

**LEGAL SERVICES TRUST FUND COMMISSION
ELIGIBILITY AND BUDGET REVIEW COMMITTEE MEETING
Meeting Summary and Action Items**

Friday, May 7, 2021, 10:00 a.m. – 2:00 p.m.
State Bar of California (Conference Call via Zoom)

Roll Call

Members Present

Erica Connolly (Chair)
Louise Bayles-Fightmaster
Pamela Bennett
Catherine Blakemore
Herman DeBose
Rebecca Delfino
James Meeker
Bob Planthold
Kim Savage

Advisors

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Liaisons

Bonnie Hough
Zach Newman (LAAC)

Public Members

Will Roscoe (Public Advocates)

Staff

Erica Carroll
Michael Cheng
Elizabeth Hom
Doan Nguyen
Daniel Passamaneck

Members Absent

Banafsheh Akhlaghi
Corey Friedman
Zahirah Mann

OPEN SESSION

Chair Erica Connolly called the meeting to order at 10:01 a.m.

I. ROLL CALL

Roll call was taken, and quorum was established.

II. CALL FOR PUBLIC COMMENT

The Chair invited members of the public to comment on any items on the agenda. A staff member from Legal Aid Association of California (LAAC) introduced himself and indicated he was standing in for LAAC's liaison, Salena Copeland. No one else came forward to make a comment.

III. CONSENT

A. Approval of Meeting Summary and Action Items from February 26, 2021 Meeting

The Committee approved the February 26, 2021 meeting summary and action items by unanimous roll call vote (Planthold moved, DeBose seconded).

IV. DISCUSSION AND ACTION ITEMS

A. Update on Webinars for New IOLTA/EAF Applicants

Senior Program Analyst and Committee Coordinator Erica Carroll provided an update of the current status of webinars for new IOLTA/EAF applicants. Carroll noted that a webinar was conducted in March 2021 as part of outreach to prospective applicants. Eighteen to twenty organizations registered and over 30 individuals attended. Staff provided an overview of grants, application timeline, eligibility, and reporting requirements. Staff also conducted a

follow-up Q&A session with prospective applicants in April. Overall, potentially ten new applicants have opened draft applications.

Program Manager Doan Nguyen noted that the webinar was a direct result of the Committee's recommendation. This effort to be more transparent with the application process and review of guidelines with applicants has been positively received.

A Committee member inquired if these webinars would be conducted annually. Nguyen confirmed the intention to conduct annual webinars, also noting that there is an effort to put together FAQs, and update to website content.

In addition, Nguyen noted that in concert with the Judicial Council and LAAC, in the next few weeks the Office of Access & Inclusion is also doing a refresher webinar for new grantees and any new leadership staff at existing grantees. The content will be on baseline requirements, expectations at monitoring visits, resources provided by LAAC, and how the State Bar, Judicial Council, and LAAC work together.

B. Discuss Expectations for Eligibility Review Conferences During 2022 IOLTA/EAF Application Review Process.

The Chair asked that the Committee discuss the agenda item on Expectations for Eligibility Review Conferences (ERC) During 2022 IOLTA/EAF Application Review Process prior to ILAW.

For context, Carroll explained that ERCs are discussions held with new applicants or applicants that have eligibility concern. The conference provides new organizations an opportunity to ask questions, and an avenue for committee members to learn more about their work and clarify some of the questions that come up in deciding on the application. It is also an opportunity to provide some education on the purpose of the funding, eligibility requirements, how to demonstrate that they are meeting requirements, and to correct any deficiencies in their applications.

The Committee agreed with the benefits of conducting the ERCs but expressed concern regarding inefficiencies in prior years' ERCs where applicants didn't meet minimum requirements. Nguyen clarified for the Committee that staff has frank discussions with the applicants but lacks authority regarding determination of an applicant's eligibility if/when an applicant insists on moving forward anyway.

To help streamline the eligibility process, the Committee provided several suggestions to consider in the future: 1) require applicants to take training, 2) specify certain basic eligibility criteria up front, and 3) authorize the Chair and Committee designee to meet with applicant(s) who may have straightforward eligibility concerns before moving forward with an ERC.

C. Review and Approve Impact Litigation and Advocacy Work (ILAW) Activities in 2020 ILAW Reports

Carroll and Nguyen provided a presentation to the Committee on the Impact Litigation and Advocacy Work (ILAW) Activities in 2020 (ILAW Reports). Nguyen provided the Committee background and historical context of the ILAW reports, as well as the different standards for qualified legal services projects versus support centers. The purpose of the ILAW report is two-fold, to make sure that those activities are qualifying and to provide highlights from the litigation/advocacy work to be published periodically. However, staff has come to realize that this process is burdensome and time consuming for both the programs and staff.

For the 2020 ILAW report, staff reviewed 410 impact cases and 447 activities (for each activity, the programs submitted an individual report), with only a small fraction elevated for Committee review. Due to the time intensive nature of the report, it is recommended that the Rules Committee work clarify the definition of legal services and how to demonstrate indigency. This way staff may be able to phase out the ILAW report.

Based on impact litigation and advocacy reports, staff identified activities that lack exact quantitative measures to show that they primarily benefit indigent persons, but by their nature or intended outcomes appear to have a disproportionate or significant impact on indigent people. Staff categorized these activities into six substantive buckets and elevated them for Committee review and approval: Affordable Housing; Education Equity for grades K-12; Low-Income Immigrants; Low-Wage Workers; Public Benefits; Youth in Detention.

After discussion about the types of activities encompassed by each category, a motion was made to approve all six (6) categories: Affordable Housing; Education Equity for grades K-12; Low-Income Immigrants; Low-Wage Workers; Public Benefits; Youth in Detention (Blakemore moved, Bayles-Fightmaster seconded). The motion was approved by majority roll call vote.

The vote was as follows:

Yes (8): Connolly, Bayles-Fightmaster, Blakemore, DeBose, Delfino, Meeker, Planthold, Savage

No (0): None

Abstention(s)(1): Bennett

The Committee then turned to individual activities elevated by staff due to concerns about the qualifying nature of the activities:

- **Disability Rights Legal Center (QLSP) – Cancer Policy Advocacy**

The advocacy activity for Disability Rights Legal Center was reviewed and vote tabled. Staff was directed to request more information regarding the specifics to the advocacy activity cited and how the advocacy activity primarily impacts indigent persons. If the response is sufficient, the Committee will reconsider.

- **National Immigration Law Center (SC): P.K. v POMPEO**

The impact litigation case for National Immigration Law Center was reviewed and vote tabled. Staff was directed to request more information regarding how this activity meets eligibility guidelines for the Committee's consideration at its next meeting.

- **The Impact Fund (SC): California Bar Exam Cut Score Advocacy**

As the Impact Fund is a Support Center and the activity is professional services to a QLSP, the activity is qualifying and not needing Committee review and approval.

After discussion of the work encompassed by the following activities—and the organization's evidence for the assertion that the work primarily or disproportionately impacted indigent persons, including commentary from a representative of Public Advocates—a motion was made to approve the following advocacy activities as qualifying activities for purposes of the 2022 IOLTA/EAF application (Blakemore moved, Bayles-Fightmaster seconded):

- **Public Advocates (QLSP): Transit Equity Advocacy**

The motion was approved by majority roll call vote. The vote was as follows:

Yes (7): Connolly, Bayles-Fightmaster, Blakemore, DeBose, Delfino, Meeker, Savage

No (1): Bennett

Abstention(s)(1): Planthold

- **Public Advocates (QLSP): Low Income Student Advocacy**

The motion was approved by majority roll call vote. The vote was as follows:

Yes (8): Connolly, Bayles-Fightmaster, Blakemore, DeBose, Delfino, Meeker, Planthold, Savage

No (1): Bennett

Abstention(s)(0): None

After review and discussion, the Committee found that the following advocacy activities are not qualifying for purposes of the 2022 IOLTA/EAF application and must be deducted from the organizations' qualifying expenditures. The motion was approved by unanimous roll call vote (Planthold moved, Bayles-Fightmaster seconded):

- **California Rural Legal Assistance (QLSP): 2020 California Complete County Census Summit Advocacy**
- **Asian Americans Advancing Justice – Los Angeles (QLSP): California Census AANHPI Outreach and Advocacy**
- **Asian Americans Advancing Justice – Asian Law Caucus (QLSP): AB 1276 "FIXES TO THE FAIR MAPS ACTS" ADVOCACY** (This activity affected partner organizations that participated as well.)

Staff reported that activities from East Bay Community Law Center and Disability Rights Education and Defense Fund had been removed from the list of individual activities for Committee review.

Staff conducted a second pass of those activities before the meeting and concluded that they were within the guidelines to be considered qualifying activities.

V. ADJOURN

There being no other business, the meeting was adjourned at 1:36 p.m.

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