingly and uploaded.

As well, the \$2,300 paid to Patriots and Paws was a one time payment required by the host of a mutual fundraiser in order for VLI to participate as a beneficiary.

Since its founding in 2014, Veterans Legal Institute's mission, by laws, financial guidelines, and case acceptance policies are to provide free legal services to homeless, disabled, low-income, and at-risk current and former US service members. In order to reach the indigent population within the military community, VLI expends on office, website, and maintaining relationships and clinic dates at six off-site veteran hotspots. VLI has always operated from a position of having more volunteer attorneys, paralegals, law students than paid staff. Last year, VLI qualified for the pro bono allocation for 2019.

VLI's outreach through innovative and strategic clinics began early in its founding with the medical-legal partnership at the Veterans Administration Hospital in Long Beach. This monthly clinic generally sees 30-40 medically frail veterans. Since founding, the clinic locations have expanded to include the North County Vet Center in Garden Grove, CA; the Starbucks Coffee house in Santa Ana; Saddleback College (home to over 1200 combat veteran students) in Mission Viejo; the City of Mission Viejo; and the Orange County Veterans Service Office in Santa Ana. In 2019/2020, VLI expects to expand into the Inland Empire by duplicating its model at the Riverside and San Bernardino County Veterans Service Offices where veterans are disproportionately affected by extremely low income levels and high unemployment. VLI

continues to stage family law, estate planning, bankruptcy, and veterans benefits clinics in house that bring together professionals from all industries to ensure the indigent veteran population receives access to justice.

At least 75% of VLI's overall client population can be identified as being 75% or less of the maximum levels of income for lower income households in Orange and Los Angeles Counties where VLI primarily operates. These numbers were not counted in the indigent calculations in this application. As VLI becomes more well known in the veteran community and with collaborating organizations, it is attracting more inquiries and applications.

In trying to prevent veteran homelessness, VLI pays particular attention to those at-risk veterans and military families who are on the borderline of low-income who live paycheck to paycheck when they present with pressing legal issues which if unmet could result in becoming homeless or indigent.

Attachment I: Excerpts from Applications Regarding Pro Bono Allocation Threshold and Test C

Text as submitted by applicants in the 2020 IOLTA and EAF grant application, Form IV.

1. Applicants that do not meet threshold requirement under Guidelines 2.6.3.1

a. Community Legal, Sierra County

There are fewer than 10 attorneys in Sierra County, thus Community Legal's presence in Sierra County is a critical resource. Our pro bono program utilizes attorney volunteers from surrounding counties to provide free legal services.

b. San Luis Obispo Legal Assistance Foundation, San Luis Obispo County

With 1.50 FTE paid attorneys last year (one of which performed primarily executive and management functions for most of the year), the organization was able to deliver 3,047 legal service hours, 51% of which were provided by volunteers operating under the supervision of the paid Legal Director (including 415 volunteer hours by pre-law student interns*, not included in table above). In 2018, the value of donated civil legal services was \$318,546, which is 53% of our total expenses.

We are the only organization in this county providing coordinated pro bono services to indigent residents. Volunteer interest is growing, however we do not have the capacity to take on more volunteers without additional funding to provide the necessary administrative support, training and supervision for our valued volunteers.

* Our county only has one small law school that offers night classes. The bulk of students there work full time and attend classes at night, hence they are not available to us as volunteer interns. In 2018, we used pre-law students from our local university to perform the duties that law school volunteer interns would if they were available to us.

2. Applicants requesting pro bono allocation qualification via Test C under Guidelines 2.9.2

a. Casa Cornelia Law Center, San Diego County

Casa Cornelia's pro bono legal services delivery model consists of in-house legal staff supported by various Volunteer Attorneys, law clerks, interns, administrative volunteers, Volunteer Interpreters and Translators and other community volunteers. The expertise of core in-house legal staff is maximized by having them serve as mentors to Volunteer Attorneys who may not specialize in immigration law, but are able to do the legal work needed to successfully represent Casa Cornelia's clients. Casa Cornelia's direct legal services are supported by the Pro Bono Program, which consists of recruiting, training and mentoring Volunteer Attorneys from the Private Bar. The Volunteer and Interpreters and Translators (VIT) Program is essential and

also falls under the Pro Bono Program. The VIT Program consists of recruiting, training, and mentoring members of the community with foreign language skills to serve as interpreters and translators for Casa Cornelia's diverse client base.

The majority of Casa Cornelia's clients do not speak English language; taken together, clients speak more than 40 different languages. Without the crucial assistance of the VIT's, 167 of whom donated 5,726 hours in 2018, the expertise of our Volunteer Attorneys would remain unattainable to the immigrant population. Because of changing immigration policy and a surge in immigration from Central America, the need for languages of lesser diffusion increased in 2018. Many of the Central American and Southern Mexican migrants speak different indigenous languages, such as Mixteco, Kanjobal, and Mam. Providing services in indigenous languages is difficult for Casa Cornelia, other service providers, and even for Immigration Courts. To respond to the need, Casa Cornelia retained the services of a language line. The VIT Program only uses the language line after all no-cost options have been exhausted. Additionally, Casa Cornelia has also seen an increasing need for other languages, such as Russian, Punjabi, Swahili, Dari, Lingala, and Uzbek.

The following statistics demonstrate the impact of Volunteer Attorneys and other volunteers on Casa Cornelia's capacity to provide legal services. In 2018, Casa Cornelia had 535 active volunteer attorneys, law clerks, paralegals, interpreters, and translators – and this group of committed volunteers generated 23,559 hours of service cumulatively. Significantly, the value of contributed services in 2018 surpassed the \$600,000 mark for the first time: \$679,352. Additionally, in 2018, 431 cases were receiving help from Volunteer Attorneys, up 68% from only 137 cases in 2014.

The Volunteer Attorneys not only assisted in cases, but also helped Casa Cornelia conduct legal clinics. In 2018, the Victims of Crime conducted three legal clinics. Additionally, attorneys from a local law firm assist with weekly clinics in the office to screen detained unaccompanied children. Legal clinics are an invaluable service to the immigrant community because they offer the community access to advice and counsel, representation and a source to other types of services. Many immigrants have other barriers besides cost when accessing legal services, including limited information on their rights and available forms of relief under the law. With the help of Volunteer Attorneys, Casa Cornelia is able to duplicate its efforts and offer not only critical immigration information and services, but guidance on dealing with other challenges.

b. Legal Aid Sonoma County, Sonoma County

In 2018 our organization recruited 69 volunteer attorneys who provided over 1,000 hours of donated legal services. LASC's model is still heavily dependent on volunteers to deliver all of our core services. For example, volunteers do all of our

initial client triage. Half of our housing clients receive at least some assistance from volunteer attorneys and law students. This program represents nearly one third of our total client population. Nearly 100% of our guardianship clients are helped ONLY by a volunteer. Volunteers assist nearly EVERY one of our clients in some part of their case.

Our ideal model is still to have core staff anchoring each program and supervising volunteers, but we cannot do this responsibly without increasing our staffing. As an example, we have a front desk staff position to anchor our client intake. But this position is not designed to replace our intake volunteers. Instead, this position now oversees and supervises them, enabling our law students and undergraduates to perform at a higher level and assist clients more effectively. We ask that that Bar not penalize us for attempting to improve the level of supervision we give our volunteers, and the resulting quality of service we provide our clients.

Urban Bias: The ratios the Bar developed are more suited to a program in an urban area. In urban centers there are far more attorneys, and there are many more large law firms. In rural areas, most attorneys are in very small firms or solo practice. This makes it very difficult for them to do pro bono work. In large firms, pro bono is often supported by the firm, even financially. We saw this dichotomy play out yet again when the fires hit our area. Even working directly with a special disaster subcommittee of our local bar association, we found it very difficult to recruit the sustained pro bono assistance we needed to run our disaster clinics. Most of our clinic volunteers came from the urban SF Bay Area and from very large firms.

We believe the ratios favor urban centers and that the Bar should consider adjusting them depending upon the size and composition of the bars in rural areas. A scaled ratio would be more equitable.

Include all program volunteers: The type of hours that count towards the pro bono ratio are overly restrictive. LASC only has one very small law school to draw upon during the academic year, and no large law firms to draw upon, so we use other types of students and community members broadly in our program. Bilingual, bicultural undergraduates, exploring a career in law, are a staple of our intake system; many have gone on to become attorneys because of their experience. Again, the Bar's measurement tool seems to favor urban centers where there are multiple law schools and many firms.

Increasing diversity in the profession: This is one of the Bar's central goals, especially today. If recruitment and development of a more diverse bar is the goal, we need to start working with students before they get to law school. We would have more impact, by focusing on bilingual bicultural undergraduates who need support, and encouragement, to finish school and pursue legal careers. One key strategy is

recruiting them to volunteer or intern as undergraduates. LASC has seen multiple first generation students intern with us, and as a result, go on to law school (several are now working with their communities as lawyers). This is possible because we use these bilingual students as part of our volunteer model. If the Bar allowed rural programs like ours to include bilingual undergraduates in the ratio, we would support diversity in the profession, as well as honoring the important role these students play in helping clients in programs like ours.

c. Riverside Legal Aid

In our almost 40-year history, RLA has always relied on volunteer attorneys as the primary means of providing legal services to clients.

Our Small Estates Assistance Clinic held weekly in the Riverside courthouse is staffed 100% by volunteer attorneys. The Family Law Clinics in Riverside on Tuesday and Thursday evenings are staffed by one contract supervising attorney and from one to six volunteer attorneys at each clinic. 100% of clients with unlawful detainer and miscellaneous civil matters (e.g., collections) in both Riverside and Indio are served by volunteer attorneys. All clients of our Indio office are served by volunteer attorneys, with the exception of the few conservatorship clients who are seen by the EAF contract attorney during his eight hours a month. Historically, we have used primarily volunteer attorneys in our Federal Pro Se clinics, although participation has dropped off recently.

Although it has always been difficult to recruit volunteers in this more rural community, our volunteer hours have always exceeded our staff hours. Unfortunately, there was a drop in the number of volunteer hours last year. But with our new Executive Director, who started on July 1, 2019, we anticipate a surge in volunteers going forward because of her enthusiasm, her own volunteer experience, and the recruitment plan that she has made a priority and has already begun to formulate.

Recruitment of volunteers in Riverside County has always been a struggle. We do not have the very large firms who support legal services that are found in the large, urban areas. Our Federal District Court/Bankruptcy Pro Se Clinic provides a good example of our situation. Our Clinic operates on the same model as the other Central District clinics in Los Angeles and Orange County. When we began the program, we had enthusiastic support from the Federal Bar Association and sole Federal practitioners; we had from two to six volunteer attorneys at every clinic. But we drew from a very small pool and interest has waned. In Orange County, every semi-weekly clinic is “sponsored” by a law firm, which provides the legal staff for that day’s clinic. We have tried, but have never been able to get a local law firm to do the same in Riverside. Whether it is because they feel they are not big enough to commit attorney time or because they don’t have a tradition of volunteerism, they

generally do not provide volunteers. There are no firms here on the scale of those found in LA and San Francisco. The few medium-size firms that we do have, do not appear to have the same culture of volunteerism. Large law firms in Los Angeles and San Francisco advertise on their websites their commitment to pro bono work; that kind of culture does not exist here. We just don't have the same pool to draw from as exists in the large urban areas.

Be that as it may, we are excited and optimistic looking forward with our new ED. She is passionate about legal services, having been awarded Volunteer of the Year for the Legal Aid Association of California and for Inland Empire Latino Lawyers Association for 2016. As early as her fourth day with us, she had already begun to formulate a plan for recruiting volunteers. After determining which areas have the most urgent need for volunteers, her plan includes giving recruitment presentations to the membership of the County and Desert Bar Associations, as well as the County's specialty bars (Federal, Bankruptcy, African-American, Latino, Asian Pacific) and County Bar sections (family law, probate, civil litigation). She plans to offer "free" continuing education programs in exchange for volunteer hours. She will reach out personally to the larger firms in the County, and utilize some board members to assist in that.

Based on the entire history of Riverside Legal Aid, our strong commitment to serving our clients with pro bono services, and the passion and commitment we have already seen from our new ED, we strongly believe that last year's drop in volunteer hours was an anomaly, and we will be back on track in the coming year.

d. Veterans Legal Institute

Since inception, VLI has always has a leveraged a significant number of pro bono attorneys, paralegals, and law clerks to paid staff.

In 2018, VLI conservatively estimates 52 attorneys provided over 3061 hours to all indigent clients in all counties. The numbers provided in the table are a conservative estimate of pro bono legal services provided to indigent clients in LA County. At least 58% of VLI's clients are indigent living in California. This number jumps to 62% if including indigent veterans from out of state that have no other recourse for free legal aid, especially for veterans benefit and military sexual trauma. LA County clients represent approximately 19% of this 58% indigent client total. No less than 30 pro bono attorneys are directly attributable to indigent clients in Los Angeles County.

All of the attorneys we recruit have special expertise needed to provide services. All have a military connection in being former service, military family members and veteran advocates. Moreover, many have specialized JAG experience. As a result, they understand the impact of military service on transitioning successfully to

civilian life. Many are at the top of the profession in litigation and mediation in top requests for service in family law, veterans benefits, immigration, consumer, and housing law. Further, these attorneys are available to travel to and attend over 40 clinics dates for innovative strategic outreach clinics from the Veterans Administration Hospital in Long Beach through locations in Orange County as described in this application.

In 2018 we increased paid staff hours to keep up with demands for service and to need to place more cases with PBI attorneys with legal expertise.

Beyond pro bono attorney, paralegal, and law clerk hours, in 2018 VLI conservatively estimates an additional 305 hours from legal assistants and 135 hours from office assistants working directly on on indigent cases in LA county.

Attachment J: Applicants with HICAP Activities

Text as submitted in the 2020 IOLTA and EAF application, Form II, question 2.

1. Elder Law & Advocacy (EL&A)

EL&A's Health Insurance Counseling & Advocacy Program (HICAP) provides Medicare benefits counseling, advocacy and legal representation services to over 3,000 San Diego and Imperial County residents each year. Clients receive services from well-trained HICAP staff and volunteer counselors. In the course of providing education in the community, HICAP is able to reach many under-served and hard-to-reach populations such as low-income individuals who would benefit from lower prescription drug costs, "dual eligible" (Medicare and Medi-Cal) populations, under-served populations, such as ethnic minorities, and hard-to-reach populations such as those with mental health issues.

HICAP's highly experienced legal staff provides oversight and training for program staff and volunteers, and provides direct assistance to beneficiaries with administrative appeals. HICAP staff attorneys provide guidance and information on laws and regulations to program staff and volunteers on what are often very complex healthcare benefits-related issues. EL&A is the only provider authorized by the State of California, California Department of Aging to train and certify HICAP counselors for the San Diego County and Imperial County regions.

2. Legal Assistance for Seniors (LAS)

The Health Insurance Counseling and Advocacy Program (HICAP) provides free, unbiased advice and assistance regarding Medicare and related health care needs. Last year, LAS' team of state-registered volunteer HICAP counselors provided services at 33 community locations throughout Alameda County, including senior centers, health clinics, and community centers. In a HICAP counseling session, a senior can enroll in Medicare, choose and enroll in supplemental and Part D plans, and be screened and get help applying for cost-saving programs. In addition, when a beneficiary is being threatened or denied by Medicare, HICAP provides advocacy. HICAP counselors are highly trained and complete 40 hours of initial training, a shadowing period with an experienced counselor, and continuing education to maintain their HICAP certification. Last year, HICAP assisted 3,995 individuals.

3. Legal Services of Northern California (LSNC)

HICAP provides assistance and advocacy for Medicare beneficiaries.

4. Center for Healthcare Rights (CHCR)

The Center for Health Care Rights' direct service programs are primarily supported with federal and state funding provided by the California Department of Aging's Health Insurance Counseling and Advocacy Program grants (HICAP). The HICAP grants for Los Angeles County are administered at the local level by the Area Agencies on Aging for the City and County of Los Angeles. CHCR's HICAP services provide information and assistance on Medicare, Medi-Cal, Medicare Part D, Medicare Advantage Plans, Medicare Supplemental Insurance and long term care options through the delivery of community education and outreach activities; telephone

hotline counseling and informal advocacy services; in person counseling at community sites throughout Los Angeles County; and legal services provided by HICAP direct service staff.

During 2018, CHCR's HICAP delivered Medicare and Medi-Cal telephone and in person counseling and legal services 7194 individuals. In addition, during 2018, CHCR's HICAP Community Educators conducted more than 2272 community education programs for consumers and professional groups reaching more than 16,000 individuals.

The Equal Access Fund grant and IOLTA grant funding provide CHCR with critical financial support to expand our delivery of Medicare legal services to a growing Medicare population in Los Angeles County. In calendar year 2018, the EAF grant funded the delivery of Medicare legal services to 649 low income Los Angeles County adults and the IOLTA grant funded Medicare legal services for 500 Los Angeles County adults.



2020 EAF/IOLTA Grant Application

Methodology for determining qualified expenditures for free civil legal services to indigent persons

2018 Center for Health Care Rights reported total corporate expenditures: \$1,648,042.29

2018 funding from AAA HICAP grant revenues: \$1,403,411

The Center for Health Care Rights will disallow \$224,337 in HICAP grant expenses on the 2020 EAF/IOLTA Grant Application. We have outlined below an explanation and methodology for how we determined the dollar amount of qualified and disallowed HICAP expenses.

The Center for Health Care Rights HICAP program services include:

- Community education programs on Medicare and Medi-Cal topics for older adults and younger persons with disabilities; caregivers and family members; and social/health care professionals.
- Outreach services at conferences, resource fairs, health fairs and other events to promote community awareness about HICAP program services.
- Counseling services by HICAP Staff and Volunteer Counselors.
- HICAP legal services by HICAP Staff and Attorney(s).

CHCR has reviewed FY 2017-18 fiscal and program data for our HICAP programs to help us determine the dollar amount of CHCR HICAP costs that qualify as qualified expenditures for the 2020 Legal Services Trust Fund EAF/IOLTA Application. These charts will be referenced in this methodology analysis of the costs for each HICAP subprogram: legal services, community education/outreach, counseling and the HICAP Volunteer Program. In our review of each HICAP program, we outline our rationale for why specific HICAP costs should be counted as qualified expenditures for the 2020 Legal Services Trust Fund EAF/IOLTA Application.

1. HICAP Legal Services

In 2017-18, the CHCR Attorney and Non-Attorney Direct Service Staff provided HICAP legal services to 500 HICAP clients. Attachment 1, Chart # 2 outlines the estimated direct costs for HICAP legal services. The estimated costs for legal services include the Attorney time spent on legal supervision and on her assigned legal cases. Other costs include non-attorney direct service time on legal cases, 604 hrs and time spent in case review discussion with the Attorney estimated at 48 hrs for the year. Direct costs for the legal program include costs for a CCH Medicare legal research Internet product.

HICAP legal reports show that the Attorney personally handled 155 of the 500 legal cases. In addition, the HICAP legal reports show that the Attorney provided 68 hours of legal consultation time on the 345 legal cases that were handled by non-attorney direct service staff, an average of 20 minutes per case.

The HICAP legal cases included a range of problems and issues, including:

- Balance billing of persons dual eligible for Medicare and Medi-Cal by Medicare providers;
- Medicare claim denials for laboratory services be
- cause an Advance Medicare Beneficiary Notice was provided to the beneficiary;

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- Medicare appeals of Part B claim denials for ambulance services;
- Medicare Secondary Payer recoupment of payment due to evidence of other insurance such as Workers Compensation, auto insurance or employer health plan coverage as primary.
- Medicare Part A expedited appeals of termination of coverage for hospital, skilled nursing or home health services;
- Coordination of Medicare ESRD Part A and B eligibility with employer health plan coverage.

Do the costs for the HICAP legal program meet the Legal Services Trust Fund standard for qualified expenditures for free civil legal services to indigent persons?

Answer: Yes, all of the HICAP legal program costs should be treated as qualified expenditures for the 2020 Legal Services Trust Fund EAF/IOLT Application. Program data document that the services were provided under the supervision of an attorney. In addition, HICAP legal clients received legal services to resolve complex eligibility, claim or benefit issues which had adversely affected their access to Medicare and or Medi-Cal benefits or services.

2. HICAP Community Education & Outreach Services

CHCR's HICAP Community Education Program provides free community education programs on Medicare, Medi-Cal and other health insurance topics to a variety of audiences throughout Los Angeles County. Our HICAP education brochures provide information on Medicare, Medicare Part D, The Medicare Savings Programs, the Medicare Part D Low Income Subsidy Program, Medi-Cal, Medicare Advantage Plans and Medicare Supplemental Health Insurance.

Attachment 1, Chart # 3 outlines the estimated direct costs for HICAP community education and outreach services. This chart outlines the time allocation for program staff members to program management activities, community education programs and outreach events. Direct costs for this program include mileage costs to education and outreach events; printing costs for HICAP education and promotion brochures; outreach events registration fees and language interpreter services for education programs conducted in Mandarin, Korean, Armenian, Russian and Farsi.

In 2017-18, the HICAP Community Education & Outreach Program Staff conducted 272 community education programs and participated in 63 outreach events throughout Los Angeles County. HICAP Aggregate Reports for the reporting period indicate that 16,503 persons participated in these HICAP community programs.

During the same period, the HICAP Community Education & Outreach Program Staff participated in 63 community outreach events at a variety of venues, including conferences, elected officials town halls, health fairs and community resource events.

Do the costs for the HICAP Community Education Program meet the Legal Services Trust Fund standard for qualified expenditures for free civil legal services to indigent persons?

Answer: Yes, all of the HICAP community education program costs should be treated as qualified expenditures for the 2020 Legal Services Trust Fund EAF/IOLTA Application.

CHCR's HICAP community education program costs should be treated as qualified expenditures for the following reasons:

1. A review of our HICAP Medicare and Medicare Part D education curriculum shows that our HICAP education programs focus on helping community members understand their Medicare benefits and appeal rights available with fee for service Medicare, Medicare Advantage Plans and Medicare Part D Drug Plans. Our HICAP education programs help participants navigate a complex Medicare program so that they can use their Medicare benefits effectively and make informed health care decisions. We believe that these goals are consistent with the Legal Services Trust Fund Program goal of improving access to public benefits for older adults as an underserved population.
2. CMS and California demographic data on Medicare beneficiaries in Los Angeles County show that the majority of Medicare beneficiaries in Los Angeles County are lower income older adults of non-Caucasian ethnic communities. To respond to the health care needs of our Medicare population, CHCR gives service priority to the community education needs of Medicare beneficiaries in Los Angeles County who face serious obstacles to health care due to low income, health literacy, physical or mental disabilities or limited English Proficiency.

A review of our FY 2017-18 HICAP community education program data provides evidence that the majority of HICAP community education participants are low income older adults who have Medicare and Medi-Cal. In addition, to meet the limited English Proficiency needs of our community, at least one third of HICAP education programs were conducted in other languages.

CHCR's HICAP community education programs for low income beneficiaries help them understand their Medicare and Medi-Cal rights and benefits and that CHCR's HICAP Program is a resource to contact when they experience any problems with their health care benefits.

Our HICAP community education programs also promote access to other medical financial assistance programs, such as the Medicare Savings Programs and the Medicare Part D Drug Program. These community education services promote community awareness of programs that help with Medicare out of pocket expenses that are an alternative for low income Medicare beneficiaries who may not be eligible for Medi-Cal.

CHCR's HICAP Community Education Program strong emphasis on helping our Medicare population obtain access to Medi-Cal and publicly funded health care benefits is consistent with Legal Services Trust Fund Program goal of improving access to public benefits for older adults as an underserved population.

3. HICAP Volunteer Program

Attachment 1, Chart # 4 outlines the direct costs for CHCR's HICAP Volunteer Program. The program costs include personnel costs for the HICAP Program Manager who has program management responsibility for the HICAP Volunteer Program, program support staff time allocated to the HICAP Volunteer Program, and the Executive Director's time spent on HICAP Volunteer training activities. Program costs also include costs for HICAP Volunteer travel to HICAP meetings, HICAP Volunteer Program training expenses and costs related to the annual HICAP Volunteer Recognition event.

HICAP Volunteer Counselors provide free in person HICAP counseling services at local community sites such as senior centers, hospitals, other non-profit agencies in Los Angeles County. CHCR's HICAP Volunteer Counselors provide basic information to persons eligible for HICAP services, Medicare beneficiaries and persons age 60 and older who are Los Angeles County residents. The scope of HICAP Volunteer counseling includes information on eligibility, benefits and costs for Medicare and Medicare Part D drug coverage; information on health insurance options provided by Medicare Advantage plans and Medicare Supplemental Health Insurance; information on how the Medicare Part D Low Income Subsidy Program and the Medicare Savings Program provide financial assistance with Medicare expenses.

During FY 2017-18, HICAP Volunteer Counselors were trained and supervised by the HICAP Program Manager with the assistance of the Executive Director.

A review of HICAP Volunteer Intake Forms for FY 2017-2018, shows that clients who received services provided by HICAP Volunteer Counselors received basic information about Medicare Part A and B benefits, information about Part D drug coverage, and/or a comparison of Medicare Advantage plans and Medicare Supplemental Insurance as options for closing gaps in Medicare coverage. HICAP Volunteer Counselors provided limited information on eligibility for Medi-Cal and other financial assistance programs. HICAP Volunteer Counselors made client referrals to the HICAP Program Manager when clients needed more detailed information on Medi-Cal or needs assistance with a Medicare and Medi-Cal problem.

Internal CHCR client database reports estimate that in FY 2017-18, HICAP Volunteer Counselors provided counseling services to 1070 counseling clients or 14% of the total number of HICAP counseling clients served by CHCR's HICAP Program.

Do the costs for the HICAP Volunteer Program meet the Legal Services Trust Fund standard for qualified expenditures for free civil legal services to indigent persons?

Answer: No, the Center for Health Care Rights is disallowing all HICAP Volunteer Program costs from consideration as qualified expenditures for the 2020 Legal Services Trust Fund EAF/IOLTA Application. The services provided by the HICAP Volunteer Program focus primarily on understanding Medicare benefits and explaining private health insurance options. Total costs for this program that are being disallowed are \$137,542.

4. HICAP Counseling Program (services provided by Direct Service Staff)

The Center for Health Rights' Direct Service Staff are HICAP Staff Counselors who provide in person and telephone hotline HICAP counseling services. These direct service staff also provide EAF and IOLTA funded legal services.

Internal CHCR client database reports estimate that in FY 2017-18, CHCR HICAP Staff Counselors provided HICAP counseling services to 6694 persons.

Attachment 1, Chart # 5 outlines the FY 2017-18 program costs for the HICAP Counseling Program, aka, services provided by HICAP Staff Counselors. During FY 2017-18, personnel costs included expenses for 11 direct service staff who were primarily responsible for providing HICAP Staff counseling and other direct service staff who provided more limited counseling services but had counseling program management responsibilities or other HICAP program responsibilities. The chart shows program costs for the HICAP Attorney who provides legal supervision for the HICAP counseling activities and the HICAP health insurance specialist supervisor who provided HICAP Staff Counselor training and provides additional program supervision to this program. Costs for Program Support staff who provide front office telephone support to the HICAP hotline and enter client data into the CHCR client database is also included. Direct program costs include library/subscription costs for an encrypted email subscription and translation costs for a telephone interpreter service.

HICAP Staff Counselors participate in an intensive 3 month training program that prepares them to provide a comprehensive range of information, counseling and advocacy services on a variety of Medicare, Medi-Cal, private health insurance coverage issues and problems, including:

- Medicare Part A and B eligibility, benefits and claims;
- Medicare Part D drug plan coverage and costs;
- Medi-Cal eligibility guidelines and benefits;
- Assistance with Medicare Saving Program and Medicare Part D Low Income Subsidy Program applications;
- Assistance with the resolution of Medi-Cal application, eligibility and coverage of services.
- Medicare rules regarding coordination of Medicare coverage with employer health plan coverage.

Do the costs for HICAP Staff Counseling Services meet the Legal Services Trust Fund standard for qualified expenditures for free civil legal services to indigent persons?

Answer: CHCR has determined that 88% of the costs for HICAP Staff Counseling services are qualified expenditures for the purposes of the 2020 EAF/IOLTA Application. In addition, CHCR has determined that 12% of the costs for HICAP Staff Counseling services are not qualified expenditures and will be treated as disallowed costs. The total dollar amount for 2017-18 HICAP Staff Counseling services that will be treated as disallowed expenses on the 2020 EAF/IOLTA Application is \$86,795. We have outlined below the methodology used to make this evaluation of HICAP Staff Counseling services costs.

1. The CHCR Attorney provides legal supervision of the HICAP counseling services delivered by HICAP Staff Counselors. In addition, CHCR has in place strong quality assurance mechanisms to safeguard the high quality of the counseling services provided by HICAP Staff Counselors.

CHCR HICAP legal consultation reports track HICAP Attorney time spent on HICAP counseling cases. These reports document that during FY 2017-18, the attorney spent a total of 292 hours reviewing a total of 660 counseling cases handled by HICAP Staff Counselors. This data indicates that: 1) the HICAP Attorney reviewed 1 out of 10 counseling cases and 2) of the counseling cases reviewed, an average of 44 minutes was spent on the review of each case.

These HICAP reports also track the type of legal consultation provided—technical assistance, case review, and/or legal research. A review of the case notes in these HICAP reports indicates that the counseling cases reviewed were in most cases complex counseling cases which required more intensive legal supervision, technical assistance or legal research.

CHCR uses other quality assurance mechanisms to protect the quality of HICAP Counseling services. These mechanisms include:

- A 3 month intensive initial training program for new direct service staff which includes a comprehensive review of Medicare Part A, B and D eligibility and coverage; Medicare Advantage plans, the Medicare Savings Program and Part D Low Income Subsidy Program, Medicare Supplemental Insurance, Medi-Cal programs for persons who are elderly or disabled. The training uses detailed training modules with reference materials and case protocol procedures for handling specific types of cases. The training modules and case protocols were originally developed by past CHCR attorney staff. In addition, the training includes extensive co-counseling time with experienced HICAP Staff Counselors and in service training time working on client cases under supervision.
 - Monthly direct service meetings to review discuss cases, provide training and discuss new Medicare and Medi-Cal policy developments that may impact CHCR direct service work.
 - A non-attorney health insurance specialist supervisor provides additional direct service supervision to supplement the legal supervision provided by the CHCR attorney. The attorney supervises the work of the non-attorney supervisor and the non-attorney supervisor and attorney consult daily to review direct service activities.
2. HICAP program data for 2017-18 indicate that a significant number of HICAP clients contact the HICAP telephone hotline for help with resolving Medicare and Medi-Cal eligibility, claim payment and access to services problems that are compromising their Medicare and/or Medi-Cal rights and adversely impacting the effective use of their health benefits.

The attached document labeled **Attachment 2; Category Issue Codes for HICAP Cases** provides HICAP program data on the CHCR category issue codes used to define the client issue and/or

problem for telephone hotline cases handled during 2017-18. The category issue codes are divided into 4 categories: Accessibility, Care/Service, Claims and Client Education. All CHCR client cases opened and entered into the CHCR Client Database are assigned category issues by the direct service staff person handling the case. Most client cases are generally assigned 2 to 4 category issues to describe the client's reason for contacting CHCR for assistance.

For example, a client who has Medi-Cal with a share of cost contacts CHCR for help with the Medi-Cal share of cost and to apply for the Medicare Part D Low Income Subsidy Program. The direct service staff person would at a minimum use the following codes to define the client's concerns: C10 Affordability and CE16 Part D LIS Information.

Pages 1 and 2 of Attachment 2 provide information on the number of telephone hotline HICAP cases that were given category issue codes that indicate that the client had an accessibility, care/service or claim problem that affected their access or use of health care coverage. These charts indicate that 4696 counseling cases involved a serious problem with their Medicare or Medi-Cal health care benefits. Of specific note are the 3745 client cases that were identified as involving claim payment issues. At least 1888 client cases were coded with the C10 category issue code. This code is used by CHCR direct service staff most frequently to identify clients who contact us regarding Medi-Cal share of cost concerns.

Although the program data outlined in Attachment 2 does not provide definitive information on the HICAP advocacy services provided, it does strongly indicate that a significant number of HICAP clients contact CHCR because they believe they will receive HICAP counseling services to resolve an accessibility, care/service or claim problem, not to simply to obtain assistance with Medicare information and counseling on insurance options.

3. HICAP program data also show that a significant number of low income Medicare beneficiaries contact the CHCR HICAP Program for information and application assistance with Medi-Cal, the Medicare Savings Program and the Medicare Part D Low Income Subsidy Program.
In addition, a large number of persons who are dually eligible for Medicare and Medi-Cal contact the HICAP Program for help with understanding their rights and benefits under Medicare and Medi-Cal.

The Client Education chart of category issue codes shown on Page 3 of Attachment 2, Category Issue Codes for HICAP Client Cases, provides program data that indicates that Medicare beneficiaries contact the HICAP Program primarily to obtain application assistance with Medi-Cal and other financial assistance programs for low income Medicare beneficiaries, the Medicare Savings Program and the Medicare Part D Low Income Subsidy Program. In 2017-18, 3152 cases were coded as requesting Medi-Cal information assistance. This would strongly indicate that 50% of the 6694 HICAP counseling cases handled by HICAP Staff Counselors were to obtain help with Medi-Cal.

In addition, the same Client Education chart referenced above also shows that 4519 cases were coded as needing coordination of benefits assistance. This category issue code is primarily used to identify persons who have Medicare and Medi-Cal who are seeking help with understanding their Medicare rights and benefits. In 2017-18, more than 30% of CHCR telephone hotline HICAP clients were dual eligibles who received services from HICAP Staff Counselors. HICAP Staff Counselors provide dual eligibles with an in depth review of their Medicare benefits; the role of their Medi-Cal health plan to provide secondary coverage and access to Medi-Cal benefits not provided by Medicare; state and federal protections that limit their liability for medical costs; their Medi-Cal managed care rights, and help with selecting a Medicare Part D drug plan that will meet their prescription drug needs.

4. FY 2017-18 HICAP program data provides evidence that only a small segment of all HICAP clients who receive HICAP Staff Counselor services are seeking only information about Medicare Part D and private health insurance options for supplementing their Medicare.

Page 3 of Attachment 2, Category Issue Codes for HICAP Client Cases provides a chart labeled Insurance/Part D. This chart provides program data on the number of HICAP cases that were defined as seeking information on Medicare Part D and/or information on private health insurance options, identified by CI codes CE6 and CE7. This chart shows that in 2017-18, only 2017 cases were assigned Insurance/Part D category issue codes. This contrasts with the 4696 HICAP cases that were coded with accessibility, care/service and claim category issue codes shown on page 1 and 2 of Attachment 2. In addition, the number of cases coded as Insurance/Part D is also significantly less when compared to the 10,028 cases in the Client Education chart shown on page 3 of Attachment 2.

Calculation of Qualified Expenditures for HICAP Counseling Services Provided by HICAP Staff Counselors

Center for Health Care Rights used the case category issue program data outlined in Attachment 2 to quantify the percentage of HICAP clients who received HICAP counseling services from HICAP Staff Counselors for:

- An accessibility, claim, or care/service problems—number of cases 4696
- Information and application assistance with Medi-Cal and other medical financial programs for low income Medicare beneficiaries or coordination of benefits assistance to dual eligibles - number of cases 10,028
- Assistance with Part D plan and private insurance options for supplementing Medicare – number of cases 2017

We tabulated all the category issue codes in each of the 5 category issue groups to obtain a total of 16,741 total category issues assigned to HICAP cases. We then divided the 2017 total for the Insurance/Part D category issues by the total number of category issues for all 5 category issue Groups which was 16,741 to obtain the percentage of cases that were identified as Insurance/Part D

information related. This percentage was 12%. We then applied the 12% to the 6694 HICAP counseling cases handled by HICAP Staff Counselors in FY 2017-18. This gave us a Subtotal of 803 clients that we then identified as clients who received only Part D or insurance options counseling.

We then applied the 12% estimate for HICAP clients who received only Part D or insurance options counseling to the total program costs for the HICAP Counseling Program (services provided by Staff HICAP Counselors. The total program budget for FY 2017-18 was \$723,295 and 12% of this total is \$86,795. This is the amount which CHCR will disallow for HICAP Counseling Program Services from the 2020 EAF/IOLTA Application.

FY 2017-18
Center for Health Care Rights
HICAP Program Cost by Program Services

HICAP Program Cost	Total Cost	HICAP Volunteer Counselor Program	HICAP Legal Services	HICAP Community Education & Outreach	HICAP Staff Counseling Services
HICAP Personnel					
Salaries	\$742,445	\$77,094	\$54,328	\$127,924	\$483,099
Benefits/Taxes	\$155,379	\$16,029	\$11,400	\$26,700	\$101,250
Salaries & Benefits	\$897,824	\$93,123	\$65,728	\$154,624	\$584,349
HICAP Non-Personnel Direct Costs	\$101,324	\$21,772	\$8,000	\$56,136	\$15,416
Shared Non-Personnel Expenses	\$205,884	\$22,647	\$16,472	\$43,235	\$123,530
Space/Parking					
Equipment Rental/Maintenance					
Office Supplies/Equipment					
Postage					
Telecommunications					
Training					
Insurance					
Audit					
Total Program Costs	\$1,205,032	\$137,542	\$90,200	\$253,995	\$723,295
Contract Services to Program (Consulting Services)	\$52,286				
Contract service to Clients (in direct costs)					
Equipment	\$22,115				
In Kind	\$45,336				
Indirect Cost	\$123,978				
Total Costs	\$1,448,747				

FY 2017-18
Center for Health Care Rights
HICAP Legal Program Costs

	Total Salary Allocated to HICAP Grant	Legal Program Cost	% time Legal Cases	% Time Program Case Review/Legal Research
Personnel				
Staff Attorney	\$51,850	\$28,900	16%	18%
			\$13,600	\$15,300
Personnel	Total Legal Cases Hours 2017-18	Legal Program Cost		
Non-Attorney Staff 4 – Staff, Composite Salary Rate \$39/hrs.	604	\$23,556		
Other Non-Attorney Staff Case Review Activities 48 hrs. @ \$39/hr.		\$1,872		
Total Salaries		\$54,328		
Benefits/Taxes		\$11,400		
Total Personnel Cost		\$65,728		
Direct Non-Personnel Cost				
Membership/library/CCH Medicare subscription		\$8,000		
Non-Personnel Expenses		\$16,472		
Total Program Expenses		\$90,200		

FY 2017-18
Center for Health Care Rights
Community Education/Outreach Program Costs

Personnel	Program Cost	Program Management Time	Community Education Program	Outreach Events
Community Education Manager	\$63,740	20%	60%	20%
Community Education & Outreach Specialist	\$30,000		40%	20%
Executive Director	\$22,644	20%	10%	
1 –Program P/T Support Staff	\$11,540	100%		
Total Salaries				
Benefits/Taxes	\$26,700			
Total Personnel Cost	\$154,624			
Direct Non-Personnel Costs				
Printing	\$17,800			
Outreach Event Registration Fees	\$30,210			
Translation Cost (Interpreters at Community Education programs)	\$3,000			
Mileage	\$5,126			
Total Direct Non-Personnel Costs	\$56,136			
Shared Non-Personnel Expenses	\$43,235			
Total Program Expenses	\$253,995			

FY 2017-18
Center for Health Care Rights
HICAP Volunteer Program Costs

	% of Time	Program Cost
Personnel Costs		
HICAP Program Manager	100%	\$65,000
Program Support Staff	20%	\$8,320
Executive Director	5%	\$3,774
Total Salary Cost		\$77,094
Benefits/Taxes		\$16,029
Total Personnel Cost		\$93,123
Direct Non-Personnel Costs		
Mileage/Travel		\$544
Volunteer Expenses		\$21,228
Mileage		
Training		
Recognition event		
Total Direct Non-Personnel Costs		\$21,772
Shared Non-Personnel Expenses		\$22,647
Total Program Expenses		\$137,542

FY 2017-18
Center for Health Care Rights
HICAP Counseling Program Costs

	Program Cost	Legal Supervision	% Time Program Management/training	% Time Counseling
Personnel Cost				
Salaries				
11- Direct Service Staff	\$191,913			100%
1 - Community Education/Outreach Specialist	\$22,620			40%
Executive Director	\$49,062		50%	15%
Health Insurance Specialist Supervisor	\$60,000		60%	40%
Attorney	\$22,950	66%		
4 - Program Support Staff	\$136,554			
Total Salaries	\$483,099			
Benefits/Taxes	\$101,250			
Total Personnel Costs	\$584,349			
Direct Non- Personnel Costs				
Library/subscriptions	\$8,992			
Translation services	\$5,839			
Other	\$585			
Total Direct Non-Personnel Costs	\$15,416			
Shared Non-Personnel Expenses	\$123,530			
Total Program Expenses	\$723,295			

Center for Health Care Rights
FY 2017 – 2018 HICAP Data
Category Issue Codes for HICAP Client Cases

Accessibility Cases

Category ID	Category Issue	# of Cases with Code
A3	Appointment Waiting Time	5
A4	Authorization Delay	31
A5	Authorized Care Not Scheduled	1
A6	Incorrect Coverage	44
A7	Disenrollment Dispute	76
A9	Eligibility Problem	332
A10	Disability Access Problem	3
A11	Language Barrier – Relating to spoken communication or print material	63
A13	Lack of Specialist Availability	21
A14	Lack of In-Person Telephone Availability	9
A15	Physician – Lack of Availability or Client Can't Get Preferred Choice	33
A17	Complaint About Regulatory/Agency	30
A18	Part D Eligibility Problem	28
A19	Part D LIS Eligibility Problem	23
A22	Involuntary Disenrollment	4
A99	Other Accessibility	26
Total		729

Care/Service Cases

Category ID	Category Issue	# of Cases with Code
CS1	Inappropriate or Inadequate Care	28
CS3	Care – Discharge Planning Inadequate	9
CS4	Inadequate Facilities	9
CS5	Care/Service Discharge	12
CS6	Care/Service Denial – Not Medically Necessary	30
CS7	Care/Service Denial – Service Not Covered	19
CS8	Care/Service Denial – Exhaustion of Benefits	8
CS9	Care/Service Denial – Other	29
CS10	Care/Service – Communication Courtesy/Cultural Problem	10
CS13	Part D Plan – Slow Response to Inquiries	9
CS15	Part D Drug Denied – Not on Formulary	6
CS16	Part D Drug – Exception Request	9
CS17	Part D Drug – Appeal	2
CS18	DME POS Immediate Need	14
CS99	Other Care/Service	28
Total		222

Center for Health Care Rights
FY 2017 – 2018 HICAP Data
Category Issue Codes for HICAP Client Cases

Claims Cases

Category ID	Category Issue	# of Cases with Code
C2	Claim Denial – Service Not Covered	106
C3	Claim Denial – Eligibility Problem	25
C4	Claim Denial – Exhaustion of Benefits	15
C5	Claim Denial – Not Medically Necessary	79
C6	Claim Denial – Other Problem	67
C7	Balance Billing	201
C9	Premium Concerns (Increased or Refund Requested)	598
C10	Affordability	1,888
C11	Liens/Accident Payments	40
C12	Worker's Compensation Related	64
C13	Slow Payment	9
C14	Claims Processing Confusion	140
C15	Provider Billing Problem	94
C16	Part D Affordability – General	249
C17	Part D Affordability – Dual Eligibles	54
C18	Part D Claim Denial – Not on Plan Formulary	30
C19	Part D Claim Denial – Prior Authorization Required	5
C20	Part D Premium and Copay Problem – LIS Related	21
C21	Part D Claim Problem	5
C22	Part D Premium Problems	5
C23	Billing of Part D Excluded Drug to Medi-Cal	8
C24	Incorrect Billing of Part B Drug to Part D	7
C99	Other Claims/Payment	35
Total		3,745

Total for Accessibility Cases, Care/Service Cases, and Claims Cases	4,696
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Center for Health Care Rights
FY 2017 – 2018 HICAP Data
Category Issue Codes for HICAP Client Cases

Client Education

Category ID	Category Issue	# of Cases with Code
B1	Coordination of Benefits	4,519
CE1	Eligibility Medicare	1,253
CE2	Eligibility/Coverage: Medi-Cal or Healthy Families	3,152
CE16	Part D LIS Information	747
CE8	Long Term Care Related	269
CE21	LIS Enrollment	57
CE22	MSP Enrollment	31
Total		10,028

Insurance / Part D

Category ID	Category Issue	# of Cases with Code
B5	Questions about Part D Coverage	355
B8	Part D Coverage – Enrollment Information	16
B9	Part D Creditable Coverage – Employer Based	6
CE6	Choosing a Health Product	573
CE7	Benefit Comparison	272
CE15	Part D Comparison	651
CE17	Part D Enrollment Assistance	144
Total		2,017