

**LEGAL SERVICES TRUST FUND COMMISSION  
ELIGIBILITY AND BUDGET REVIEW COMMITTEE MEETING**

**Meeting Summary and Action Items**

Friday, April 29, 2022, 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  
Louise Bayles-Fightmaster  
Pamela Bennett  
Catherine Blakemore  
Hon. Clifford Klein  
James Meeker

**Advisors**

None

**Liaisons**

Bonnie Hough  
Salena Copeland

**Public Members**

Mark Rosenbaum, Public  
Counsel  
Charles Evans, Asian  
Americans Advancing Justice

**Staff**

Doan Nguyen  
Erica Carroll  
Shannon Crossley  
Daniel Passamaneck  
Brady Dewar  
Danielle MacRae

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**Members Absent**

Banafsheh Akhlaghi

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**OPEN SESSION**

Chair Connolly called the meeting to order at 10:00 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. The following comment(s) were made. Charles Evans, Asian Americans Advancing Justice – Los Angeles spoke regarding redistricting related voting rights activities to be considered by the Committee.

**III. CONSENT**

**A. Approval of Meeting Summary and Action Items from March 4, 2022 Meeting**

The March 4, 2022, Meeting Summary and Action Items will be voted on during the next committee meeting.

**IV. STAFF REPORT**

**A. Report on Chapman University Clinic Changes**

Lead Program Analyst Erica Carroll gave an update on Chapman University Clinic's plan to close. Staff has received all of Chapman University Clinic's 2021 expense reports and evaluations. Their combined IOLTA/EAF grant award of approximately \$50,000 for 2022 will be redistributed in the next grant cycle for 2023 funding. Funds will be redistributed to the same county.

**B. Responses from Organizations with Significant Program and/or Fiscal Findings from 2021 Monitoring Visits**

Lead Program Analyst Erica Carroll gave an update on responses from Social Justice Collaborative (SJC) and Yuba-Sutter Legal Center for Seniors (Yuba-Sutter) regarding monitoring visit findings. SJC indicated that they created a finance committee and gave an update on the committee's activities planned for the rest of the year. They have hired additional staff attorneys and laid out how they will handle supervision of non-attorney staff. They have also hired a grants manager who will be the main contact with the State Bar to improve communication. Staff is satisfied with SJC's response to the monitoring report and will schedule a brief check-in this year to confirm their progress.

In their report, Yuba-Sutter Legal Center for Seniors stated they are identifying and vetting board treasurer candidates, improving oversight, and looking for a new director. They also responded with plans for addressing fiscal findings. Committee members cited concern with repeat findings and asked some questions regarding the organization. Salena Copeland, LAAC reported she had shared tools with Yuba-Sutter to help improve processes in response to the findings. Staff will schedule an abbreviated monitoring visit later in the year and will ask a commission member to attend.

**V. BUSINESS**

**A. Review and Approve Audit Extension Requests for 2023 IOLTA/EAF Application Process**

Lead Program Analyst Erica Carroll provided a status update regarding audit extension requests. Audits are required as part of the IOLTA/EAF application process and are due May 1. Staff has discretion to grant extensions through the application deadline of May 16. Requests beyond May 16 will require commission approval, and the Commission can grant an extension "upon showing of extraordinary circumstances." At least 18 requests for extension have been requested through the application deadline. Of those 18, at least 7 (and an additional 2-3 prospective applicants) anticipate requiring further extension. The last date requested was June 30.

The Committee discussed whether granting any extensions past the application deadline would be appropriate. Among other things, there were conversations surrounding concerns regarding programs repeatedly asking for extension of deadlines and the extraordinary circumstances rule.

By unanimous roll call vote, the Eligibility and Budget Review Committee approved designating Catherine Blakemore and Erica Connolly as an advisory body to review the requests for extension and to make recommendations regarding approval to the Commission during its June meeting (Blakemore moved, Bayles-Fightmaster seconded).

#### **B. Review and Approve Recent 2022 IOLTA/EAF Budget Revision Requests**

Staff recommended removing this agenda item, as no requests are pending, and staff is waiting for requests to come in.

#### **C. Review and Approve Impact Litigation and Advocacy Work (ILAW) Activities in 2021 ILAW Reports**

Senior Program Analyst Dan Passamaneck presented on ILAW background, staff review, and approval categories. After a review of the ILAW reports, staff found that 777 activities were qualified, 35 were identified by the grantee as non-qualified, and 88 require further consideration by the Committee.

Passamaneck briefly described prior LSTFC decisions regarding classification of activities related to fines, fees, and convictions as qualifying work. He also summarized six categories with several activities where specific data may not have been available to quantify the benefit to indigent persons but where the nexus to indigency has historically been presumed: affordable housing, public benefits, low-wage workers, youth in detention, educational equity, and low-income immigrants. Committee members expressed agreement with this historical practice.

Staff review also identified 15 reports that provide evidence that indigent communities will receive a particularly significant benefit, or that the nature of the issue is particularly relevant to indigent people. Where a disproportionate impact on indigent Californians has been persuasively described, staff tentatively recommended approval pending Commission confirmation. After discussing the 15 reports, the committee requested additional information from staff on reports citing disproportionate impact before taking action on these reports at its next meeting.

Lead Program Analyst Erica Carroll then discussed the tentative recommendation by staff that three cases of out-of-state litigation by Public Counsel and one advocacy activity regarding redistricting advocacy by Asian Americans Advancing Justice – Los Angeles (AAAJ-LA) are not qualified activities. In Public Counsel's case, the work was not performed in California and did not appear to primarily benefit indigent Californians. In AAAJ-LA's case, the redistricting activity did not appear to primarily benefit, or disproportionately impact, indigent Californians.

Mark Rosenbaum of Public Counsel asked to speak and described Public Counsel's out-of-state litigation work on educational equity involving low-income children in California who are functionally illiterate. Public Counsel provided an example where the

organization filed a lawsuit in Detroit in 2016 that sought to achieve a constitutional right of access to literacy. The positive decision in the Detroit lawsuit became the basis for a lawsuit in California. Public Counsel stated they have clients in California with similar issues to those raised in their out-of-state litigation. The Committee asked Public Counsel to review their expenditures and itemize work that is directly related to their California clients. Staff offered to work with Public Counsel to prepare a response for the next Committee meeting.

Charles Evans from AAAJ-LA spoke during public comment earlier in the meeting about AAAJ-LA's redistricting activity, which focused on Asian American and Pacific Islander, as well as Arab, Middle Eastern, Muslim, and South Asian communities in Southern California. Staff noted that the data presented indicated some members of the community were indigent but not that this activity would primarily benefit indigent persons.

After discussion, the Eligibility and Budget Review Committee approved the following motion by unanimous roll call vote (Blakemore moved, Fightmaster seconded):

The Committee adopts staff's recommendation to find the following activity categories qualifying for purposes of the 2023 IOLTA/EAF application:

- All activities that staff recommended without reservations
- Fines, fees, and convictions
- Activities where nexus to indigency presumed

The Committee finds the following activities non-qualifying for purposes of the 2023 IOLTA/EAF application and expenditures related to these activities should be deducted from organizations' qualifying expenditures:

- Asian Americans Advancing Justice – Los Angeles' Redistricting Advocacy

No vote was taken on Public Counsel's out-of-state activities or the 15 disproportionate impact activities, as they will be discussed at the next meeting.

## **VI. ADJOURN**

There being no other business, the meeting was adjourned at 12:20 p.m.