

FUNCTIONAL MATRIX: STAFF, LSTFC, AND BOARD OF TRUSTEE CURRENT AND PROPOSED ROLES

Key Grant Approval and Administration Functions by	Current Staff Role	Current Commission Role	Proposed Staff Role	Proposed Commission Role	Change from Current?	Policy?	Administrative?	Current BOT Role?	Proposed BOT Role
IOLTA/EAF/Justice Gap/Licensee Fee Statement Grants									
Development of policy/guidelines/tatutory change	Propose rule and guideline changes	Review staff recommendations and approve, modify, or reject recommendations Commission role has been inconsistent	Propose rule and guideline changes; identify "gray areas" and bring to <u>Rules Committee and then</u> Commission for review	Review <u>Approve</u> rule and guideline changes; <u>proposed by staff and approve, modify, or reject rules and guidelines;</u> identify need for new rules and guidelines to address "gray areas"; address "gray areas" through guideline or rule	Yes	X		<u>Approve all rule and guideline changes</u> Un clear as related to guidelines	Must Approve all rule and guideline changes <u>"unless the Board of Trustees of the State Bar makes a finding in writing that a recommendation conflicts with a statutory, fiduciary, or legal obligation of the State Bar." (B&P Code, section 6210.5)</u>
Review application and audit to determine eligibility _z	Staff determines eligibility for most programs, subject to final Commission approval	<u>Staff reviews annual IOLTA/EAF application and determines eligibility. However, if staff identifies substantive issues, it is elevated to the Commission to determine eligibility.</u> (If staff review reveals substantive issues.) Commission provides a final vote of a-all eligibility for all applicants. le programs.	Staff determines whether programs have met the primary purpose requirement for most programs, and where determination is not apparent, staff elevates to Commission for determination. Staff prepares agenda item for Commission <u>-review and approval reflecting eligibility determination</u> recommendations with ability to place some or all recommendations on consent calendar.	Commission determines eligibility (If staff review reveals substantive issues.) Final vote on all eligible programs. <u>Staff reviews annual IOLTA/EAF application and determines eligibility. However, if staff identifies substantive issues, or if determination of eligibility is not otherwise apparent, it is elevated to the Commission to determine eligibility. Commission reviews staff's eligibility</u>	<u>Yes</u> No			None	None; however, <u>"to ensure that awards made by the Legal Services Trust Fund Commission are consistent with statute, rules, and other governing authority, the State Bar shall develop a program to audit a representative sample of grant awards each year. The results of the most recent audit shall be included with the report of receipt of funds described in this subdivision." (B&P Code, section 6210.5)</u>
<u>Approval of grants.</u> Determination of program-level allocations	<u>Once eligibility is determined, staff runs IOLTA formula to determine grant awards. Staff then reviews budget applications and determines whether budgets comport with rules and guidelines. However, if staff identifies substantive issues, it is elevated to the Commission to make a determination. Commission votes onto approve budgets and grant awards concurrently.</u> uns the formula	Commission approval of full list of programs and allocations <u>Once eligibility is determined, staff runs IOLTA formula to determine grant awards. Staff then reviews budget applications and determines whether budgets comport with rules and guidelines. However, if staff identifies substantive issues, it is elevated to the Commission to make a determination. Commission votes onto approve budgets and grant awards concurrently.</u>	<u>Same</u> Staff	<u>Approve full list of programs and allocations</u> <u>Same</u>	No		X	None	Informational item to BOT

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Establish data reporting requirements	Staff <u>Staff may propose changes to data reporting requirements and only needs Commission approval if modification changes reporting obligation for grantees.</u>	Commission approval of changes inconsistent <u>Staff may propose changes to data reporting requirements and only needs Commission approval if modification changes reporting obligation for grantees.</u>	Staff may propose changes to data reporting requirements. <u>Same</u>	Commission approves all changes to data reporting requirements. <u>Same</u>	Yes <u>No</u>	X (non-technical changes)	X (technical changes)	None	Approve data reporting requirements which will be codified in either guidelines or rules. <u>None</u>
Review/revise carryover policy	Staff proposes	Commission approves	Same	Same	No	X		None	Approve changes to carryover policy which will be codified in either guidelines or rules.
Review of carryover requests	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves requests in excess of 25%	Same	Same	No		X	None	None

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Review/approve budget revision	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves revisions in excess of 25%	Same	Same	No		X	None	None
Review/revise deeming process/policy	Staff proposes	Commission approves	Staff proposes	Commission approves	No	X		None	Approve changes to deeming process which will be codified in rules or guidelines.
Partnership Discretionary Grants (including but not limited to Partnerships, Homelessness Prevention, and Bank Grants)									
Establish evaluation, selection, and funding level criteria	Unclear Team of staff and commissioners determine evaluation, selection, and funding level criteria	Unclear Team of staff and commissioners determine evaluation, selection, and funding level criteria; Commission reviews and decides whether to approve, modify, or reject recommendations approves	Staff recommends	Commission approves	Yes	X		None	Approve (Judicial Council may also need to approve)
Recommendations for project approval and funding amount	Team of Staff and Commissioners review and provide recommendations on applications for funding	Team of Staff and Commissioners review and provide recommendations on applications for funding; Commission reviews and decides whether to approve, modify, or reject recommendations approves	Same	Same	No			None	Informational item to the BOT
Review/approval of budget revisions	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves revisions in excess of 25%	Same	Same	No		X	None	None
Review/revise carryover policy	Staff proposes	Commission approves	Same	Same	No	X		None	Approve changes to carryover policy which will be codified in either guidelines or rules.
Review/approve carryover requests	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves requests in excess of 25%	Same	Same	No		X	None	None
Bank Grants									

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Develop policy regarding how funds will be distributed	Joint Staff and Commission Effort	Joint Staff and Commission Effort; Commission approved terms of RFP	Same	Same	No	X		None	Board <u>must</u> approve al of policy regarding how funds will be distributed <u>"unless the Board of Trustees of the State Bar makes a finding in writing that a recommendation conflicts with a statutory, fiduciary, or legal obligation of the State Bar."</u>
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Approval of budget revisions	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves revisions in excess of 25%	Same	Same	No		X	None	None
Review/revise carryover policy	Staff proposes	Commission approves	Same	Same	No	X		None	Approve changes to carryover policy
Review/approve of carryover requests	Staff reviews/approves requests between 10% and 25% of total award	Commission reviews/approves requests in excess of 25%	Same	Same	No		X	None	None