



The State Bar of California

OPEN SESSION

AGENDA ITEM

54-114 JULY 2020

BOARD EXECUTIVE COMMITTEE III.A

DATE: July 16, 2020

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

FROM: Mark Broughton, Appointments Liaison
Juan De La Cruz, Appointments Liaison

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

EXECUTIVE SUMMARY

This agenda item presents the Appointments Liaisons' recommended 2020–2021 appointments for the Legal Services Trust Fund Commission (LSTFC). There is currently one attorney vacancy and one public member vacancy due to resignations. In September 2020, there will be two additional attorney vacancies. This agenda item also presents the Appointments Liaisons' recommended appointments for the chair and vice-chair.

For more information about this item, please contact Acting Program Manager of the Office of Access & Inclusion, Doan Nguyen at doan.nguyen@calbar.ca.gov or 415-538-2545.

BACKGROUND

Functions of the Commission

The LSTFC was established by the Board of Trustees in 1982 to administer revenue from the Interest on Lawyers' Trust Accounts (IOLTA) and other funds "remitted to the Legal Services Trust Fund Program of the State Bar."¹ Grants from these funds are made to nearly 100 qualified legal services projects and support centers each year. These organizations provide free

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

civil legal aid in California to indigent² persons, or support services to the organizations that directly serve indigent persons.

The Board has delegated to the LSTFC three primary duties:

1. The LSTFC must determine an applicant's eligibility for grants and notify each grant applicant that its application has been approved or denied.³
2. The LSTFC must monitor and evaluate a recipient's compliance with Trust Fund requirements and grant terms.⁴
3. The LSTFC may terminate a grant for noncompliance or require a grant recipient to take corrective action.⁵

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

1. The **Eligibility and Budget Review Committee** is charged with responsibility for reviewing annual IOLTA and Equal Access Fund (EAF) applications from nonprofit organizations. All eligibility questions are discussed by the committee and staff, and when eligibility is unclear, committee members may request in-person eligibility conferences with applicants. Committee recommendations for eligibility are reported to the LSTFC, which takes formal action to approve or deny eligibility. Additionally, this committee is responsible for reviewing and approving proposed budgets submitted by eligible programs for their use of IOLTA and EAF grants. The committee has responsibility for determining that budgets conform to statutory requirements and regulatory rules governing the use of these funds. This committee is also charged with the responsibility of reviewing cases in which a grantee's funding may be terminated due to their failure to comply with relevant legal standards and authorities.
2. The **Partnership Grants Committee** is charged with administering funds set aside for the Partnership Grants program. Funded as part of the annual State Budget with 10 percent of EAF monies, Partnership Grants are used to support joint projects of court and legal services projects to provide services to indigent self-represented litigants. These grants are discretionary, both in terms of the programs that receive funding as well as the amounts of funding to be allocated to each successful applicant. Committee recommendations are presented to the full Commission for approval, and these recommendations are then reported to the Judicial Council, which has the final authority to approve these grants.

² Per Business and Professions Code section 6213(d), indigent includes a person (1) whose income is not higher than 125 percent of the federal poverty threshold, or (2) eligible for Supplemental Security Income or free services under the Older Americans Act (seniors 60+) or Developmentally Disabled Assistance Act.

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

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

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

3. The **Bank Grants Committee** administers funds received from legal settlements with the U.S. Department of Justice, Bank of America, and Citi. The funds are to be used for foreclosure prevention legal assistance and for community redevelopment legal assistance. The committee crafts recommendations regarding parameters for grant eligibility, the amounts available for distribution, funding criteria and priorities, and grant periods. These recommendations require approval from the LSTFC and Board of Trustees.
4. The **EAF Homelessness Prevention Funds Committee** is charged with administering \$20 million for legal services for homelessness prevention from Governor Newsom's May Revision to the 2019–2020 budget. 75 percent of the funds were distributed through a modified IOLTA formula, and the other 25 percent were distributed through a competitive grant process to IOLTA-funded organizations. Grants funded eviction defense or other tenant defense assistance in landlord-tenant rental disputes. For the 2021 grant year, this committee is expected to handle distribution of \$31 million from the National Mortgage Settlement for these same purposes.
5. The **Rules Committee** has been charged with developing a process to codify the decision points and considerations used by State Bar staff and the LSTFC in the administration of grants to legal services organizations. The purpose of this endeavor is to ensure transparency, consistency, and accountability in the grant-making process.

Size of the Commission

The LSTFC consists of 21 voting members and three nonvoting judicial advisors. The Board appoints 14 of the 21 voting members, 10 of whom must be licensees of the State Bar and four of whom must be public members. The Chief Justice, as Chair of the Judicial Council, appoints seven of the 21 voting members, five of whom must be licensees of the State Bar and two of whom must be public members, as well as the three nonvoting judicial officers, one of whom must be an appellate justice. Two of the public members (whether appointed by the State Bar or the Judicial Council) must be or have been within five years of appointment indigent persons (known as client-eligible) as defined by Business and Professions Code section 6213(d). Historically, client-eligible appointments have been appointed by the State Bar. In addition, the Board appoints officers of the LSTFC.

DISCUSSION

Introduction and Summary

There are four vacancies to fill: three attorney members and one public member. The State Bar received three applications from attorneys: two from current members whose terms expire in September and one from a new applicant. No applications were received for the public member position. For that position, we recommend continuing outreach until there is a viable candidate pool and appointing the candidate at a Board of Trustees meeting later this year.

One statement of interest was received for each of the chair and vice-chair positions. Officers will have a one-year term and the two reappointed members will have four-year terms starting in September. Technically, current State Bar Rule 3.662 states that the Board may appoint commissioners to the LSTFC for up to two three-year terms. However, this rule was supposed to have been amended to reflect the global recommendations for standardizing terms across all subentities. Due to other pressing priorities at the State Bar, the proposed rule change will be brought to the Board at its upcoming September meeting. Similar to last year, when the failure to update the rule was initially identified, we recommend that the current reappointments be for four-year terms. The new appointee will be filling a vacancy mid-term, and as such, the appointee will serve out the remainder of the existing term.

If accepted by the Board Executive Committee and the Board of Trustees, our recommendations will provide the commission with a strong background in legal services for indigent clients, understanding of the IOLTA statute, and knowledge of grant-making processes and procedures. Although these were the only recommendations received, we strongly believe these applicants would have risen to the top, even in a large applicant pool.

Recommendation for Filling Three of Four Vacant Positions

After review of the applications, and receiving feedback from staff, we recommend the following attorney candidates for three of the four vacancies. An overview of each of the applicants is listed below in alphabetical order.

- **Attorney Applicant: Amin Al-Sarraf, Los Angeles, CA (reappointment)**

Mr. Al-Sarraf currently serves as Chair of the LSTFC Rules Committee and is a member of the Bank Grants Committee. It takes time for LSTFC members to become familiar with the various rules and guidelines that form the framework of the commission's work, and over time, Mr. Al-Sarraf has become a valuable voice.

Mr. Al-Sarraf was admitted to practice law in 2009 and is currently a litigator with the law firm of Glaser Weil LLP in Los Angeles. Mr. Al-Sarraf is co-founder and serving as co-Chair of Glaser Weil's Pro Bono Committee, which works closely with local public interest organizations to provide pro bono assistance in a variety of cases, including domestic violence and immigration cases, and at numerous legal clinics throughout Los Angeles. He is familiar with the legal aid community, having volunteered at the Legal Aid Foundation of Los Angeles and Eviction Defense Network, among others. He currently serves as Commissioner on the City of South Pasadena's Public Safety Commission. As a Muslim and Arab American attorney, Mr. Al-Sarraf is active in the Muslim Bar Association of Southern California, and previously served as co-president of its board. In 2015, Mr. Al-Sarraf volunteered with the International Refugee Assistance Project in Amman, Jordan to represent refugees seeking asylum or resettlement in the United States.

- **Attorney Applicant: Catherine Blakemore, El Dorado Hills, CA**

Ms. Blakemore possesses a breadth of experience and in-depth knowledge in the delivery and management of legal services. She is familiar with access to justice issues, and her entire legal career focused on representing and securing justice for indigent Californians. She identifies as a person with a disability.

Ms. Blakemore worked as an attorney within three legal aid organizations, and until her retirement, she served as the Executive Director of Disability Rights California (an IOLTA funded organization). She has been involved in volunteer activities with the State Bar since 2009, and has served as the Vice-Chair of the California Commission on Access to Justice since 2014 and as a member since 2012. She participated in a series of meetings for the LSTFC Stakeholder Working Group and actively engaged in discussions concerning the LSTFC role and the State Bar's grant-making process. She was also a member to the Office of Access & Inclusion's "Reboot" Committee from 2017–2019 where she collaborated over several years with LSTFC members, legal aid directors, and State Bar staff to identify ways to collect main and economic benefits data to better communicate the impact of legal aid on underserved communities. She received the Loren Miller Legal Services Award in 2016 and the Bench Bar Coalition, Legal Aid Provider of the Year in 2011.

- **Attorney applicant: J. Eric Isken, Los Angeles, CA (reappointment)**

Mr. Isken has served as Vice-Chair of the LSTFC for the past two years and he is the current Chair of the Eligibility and Budget Review Committee. He also serves on the EAF Homelessness Prevention Funds Committee and has previously been a member of the Partnership Grants Committee. Mr. Isken was admitted to practice law in 1977 and retired from his position as Assistant General Counsel/Chief Litigation Attorney at Southern California Edison Company in 2018. Prior to that, he was a partner at Graham & James LLP. Mr. Isken has been a Board member at Bet Tzedek since 2010, and he currently serves as a member of Bet Tzedek's President's Council as an advisory member to provide guidance, support, and advice to Bet Tzedek's President/CEO and Board of Directors. Mr. Isken also regularly handles pro bono cases, including within the areas of adoption and benefits through Public Counsel, and guardianship and Special Juvenile Immigrant Status through Bet Tzedek.

Officer Positions

We recommend the reappointments of Banafsheh Akhlaghi as Chair and Mr. Isken as Vice-Chair. Staff solicited statements of interest for the officer positions from the entire LSTFC, and Ms. Akhlaghi and Mr. Isken were the only members who expressed interest. At the May 27 LSTFC meeting, several Commissioners made statements of support for Ms. Akhlaghi's and Mr. Isken's continued leadership.

Ms. Akhlaghi serves as the current Chair of the LSTFC, and is a civil and human rights attorney who has worked at a variety of high profile nonprofit and international organizations, including Amnesty International. Ms. Akhlaghi has more than 20 years of experience in the practice of immigration law, human and civil rights, and intellectual property. She is also the founder of two human/civil rights organizations. Ms. Akhlaghi has been on the LSTFC since 2010 and currently serves on the Eligibility and Budget Review Committee and the EAF Homelessness Prevention Funds Committee. Prior to being Chair, Ms. Akhlaghi served as Co-Vice-Chair.

As mentioned in the section above, Mr. Isken has served as Vice-Chair of the LSTFC for the past two years, and he is the current Chair of the Eligibility and Budget Review Committee. Now in his third year on the LSTFC, Mr. Isken has become familiar with the various rules and guidelines that form the framework of the LSTFC's work.

We strongly support the reappointment of Ms. Akhlaghi as Chair and Mr. Isken as Vice-Chair, based on their active participation and historical knowledge of the LSTFC. Given the challenges brought on by the COVID-19 pandemic and ensuing economic recession, there is a dire necessity to retain strong and experienced leadership who can help the LSTFC and legal aid community navigate through these trying times. Both Ms. Akhlaghi and Mr. Isken have ably chaired the LSTFC over the past year, steering difficult conversations and ensuring fair and consistent decision-making.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None – core business operations

RECOMMENDATIONS

Should the Board Executive Committee concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board Executive Committee recommends that the Board of Trustees approves the reappointment of Amin Al-Sarraf and Eric Isken, each as an attorney member, for one four-year term, and the appointment of Catherine Blakemore as an attorney member filling a vacancy due to resignation to serve out the remainder of the existing term (through September 2022); and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees approves the reappointments of Banafsheh Akhlaghi as Chair and Eric Isken as Vice-Chair of the Legal Services Trust Fund Commission for one-year terms commencing at the close of the September 2020 meeting of the Board of Trustees and expiring at the close of September 2021 meeting of the Board of Trustees.

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approves the reappointment of Amin Al-Sarraf and Eric Isken, each as an attorney member, for one four-year term, and the appointment of Catherine Blakemore as an attorney member filling a vacancy due to resignation to serve out the remainder of the existing term (through September 2022); and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, approves the reappointments of Banafsheh Akhlaghi as Chair and Eric Isken as Vice-Chair of the Legal Services Trust Fund Commission for one-year terms commencing at the close of the September 2020 meeting of the Board of Trustees and expiring at the close of September 2021 meeting of the Board of Trustees.

ATTACHMENT(S) LIST

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



The State Bar of California

OFFICE OF ACCESS & INCLUSION

Roster of the Legal Services Trust Fund Commission

Name	Appointed By	Role	Term end	Gender	Location
Banafsheh Akhlaghi	Judicial Council	Attorney	2022	F	San Francisco
Kim Bartleson	Judicial Council	Public	2020	F	Eureka
Louise Bayles-Fightmaster	Judicial Council	Attorney	2020	F	Sonoma
Herman DeBose	Judicial Council	Public	2020	M	Los Angeles
Rebecca Delfino	Judicial Council	Attorney	2020	F	Los Angeles
Corey Friedman	Judicial Council	Attorney	2021	F	San Francisco
Debra Meyers	Judicial Council	Attorney	2022	F	Claremont
Judge Lisa Jaskol	Judicial Council	Advisory	2021	F	Los Angeles
Justice William Murray	Judicial Council	Advisory	2022	M	Sacramento
Judge Brad Seligman	Judicial Council	Advisory	2020	M	Hayward
Pamela Bennett	State Bar	Public	2022	F	Los Angeles
Will Boschelli	State Bar	Public	2023	-	Los Angeles
Erica Connolly	State Bar	Attorney	2022	F	San Francisco
Zahirah Mann	State Bar	Attorney	2023	F	Los Angeles
Jim Meeker	State Bar	Attorney	2023	M	Orange County
Bob Planthold	State Bar	Public	2023	M	Oakland
Richard Reinis	State Bar	Attorney	2022	M	Los Angeles
Kim Savage	State Bar	Attorney	2022	F	Los Angeles
Christian Schreiber	State Bar	Attorney	2023	M	San Francisco
Christina Vanarelli	State Bar	Attorney	2022	F	Ventura
Potential Appointments					
Amin Al-Sarraf	State Bar	Attorney		M	Los Angeles
Catherine Blakemore	State Bar	Attorney		F	Sacramento
Eric Isken	State Bar	Attorney		M	Los Angeles