

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

**Meeting Summary and Action Items**

Friday, July 15, 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  
Pamela Bennett  
Catherine Blakemore  
Hon. Clifford Klein  
James Meeker

**Liaisons**

Salena Copeland  
Melanie Snider, Judicial  
Council of California

**Public Members**

Brian Condon, LACBA Counsel  
for Justice  
Silvia Martinez, LACBA  
Counsel for Justice

**Staff**

Erica Carroll  
Shannon Crossley  
Danielle MacRae  
Doan Nguyen  
Kim Warmesley

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**Members Absent**

Banafsheh Akhlaghi  
Louise Bayles-Fightmaster

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**OPEN SESSION**

Chair Connolly called the meeting to order at 10:01 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.

Brian Condon, a board member of the Los Angeles County Bar Association (LACBA) Counsel for Justice, spoke about LACBA's pro bono projects.

Silvia Martinez, the Project Director for LACBA's Immigration Legal Assistance Project, introduced herself.

Salena Copeland, Executive Director of the Legal Aid Association of California, reported that LAAC supports staff's recommendations regarding primary purpose and the pro bono allocation under Test C. LAAC supports finding LACBA eligible for the pro bono allocation, on which staff did not have a recommendation. Finally, LAAC supports staff's recommendation to find Legal Aid Society of San Bernardino (LASSB) ineligible for the pro bono allocation in Riverside County, because they do not meet the threshold

“substantial numbers” requirement but noted that the requirements may change or be moved in the future, which might allow for LASSB to be found eligible in future years.

### **III. CONSENT**

#### **A. Approval of Meeting Summary and Action Items from June 17, 2022, Meeting**

The Eligibility & Budget Review Committee (committee) approved the Meeting Summary and Action Items from the June 17, 2022, meeting (Blakemore moved, Bennett seconded). The motion passed by unanimous roll call vote.

### **IV. BUSINESS**

#### **A. Discuss and Approve Description of Eligibility & Budget Review Committee for Role of Commission Document**

Lead Program Analyst Carroll reported that the Legal Services Trust Fund Commission is creating a document to describe the commission and committees’ roles, responsibilities, and authorities to supplement the current functional matrix. The description should be available for discussion and approval at the committee’s next meeting.

#### **B. Action on Applications That Do Not Meet Presumption of Primary Purpose and Function**

Carroll asked committee members to recuse themselves from discussing or voting with respect to any specific organization with which they may have a conflict.

Carroll provided an overview of the governing authorities regarding State Bar grantees demonstrating their primary purpose and function. Among the applicants for 2023 IOLTA/EAF eligibility, four organizations fell below the 75 percent primary purpose presumption established in the Rules of the State Bar. These four organizations therefore require a committee decision on whether they meet the requirement:

- Eviction Defense Collaborative (EDC): 61.81% qualified expenditures
- Family Violence Law Center (FVLC): 66.41% qualified expenditures
- Centro Legal de la Raza (Centro Legal): 70.19% qualified expenditures
- Disability Rights Education and Defense Fund (DREDF): 74.11% qualified expenditures

Carroll confirmed this application cycle used 125 percent of the federal poverty level as the standard for indigency, because the calculation is based on 2021 expenditures. In 2021, the definition of indigency had not yet changed to 200 percent of the federal poverty level.

Staff recommended all four organizations be found to meet primary purpose. Staff has never recommended, and committee has never approved, an organization whose qualified expenditures were below 50 percent. Organizations whose qualified expenditures fall between 50 and 75 percent are those the committee is typically asked to evaluate. The primary purpose calculation and presumption is an issue in front of the Rules Committee this year.

The committee discussed whether this year's applicants have a history of failing to meet the presumption; what, specifically, caused them to fall below the 75 percent threshold this year; and whether they might meet the presumption in the future. This led to more general discussion about what standard the committee might use to evaluate organizations that routinely fall below the presumption, among other things.

The committee moved to find that Eviction Defense Collaborative, Family Violence Law Center, and Centro Legal de la Raza had demonstrated their primary purpose and function of providing civil legal services to indigent persons without charge, and Disability Rights Education and Defense Fund had demonstrated its primary purpose of legal training, legal technical assistance, and advocacy support, through narrative explanations included in their 2023 IOLTA/EAF applications (Blakemore moved, Meeker seconded). The motion passed by unanimous roll call vote.

**C. Action on Applications Seeking Pro Bono Allocations under Test C Analysis**

Carroll reported that QLSPs can apply for a pro bono allocation when they demonstrate that they recruit substantial numbers of attorneys in private practice and provide services through these pro bono attorneys as their principal means of service delivery. If a QLSP is found eligible for the allocation, it receives additional funding and can use a different client income eligibility threshold.

Under current eligibility guidelines, QLSPs can demonstrate they recruit substantial numbers of attorneys in private practice by demonstrating they:

- Recruited at least 30 pro bono attorneys in the relevant county,
- Recruited at least five percent of the attorneys in the relevant county for pro bono work, or
- Had pro bono attorneys in the relevant county provide at least 1000 hours of pro bono work.

This "substantial numbers" test is a threshold requirement.

To demonstrate whether pro bono attorneys are the principal means of service delivery, organizations must demonstrate:

A. More volunteer attorney time than staff attorney time,

- B. More total volunteer time than total staff time, and volunteer attorney time must be more than half of total staff time, or
- C. A narrative explanation of how pro bono attorneys are the principal means of service delivery.

Among the 2023 IOLTA/EAF applicants, 18 QLSPs applied for the pro bono allocation. Seven of the 18 met Test A or B, and 11 submitted a narrative explanation for Test C. The 11 organizations applying under Test C require a committee decision on whether they should be considered eligible for the pro bono allocation. Applicants applying under Test C include:

- Bet Tzedek
- Casa Cornelia
- Community Legal Services in East Palo Alto
- Harriett Buhai Center for Family Law
- Inland Empire Latino Lawyers Association, Inc.
- Justice and Diversity Center of the Bar Association of San Francisco
- LACBA Counsel for Justice
- Legal Aid Society of San Bernardino (LASSB)
- Public Counsel
- Public Law Center
- Veterans Legal Institute

Based on the narratives provided, staff recommended finding all but LASSB and LACBA Counsel for Justice eligible for the pro bono allocation in all counties for which they applied. LASSB applied for the allocation in two counties, San Bernardino and Riverside. In San Bernardino, the organization met the threshold “substantial numbers” requirement and is recommended to be found eligible. In Riverside, the organization did not meet the threshold requirement and is therefore recommended to be found ineligible. Staff did not make a recommendation on LACBA and instead deferred to the committee. Staff deferred to the committee, in part, because the organization is comprised of four distinct projects who used volunteer assistance to varying degrees, and the organization does not appear to have centralized coordination of pro bono recruitment activities.

The committee discussed common themes in the narrative explanations provided and the potential impacts of the COVID-19 pandemic on pro bono recruitment efforts and attorneys’ willingness to volunteer during a pandemic (particularly in traditionally in-person clinic settings).

The committee asked LACBA to provide more detail on their pro bono recruitment efforts. Brian Condon and Silvia Martinez reported LACBA plans to increase its number of volunteers and volunteer hours, changes to their intake and scheduling systems, and cross-referral between projects, among other things.

The committee moved to recommend the following 2023 IOLTA/EAF Test C pro bono applicants eligible for the pro bono allocation based on staff's recommendation:

- Bet Tzedek
- Casa Cornelia
- Community Legal Services in East Palo Alto
- Harriett Buhai Center for Family Law
- Inland Empire Latino Lawyers Association, Inc.
- Justice and Diversity Center of the Bar Association of San Francisco
- Legal Aid Society of San Bernardino (San Bernardino County only)
- Public Counsel
- Public Law Center
- Veterans Legal Institute

And to recommend the following 2023 IOLTA/EAF Test C pro bono applicants ineligible for the pro bono allocation:

- Legal Aid Society of San Bernardino (Riverside County only)

The motion was moved by Meeker and seconded by Connolly. The motion passed by unanimous roll call vote.

The committee then made a separate motion to recommend the following 2023 IOLTA/EAF Test C pro bono applicant eligible for the pro bono allocation:

- LACBA Counsel for Justice

The motion was moved by Blakemore and seconded by Meeker. The motion passed by unanimous roll call vote.

#### **D. Review and Discuss Other Eligibility Issues**

Carroll reported that staff had no outstanding eligibility issues for the committee to discuss.

#### **V. ADJOURN**

There being no other business, the meeting adjourned at 11:09 a.m.