

Legal Services Trust Fund Commission Meeting

Thursday January 30, 2020

1:00 p.m. – 5:00 p.m.

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

MEETING SUMMARY AND ACTION ITEMS

OPEN SESSION

The meeting was called to order at 10:00 a.m.

I. ROLL CALL

Attendance was confirmed by roll call:

Commission Members

Banafsheh Akhlaghi (SF)
J. Eric Isken (LA)
Kim Bartleson (telephone)
Louise Bayles-Fightmaster (SF)
Pamela Bennett (LA)
Will Boschelli (LA)
Erica Connolly (telephone)
Herman L. DeBose (LA)
Rebecca Delfino (LA)
Corey N. Friedman (SF)
James Meeker (LA)
Debra Meyers (telephone)
Bob Planthold (SF)
Kim Savage (SF)
Christian Schreiber (SF)
Christina Vanarelli (LA)

Advisors

Judge Lisa R. Jaskol (LA)
Justice William J. Murray, Jr. (SF)
Judge Brad Seligman (SF)

State Bar Staff

Hellen Hong (LA)
Christal Bundang (SF)
Erica Carroll (LA)
Brady Dewar (SF)
Doan Nguyen (SF)
Dan Passamaneck (SF)

Liaisons/Presenters

Salena Copeland (LAAC liaison) (SF)
Loren Kline (LAAC liaison) (telephone)
Bonnie Hough (Judicial Council liaison)
(telephone)
Debbie Manning (Board of Trustees liaison)
(telephone)

Public

Kelly Ann Romanych (Deputy Executive
Director, Veterans Legal Institute) (telephone)

Quorum was confirmed. Legal Services Trust Fund Commission (Commission) Chair Banafsheh Akhlaghi led the meeting.

II. CALL FOR PUBLIC COMMENT

The Chair asked whether any member of the public wished to address the Commission. Kelly Ann Romanych announced herself and asked to speak on behalf of Veteran's Legal Institute's (VLI's) application for eligibility for the pro bono allocation. Her comments concerned the number of volunteers who contributed their time to VLI, and the number of activities in which they participate; VLI's historical difficulties tracking contributed hours; the valuable specializations of VLI's attorney volunteers, and the particularly underserved groups among VLI's client constituency. No other member of the public requested an opportunity to address the Commission.

III. CONSENT

A. Approval of Meeting Summary and Action Items from December 17, 2019 Meeting

The Meeting Summary and Action Items were included with the meeting materials. Planthold moved that the Commission approve the Meeting Summary; Friedman seconded. The Commission adopted the resolution by roll call vote, with Bennett abstaining and all others voting yes.

IV. STATE BAR REPORTS

This item was deferred until later in the meeting.

V. ELIGIBILITY APPLICATION AND ALLOCATION REVIEW AND APPROVAL

A. Veterans Legal Institute

Senior Program Analyst Christal Bundang summarized the status: The Commission determined Veterans Legal Institute (VLI) to be eligible for IOLTA and EAF funding for grant year 2020 at its December 2019 meeting, and directed staff to gather the information needed to calculate the appropriate allocation. Allocations have now been calculated based on two scenarios: whether VLI does, or does not, receive the pro bono allocation. VLI has passed the pro bono eligibility threshold but not the numerical tests A or B, so is seeking eligibility under test C. VLI has now revised their application narrative regarding their use of pro bono services, to clarify their Test C argument.

Commission members discussed VLI's reported staff and volunteer hours, and the facts and rules impacting the number of hours they reported and those that should be considered "eligible." VLI has only reported the hours spent serving indigent individuals, and their executive director describes this reporting as "conservative." Discussion then turned to the factors distinguishing Pro Bono Eligibility Tests A, B, and C, and how the goal of expanding and improving access to legal services includes the fostering of pro bono opportunities.

After this discussion, Reinis moved and Planthold seconded the following resolution:

RESOLVED, that the Legal Services Trust Fund Commission approves the application of Veterans Legal Institute (VLI) for a pro bono allocation, and approves their eligibility for the following grants for the 2020 grant year: IOLTA, IOLTA-Formula EAF, and EAF-Homelessness Prevention Formula Grant, in the total amount of **\$161,394.14**. The Commission also confers authority upon staff to approve VLI's grant budgets, absent any substantive issues raised during staff review.

The Commission adopted the resolution by unanimous roll call vote.

B. Senior Citizens Legal Services

Commission Member Kim Savage summarized the status: Senior Citizens Legal Services (SCLS) submitted a late application and audit, which mistakenly included a letter to SCLS from their auditor that raised questions about SCLS' ability to sustain operations due to weaknesses in internal oversight and finances. The Commission initially rejected their application as late; SCLS filed a request for reconsideration of that decision. Upon review, the Commission's review team determined that the facts as presented by SCLS reflected an extraordinary circumstance, in light of which the review team recommended that SCLS' application be accepted for review, and that an Eligibility Review Conference be held to discuss the concerns raised in the course of this application process, by the auditor's letter, and by the State Bar's 2018 site visit to SCLS. The Commission adopted this recommendation on December 17.

SCLS' Eligibility Review Conference was held on January 13; SCLS' board chair, Robert Taren, sent a letter dated January 21 letter to the Commission, following up on that meeting. The review team is satisfied that this letter provides the assurance currently needed for approval of funding, but recommended scheduling a mid-year status review to confirm the implementation of the measures described in the January 21 letter.

In view of the above, and after discussion, Planthold moved and Friedman seconded the following resolution:

Resolved, that the Legal Services Trust Fund Commission approves Senior Citizens Legal Services' application for eligibility for IOLTA and IOLTA-Formula EAF grants for grant year 2020; that the Commission directs staff to coordinate a meeting with SCLS' including the executive director and board representatives in or around June 2020 to review the status of implementation plans to improve oversight and strengthen governance. The Commission further confers authority upon staff to approve SCLS' budget, absent any substantive issues raised during staff review.

The Commission adopted the resolution by unanimous roll call vote.

The Commission left open session and entered closed session at 2:00 p.m.

The Commission returned to open session at 4:30 p.m. Attendance was confirmed by roll call.

IV: STATE BAR REPORTS

A. Justice Gap Study Updates

Director Hellen Hong provided a summary and overview of the main findings and recommendations of the Justice Gap Study, which was completed late in 2019 and released in January 2020. The Commission was invited to provide feedback as to both the contents and the presentation.

In the interest of time, remaining items on the agenda were deferred to a subsequent meeting. The meeting then adjourned at 4:58.