

**Meeting of the Subcommittee of the  
Legal Services Trust Fund Commission**

**Meeting Summary and Action Items**

**Tuesday, January 12, 2021**

**2:00 p.m. – 4:00 p.m.**

**Zoom Conference**

**OPEN SESSION**

Subcommittee Chair Amin Al-Sarraf called the meeting to order at 2:04 p.m.

**I. ROLL CALL**

Roll was taken and quorum was established. All members were present on Zoom or by phone.

**Subcommittee Members**

Amin Al-Sarraf (Chair)

Catherine Blakemore

James Meeker

**Liaisons**

Salena Copeland (LAAC)

**Public**

Lorin Kline (LAAC)

Zach Newman (LAAC)

William Boschelli (LSTFC)

**State Bar Staff**

Vicky Avila

Erica Carroll

Brady Dewar

Andrea Fitantes

Chris McConkey

Doan Nguyen

**II. CALL FOR PUBLIC COMMENT**

After roll call, members of the public were invited to make comment. No one came forward.

**III. DISCUSSION AND ACTION ITEMS**

**A. Review and Discuss Results of IOLTA Income Eligibility and Funding Formula Survey**

Program Supervisor Doan Nguyen provided an overview of the IOLTA survey and the LSTFC's decision on December 15, 2020 to delegate decision-making authority to this subcommittee regarding whether or not to support any changes to the IOLTA statute. Doan reminded the subcommittee that there were two main questions presented: (1) whether to increase the client income eligibility threshold from 125 percent of the federal poverty level (FPL) to a different, higher measure, such as 200 percent of FPL, and if so (2) whether to make a commensurate change to the IOLTA funding formula. She reported that State Bar staff presented a webinar to IOLTA grant recipients to share information about these possible changes and solicit feedback regarding them. The Office of Access & Inclusion worked with the Office of Research & Institutional Accountability to design and distribute a survey to grantees to obtain their feedback on both those questions.

Salena Copeland from Legal Aid Association of California also offered some insight into discussions with the legal services community and the longstanding desire to raise the income eligibility threshold, especially now that minimum wage was increasing in California. She reported that some organizations are feeling a lot of pressure to maintain trust in the community, which could be eroded if folks no longer qualify for legal aid despite struggling to make ends meet.

State Bar staff (Doan, Erica Carroll, and Chris McConkey) presented the results of the survey to grantees. There was a high response rate (82 percent). The group discussed nonrespondents, including support centers which are not directly impacted by these questions. Responses to the survey indicated that 86 percent of respondents supported or strongly supported increasing the income eligibility threshold to 200 percent of FPL. The subcommittee then engaged in some discussion of the pros and cons of increasing eligibility when there is no increase in funding, at least currently, how organizations determine their service priorities, and the timeline for implementation (2024 funding cycle), assuming that the Legislature agrees to any recommended changes. The group further discussed the lack of consensus regarding a change to the funding formula and how that might be perceived should the subcommittee recommend support for changing the eligibility threshold but not the funding formula.

A question arose regarding the impact to individual programs if there were an increase to the income eligibility threshold even without a change to the funding formula. Staff reported that it is not possible to determine individual allocations at this point. It would depend on each program's qualified expenditures at 200 percent of the FPL relative to other organizations within the same county. Moreover, as Salena from LAAC noted, there are any number of reasons why a grant award may change in a given year, regardless of the income eligibility standard. A subcommittee member suggested pairing any proposed increase to the income threshold with advocacy around increased funding for legal aid in general, whether through the Equal Access Fund or another source.

Discussion turned to the funding formula survey responses, at which point staff informed the subcommittee that respondents reported confusion about some of these questions. This was due, in part, to there being less focus on this potential change in comparison to the income eligibility threshold. Some programs did not understand that the income eligibility threshold could change without changing the funding formula. Based on individual conversations with respondents where these questions were clarified, staff reported that all or most indicated they would either prefer to only change the income eligibility threshold or at least would not oppose only moving on that item at this point. Some programs expressed interest in doing more research about the implications of changing the funding formula in the future, however. Feedback from the legal aid community and discussion during the meeting centered on the desire to avoid drawing funds away from rural areas, which would likely happen if there were a change to the funding formula.

Staff and LAAC then explained the legislative process and likely timeline, should this subcommittee and the Board of Trustees support a change as part of the State Bar's 2021 legislative priorities. Discussion turned back to the question of also seeking additional funding for legal aid, and though there was general support among the meeting participants, Brady Dewar from the Office of General Counsel mentioned that this question may go beyond the subcommittee's charge and suggested bringing this discussion to the full LSTFC.

**B. Discuss and Approve Recommendation to Board of Trustees Regarding Whether to Support a Statutory Change to Increase Client Eligibility Income Threshold from 125% of Federal Poverty Level for IOLTA Grants**

After discussion the subcommittee, on behalf of the LSTFC, approved a recommendation to the State Bar's Board of Trustees to support an increase to the IOLTA income eligibility threshold from 125 to 200 percent of the federal poverty level as part of the State Bar's legislative priorities in 2021. The subcommittee further recommended no change to the county allocation funding formula at this time. The motion passed by unanimous roll call vote (Blakemore moved, Al-Sarraf seconded).

**C. Discuss and Approve Recommendation to Board of Trustees Regarding Whether to Support a Statutory Change to Modify the Funding Formula for IOLTA Grant**

The subcommittee's motion related to this item was combined with the motion in the preceding section.

**IV. ADJOURN**

There being no other business before the subcommittee, the meeting was adjourned at 4:00 p.m.