



The State Bar of California

Legal Services Trust Fund Commission Rules Committee Teleconference

Open Session Minutes
Friday, July 29, 2022
12:00 p.m.—3:00 p.m.

Time Meeting Commenced: The Legal Services Trust Fund Commission meeting commenced in open session at 12:00 p.m.

Time Meeting Adjourned: 1:00 p.m.

Chair: Amin Al-Sarraf

Committee Coordinator: Doan Nguyen

Members Present: Pamela Bennett, Catherine Blakemore, William Boschelli, Erica Connolly, James Meeker, Hon. Brad Seligman

Members Absent: Louise Bayles-Fightmaster

OPEN SESSION

- I. Roll Call
Roll call was taken and a quorum was established.
- II. Call for Public Comment
Chair Al-Sarraf called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. There were no members of the public who wished to speak on any agenda item.

CONSENT CALENDAR

- III. The following matters are considered to be routine and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the committee so requests, in which event the matter shall be removed from the Consent Calendar and considered separately.

A. Approval of Meeting Summary and Action Items from August 12, 2022 Meeting.

RESOLVED, that the Legal Services Trust Fund Commission Rule Committee approves the meeting summary and action item drafts as posted.

Moved by Blakemore, seconded by Meeker.

Ayes – (6) Al-Sarraf, Bennett, Blakemore, Boschelli, Meeker
Noes – (0)
Abstain – (0)
Absent – (1) Bayles-Fightmaster

Motion carries.

REGULAR CALENDAR

- IV. The following matters are considered to be discussion items. Each item will be considered separately.

I. Approval of Recommendations Related to Defining Civil Legal

Program Supervisor Christopher McConkey presented on the working group's recommendations related to defining civil legal services. The working group looked to authorities that define "civil" or "legal services." They also reviewed the ABA standards' definition of "legal work" as a point of comparison, and they reviewed policy goals related to policymaking and grantmaking. These policy goals seek to maximize access to civil justice by directing finite public funding and uphold the Legislature's intention in the IOLTA statute. Additionally, the working group discussed how "civil" is used in the current general practice. The working group also convened focus groups to discuss the definitions with providers. Among other things, the focus groups showed that there was a general agreement across focus groups that the definition's focus on licenses, law students, and paralegals is too exclusive, and the definition should include the actual spectrum of professionals that provide legal aid. The focus groups also agreed the definition should have at its core the legal rights of low-income people and should agree with the Legislature's intention. A point of contention across the focus groups was whether grassroots lobbying and mobilization should count. The committee then passed the following resolutions:

RESOLVED, that the **Legal Services Trust Fund Commission Rules Committee** recommends that the Commission adopt the definition of "legal services", amending State Bar Rule 3.672 as set forth in working group memo dated July 29, 2022, including Attachment A

Moved by Blakemore, seconded by Meeker.

Ayes – (4) Al-Sarraf, Bennett, Blakemore, Meeker
Noes – (0)
Abstain – (1) Boschelli
Absent – (1) Bayles-Fightmaster, Connolly

Motion carries.

RESOLVED, that the **Legal Services Trust Fund Commission Rules Committee** adopts the following definition of “civil” subject to technical changes consistent with the intent to be made by the working group and submitted to the Commission for approval:

“Civil” refers to legal issues, questions, or processes that arise under any body of civil law and includes legal services related to expungements, record sealing or clearance proceedings not requiring a finding of factual innocence, and infractions. Civil legal services also include issues such as public access, disability accommodations, and language access issues that arise during criminal proceedings. “Civil” excludes legal services related to criminal proceedings except as this paragraph describes.

Moved by Boschelli, seconded by Blakemore.

Ayes – (5) Al-Sarraf, Bennett, Blakemore, Boschelli, Meeker

Noes – (0)

Abstain – (0)

Absent – (2) Louise Bayles-Fightmaster, Connolly

Motion carries.

ADJOURN