

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

Friday, July 16, 2021, 10:00 a.m. – 2:00 p.m.  
State Bar of California (Conference Call via Zoom)

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**Roll Call**

**Members Present**

Chair Erica Connolly  
Banafsheh Akhlaghi  
Louise Bayles-Fightmaster  
Pamela Bennett  
Catherine Blakemore (phone)  
Rebecca Delfino  
Jim Meeker  
Zahirah Mann  
Bob Planthold  
Kim Savage

**Liaisons**

Bonnie Hough  
Salena Copeland

**Public Members**

None.

**Staff**

Christal Bundang  
Erica Carroll  
Brady Dewar  
Doan Nguyen  
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**Members Absent**

Herman DeBose  
Corey Freidman

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**OPEN SESSION**

Chair Erica Connolly called the meeting to order at 10:04 a.m.

**I. ROLL CALL**

Roll call was taken, and quorum was established.

**II. CALL FOR PUBLIC COMMENT**

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

**III. 2020 IMPACT LITIGATION AND ADVOCACY WORK (ILAW) ACTIVITIES**

Senior Program Analyst Erica Carroll reported that at the request of the Committee, Asian Americans Advancing Justice-Los Angeles (AAJ-LA) provided a detailed breakdown and description of qualifying and non-qualifying work for its 2020 Census Advocacy and Outreach ILAW activity.

Although AAAJ-LA asserts that all of the activity's expenditures should be considered qualifying, it acknowledged that the Committee would generally consider advocacy work as qualified and outreach work as non-qualified. Therefore, according to the breakdown provided, \$242,506.76 would be considered qualified and \$664,925.36 would be considered non-qualifying.

A motion was made to find that the advocacy expenses related to AAAJ-LA's California Census AANHPI Outreach and Advocacy activity are qualifying for purposes of the 2022 IOLTA/EEF application and may be included in the organization's qualifying expenditures and that the outreach expenses associated with this activity are non-qualifying and must be deducted from the organization's qualified expenditures.

The motion was approved by unanimous roll call vote (Blakemore moved, Planthold seconded).

#### **IV. 2022 IOLTA/EAF APPLICATIONS**

##### **A. Report Back on meetings with Center for Human Rights and Constitutional Law and Family Legal Assistance at CHOC**

Carroll reported that she and Chair Connolly met with Family Legal Assistance at CHOC (CHOC) and Center for Human Rights and Constitutional Law (CHRCL) and to discuss both organizations' late audit requests.

CHOC's President appears to be out of the office for the long term and CHOC's main staff attorney planned on following up to address the Committee's questions. On July 15, CHOC reported that it would not be able to make the deadline to complete its 2022 IOLTA/EAF application and would not be proceeding with the application. LAAC Liaison Selena Copeland asked if CHOC would be eligible for the upcoming Homelessness Prevention (HP) funds because CHOC is a 2021 grantee. If so, she requested that this funding opportunity be shared with them.

Carroll and Connolly also met with CHRCL prior to this meeting to discuss the need for an audit extension, as well as emphasize the importance of timely submission in the future. CHRCL recently submitted its finalized audit and was asked to provide a more detailed written explanation of the need for an audit extension. Since the Committee has delegated authority to Chair Connolly, she will review CHRCL's explanation and provide an update to the Committee in August.

##### **B. Discuss and Act on Eviction Defense Collaborative's Request to Consider Rental Assistance Disbursement Component (RADCo) Expenditures as Legal Services**

Carroll reported that Eviction Defense Collaborative (EDC) is requesting to include staff time devoted to its RADCo program as a qualified expenditure. RADCo is not a new program and EDC previously deducted staff time for RADCo work in prior IOLTA/EAF applications because of the work is related to Cash Assistance. EDC reasons that the program should be considered legal assistance because its Director of Litigation's substantial involvement helping target Cash Assistance to maximize effectiveness to avoid evictions. Generally, office practice and the Committee has considered non-legal work qualifying if the organization is able to establish a nexus to legal service outcomes.

The Committee agreed that some of RADCo's work appeared qualifying, especially the work tied to the Director of Litigation. However, the Committee could not determine if all of the RADCo work should be considered qualifying because EDC has made deductions for it in the past or did not present information that the work has substantially changed compared to prior years. In addition, it was unclear to the Committee if EDC's request was only for the 2022 IOLTA/EAF grant year, and whether the Committee's decision on this matter would create precedent for EDC's future grant applications.

In light of this discussion and the Committee's concerns, staff will follow up EDC for additional information, and provide an update for the Committee's consideration at its August 13 meeting.

**C. Action on Application That Do Not Meet Presumption of Primary Purpose and Function**

Carroll reported for the 2022 IOLTA/EAF grant year, three organizations – Catholic Charities, East Bay Family Defenders (EBFD) and Family Violence Law Center (FVLC) did not meet the 75 percent primary purpose presumption.

Since Catholic Charities and EBFD have Eligibility Review Conferences scheduled in July, staff recommends that the Committee defer its decision regarding those two applicants until its August 13 meeting.

The remaining applicant, FVLC, reported 64 percent of qualified expenditures. FVLC's primary purpose is to provide access to comprehensive legal services to domestic violence survivors. As part of its integrated service delivery model, in addition to legal services, FVLC provides social and mental health services such as emergency crisis counseling, therapy, and a youth program. The Committee has accepted this explanation for the organization's lower qualified expenditures in prior years. Carroll confirmed to the Committee that FVLC already recognizes and deducts its expenses related to services that may sometimes be qualifying and other times not (e.g. therapeutic services with a nexus to a legal outcome versus therapy as a supportive service unrelated to a legal matter/outcome). Staff's recommendation was to accept FVLC's explanation and determine that FVLC meets the primary purpose requirement for the 2022 IOLTA/EAF grant year.

A motion was made to find that FVLC has demonstrated its primary purpose and function of providing legal services to indigent persons without charge through the narrative explanation included in its 2022 IOLTA/EAF application (Louise Bayles-Fightmaster moved, Mann seconded).

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

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

No (0): None

Abstentions (1): Bennett

**D. Action on Applications Seeking Pro Bono Allocations under Test C Analysis**

Carroll provided an overview of the pro bono allocation requirements and reported that 19 organizations are applying for the pro bono allocation. Of those organizations, 6 are presumed eligible for the allocation because they meet Test A and/or Test B. The remaining 13 organizations are applying for pro bono allocation under Test C. Staff recommends approving 11 organizations, finding one Inland Empire Latino Lawyers Association (IELLA) ineligible, and

defers Disability Rights Legal Center (DRLC) and Learning Rights Center (LRC) two to the Committee.

**Inland Empire Latino Lawyers Association, Inc. (IELLA)**

IELLA is applying for pro bono allocation in Riverside and San Bernardino and been approved for the pro bono allocation in prior years. However, since IELLA did not meet the substantial numbers threshold test, staff recommendation is to find IELLA ineligible for the pro bono allocation for the 2022 IOLTA/EAF application.

**Disability Rights Legal Center (DRLC)**

DRLC is applying for pro bono allocation in Los Angeles and has been approved for the pro bono allocation in prior grant years. Unlike IELLA, DRLC meets the substantial numbers threshold test. According to its Test C narrative, each of its active cases by the end of 2020 was staffed with pro bono support. DRLC also indicated that its Litigation Team has taken on special education cases to expand legal services to children in need. The Committee also took into consideration that DRLC's reported numbers were very close to other approved pro bono applicants, and that DRLC had previously qualified for the pro bono allocation under Test A or B in prior years

**Learning Rights Law Center (LRLC)**

LRLC is applying for pro bono allocation in both Los Angeles and Ventura. As this is LRLC's first time as a pro bono applicant, it does not have any history of prior approval under Test A, Test B, or having generally accepted exceptions under Test C, such as serving a rural county.

A motion was made to find the following 2022 IOLTA/EAF Test C pro bono applicants eligible for the pro bono allocation. (Blakemore moved, Planthold seconded)

1. Bet Tzedek
2. Casa Cornelia
3. Disability Rights Legal Center
4. Harriett Buhai Center for Family Law
5. Justice and Diversity Center of the Bar Association of San Francisco
6. LACBA Counsel for Justice
7. Legal Aid Society of San Bernardino
8. Public Counsel
9. Public Law Center
10. Riverside Legal Aid
11. Veterans Legal Institute

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

Yes (9): Connolly, Bennett, Bayles-Fightmaster, Blakemore, Delfino, Meeker, Mann, Meeker, Planthold

No (0): None.

Abstentions (0): None

Recusals (2): Mann (DRLC, LACBA Counsel for Justice), Meeker (Public Law Center)

Another motion was made to find the following 2022 IOLTA/EAF Test C pro bono applicants ineligible for the pro bono allocation. (Planthold moved, Bayles-Fightmaster seconded)

1. Inland Empire Latino Lawyers Association, Inc.
2. Learning Rights Law Center

In addition, staff will reach out to LRLC to provide support and technical assistance as it grows its pro bono program.

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

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

No (1): Mann

Abstentions (0): None.

#### **E. Review and Discuss Other Eligibility Issues**

Carroll updated the Committee that the Budget Act of 2021 (SB 129) was signed by Governor Newsom on July 12. Under SB 129, there will be an approximately \$50 million increase in EAF funding. Of the estimated \$70 million approved, The State Bar will administer \$65 million and the California Access to Justice Commission will administer the remaining \$5 million for innovation grants.

#### **V. ADJOURN**

There being no other business, the meeting was adjourned at 12:03p.m.