

**LEGAL SERVICES TRUST FUND COMMISSION**  
**EXECUTIVE COMMITTEE MEETING**  
**Meeting Summary and Action Items**  
Wednesday, May 12, 2021, 12:00 p.m. – 2:00 p.m.  
State Bar of California (Conference Call via Zoom)

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Roll Call		
<b>Members Present</b>	<b>Public Members</b>	<b>Staff</b>
Co-Chair Banafsheh Akhlaghi	Lorin Kline (Legal Aid Association of California)	Vicky Avila
Co-Chair Eric Isken		Chris McConkey
Co-Vice Chair Richard Reinis		Doan Nguyen
Co-Vice Chair Kim Savage		
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		<b>Members Absent</b>
		None

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**OPEN SESSION**

Co-Chair Akhlaghi called the meeting to order at 12:02 p.m.

**I. ROLL CALL**

Roll call was taken, and quorum was established.

**II. CALL FOR PUBLIC COMMENT**

Co-Chair Akhlaghi 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 February 12, 2021 Meeting**

The Executive Committee of the Legal Services Trust Fund Commission (Committee) approved the February 12, 2021 meeting summary and action items by unanimous roll call vote (Reinis moved, Isken seconded).

**IV. DISCUSSION AND ACTION ITEMS**

**A. Discuss and Approve 2021-2022 Provisionally Licensed Lawyer (PLL) Grants**

Program Manager Nguyen and Senior Program Analyst McConkey presented an overview of the PLL Grant award recommendations. The State Bar received 32 applications requesting a total of \$2,381,000. Staff project \$1,360,000 in PLL Grant funding and recommend 20 awards, totaling \$1,359,000. Three of the PLLs would serve every county in California. Seventeen PLLs would collectively serve 43 counties including about 30 rural ones. Fifteen 15 PLLs would work on COVID-19, natural disaster, and/or rural legal aid. The average award would be about \$68,000 and last 12-13 months.

Staff described the authorizing statute for PLL Grants. California Business and Professions Code §6140.03 creates these awards. It increases by \$5 the opt-out donation to legal services that is part of the State Bar of California's annual licensee fee statement. The statute lasts two years, from January 1, 2021 until January 1, 2023.

Staff project \$1,360,000 in donations for 2021-2022 PLL Grants: \$739,000 from 2021, which the State Bar has already collected, and \$621,000 from 2022. Since staff have to estimate the total donations for 2022, the State Bar will distribute proportionally any surplus or shortfall via grantees' final payment.

PLL Grants are limited to qualified legal services projects and support centers in California. Grantees must use their award to hire a PLL between January 1, 2021 (when the authorizing statute became effective) and July 1, 2021. Grantees may hire a new employee, rehire a past employee, or convert an existing employee into a PLL provided that they do so between those dates. Grant-funded PLLs must be full-time and receive first-year attorney salaries and benefits from the grantees.

Staff described the selection criteria and scoring rubric for PLL Grants. The selection criteria focus on applicants' ability to leverage, support, supervise, and recruit a PLL. The Committee and Board of Trustees also directed staff to spread PLL Grant funding throughout the state. The scoring rubric provided for scores of up to 100 points across four categories ("impact", "support", "safeguards", and "recruitment") and up to 10 additional points for articulating a focus on COVID-19, natural disaster, and/or rural legal aid. Commissioner Isken noted that recruitment and special consideration seemed to be the areas of greatest separation between applicants. Ms. Nguyen and Mr. McConkey explained how staff approached scoring those two categories.

Multiple Committee members noted that the rubric's "impact" criterion seemed to capture something other than number of clients. Mr. McConkey confirmed that "impact" referred to making high use of a "PLL's provisional license on a project that is well within the organization's experience and expertise." This category focused, therefore, partly on the organization's ability to perform the PLL's proposed work. The application did not seek measurable targets for the PLL's services.

Commissioner Akhlaghi noted that client/case metrics might be helpful to include in future applications to compare the "impact" of proposed work. She also encouraged staff to collect quantitative data, such as how many clients PLLs served, at the end of the award period. This would help when communicating the need for more funding. Commissioner Akhlaghi suggested that staff work with Commissioner Meeker to identify appropriate qualitative and quantitative evaluation questions. Staff should also seek a report from the PLLs themselves about what

experiences they had during the grant, how their skills developed, and possibly their demographic information.

Staff next presented its approach to scoring the PLL Grant applications. Due to a short timeline to review proposals—about 2 weeks—the Commission delegated to staff the responsibility of scoring submissions. Three staff members scored all 32 applications. They followed a written review guide, held a meeting to calibrate their use of the rubric, and arrived at unified scores and funding recommendations for every applicant.

For the rubric categories of impact, support, safeguards, and recruitment, staff looked to the elements, factors, and examples that it provided to programs in the PLL Grant Request for Proposals and Application Instruction. For special consideration points, staff looked for an explicit focus on COVID-19, natural disaster, and/or rural legal aid. Staff evaluated the strength of the proposal's connection to one or more of those priorities. Additionally, it conferred more points for focusing on 2-3 of the special consideration categories.

The Committee then discussed staff's scores and funding recommendations as presented in staff's May 12, 2021 memo. The following table summarizes those recommendations:

		<b>Total Score</b>	<b>Funding Recomm.</b>
1	Legal Services of Northern California	<b>100</b>	<b>\$ 75,000</b>
2	Legal Access Alameda	<b>98</b>	<b>\$ 65,000</b>
3	California Rural Legal Assistance, Inc.	<b>96</b>	<b>\$ 80,000</b>
4	Bet Tzedek Legal Services	<b>92</b>	<b>\$ 70,000</b>
5	Legal Aid Foundation of Los Angeles	<b>92</b>	<b>\$ 50,000</b>
6	Senior Citizens Legal Services	<b>91</b>	<b>\$ 82,000</b>
7	Eviction Defense Collaborative	<b>90</b>	<b>\$ 70,000</b>
8	Inland Counties Legal Services	<b>90</b>	<b>\$ 75,000</b>
9	Worksafe, Inc.	<b>90</b>	<b>\$ 85,000</b>
10	Elder Law & Advocacy	<b>87</b>	<b>\$ 65,000</b>
11	Inner City Law Center	<b>87</b>	<b>\$ 60,000</b>
12	Community Legal Aid SoCal	<b>85</b>	<b>\$ 63,000</b>
13	Family Violence Law Center	<b>85</b>	<b>\$ 65,000</b>
14	Los Angeles Center for Law and Justice	<b>85</b>	<b>\$ 65,000</b>
15	Santa Clara University Alexander Law Center	<b>85</b>	<b>\$ 70,000</b>
16	UC Davis School of Law Legal Clinics	<b>85</b>	<b>\$ 65,000</b>
17	Veterans Legal Institute	<b>83</b>	<b>\$ 60,000</b>
18	Mental Health Advocacy Services	<b>82</b>	<b>\$ 70,000</b>
19	Public Counsel	<b>82</b>	<b>\$ 60,000</b>
20	Child Care Law Center	<b>81</b>	<b>\$ 64,000</b>
<b>Total</b>			<b>\$ 1,359,000</b>

The Committee also reviewed a map showing the geographic spread of staff's funding recommendations. Staff noted again that three PLLs would serve every county in California. Seventeen PLLs would together serve 43 counties, including 30 rural ones. Staff also noted a spread in legal practice areas with the most common ones being housing (11 PLLs), family/domestic violence (8 PLLs), and income maintenance (7 PLLs). Fifteen PLLs would work on COVID-19, natural disaster, and/or rural legal aid.

Staff described its process for recommending grant amounts. Each applicant's score determined its place in line for funding. Otherwise, the score did not influence whether staff recommended most or all of an applicant's budget request. Staff recommended granting an applicant's full request only if it had budgeted significant non-PLL Grant funds toward the PLL's salary, payroll taxes, and/or benefits. The average award is about 90% of the grantee's request. Asking grantees to contribute some of their own/other funds to hire a PLL seeks to balance the goals of maximizing positions for PLLs and providing sufficient funding for each grantee.

Mr. McConkey reported that one applicant, Legal Access Alameda, notified staff that it accidentally entered the wrong salary on its application. The starting salary that it entered was \$2,291 too high (\$59,580 instead of \$57,289). This happened because it reported the first step on its scale for attorneys. Indeed, the grant application requires programs to provide their PLL a first-year attorney's salary. The program, however, realized after submitting its application that its scale starts with attorneys who have at least two years of experience. Therefore, it entered the pay for a third-year attorney. Legal Access Alameda's total request was \$69,000 but should have been about \$67,000. Staff recommended keeping the applicant's award at \$65,000 since that amount was still below its corrected ask of about \$67,000.

The Committee asked staff to demonstrate the scoring process for an application that was high scoring and an application that was low scoring. Staff summarized its approach for two such proposals. In doing so, staff pointed out features of proposals that tended to lead to scores of "exceeds", "meets", and "below" expectations. Staff also demonstrated how it conferred special consideration points.

After staff answered all Committee members' questions, it presented two resolutions and the Committee voted on each in turn. The Committee approved the following resolution by unanimous roll call vote (Isken moved, Reinis seconded):

**RESOLVED**, the Legal Services Trust Fund Commission Executive Committee, acting on behalf of the Legal Services Trust Fund Commission under its delegated authority, has consulted with State Bar staff and agrees that State Bar staff should implement its recommendations for 2021–2022 Provisionally Licensed Lawyers (PLL) Grant recipients and amounts as provided in State Bar staff's May 12, 2021 memo. Since applicants had to estimate their PLLs' start and/or end dates, State

Bar staff may adjust the grant timelines as necessary to reflect actual start and end dates of employment.

The Committee also approved the following resolution by unanimous roll call vote (Savage moved, Reinis seconded):

**FURTHER RESOLVED,** the Legal Services Trust Fund Commission Executive Committee directs State Bar staff, without the need for further consultation with the committee, to award a PLL Grant to the next highest-scoring program that did not receive funding in the event that an existing PLL grantee declines or returns its award. The alternate program must still meet the requirements for a PLL Grant. If there is a tie between the next highest-scoring programs, State Bar staff may resolve the tie according to the PLL Grant's funding priorities including, but not limited to: geographic diversity, having already selected a PLL, and providing COVID-19, natural disaster, and/or rural legal aid. State Bar staff may determine funding amounts for any grants awarded to such alternate grantees in a manner consistent with the "Funding Levels" methodology provided in State Bar staff's May 12, 2021 memo.

The Committee confirmed that it would present its approval of staff's recommendations as a report—rather than for a vote—at the full Commission's next meeting. This is because the Commission's December 15, 2020 resolution delegated "authority to staff, in consultation with the Executive Committee, to review and approve grant awards for temporary provisional licensees."

**V. ADJOURN**

There being no other business, the meeting adjourned at 1:59 p.m.