

LEGAL SERVICES TRUST FUND COMMISSION

RULES COMMITTEE MEETING

Meeting Summary and Action Items

Tuesday, August 24, 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
Catherine Blakemore
Erica Connolly
Jim Meeker

Liaisons

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

Staff

Christal Bundang
Brady Dewar
Bridget Gramme
Donna Hershkowitz
Elizabeth Hom
Doan Nguyen

Advisors

Hon. Brad Seligman

Public Members

(none announced)

Members Absent

Louise Bayles-Fightmaster
Corey Friedman
Hon. William Murray

OPEN SESSION

Chair Al-Sarraf called the meeting to order at 12:00 p.m. and recognized Director of Programs Donna Hershkowitz. Director of Programs Hershkowitz then introduced Deputy Director of Programs Bridget Gramme. The Deputy Director of Programs is a new position that will support the Director of Programs across several program areas. Though the Director of Programs will retain direct supervision of the OA&I, the Deputy Director of Programs will also maintain familiarity with OA&I activities and operations.

I. ROLL CALL

Roll call was taken, and quorum was established.

II. CALL FOR PUBLIC COMMENT

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

III. CONSENT (addressed after discussion on agenda items IV.B and IV.C)

A. Approval of Meeting Summary and Action Items from July 13, 2021 Meeting

The Rules Committee approved the July 13, 2021 meeting summary and action items by unanimous roll call vote (Connolly moved, Blakemore seconded).

IV. DISCUSSION AND ACTION ITEMS

A. Update on Rules Committee Work Plan (This item was discussed out of order, after items B and C)

Program Manager Doan Nguyen reported on updates to the Work Plan.

Passthroughs and Exchanged Funds will be considered at the September 24 meeting; proposed revisions to rules regarding pro bono allocations will be presented directly to the Commission. Staff will recirculate a revised work plan in about a week.

B. Update on Treatment of Expungement, Infractions, and Similar Legal Services Work for the Purposes of Primary Purpose and Qualified Expenditure Determination

Program Manager Nguyen reported on the status of legislation revising language relating to the qualified or non-qualified nature of non-civil legal services. The legal aid community has expressed satisfaction with the revised language and staff have addressed some technical questions from the legislature. As currently written, infraction defense is a qualifying service on the principal that the issue being addressed is not guilt or innocence but poverty and homelessness. An additional catch-all clause was also added at Judge Jaskol's suggestion. Salena Copeland reported that this language is expected to be approved by the legislature shortly.

C. Discuss and Approve Recommendation Regarding Review Process for Discretionary Grants

Senior Program Analyst Christal Bundang reported on behalf of the working group comprised of Chair Amin Al-Sarraf, Committee Member Jim Meeker, and Partnership Grants Committee Chair Christina Vanarelli. Following the issue preview meeting on July 13, the working group met and developed the following preliminary recommendations regarding the review process for discretionary grants. These recommendations were circulated to the legal aid community via the Legal Aid Association of California for feedback.

The first issue was whether a scoring rubric should be required for all future competitive discretionary grants. The working group considered three factors: 1) the historical and current use of scoring rubrics by both the State Bar's current discretionary grants and other funders supporting legal services; 2) the potential benefits of enhancing transparency for applicants and reinforcing consistency in application review process for committee members; and 3) the importance of retaining discretion and flexibility. Based on Committee and community feedback, the Working Group recommends that a scoring rubric be used for all competitive discretionary grants.

The second issue was whether the scoring rubric categories should be streamlined across all competitive discretionary grants. The working group observed that some

existing criteria already overlap and that standardized definitions would provide continuity for applicants applying for multiple discretionary grants and reinforce consistent interpretation by committee members. Based on Committee and community feedback, the working group recommends streamlined category definitions for Rural, Underserved, Administration, Evaluation, and Continuity. Notably, the Rural and Underserved would now be considered as separate categories. With this recommendation, committees would retain discretion to determine which categories and point allocations to include in their respective scoring rubrics. As a caveat, the recommended definitions would be subject to commission approval and modification as necessary to conform to relevant authorities. Community feedback specifically supported the assessment of organizational capacity as a category used to review competitive, discretionary grants.

The third issue was whether a standardized review process should be implemented for all competitive discretionary grants. The application review process has varied in terms of committee and staff involvement due to a variety of factors including historical practices and timeline considerations. In order to retain flexibility for future grant requirements, the working group did not recommend implementing a standardized review process at this time. This would allow the respective committees to tailor rubrics to the specific grant requirements, subject to final approval by the Legal Services Trust Fund Commission.

However, the working group shared three considerations for committees in developing the review process for their respective grants: 1) utilize an initial calibration and subsequent calibration approach to reinforce consistent understanding of category definitions and how to apply and score them; 2) delegate staff to making initial scoring recommendations on categories that they may be in the best position assess, such as organizational capacity; and 3) assign staff to provide general high/medium/low assessments of applications, elevating specific categories for committee review and discussion.

The Committee reviewed the proposed revision to State Bar Rule 3.680, which would add a new section (F):

(F) Qualified legal services projects and support centers may apply for the State Bar's competitive discretionary grants if they meet threshold eligibility requirements for those funding opportunities. A scoring rubric will be utilized to aid in the review and evaluation of competitive discretionary grant applications. The scoring rubric will consist of general selection criteria across all competitive discretionary grants (Project Impact, Rural Considerations, Underserved Communities, Administration,

Evaluation, and Continuity) and other grant-specific considerations. Category weights, point allocations, and implementation of the scoring rubric will be at the discretion of the Legal Services Trust Fund Commission.

The Committee passed the following resolution by unanimous roll call vote (Connolly moved, Blakemore seconded):

RESOLVED, that the Rules Committee of the Legal Services Trust Fund Commission approves the following working group recommendation related to the competitive discretionary grants review process:

- Codify the use of a scoring rubric for all competitive discretionary grants, including streamlined categories and definitions
- Maintain committee discretion in determining point allocations and additional categories
- Maintain committee discretion regarding the application review process for competitive discretionary grants.

V. ADJOURN

There being no other business, the meeting was adjourned at 12:40 p.m.