

LEGAL SERVICES TRUST FUND COMMISSION

RULES COMMITTEE MEETING

Meeting Summary and Action Items

Thursday, May 19, 2022, 12:00 p.m.–3:00 p.m.

State Bar of California (Conference Call via Zoom)

Roll Call

Members Present

Chair Amin Al Sarraf
Pamela Bennett
Catherine Blakemore
William Boschelli
Erica Connolly
Jim Meeker

Liaisons

Salena Copeland
Melanie Snider

Public Members

Staff

Doan Nguyen
Elizabeth Hom
Erica Carroll
Daniel Passamaneck
Shannon Crossley
Brady Dewar
Kimberly Warmesley

Members Absent

Louise Bayles-Fightmaster
Judge Brad Seligman

OPEN SESSION

Chair Al-Sarraf called the meeting to order at 12:00 p.m.

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

A. Approval of Meeting Summary and Action Items from February 24, 2022 Meeting

The Rules Committee (Committee) approved the February 24, 2022 meeting summary and action items by unanimous roll call vote (Connolly moved, Blakemore seconded).

IV. DISCUSSION AND ACTION ITEMS

A. Approve Recommendations Related to Processing Client Complaints from Legal Aid Grantees

Lead Program Analyst Erica Carroll made a presentation on recommendations related to processing client complaints from grantees. The working group included committee members Pamela Bennett and William Boschelli.

The presentation and subsequent discussion covered topics related to processing client complaints, governing authorities, current office practice, and the working group's recommendations.

In April 2022 Salena Copeland from the Legal Aid Association of California (LAAC) shared a draft of the working group's memorandum with legal aid providers soliciting community feedback on the proposed changes to the current rule. Overall, the community supported the proposal regarding clarifying staff timelines, confirming when a complaint is resolved, and allowing an advisory body of the LSTFC to perform the initial review of complaints elevated by staff. In summary, the community was mostly supportive of the recommendations and had the desire to make the process efficient and accessible. However, the community disagreed with the proposal allowing anonymous complaints from grantees.

LAAC also reported that there were discussions surrounding a potential anonymous client complaint process, revision of timelines, how to handle California Public Records Act requests, and the potential frivolous complaints that could arise from an online complaint process.

After the discussion, a motion was made to recommend the approval of the working group's proposal with some modifications, including shortening the timelines for various stages of the process. The committee's recommendation also came with the understanding that staff will be drafting a confidentiality provision, "vexatious complainant" provision, and a provision to designate the executive committee as the decider under rule 3.691, with the exception of complaints carrying the risk of termination of funding, which should be directed to the full commission. The Rules Committee approved the recommendations by unanimous roll call vote. (Blakemore moved, Connolly seconded).

B. Approve Recommendations Related to Law School Clinical Programs

Senior Program Analyst Daniel Passamaneck made a presentation on "Law School Clinical Programs: An Overview of Codification Issues for the Rules Committee of the Legal Services Trust Fund Commission." The working group included committee members James Meeker, Pamela Bennett, and William Boschelli.

The presentation and subsequent discussion covered the working group's nine tentative recommendations to address codification issues related to LSCPs. The working group asked the committee for feedback on ways to strengthen the recommendations. Among other things, the

committee discussed codifying staff's office practices identifying factors relevant to the determination of identifiability, defining "identifiability," and modifying the rule regarding "reasonable" administrative costs to apply equally across all legal service providers.

Next steps for the working group include revising the draft memorandum to incorporate new feedback and releasing memorandum through LAAC for community feedback. It will then be presented to the full commission.

V. ADJOURN

There being no other business, the meeting was adjourned at 3:08 p.m.