

LEGAL SERVICES TRUST FUND COMMISSION
EXECUTIVE COMMITTEE MEETING
Meeting Summary and Action Items
Friday, February 12, 2021, 1:00 p.m. – 3:00 p.m.
State Bar of California (Conference Call via Zoom)

Roll Call

Members Present

Co-Chair Eric Isken
Co-Vice Chair Richard Reinis
Co-Vice Chair Kim Savage

Liaisons

Mark Toney (State Bar Board of
Trustees)

Staff

Vicky Avila
Brady Dewar
Chris McConkey
Doan Nguyen

Members Absent

Co-Chair Banafsheh Akhlaghi

OPEN SESSION

Co-Chair Isken called the meeting to order at 1:01 p.m.

I. ROLL CALL

Roll call was taken, and quorum was established.

II. CALL FOR PUBLIC COMMENT

Co-Chair Isken invited members of the public to comment on any items on the agenda. No public comment was made.

III. CONSENT

A. Approval of Meeting Summary and Action Items from December 9, 2020 Meeting

The Executive Committee of the Legal Services Trust Fund Commission (Commission) approved the December 9, 2020 meeting summary and action items by unanimous roll call vote (Reinis moved, Isken seconded).

IV. DISCUSSION AND ACTION ITEMS

A. Staff Update on Grants Administration

Program Manager Nguyen reported that former Office of Access & Inclusion (OA&I) Director Fitanides's last day was February 10. Going forward, Program Managers Nguyen and Hom will lead the office. OA&I will hire a Senior Program Analyst to take some of the projects that Nguyen and Hom were performing before assuming this leadership role. This transition plan provides stability to OA&I's work and team.

Assistant General Counsel Dewar presented on when members of State Bar of California (State Bar) governance bodies must recuse themselves from certain decisions. Dewar

discussed California Business and Professions Code sections 6036-6038, including how the statutory term “employee” extends to volunteers. Commissioners must disclose any conflict of interest with respect to a prospective decision when that matter arises. They must also recuse themselves from participating in that decision.

B. Discuss Agenda Items for Future Executive Committee Meetings

Program Manager Nguyen presented the Commission’s 2021 calendar, showing meetings on February 26, June 25, August 13, and November 17. On February 26, the Commission will consider late requests for 2020 Interest on Lawyers’ Trust Accounts (IOLTA) carryovers and budget revisions. On June 25, it will decide 2022 Partnership Grant and IOLTA Grant distributions. On August 13, Commissioners will review applicants’ eligibility for IOLTA and Equal Access Fund (EAF) Grants. And on November 17, the Commission will vote on IOLTA and EAF carryover and budget revisions for 2021 awards. This schedule excludes discretionary funding that might arise between now and the end of the year.

Staff has revised upwards its projection for IOLTA Grants revenue. Leadership banks elected a higher interest rate during the pandemic than staff had predicted. Staff’s original forecast for 2021 was \$8.2 million. Staff now project \$20-30 million. Trustee Toney said that he is interested in grant revenue projections and planning. Staff and Commissioners described how the Board of Trustees approves total distributions and, for discretionary awards, distribution plans. The Board delegates to the Commission the setting of individual awards.

Nguyen displayed the Commission’s draft agenda for February 26. The meeting will, among other items, include a training on the Bagley-Keene Open Meeting Act. The Commission will vote on carryover and revision requests for the 2020 IOLTA, EAF, and Bank Grants. And the Rules Committee will report on its recommendation to raise the client income threshold for grant-funded legal aid. Trustee Toney asked for more information about the Bank Grants; Nguyen described the origin of that funding and how they have helped to supplement IOLTA and EAF Grants.

Co-Chair Isken commented that Commission agendas tend to be long and feature reporting early on. Nguyen noted that it would be hard to vote on some items if staff moved the corresponding reports to later in the meetings. Commissioner Savage noted that it is challenging when committee and Commission meetings occur on the same day. Nguyen replied that staff are trying to keep those events separate.

C. Discuss and Approve Scoring Rubric and Other Selection Criteria for the 2021-2022 Provisionally Licensed Lawyers (PLL) Grants

Senior Program Analyst McConkey presented on the 2021-2022 PLL Grants. He described Assembly Bill (AB) 3362, which created the awards. He also described the State Bar Provisional Licensure Program, for whose participants AB 3362 funds positions at legal services organizations. Staff project about \$1,032,000 for the PLL Grants; about \$552,000 would come

from the 2021 attorney license fee statement. Another \$480,000 would come from 2022's statement.

Staff proposed grant parameters to carry out AB 3362's requirements, including that PLL Grants go only "to hire law school graduates with a temporary provisional license issued by the State Bar". California Business and Professions Code section 6140.03(b)(1). Staff recommend limiting awards to PLL salaries, payroll taxes, and benefits between January 1, 2021 (when AB 3362 became effective) and June 1, 2022 (when the Provisional Licensure Program ends).

Staff proposed selection criteria that would direct funds towards legal services organizations that can robustly supervise and support a grant-funded PLL. Staff also presented a scoring rubric. The Commission has moved towards rubrics for competitive awards to support consistency and transparency in discretionary grantmaking.

Commissioners directed staff to clarify in the rubric that the organization's experience in the PLL's scope of work is relevant to its ability to supervise the PLL. Additionally, it recommended that the selection criteria include a preference for recruiting a strong and diverse pool of candidates. The Committee also discussed whether to include a preference for making grants statewide. Upon determining that geographic spread should guide selection, the Committee suggested phrasing for the Request for Proposals.

The Committee expressed a desire to ensure that grant-funded PLLs receive the same treatment as other attorneys in their organizations. It determined that this means directing grantees to handle PLL requests for Bar Exam Leave in accordance with their policies for other employees.

The Committee approved the distribution plan for 2021-2022 PLL Grants by unanimous roll call vote (Isken moved, Reinis seconded):

RESOLVED, the Legal Services Trust Fund Commission Executive Committee recommends to the Board of Trustees the distribution plan for 2021-2022 Provisionally Licensed Lawyer Grants as presented in the February 12, 2021 memorandum with the following changes: Updating the RFP application to include a preference for geographic diversity among grantees and the scoring rubric to have a total base score of 100 points.

D. Discuss Recruitment and Retention Plan for Legal Services Trust Fund Commission

This year, the State Bar will not have appointments to the Commission. The Judicial Council, however, has seven seats to fill. Staff asked the Committee to share the names of any qualified and interested candidates. The Committee will encourage other Commissioners to reach out to their contacts.

E. Discuss 2021 Legal Services Trust Fund Commission Priorities

The Committee thanked Trustee Toney for participating in today's meeting. Trustee Toney said that he looks forward to attending the Commission meeting on February 26.

V. ADJOURN

There being no other business, the meeting adjourned at 3:11 p.m.

DRAFT