

LEGAL SERVICES TRUST FUND COMMISSION
RULES COMMITTEE MEETING
Meeting Summary and Action Items
Tuesday, July 13, 2021, 12:00 p.m. – 3:00 p.m.
State Bar of California (Conference Call via Zoom)

Roll Call

Members Present

Chair Amin Al-Sarraf
Erica Connolly
Catherine Blakemore
Corey Friedman
Jim Meeker

Advisors

Hon. Brad Seligman

Liaisons

Salena Copeland (Legal Aid
Association of California)
Bonnie Hough (Judicial Council)

Public Members

Will Boschelli (Member of the
Legal Services Trust Fund
Commission)

Staff

Christal Bundang
Brady Dewar
Elizabeth Hom
Danielle MacRae
Doan Nguyen
Dan Passamaneck

Members Absent

Louise Bayles-Fightmaster

OPEN SESSION

The meeting was called to order at 12:05 p.m.

I. ROLL CALL

Roll call was taken, and a quorum was established.

II. CALL FOR PUBLIC COMMENT

Chair Al-Sarraf invited members of the public to comment on any item on the agenda. No public comment was made.

III. CONSENT

A. Approval of Meeting Summary and Action Items from October 16, 2020 Meeting

The Rules Committee approved the April 23, 2021 meeting summary and action items by majority roll call vote (Friedman moved, Connolly seconded). The vote was as follows:

Yes (4): Blakemore, Connolly, Friedman, Meeker

Abstention (1): Al-Sarraf

IV. DISCUSSION AND ACTION ITEMS

A. Preliminary Discussion of Review Process for Discretionary Grants

Senior Program Analyst Christal Bundang previewed the codification topic regarding the Review Process for Competitive Discretionary Grants topic. The working group members for this topic are Committee Chair Al-Sarraf and Committee member Meeker, and Partnership Grants Committee Chair Christina Vanarelli.

Bundang provided an overview of the State Bar's four competitive discretionary grants currently administered by the LSTFC: Bank Settlement (Bank) grants; EAF-Homelessness Prevention (HP) grants; Partnership grants (PGs); and Provisionally Licensed Lawyers (PLL) grants.

- The competitive discretionary grants have different authorities authorizing the funding and different purpose and eligibility requirements, which are outlined in each grant's Request for Proposals (RFP).
- Grant award amounts have ranged from \$1.36 million to \$7.36 million. Notably, total grant amounts for competitive discretionary grants are substantially less than the State Bar's formula grants
- Formal scoring rubrics were developed for three of the grants, whereas Bank grants used informal rubric categories during the review process. In reviewing category names and descriptions, there appears to be similarities across some of the grants
- All competitive discretionary grants have various grant reporting requirements
- The application review process for each competitive discretionary grant has also varied. In earlier years, the Committee reviewed all proposals and in most recent grant years, there was an initial calibration process, staff review of all applications, and Committee review of a subset of application. Bundang also shared the application review process for IOLTA/EAF grant applications, discretionary grants administered by the Legal Services Corporation (LSC), and by a private foundation for points of comparison.

Bundang raised the following questions for the Committee's discussion: 1) whether a standard scoring approach should be utilized for all future competitive discretionary grants; 2) whether overlapping categories and scoring allocations should be streamlined; and 3) whether the Committee should focus on substantive and policy-related issues during application review.

Future Use of a Standardized Scoring Approach

A Committee member expressed concern that rubrics can provide more of an impression of objectivity than actual objectivity, and that different applications may be best assessed using different criteria. Historically, funding criteria were listed and weighted on a project-by-project basis, which seemed like effective way to allocate funding. Another Committee member noted that as a result of the Stakeholder Engagement process in 2017 and 2018 there was a recommendation to move to numerical assessment of discretionary grant applications, and that rubrics typically improve with subsequent revisions over time.

A Committee member recommended that the reason for using assessment rubrics should be clearly stated. A Commission member speaking as a member of the public concurred, noting that rubrics should help distinguish between a great application that is a poor fit for the funding stream, and a poor application that would be a great project.

Bundang stated that transparency and equity were among the goals when developing the Partnership Grants rubric, and that applicants had positive feedback on the rubric. Chief of Programs Donna Hershkowitz recalled that there had been little guidance, transparency, or accountability in the evaluation process during her tenure as a member of the LSTFC and the Partnership Grants Committee. Applicants should know what constitutes a good proposal; a lack of transparency can erode confidence. Program Manager Nguyen reported positive anecdotal

feedback on rubrics, and staff have followed up with applicants who had questions about their scores.

Legal Aid Association of California (LAAC) Liaison Salena Copeland concurred on the importance of communicating expectations through a clear rubric, and that different rubrics should be flexible about important issues. Additionally, she noted that rubrics can help staff batch applications into levels of review. A Committee member concurred with the value of batching applications, as had been done with Bank Grant applications that were given High-Medium-Low ratings.

Streamlining of Scoring Categories and Allocations

The working group shared a model application review template for discussion purposes. This rubric allocates 15 points to each of five standard selection criteria (Impact, Rural/Underserved Communities Served; Administration and Organization Capacity; Evaluation; Continuity/Sustainability); the remaining 25 points are set aside for considerations specific to the funding stream. A Committee member asked whether reserving 25 points for grant-specific concerns was adequate. An advisor to the Committee noted that the source of funding will dictate the assessment criteria for each funding stream. A generalized rubric could consider some general broad guidelines but should not be overly specific. How each criterion is weighted would depend on the overall criteria for any particular funding stream. Another Committee member noted potential complications if the fund-specific criteria are among the core criteria already identified.

Discussion also addressed calibration, which is necessary to ensure consistency among scorers and review teams. Calibration procedures for the 2021 HP RFP grants were reviewed. A Committee member suggested a more nuanced process in which each Committee member would review three proposals assessed by staff to represent the high, medium, and low ratings for these grants, to establish benchmarks and standardized criteria to guide review teams.

Committee's Role and Focus in Review of Applications for Discretionary Grants

A Committee member noted that, in some categories such as Administration and Organizational Capacity, staff are better informed than Committee members, and staff recommendations are persuasive. The Commission particularly relies on staff when grant funds must be distributed quickly, as with the HP grants. Discussion raised the option of identifying some categories for staff ratings as a threshold, after which the relevant Committee would consider the remaining proposals (as was done with PGs). A Committee member suggested, given this reliance on staff recommendations, that some mechanism exist for addressing disagreements over close questions.

Flexibility is also an important consideration when building a scoring rubric for discretionary grants. Factors impacting flexibility and discretion should be identified in the RFP itself. Program Manager Doan Nguyen and Assistant General Counsel Brady Dewar noted that specific language was included in the PLL application to allow the committee to consider factors outside of the rubric, including geographic diversity. A Committee member noted the importance of clearly

indicating in the application instructions and RFPs what factors in addition to rubric scores may be considered in determining discretionary grant awards.

The working group will revise its draft memorandum in light of feedback from this meeting and share it with the grantee community through LAAC. This Committee will meet again August 24 for an in-depth discussion of assessment criteria and procedures for discretionary grants.

V. ADJOURN

There being no other business, the meeting was adjourned at 1:40 p.m.

DRAFT