

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

Friday, June 25, 2021, 10:00 a.m. – 12:00 p.m.  
State Bar of California (Conference Call via Zoom)

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**Roll Call**

**Members Present**

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

**Liaisons**

Bonnie Hough  
Salena Copeland (LAAC)

**Public Members**

Connie Chung Joe

**Staff**

Erica Carroll  
Michael Cheng  
Doan Nguyen  
Brady Dewar

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**Members Absent**

Banafsheh Akhlaghi  
Corey Friedman

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**OPEN SESSION**

Chair Erica Connolly called the meeting to order at 10:07 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. Connie Chung Joe, CEO of Asian Americans Advancing Justice – LA (AAAJ-LA) noted she was present to discuss reconsideration of AAAJ-LA's ILAW activity.

**III. CONSENT**

**A. Approval of Meeting Summary and Action Items from May 7, 2021 Meeting.**

The Committee approved the May 7, 2021 meeting summary and action items by unanimous roll call vote (Blakemore moved; Meeker seconded).

**IV. DISCUSSION AND ACTION ITEMS**

**A. Updates on Final Reports Submitted by Former Grant Recipient, HEART LA**

Senior Program Analyst Erica Carroll provided an update on HEART LA. Carroll noted that the organization applied for 2021 funding but eventually declined its award. Staff worked with the

organization over the past few months to submit its reports. Based on their evaluations, the organization closed 48 cases in 2020 with a niche focus on housing issues faced by tenants with pets. The organization is no longer a grantee and staff is satisfied that organization complied with all of its requirements under the grant.

**B. Update on Late Submitted 2020 EAF Evaluations.**

Carroll provided an update on late evaluations from Family Legal Assistance at CHOC. Staff has requested missing information and is working with the organization on outstanding evaluations and reports. Staff will need some of these reports before it will be able to make an eligibility recommendation.

Staff recommended that the Chair of the Committee meet with that organization and noted that the organization also has an audit extension request pending. Staff further noted that the organization's Executive Director has been out of the office, and it would be appropriate to see if the organization needed additional support prior to taking any action.

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

**A. Review and Approve Remaining 2020 Impact Litigation and Advocacy Work (ILAW) Activities from Disability Rights Legal Center and National Immigration Law Center**

National Immigration Law Center ("NILC")

Staff followed up with NILC on its impact litigation activity at the Committee's request. NILC reported that its partner organization was The Council on American Islamic Relations. Staff then researched the organization and noted that it provides legal services, but was not sure that they would be considered a Qualified Legal Services Provider ("QLSP") if they were to operate in California. Staff informed NILC of the analysis, and at that point NILC chose to voluntarily mark the activity as non-qualifying.

Disability Rights Legal Center ("DRLC")

DRLC had a cancer policy advocacy activity where they cited support for Covered California Affordability Act, Lymphedema treatment Act, and The Paid Leave Act. Staff followed up with DRLC at the Committee's request to obtain more details regarding the nature of the activities. Staff didn't receive further information, and consequently recommended finding the activity non-qualifying.

After staff's update on NILC and DRLC, a motion was made to find DRLC's activities non-qualifying and to deduct that work from its 2022 expenditures. Blakemore moved, and Planthold seconded. The motion was approved by majority roll call vote. The vote was as follows:

Yes (9): Connolly, Bayles-Fightmaster, Bennett, Blakemore, DeBose, Delfino, Meeker, Planthold, Savage  
No (0): None  
Abstention(s)(1): Mann

**B. Consider Asian Americans Advancing Justice – Los Angeles’s (AAAJ-LA) Request for Reconsideration of Its ILAW Activity (California Census)**

Carroll provided a summary of AAAJ-LA’s Advocacy Work (ILAW). Staff noted that at the Committee’s last meeting in May, one of the ILAW reports that was reviewed individually was AAAJ-LA’s California census and outreach work. The Committee reviewed that report and raised some questions as to whether the activity could be considered a legal service, as well as whether it was primarily for the benefit of indigent persons. The Committee found that particular activity to be non-qualifying, meaning that the organization would need to deduct it on its 2022 IOLTA application as a non-qualifying expenditure. AAAJ-LA asked for reconsideration and to attend the meeting. A written statement regarding those aspects of the legal services component and the focus on indigent persons was also submitted and is included in the meeting material.

Connie Chung Joe, CEO of AAAJ – LA provided comment. Ms. Joe noted that the organization’s census activities are both legal services and targeted indigent clients. The work was supervised by Vice President of programs Anthony Roh, who is a California State Bar licensed attorney. The statewide census activities centered on advocacy and AAAJ-LA led a network of statewide partners who’s on the ground outreach targeted towards hard to count Asian American, native Hawaiian, and Pacific islanders. AAAJ-LA advocated for policies to the State Census Office and the US Census Bureau to ensure sufficient resources were allocated to how to engage hard to count communities. This included uplifting policies that improved language access cultural competency and motivational messaging to penetrate these communities. AAAJ-LA regularly provided talking points on language access to the state’s Census Office that they ultimately adopted to craft messages that would best reach these communities. AAAJ took great pains to target hard to count API communities who are often at the nexus of being low income, limited English proficient, and immigrant. AAAJ-LA advocated to the State Census Office to fund language materials for communities, which was done. Finally, AAAJ-LA’s decennial census work lays the foundation for AAAJ-LA’s demographic research activities which have previously been deemed qualified. Ms. Joe noted that AAAJ advocated to the state and worked with partner organizations to ensure that there were materials in at least 15 different API languages.

Staff asked Ms. Joe for added clarification with regards to the project and activity, specifically what was advocacy to the government and what expenditures related to work on outreach. Commissioners asked Ms. Joe if the project was related to a claim or suit regarding language access. Ms. Joe noted that there was always a potential legal claim but in this particular case, there wasn’t a legal brief in preparation.

Ms. Joe was also asked for further disaggregation of activity, separating advocacy with government and grass roots work and outreach, which wouldn’t be legal services. This included questions regarding expenditures on the various activities. Ms. Joe commented that AAAJ-LA can try to separate expenditures by activity, and the total expenditures in question would be around \$800,000 compared to the organization’s total budget of \$10,000,000. Ms. Joe noted that the \$800,000 amount includes the cost of organization staff time, the translated materials, and subcontracts.

Program Manager Doan Nguyen asked that staff be given authority to work with AAAJ-LA to itemize the \$800,000 in expenditures in order determine what may be considered qualifying

versus non-qualifying expenditures. Noting no objections, Chair Connolly asked staff to work with AAAJ-LA to gather and provide additional information at the next Committee meeting.

### **C. Update on Other ILAW Activities**

Carroll provided an update on ILAW reports that were still pending because they touched on topics like expungement, fines, and fees (which are topic that's coming up for Commission consideration later today). Staff did revisit and did another review of those activities and found them to be qualifying as they were more in the nature of advocacy and not representation in a criminal proceeding. As a result, staff won't need to elevate them for committing review. Nguyen also noted that staff reviewed with the Office of General Counsel as well.

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

### **A. Action on Acceptance or Rejection of Late Submitted Applications**

2022 IOLTA/EAF Grant Applications were due on Friday, May 14, 2021 at 5 p.m. Six applicants submitted late applications.

Five of the six were submitted on the due date, shortly after the deadline. One organization was granted an audit extension and mistakenly believed that this applied to the application deadline as well. However, upon notice of the issue, the organization responded promptly. Staff recommended acceptance of the six late applicants as eligible for review.

The Committee and staff then engaged in a discussion about late applications, which is an issue every year with IOLTA/EF grants. Committee members emphasized the importance of being on time, in fairness to other applicants and staff, as well as questioning whether consequences are possible and appropriate when an application is late. Currently, the only possible consequence would be to not accept the application, which would deny any possibility of funding in the coming year. There was also discussion of the ultimate impact on clients if organizations were to lose funding. Staff also noted some changes and updates to the application this year that may have been confusing or difficult for organizations when submitting.

Nguyen suggested that going forward, staff can notify applicants that 5 PM deadline is a hard deadline, and staff must be contacted via email in order for applicants to submit following the deadline.

Commissioner Blakemore motioned to accept all late applications for review this year, and for staff to develop protocol that will require applicants to explain the reason for late submissions and will grant staff discretion to accept or elevate. Mann seconded. The motion was approved by majority roll call vote. The vote was as follows:

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

No (3): Bennett, DeBose, Planthold

Abstention(s)(0): None

## **B. Consideration of Extension Requests for Audited/Reviewed Financial Statements**

Carroll provided background and noted that audited and reviewed financial statements are an essential component of IOLTA and EAF applications. This year staff had authority delegated by the Commission to grant extensions through May 31, after the May 14 deadline. Staff agreed to all extension requests through May 31 and informed applicants that the Committee would have to approve any requests to submit an audit or financial review past that date. They were also asked to submit a written explanation of the delay in their audit in lieu of the audit itself, along with the date they anticipate the final audit will be ready. Seven organizations requested an extension from the Committee.

Staff recommended a meeting between two organizations, Center for Human Rights and Constitutional Law and Family Legal Assistance at CHOC Children's, and the Chair of the Eligibility & Budget Review Committee, delegating authority to the Chair to determine an appropriate extension date. For the remaining five organizations, staff recommended granting the extension requests through August 2, 2021.

In addition, two organizations failed to submit any documentation, or submitted incorrect documents, for this requirement:

Riverside Legal Aid (RLA) submitted a financial review rather than an audit, despite having gross corporate expenditures in excess of \$500,000. RLA responded promptly when staff notified the organization of the issue and the audit requirement. Staff recommended granting RLA an extension until August 2 in order to provide the correct documentation

The Center for Immigrant Protection is a new applicant with gross corporate expenditures below \$500,000, which makes it eligible to submit a reviewed financial statement. However, the organization only submitted internally prepared statements. When staff contacted the applicant regarding this, the organization requested a waiver. Staff recommended denying the request for waiver as it is a firm requirement of the application, and even if the committee could waive the requirement, staff wouldn't recommend it because it wouldn't be fair to other applicants.

Committee members expressed some concern that impact the extension requests may have on staff's work and subsequent timeliness of materials for the Committee/Commission but ultimately moved to grant extensions through August 2 based on staff's recommendation, except for Family Legal Assistance at CHOC Children's and CHRCL, which was delegated to Chair Connolly. Blakemore moved, Savage seconded. The motion was approved by majority roll call vote. The vote was as follows:

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

No (0): None

Abstention(s)(1): DeBose

Commissioner Bayles-Fightmaster motioned to deny Center for Immigrant Protection's request for a waiver regarding the submission of a reviewed financial statement. Connolly seconded. The motion was approved by unanimous roll call vote.

Staff confirmed that this vote to deny the waiver would also make Center for Immigrant Protection ineligible for IOLTA and EAF grants this year.

### **C. Identify Programs for Eligibility Review Conferences**

Carroll noted that there were eight new applicants for grant year 2022. In the interest of time, staff focused on organizations recommended for Eligibility Review Conferences (ERC):

Catholic Charities Diocese of San Diego (Recommend for ERC) - Staff determined that its qualified expenditures are around 11 or 12 percent. In order for an organization to be presumed as meeting primary purpose they need to have qualified expenditures at or above 75 percent. Although the applicant is not disputing the amount of qualified expenditures, the applicant would like an opportunity to further discuss their primary purpose. As such, staff recommended a meeting with this applicant to allow them to discuss their primary purpose and whether they may be deemed eligible in this application cycle.

East Bay Family Defenders (Recommend for ERC) – This applicant has qualified expenditures below 75 percent (approximately 64 to 65 percent). Staff has concerns about that estimate as this applicant only started income screening in July 2020, and due to the pandemic reported having difficulty getting consistent income information from their clients. The numbers this applicant is reporting are essentially an extrapolation of two months of full data. As a result, staff is recommending an ERC.

Community Lawyers Inc. (Defer to Committee) – This is a returning applicant and is a very small organization. The Executive Director is part-time and is also an attorney who substantially oversees cases while managing the organization. Staff is still reviewing this application and may not have identified every question that may emerge from that application. Staff wanted to bring this applicant to the committee's attention now and defers to the committee about whether to schedule an ERC at this juncture based on the questions raised regarding this applicant's staffing and quality control procedures.

Carroll also requested that, in regard to identifying other programs that may need an ERC, the Committee delegate authority to staff to schedule an ERC without waiting until the next meeting.

A Committee member asked if Community Lawyers Inc. had taken steps to address issues identified in the prior ERC. Carroll confirmed that the applicant did in fact look to recommendations from the last ERC and made changes directly in response.

Commissioner Planthold motioned to approve staff recommendation for Eligibility Review Conferences for Catholic Charities Diocese of San Diego, Eastbay Family Defenders, and Community Lawyers, Inc. Meeker seconded. The motion was approved unanimously.

Carroll provided logistical information on scheduling and participants for the ERC. Upon completion, the working group will provide a memo for the Committee to consider before recommending eligibility of the applicant to the Commission.

#### **D. Update on Support Center Deeming**

Carroll provided an update for support center deeming. Carroll noted that support centers that were not in existence prior to December 31, 1980, on an annual basis, need to be deemed a special need by the QLSPs. This year there are four organizations (California Advocates for Nursing Home Reform, California Women's Law Center, Public Interest Law Project, and Worksafe) going through the balloting process. Staff will be releasing the ballots to the QLSPs on July 6 and ballots are due back by August 3. Staff will have results for the Committee at the August 13 meeting.

#### **VII. ADJOURN**

There being no other business, the meeting was adjourned at 11:57 a.m.