



June 16, 2021

The State Bar of California  
Legal Services Trust Fund Commission  
Eligibility and Budget Review Committee  
845 S. Figueroa St.  
Los Angeles, CA 90017

RE: Request for Reconsideration of 2020 ILAW Activity (California Census)

To the Eligibility and Review Committee:

Thank for you allowing Asian Americans Advancing Justice – Los Angeles (Advancing Justice-LA) to submit this written comment in response to the Committee’s determination that our 2020 Census Outreach and Advocacy activities are non-qualifying. Because our activities were both “legal services” and targeted to indigent populations, we believe that they are in fact qualifying.

*Legal Services*

Our Census activities are “legal services” as defined by State Bar Rule 3.672(A) because they were primarily advocacy efforts supervised by Advancing Justice-LA's Vice President of Programs, a California State Bar-licensed attorney, who oversees all of the organization’s policy advocacy work and other programs.

Advancing Justice-LA’s Census activities centered on advocacy and leading a network of statewide partners whose on-the-ground outreach targeted towards indigent and marginalized Asian Americans, Native Hawaiians, and Pacific Islanders (AANHPI) informed that advocacy. We specifically targeted subcontract partners like The Fresno Center, Empowering Pacific Islander Communities (EPIC), and Cambodian Association of America, because these culturally specific grassroots organizations effectively engage with community members who are considered “Hard-to-Count”, which include community members with income below 150% of poverty level, that receive public assistance income, are foreign-born, and have limited English proficiency. For example, we worked closely with EPIC to count Tongans in South Los Angeles County, as 2010 Census data showed that 78% of Tongans in Los Angeles are indigent. (See Advancing Justice – LA’s [“Community of Contrasts – LA County” Report](#) at page 19).

Learning of the challenges faced by partners on the ground, we advocated for policies to the State Census office as well as the U.S. Census Bureau to ensure that sufficient and appropriate resources were allocated to engage and facilitate indigent communities to participate in the Census. This included uplifting policies that improved language access, cultural competency, and motivational messaging; bolstered funding for Census outreach, education, and completion; and extended the operational timeline because of COVID. Due to COVID, the Census operations and timelines changed often, i.e. lengthening and then shortening the Census response period.

Throughout the Census operations period, we advocated on behalf of indigent communities by way of sign-on letters to the Census Bureau and to members of Congress on concerns related to Census timelines, funding for Census outreach given extended timelines, the proper training of Census field staff, extending statutory deadlines that affect processing of 2020 Census data related to apportionment and redistricting, and concerns related to the accuracy of the Census data that will be publicly released. We raised concerns with the CA State Census and U.S. Census Bureau related to the lack of transparency and public

information, accelerated efforts to wrap up Census operations, and incomplete/inaccurate follow-up from field staff (enumerators) during the Non-Response Follow Up period. Our advocacy also included regularly providing talking points and language to the State Census office; these were ultimately used to craft messaging and methods that would best reach the Hard-to-Count communities that would have been most impacted by the constant changes and disruptions throughout the Census outreach period, especially due to the pandemic and misinformation and disinformation related to Census confidentiality and immigration status.

### *Targeting Indigent Clients*

The majority of the communities we targeted are indigent and especially underserved/disadvantaged as our outreach specifically targeted “Hard-to-Count” community members who are often at the nexus of being low-income, limited English proficient, and immigrants. Business and Professions Code section 6225 also recognizes that “especially underserved client groups” include, but are not limited to “non-English-speaking persons.” This required advocacy on behalf of these communities. For example, we advocated to the State Census office for funds to provide in-language materials for Thai, Samoan, Nepalese, Bangladeshi and Lao communities of which over 70% are indigent—as materials in the languages that these communities speak, read, and write were not covered by the U.S. Census Bureau nor the State Census office. Our advocacy for language access additionally targeted Cambodian, Tongan, Mongolian and Hmong American communities of which over 60% are 125% FPL or below. (See Advancing Justice – LA’s [“Community of Contrasts – California” Report](#) at page 21). The Census Bureau had language lines available in 6 Asian languages to help individuals complete the Census, and we advocated for and worked with our partners to translate resources and provide language assistance in over 15 languages (with some materials translated in up to 20 languages), such as Hmong, Lao and Thai, specifically languages spoken in communities that have some of the largest proportions of indigent populations. These indigent communities are among those that would benefit most from the resources that get distributed and allocated based on the Census, such as Medicaid and Medicare, Supplemental Nutrition Assistance Program, Head Start, and Section 8 Housing vouchers.

Moreover, our Census Outreach and Advocacy strategy targets AANHPI indigent Californians because ensuring that they do not fall through the cracks provides a more accurate Census count overall. A more accurate Census count ultimately determines the allocation of federal and state resources, including for programs benefiting low-income individuals such as free and reduced-price school lunches, Medicaid, WIC, as well as legal services. Similar to our demographic research work, which was previously deemed qualified, Census data helps us to identify communities/substantive areas of need, which then informs our programs/legal services to better target indigent and underserved communities.

Lastly, our past decennial Census work has historically been considered qualified expenditures by the Legal Services Trust Fund Commission.

Thus, because our 2020 Census Outreach and Advocacy activities were both “legal services” per State Bar Rule 3.672(A) and targeted indigent clients – and based on precedent that found our past decennial Census work to be qualifying – we urge the Committee to redetermine Advancing Justice-LA’s 2020 Census activities as qualified activities.

Thank you for your consideration,



Connie Chung Joe  
CEO

<b>Organization:</b>	Asian Americans Advancing Justice - Los Angeles
<b>1. Advocacy Activity Name:</b>	California Census AANHPI Outreach and Advocacy
<b>2. Advocacy activity status:</b>	Completed
<b>3. Advocacy Type:</b>	Administrative
<b>4. Advocacy Level:</b>	State
Select all that apply	

**5. Is this an IOLTA qualifying activity as defined by B&P 6213, State Bar Rule 3.672, and Eligibility Guideline 2.3?**

If you answered no, remember to deduct expenditures related to this non-qualifying activity in the next IOLTA/EAF grant application cycle.

Yes

**5. Partner Organizations:**

## Partner Organizations

### State Bar Grantees

Advancing Justice - Asian Law Caucus  
Santa Clara County Asian Law Alliance

### Other Organizations

Advancing Justice-LA Statewide Census Coalition

## 7. Counties Impacted

Check all that apply

\*Statewide

## 8. Substantive Area

Check all that apply

Miscellaneous

Describe  
"Miscellaneous":

Census

## 9. Constituencies Impacted

Check all that apply

Children/Youth, Disaster Victims, Homeless, Immigrants, Incarcerated Individuals, Low Wage Workers, Persons with Disabilities, Rural, Seniors, Veterans and Active Military, Other (Explain)

a. Other  
Constituencies:

If the constituencies  
impacted are not  
included, please list  
them.

all Californians

## 10. Who benefitted from this advocacy

All Californians, including indigent communities, benefitted from our census advocacy. California is home to the largest number of Asian Americans and the second-largest number of Native Hawaiian and Pacific Islanders in the country. Over six million AANHPIs live in California, making up 15% of California's total population. The number of Asian Americans living in poverty statewide increased 50% in the last decade and roughly 28% of Native Hawaiian and Pacific Islanders are low-income. Our communities will particularly feel the impact of not being counted in the census if they are not able to access education, health, and social services provided by our local and state agencies.

a. If available, provide  
the estimated number  
of total people  
impacted:

38000000

## 11. Explain how those impacted by this advocacy activity are indigent, as defined in B&P §6213(d)

If the majority of persons impacted are not indigent, type n/a.

In California, 27% of Asian Americans are low income, with 12% living in poverty and 36% of NHPs are low income with 16% living in poverty. A greater proportion of Cambodian, Korean, Hmong, Laotian, and Chinese American seniors live in poverty (22%, 20%, 18%, 15% and 15% respectively). Hmong and Cambodian American children have the highest rates of poverty among Asian Americans (42% and 31% respectively), rates higher than African Americans and Latinos (27% and 25% respectively). Roughly 53% of single Asian American and NHP mothers are considered “income inadequate,” meaning that they do not earn enough to cover their families’ basic needs.

## 12. Describe the impact this advocacy activity will have on indigent persons

If available, include the estimated number of total indigent persons impacted and how this was determined.

All Californians, including our indigent immigrant communities, are impacted by the outcome of California’s census results. Essential resources and services are allocated to our state and local governments based on the outcome and without an accurate count, the results will not reveal a full picture of the communities who rely on these services. As limited English proficient, immigrant community members have been acknowledged as some of the most difficult to reach and be counted, AANHPI immigrants have more at stake. The census impacts where to build new schools, how to plan for affordable housing needs, how healthcare providers prioritize services to their target populations, and how advocates like Advancing Justice-LA uses data to draft and push for policies to help improve the lives of our community members.

## 13. Briefly describe the advocacy activity and the overall goal(s)

Include specific legislation, regulations, or agencies involved.

Advancing Justice-LA regularly engaged with California’s Complete Count Committee through the census outreach program. Through the COVID-19 Safer at Home orders, the collaborative advocated to shift an all in-person outreach initiative focused on large in-person events and door-to-door outreach to a digital strategy. This shift required quick activation to convince the committee that online media engagement would serve as one of the best methods of reaching indigent, immigrant households who rely heavily on ethnic media. Advancing Justice-LA also pushed to shift operational timelines associated with the Census outreach efforts as the federal administration made numerous attempts to thwart undocumented immigrants from being counted. Advancing Justice-LA and the coalition engaged in considerable advocacy to counter the confusion through the development of coordinated, clear talking points and messaging in targeted AANHPI languages through outreach partners.

Advancing Justice-LA hosted bi-weekly and monthly check-ins with statewide network partners to stay informed and learn best practices from other partners. We also sent weekly emails with statewide partner updates and response rates to broader statewide partners. Additionally, we regularly provided essential policy updates and technical assistance to partners during the education, outreach, and nonresponse follow up phases as well as tracked the census changes closely and provided timely updates, summaries, and talking points to CBO partners.

## 14. List the outcomes achieved or expected to achieve

If ongoing, highlight accomplishments (if any) achieved during the evaluation year.

Through our Census advocacy efforts, CBO partnerships across the state and partnerships with traditional and ethnic media to reach our limited English proficient communities and elders have been strengthened. We look forward to the data that will be generated from the census, despite the impact that the federal government's confusion tactics and COVID's safer at home order had on the outreach process. In fact, while California's response rate was 1.4% higher than in 2010, we remain somewhat concerned about the undercount and will continue to monitor the process to advocate for a full and complete count of our communities.

#### 15. If possible, describe any economic benefit achieved or anticipated economic benefit

If the activity is ongoing, but there is an expected future economic benefit, describe the estimated benefit. Report the information you have available (e.g., estimated range). Do not extrapolate.

Federal funding for California in 2020-21 is expected to be nearly \$160 billion. As each counted individual accounts for at least \$1,000 in federal funding, ensuring an accurate count, especially of the most difficult to reach, indigent limited-English proficient community members, is essential to bringing federally funded resources to our communities.