



Date: June 16, 2023

To: Member, Legal Services Trust Fund Commission Eligibility & Budget Review Committee

From: Erica Carroll, Lead Program Analyst

Subject: 2024 IOLTA/EAF Application Process: Late-Submitted Application, Audit Extension Requests, Eligibility Review Conferences

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## EXECUTIVE SUMMARY

Interest on Lawyers' Trust Accounts (IOLTA) and Equal Access Fund (EAF) grants are awarded to approximately 100 qualified legal services projects (LSP) or support centers (SC) each year to support the provision of free civil legal aid in California to indigent persons. These grants must comply with criteria set forth in Business & Professions Code (B&P) sections 6210-6228, State Bar Rules, and Eligibility Guidelines for Legal Services Projects and Support Centers.

This year, the Office of Access & Inclusion (OAI) received 110 applications for IOLTA/EAF funding for grant year 2023. There were 100 renewal applications and 10 new applications for funding. Eighty-nine applicants are seeking funding as LSPs and 21 as SCs. Recommendations made by the Eligibility & Budget Review Committee (Committee) will be approved by the Legal Services Trust Fund Commission (LSTFC).

The Committee will be expected to discuss the IOLTA/EAF application review process and the general eligibility requirements for LSPs and SCs. At this meeting, the Committee will also be asked to consider (1) the submission of late applications, (2) audit extension requests, and (3) which organizations to schedule for eligibility review conferences.

## BACKGROUND

IOLTA and EAF grants are awarded to approximately 100 LSPs and SCs each year. These organizations provide free civil legal aid in California to indigent persons, or legal training, technical assistance, and advocacy support to the organizations that directly serve indigent

persons. Although IOLTA and EAF grants are separate sources of funding, there is one combined application for both IOLTA and EAF grants.

IOLTA funds are mainly generated from interest accrued on lawyers' trust accounts while EAF funds are included in the State's annual budget act, as part of the judicial branch budget. Business and Profession Code sections 6210-6228 (referred to here as the "IOLTA statute"), is the primary governing authority that defines how IOLTA funds are generated and distributed. The vast majority of EAF funds are also distributed using the IOLTA formula. IOLTA and EAF grants are both governed by the IOLTA statute, State Bar Rules, and Eligibility Guidelines for LSPs and SCs. Organizations may apply for IOLTA and EAF funding as either an LSP or SC.

### **PRIMARY PURPOSE**

LSPs must have a primary purpose to provide free civil legal services to indigent persons to be eligible for funding. LSPs may apply for funding in each county in which they provide these services. IOLTA and EAF grant amounts are based on an LSP's qualified expenditures (the amount spent on the delivery of free civil legal services to eligible individuals) from the previous fiscal year in each county for which it is applying for funding. If an LSP's principal means of service delivery is through the use of pro bono volunteers, it may apply for an additional pro bono allocation for those counties.

SCs must have a primary purpose to provide legal support services to LSPs and the broader legal aid community statewide to be eligible for funding. SCs apply for IOLTA and EAF grants on a statewide basis. The amount of IOLTA and EAF funds available for distribution to SCs each year is 15 percent of the total distribution amount. That amount is then split equally amongst all eligible SCs.

### **GRANT YEAR 2024 APPLICATION PROCESS AND NEXT STEPS**

IOLTA/EAF funding applications were due on May 15, 2023, at 5:00 p.m., and staff is currently reviewing them. (See Attachment A for the current list of IOLTA/EAF funding applicants for grant year 2024.) The purpose of the IOLTA and EAF application review is to determine if applicants:

- 1) meet primary purpose;
- 2) have identified appropriate qualified expenditures; and
- 3) have adequate quality control.

Staff completes an initial review of grant applications and presents recommendations to the committee, which then makes recommendations to the LSTFC for a final eligibility determination.

The June 16 discussion will focus on the submission timeline, audit issues, and new applicants. At the next committee meeting on July 14, staff will identify additional eligibility issues for consideration (such as primary purpose, pro bono allocations, and support center deeming). The committee will present its eligibility recommendations to the LSTFC at its August 10 meeting. Once the LSTFC approves eligibility for 2024 grants, staff will run the IOLTA formula and release award allocations and budget applications on or around August 23.

### **RECENT CODIFICATION CHANGES**

On May 18 the State Bar Board of Trustees (BOT) approved proposed changes to the Rules of the State Bar related to grants administration. The rule changes will become effective July 1, 2023. Changes include the treatment of late materials. Rule 3.680(F) will allow staff to accept late materials—with the exception of late audits—up to one business day after a scheduled deadline.

In the event of a late audit, the LSTFC will have more latitude to approve an extension past the application deadline. The standard will remain a showing of extraordinary circumstances. However, if no extraordinary circumstances exist, the LSTFC will be able to approve an audit extension with conditions. (See Attachment B for the full text of the updated rule.)

### **DISCUSSION**

After an initial review of applications, staff would like the committee to consider the following issues: (1) late submission of applications; (2) audit extension requests; and (3) which organizations to schedule for eligibility review conferences.

### **LATE-SUBMITTED APPLICATIONS**

State Bar Rule 3.680 requires applicants to submit “timely and complete” grant applications in the manner prescribed by the LSTFC. The IOLTA/EAF grant application instructions inform applicants that the LSTFC has sole discretion to accept late applications. By action of the LSTFC, the Committee has been delegated the authority to make the determination related to late applications.

IOLTA/EAF grant applications were due on Monday, May 15, 2023, at 5:00 p.m. Five applicants submitted late applications:

1. Al Otro Lado, May 18
2. Asian Pacific Islander Legal Outreach, May 16
3. Centro Legal de la Raza, May 16
4. Public Counsel, May 15

## 5. Senior Citizens Legal Services, May 15

Four of the five applications were submitted within one business day of the deadline. These organizations typically reported issues with the application timing out or needing to fix or add an attachment that resulted in the late submission. Had the new rule been in effect, staff would have accepted these applications. The new rule will allow staff some discretion to address administrative issues that interfere with timely submission, such as the ones described above, while improving the efficiency and focus of the committee's review.

Al Otro Lado is a new applicant with a pending audit extension request. It could not submit the application without an upload to that section of the application. The organization emailed a PDF of the rest of the application the day it was due, and after receiving further instruction from staff regarding an audit extension, the organization submitted the application along with its extension request letter on May 18.

### **Staff Recommendation**

Staff recommends the committee to exercise its discretion to accept these late applications as eligible for review. In the future, staff will provide an update regarding the late applications it accepts within the one-business day window.

### **AUDIT EXTENSION REQUESTS**

Business and Professions Code section 6222 and State Bar Rule 3.680(E)(1) require organizations applying for IOLTA grants to submit "an audited financial statement by an independent certified public accountant for the fiscal year that concluded during the prior calendar year" as part of a "timely and complete" application. Organizations with gross expenditures of less than \$500,000 may submit a financial review in lieu of an audit. State Bar Rule 3.680(E)(1). This is necessary to confirm the organization's qualified expenditures for the purposes of determining eligibility and ultimately the amount of any grant award. According to the Schedule of Charges and Deadlines, the audit or financial review is due "no later than May 1." (Attachment C.)

Further, staff typically has discretion to grant an extension through the date of the application deadline, which was May 15. Beyond that deadline, only the LSTFC has the authority to grant an extension to submit the audited or reviewed financial statement "upon a showing of extraordinary circumstances."<sup>1</sup> However, per the Schedule of Charges and Deadlines, the audit or financial review must be submitted before staff calculates grant allocations.

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<sup>1</sup> The new rule, effective July 1, will also allow the LSTFC to accept late audit submissions with conditions when extraordinary circumstances do not exist.

### **Audit or Financial Review Extension Requests for 2024 IOLTA/EAF Applicants**

The audit or financial review is an important step in ensuring that each organization's qualified expenditures are correctly reported, which is the basis for calculating grant awards. Incorrect qualified expenditures would not only impact the organization that reported them but, in the case of LSPs, would affect other organizations providing services in the same county and their proportional share of the grant award.

Staff agreed to all extension requests through May 15 and informed grantees that the committee would have to approve any requests to submit an audit or financial review past that date (i.e. on or after May 16). In the meantime, grant applicants were instructed to submit a written explanation of the delay in their audit in lieu of the audit itself, along with the date they anticipate the final audit will be ready, and details of the steps they are taking to submit a timely audit in the future. Twelve organizations requested extensions:

Number	Organization	Anticipated Date of Submission
1	Al Otro Lado	June 30, 2023
2	Asian Americans Advancing Justice Southern California	May 23, 2023 (received)
3	California Indian Legal Services	May 31, 2023 (received)
4	Center for Human Rights and Constitutional Law	June 15, 2023
5	Center for Immigrant Protection dba The LGBT Asylum Project	May 30, 2023 (still pending)
6	Coalition of California Welfare Rights Organizations	June 30, 2023
7	Legal Assistance for Seniors	June 23, 2023
8	Legal Services for Seniors	May 23, 2023 (received)
9	National Center for Youth Law	May 19, 2023 (received)
10	Public Law Center	May 30, 2023 (received June 6)
11	Senior Advocacy Network	June 8, 2023 (received)
12	Senior Citizens Legal Services	May 31, 2023 (received)

The written requests and explanations from these organizations are found in Attachment C. If the extension requests are granted by the committee, grantees will submit their final audits once approved and update their applications, if necessary.<sup>2</sup> In fact, by the time of this meeting, most applicants will have submitted the final audit.

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<sup>2</sup> In theory, as long as programs have adequate tracking and reporting systems in place, there should be no need to update the application after completion of the audit; the audit should simply confirm the information that was already provided.

### **Staff Recommendation**

Staff recommends granting the extension requests through the requested extension dates, and in any event, no later than June 30, 2023. Anything later will make it difficult for staff to prepare final eligibility recommendations in time for the last committee and LSTFC meetings on August 10, 2023, before tentative grant allocations are calculated.

Staff also recommends, for the organizations that have not demonstrated extraordinary circumstances, that the committee require a report to the organization's board of directors. The organization should obtain a resolution detailing the steps they will take to meet the deadline in the future (based on the steps outlined in the letters or any other identified strategies to ensure timely submission) and submit to the Office of Access & Inclusion.

### **ELIGIBILITY REVIEW CONFERENCES**

Staff is in the process of reviewing over 100 IOLTA/EAF applications. When an application for IOLTA/EAF funding raises issues concerning the organization's eligibility for funding, which staff believes warrants further consideration, staff will recommend an eligibility review conference (ERC). This provides an opportunity for committee members, State Bar staff, and applicant organization staff to explore eligibility questions and obtain more information before the committee makes a final recommendation to the LSTFC.

Currently, staff recommends that the committee schedule an ERC with Coalition of California Welfare Rights Organizations. Based on experience with IOLTA/EAF administration, Homelessness Prevention grants, and a recent monitoring visit, staff has concerns that the organization may lack the necessary internal controls and staff supervision to appropriately manage the State Bar funds it receives. This will be further elaborated and discussed through the ERC process.

Staff believes that other organizations may require an ERC but is still in the process of reviewing and gathering information before making a recommendation. In order to ensure the review process keeps moving forward at a measured pace, staff requests that the committee delegate responsibility to staff for scheduling additional ERCs between the date of this meeting and the committee's next meeting in July.

### **SUMMARY OF STAFF RECOMMENDATIONS**

Staff recommends that the committee accept all late-submitted applications.

Staff recommends that the committee accept audit submissions that were entered after the May 15 IOLTA/EAF deadline. Staff further recommends that the committee grant an extension

to June 30, at the latest, for organizations with final audits still pending. For organizations that failed to show extraordinary circumstances surrounding their late audit, staff recommends approval of the extension upon condition that the organization report this issue to its board and obtain a resolution detailing steps the organization will take to meet the deadline in future application cycles.

Staff recommends scheduling Coalition of California Welfare Rights Organizations for an eligibility review conference. Staff further requests that the committee delegate to staff to schedule additional eligibility review conferences as necessary when eligibility questions arise between this committee meeting and the next.

## **ATTACHMENTS**

- A. List of applicants for 2024 IOLTA/EAF funding
- B. Text of update Rule 3.680 and accompanying Schedule of Charges and Deadlines
- C. Audit extension request letters

## 2024 IOLTA/EAF Applicants

#	Organization	Funding Opportunity	Note
<b>Legal Services Projects</b>			
1	Advancing Justice - Asian Law Caucus	IOLTA/EAF LSP	
2	Affordable Housing Advocates	IOLTA/EAF LSP	
3	Aids Legal Referral Panel	IOLTA/EAF LSP	
4	Al Otro Lado, Inc.	IOLTA/EAF LSP	New
5	Alameda County Homeless Action Center	IOLTA/EAF LSP	
6	Alliance for Children's Rights	IOLTA/EAF LSP	
7	Asian Americans Advancing Justice Southern California	IOLTA/EAF LSP	
8	Asian Pacific Islander Legal Outreach	IOLTA/EAF LSP	
9	Bay Area Legal Aid	IOLTA/EAF LSP	
10	Bet Tzedek Legal Services	IOLTA/EAF LSP	
11	California Collaborative for Immigrant Justice	IOLTA/EAF LSP	New
12	California Indian Legal Services	IOLTA/EAF LSP	
13	California Rural Legal Assistance, Inc.	IOLTA/EAF LSP	
14	Capital Pro Bono Inc.	IOLTA/EAF LSP	
15	Casa Cornelia Law Center	IOLTA/EAF LSP	
16	Center for Immigrant Protection dba The LGBT Asylum Project	IOLTA/EAF LSP	New
17	Center for Workers' Rights	IOLTA/EAF LSP	New
18	Central California Legal Services	IOLTA/EAF LSP	
19	Centro Legal de la Raza	IOLTA/EAF LSP	
20	Community Lawyers Inc.	IOLTA/EAF LSP	
21	Community Legal Aid SoCal	IOLTA/EAF LSP	
22	Community Legal Services in East Palo Alto	IOLTA/EAF LSP	
23	Contra Costa Senior Legal Services	IOLTA/EAF LSP	
24	Dependency Advocacy Center	IOLTA/EAF LSP	
25	Disability Rights California	IOLTA/EAF LSP	
26	Disability Rights Legal Center	IOLTA/EAF LSP	
27	East Bay Community Law Center	IOLTA/EAF LSP	
28	Elder Law & Advocacy	IOLTA/EAF LSP	
29	Elder Law and Disability Rights Center	IOLTA/EAF LSP	New
30	Eviction Defense Collaborative	IOLTA/EAF LSP	
31	Family Violence Law Center	IOLTA/EAF LSP	
32	Greater Bakersfield Legal Assistance	IOLTA/EAF LSP	
33	Harriett Buhai Center for Family Law	IOLTA/EAF LSP	
34	Housing and Economic Rights Advocates	IOLTA/EAF LSP	
35	Immigrant Defenders Law Center	IOLTA/EAF LSP	New
36	Immigrant Legal Defense	IOLTA/EAF LSP	New
37	Inland Counties Legal Services	IOLTA/EAF LSP	
38	Inland Empire Latino Lawyers Association, Inc.	IOLTA/EAF LSP	
39	Inner City Law Center	IOLTA/EAF LSP	
40	Justice & Diversity Center of the Bar Association of San Francisco	IOLTA/EAF LSP	
41	La Raza Centro Legal	IOLTA/EAF LSP	
42	LACBA Counsel for Justice	IOLTA/EAF LSP	
43	Law Foundation of Silicon Valley	IOLTA/EAF LSP	
44	Lawyers' Committee for Civil Rights	IOLTA/EAF LSP	
45	Learning Rights Law Center	IOLTA/EAF LSP	
46	Legal Access Alameda	IOLTA/EAF LSP	
47	Legal Aid at Work	IOLTA/EAF LSP	
48	Legal Aid Foundation of Los Angeles	IOLTA/EAF LSP	
49	Legal Aid Foundation of Santa Barbara County	IOLTA/EAF LSP	
50	Legal Aid of Marin	IOLTA/EAF LSP	



51	Legal Aid of Sonoma County	IOLTA/EAF LSP	
52	Legal Aid Society of San Bernardino	IOLTA/EAF LSP	
53	Legal Aid Society of San Diego	IOLTA/EAF LSP	
54	Legal Aid Society of San Mateo County	IOLTA/EAF LSP	
55	Legal Assistance for Seniors	IOLTA/EAF LSP	
56	Legal Assistance to the Elderly	IOLTA/EAF LSP	
57	Legal Services for Children	IOLTA/EAF LSP	
58	Legal Services for Seniors	IOLTA/EAF LSP	
59	Legal Services of Northern California	IOLTA/EAF LSP	
60	Los Angeles Center for Law and Justice	IOLTA/EAF LSP	
61	Loyola Marymount University	IOLTA/EAF LSP	
62	McGeorge Community Legal Services	IOLTA/EAF LSP	
63	Mental Health Advocacy Services	IOLTA/EAF LSP	
64	Neighborhood Legal Services	IOLTA/EAF LSP	
65	Open Door Legal	IOLTA/EAF LSP	
66	Prison Law Office	IOLTA/EAF LSP	
67	Public Advocates Inc.	IOLTA/EAF LSP	
68	Public Counsel	IOLTA/EAF LSP	
69	Public Law Center	IOLTA/EAF LSP	
70	Q.Me Place, Inc.	IOLTA/EAF LSP	New
71	Riverside Legal Aid	IOLTA/EAF LSP	
72	San Diego Volunteer Lawyer Program	IOLTA/EAF LSP	
73	San Joaquin College of Law	IOLTA/EAF LSP	
74	San Luis Obispo Legal Assistance Foundation	IOLTA/EAF LSP	
75	Santa Barbara County Immigrant Legal Defense Center	IOLTA/EAF LSP	New
76	Santa Clara County Asian Law Alliance	IOLTA/EAF LSP	
77	Santa Clara University Alexander Law Center	IOLTA/EAF LSP	
78	Senior Adults Legal Assistance	IOLTA/EAF LSP	
79	Senior Advocacy Network	IOLTA/EAF LSP	
80	Senior Citizens Legal Services	IOLTA/EAF LSP	
81	Social Justice Collaborative	IOLTA/EAF LSP	
82	Southern California Immigration Project	IOLTA/EAF LSP	New
83	UC Davis School of Law Legal Clinics	IOLTA/EAF LSP	
84	UnCommon Law	IOLTA/EAF LSP	
85	USD School of Law Legal Clinics	IOLTA/EAF LSP	
86	Veterans Legal Institute	IOLTA/EAF LSP	
87	Wage Justice Center	IOLTA/EAF LSP	
88	Watsonville Law Center	IOLTA/EAF LSP	
89	Yuba-Sutter Legal Center for Seniors	IOLTA/EAF LSP	
<b>Support Centers</b>			
90	California Advocates for Nursing Home Reform	IOLTA/EAF SC	
91	California Rural Legal Assistance Foundation	IOLTA/EAF SC	
92	California Women's Law Center	IOLTA/EAF SC	
93	Center for Gender and Refugee Studies - California	IOLTA/EAF SC	
94	Center for Human Rights and Constitutional Law	IOLTA/EAF SC	
95	Child Care Law Center	IOLTA/EAF SC	
96	Coalition of California Welfare Rights Organizations	IOLTA/EAF SC	
97	Disability Rights Education and Defense Fund	IOLTA/EAF SC	
98	Family Violence Appellate Project	IOLTA/EAF SC	
99	Immigrant Legal Resource Center	IOLTA/EAF SC	
100	Impact Fund	IOLTA/EAF SC	
101	Justice in Aging	IOLTA/EAF SC	
102	Legal Services for Prisoners with Children	IOLTA/EAF SC	

103 National Center for Youth Law	IOLTA/EAF SC
104 National Health Law Program	IOLTA/EAF SC
105 National Housing Law Project	IOLTA/EAF SC
106 OneJustice	IOLTA/EAF SC
107 Public Interest Law Project	IOLTA/EAF SC
108 Western Center on Law and Poverty	IOLTA/EAF SC
109 Worksafe, Inc.	IOLTA/EAF SC
110 Youth Law Center	IOLTA/EAF SC

**Rule 3.680 Application for Trust Fund Program grants**

To be considered for a Trust Fund Program grant, a qualified legal services project or qualified support center seeking a Trust Fund Program grant must submit a timely and complete application for funding in the manner prescribed by the Commission. The applicant must agree to use any grant in accordance with grant terms and legal requirements.

- (A) A qualified legal services project must meet statutory criteria.
- (B) A qualified support center must agree to offer support services in two or more of the following ways: consultation, representation, information services, and training. The board of directors of the support center must establish priorities for providing such services after consulting with legal services attorneys and other relevant stakeholders.
- (C) A support center not in existence prior to December 31, 1980 must demonstrate that it is deemed to be of special need by a majority of qualified legal services projects in accordance with Trust Fund Program procedures. Upon request, the Commission must make available to the applicant a list of all the names and addresses of qualified legal services projects.
- (D) A nonprofit corporation that believes it meets the criteria for a qualified legal services project and qualified support center may submit two applications, one as a project and one as a support center, indicating in each application whether it is to be considered the primary or secondary application. The Commission will consider the secondary application only if the primary application is not approved. No applicant may receive a grant as a qualified legal services project and as a qualified support center.
- (E) An application must include
  - (1) an audited financial statement by an independent certified public accountant for the fiscal year that concluded during the prior calendar year. A financial review by an independent certified public accountant in lieu of an audited financial statement may be submitted by an applicant whose gross corporate expenditures, excluding in-kind donated services, were less than the amount specified in the Schedule of Charges and Deadlines;
  - (2) information about the maintenance of quality service and professional standards and how the applicant maintains standards, such as internal

quality control and review procedures; experience and educational requirements of attorneys and paralegals; supervisory structure, procedures, and responsibilities; job descriptions and current salaries for all filled and unfilled professional and management positions; and fiscal controls and procedures.

- (3) a budget and budget narrative, which must be submitted within thirty days of receipt of a notice of tentative allocation, explaining how funds will be used to provide civil legal services to indigent persons, especially underserved client groups such as, the elderly, the disabled, juveniles, and non-English-speaking persons within the applicant's service area; and
  - (4) information about program activities, such as substantive practice areas, extent and complexity of services, a summary of litigation, and populations served.
- (F) State Bar staff may accept application materials, except for audited financial statements or financial reviews, which are addressed in Appendix A of these Rules, submitted up to one business day after the posted deadline. The Commission or a committee of its members may accept, accept with conditions, or reject application materials that are submitted beyond one business day after the posted deadline or that are submitted up to one business day after the posted deadline but not accepted by State Bar staff. Factors that the Commission or committee may consider when determining whether to accept a late application include, but are not limited to
- (1) how late after the deadline the submission was received;
  - (2) the completeness of the submission;
  - (3) the reasonableness of the applicant's explanation for the delay;
  - (4) any mitigating factors that the applicant provides to the committee; and
  - (5) the number of late application or reporting submissions made by the applicant in the preceding three years.

*Rule 3.680 adopted effective March 6, 2009; amended effective January 25, 2019; amended effective July 1, 2023.*

TITLE 3, DIVISION 5, CHAPTER 2 LEGAL SERVICES TRUST FUND

*Fees previously adopted by the Board of Trustees or mandated by statute.*

*Amended effective March 2, 2012; amended effective January 25, 2019; amended effective July 1, 2023.*

<i>Rule</i>	<i>Description</i>	<i>Amount</i>	<i>Deadline</i>
3.680(E)(1) )	<p>Threshold amount of gross corporate expenditures, excluding in-kind donated services, requiring submission of an audited financial statement.</p> <p>Deadline for applicant to submit an audited or reviewed financial statement for the fiscal year that concluded during the prior calendar year.</p>	\$500,000	<p>Not applicable</p> <p>Promptly when available, and no later than May 1. Upon written request, an extension up to the application deadline may be granted by the State Bar staff. Upon a showing of extraordinary circumstances, the Commission may grant an extension beyond the application deadline. If no extraordinary circumstances exist, the Commission may grant an extension with conditions. Under no circumstances shall such extension be granted beyond the date upon which grant allocations are determined.</p>



**AL OTRO LADO**

To the Legal Services Trust Fund Commission:

I write on behalf of Al Otro Lado to respectfully request your consideration of our application for IOLTA/EAF 2024 grant funding despite the fact that an updated financial audit for Al Otro Lado is pending.

We timely prepared all components of this grant application by the application deadline of May 15, 2023 with the exception of the audit.

The circumstances leading to us submitting an untimely audit are due to the notable turnover, including the termination of our Chief Financial Officer, that we experienced on our financial team in January of 2023. Following this separation, we conducted a comprehensive review of financial transactions during her tenure to ensure accurate financial reporting. This caused a delay in closing our books for 2022, thus leading to the audit still undergoing completion at this time.

Our Operations Director recently confirmed with our auditors that the targeted date for completion of the audit is no later than June 30. Their reported target date has shifted since we requested the audit, making it difficult for us to know precisely when the audit will be finalized.

Al Otro Lado is working diligently with our external accounting team and strengthening our internal controls and expense reporting policies to ensure a timely close and audit completions moving forward.

We take seriously the inconvenience of submitting an untimely audit, and we sincerely thank you for considering Al Otro Lado's request for this crucially important funding.

Appreciatively,

Erika Pinheiro  
Executive Director  
**Al Otro Lado**



May 31, 2023

MEMO

TO: Angela O'Hara  
Senior Program Analyst, State Bar Office of Access of Inclusion

FROM: Richard Crowe  
Chief Financial Officer, AJSOCAL

RE: Late Upload of 2022 Audited Financial Statements supporting 2024 IOLTA/EAF Application

This memo addresses the reasons for the late upload of the 2022 audited financial statements for Asian Americans Advancing Justice Southern California that support our 2024 IOLTA/EAF Application.

A draft of the 2022 financial statements was uploaded with our application on time and prior to the May 15 deadline. The reason the financial statements were in "draft" mode was because our audit firm, Armanino LLC, needed to have a peer review firm review the financial statements before the financial statements could be considered "final". This is a requirement for all licensed CPA firms. The peer review found no errors or mistakes on the financial statements and therefore, both the "draft" financial statements submitted prior to May 15 and the final financial statements submitted on May 23 were identical.

The Great Resignation has affected firms nationwide and especially audit firms here in California. Our audit firm, like many others, has struggled to find capable staff to fill audit roles in the specialized nonprofit audit sector.

The AJSOCAL Board is considering various actions to prevent this occurrence from happening in the future. We understand late submissions may cause late reviews of IOLTA/EAF applications and plan to minimize the possibility of this happening again in the future. Thank you for your consideration and please feel free to reach out to me if you have any questions or concerns.

Best regards,

*Richard Crowe*



# Memorandum

California Indian Legal Services - Principal Office

117 J Street, Suite 201, Sacramento, CA 95814 | Telephone: (916) 978-0960 | Fax: (916) 400-4891

**TO: State Bar of California**

**FROM: Heather Hostler, Executive Director**

**DATE: May 31, 2023**

**SUBJECT: 2022 Final Audit**

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As part of the application process for the IOLTA/EAF 2024 grant year funding, we are required to submit a copy of our 2022 audited financial statements. We requested, and received, an extension to file the audit with the State Bar until May 15, 2023. Due to an error on our part, we had thought that extension was until May 31, 2023.

This delay in submission is due to the new requirement for accounting for leases, which was unexpectedly complex and time-consuming and as such slowed our auditing processes. All work has now been completed and we are uploading the completed documents today, May 31, 2023. Since being made aware of the additional requirements from our auditors, we will plan to have these items completed sooner in order to submit the audit report in a timely manner next fiscal year.

We are also emailing them to our Grant Manager at CA State Bar and confirming receipt.

If you have any questions, please feel free to contact me.





## CENTER FOR HUMAN RIGHTS AND CONSTITUTIONAL LAW

256 SOUTH OCCIDENTAL BOULEVARD

LOS ANGELES, CA 90057 .

Telephone: (213) 388-8693 .

Facsimile: (213) 386-9484

[www.centerforhumanrights.org](http://www.centerforhumanrights.org) .

May 26, 2023

### Request for Extension for 2022 Audit

Dear Legal Services Trust Fund Commission's Eligibility and Budget Review Committee,

This letter replaces our submitted letter of May 12, 2023, to add an explanation of steps we are taking to avoid having a late audited report in the future.

We write to respectfully request an extension for the submission of our 2022 audit report to on or before June 15, 2023. The audit is well underway and the CPA has advised that it can be completed on or before June 15. I believe that in about or over 30 years of funding, this is the second time we have needed an audit extension.

The delay was caused by a confluence of our lack of an adequate policy to address unexpected illness-related key staff absences, something we had not previously encountered, and our Executive Administrator's mother falling extremely ill and the need for him to care for her virtually full-time for several months while doing his best to handle our financial administration. He is the sole administrative person employed by the relatively small program. His unexpected family medical emergency remained unpredictable for several months, and remains unchanged. Despite that, and with other staff assisting, we have worked with the program's CPA to move the audit forward so it should be completed very shortly.

In addition, after working remotely since 2020, staff are just now beginning to work in the office. We remain particularly cautious for the safety of staff because part of the *Flores v. Garland* settlement we achieved requires that as class counsel we engage in monitoring at several detention sites where immigrant children are detained and should staff become infected with COVID 19 this could adversely impact our team's health and our child monitoring responsibilities. Working remotely has had an impact on the ability of staff to archive, locate, copy, scan, and circulate copies of records archived at the office and needed to complete an audit.

The program's financial records have been scanned and are being reviewed by a CPA via a shared folder. The current CPA has previously performed accounting for the program and is familiar with our financial records and fiscal policies. The auditor has access to the organization's QuickBooks online.

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Regarding how we will avoid a late audit in the future, the following are steps we are taking:

1. . For about two months we have been actively recruiting and interviewing candidates to replace the current administrator who has agreed to remain on staff until someone is hired and to then train a new administrator.
2. . We are revising the administrator's job description and administration manual to set clear deadlines by which several steps must be taken (retainer letter signed, financial records shared, etc.) to complete the previous fiscal year's audit no later than October 31.
3. . We are reassessing our internal personnel policies and will adopt written policies relating to circumstances under which extended family emergencies requiring staff absences (part or full-time) will be addressed with the staff member.
4. . We are reassessing our internal personnel policies and will adopt policies relating to personnel decisions, including the prompt employment of temporary staff, when a staff member is unable to work, or is only able to work part-time, as a result of a family emergency.

We rely on State Bar funding to administer our work and are grateful for the ongoing support the State Bar has provided for many years.

*Our 2022 technical support work (briefly described below) demonstrates that despite occasional illnesses or bouts with COVID, a small and committed staff accomplished an enormous amount of training and advocacy support, and, though litigation support, major benefits to thousands of QLSP clients.*

In 2022, because of the State Bar's support, CHRCL was able to provide thirteen (13) webinars to over six hundred and sixty (660) attendees, including the staff of fourteen (14) QLSPs. Our webinars provided training for QLSP attorneys representing individuals in removal proceedings; about Title 42 policies affecting hundreds of thousands of immigrants; how legal service programs can better represent indigent Haitian clients; new protections for low-income immigrant workers; and engaging in civil litigation that challenge government policies and practices impacting low-income Californians. CHRCL also met with thirty-three (33) QLSPs and provided research and assistance for five (5) additional QLSP projects. We prepared and distributed to over 50 QLSPs six (6) detailed practice advisories that provide updates and resources on topics ranging from immigration policies to effective civil litigation.

Along with about nine QLSPs, in 2022 CHRCL drafted and filed an Amicus Brief in *State of Louisiana v. Centers for Disease Control & Prevention*, advocating for the court to uphold the President's termination of the Title 42 summary deportation of asylum seekers.

In 2022, CHRCL with QLSPs developed and sent a letter to the Biden administration urging it to process Special Immigrant Juvenile (SIJ) petitions filed by abused, abandoned, and neglected immigrant youth within 180 days as required by a federal statute and to grant employment authorization to SIJ youth waiting for their visas to become current. CHRCL with QLSPs met with the government in early 2022 to discuss planned litigation if the government continued to delay the adjudication of SIJ petitions and required young SIJ petitioners to wait 4-5 years before

they could apply for employment authorization. On March 7, 2022, *the day the lawsuit was filed*, the DHS issued a new “Policy Alert” for the first time allowing thousands of young SIJ applicants with approved petitions to be granted “deferred action status” (DAS) and allowing them to apply for work permits (instead of waiting several years until they were at the head of the quota line and could apply for permanent resident status).

As a result, tens of thousands of low-income immigrant youth, including many represented by QLSPs on a range of issues (including the filing of SIJ petitions), have received and continue to receive employment authorization. These young immigrants rarely have the support of their biological parents and often face homelessness and hunger without the ability to be lawfully employed. The litigation with QLSP co-counsel continues to seek USCIS’s prompt adjudication of SIJ petitions.

Our commitment to provide technical support to QLSPs and other organizations assisting low-income immigrant workers targeted with labor law violations led to the development of the Immigrant Whistleblower Project. Commencing in 2022, we developed guidance, training, and technical support materials to assist QLSPs and other organizations represent or provide referrals to immigrant clients who report or cooperate in the investigation of labor law violations. In 2022 we sent a letter signed by over thirty elected officials, union leaders, QLSPs, and community organizations urging the Biden Administration to expand protections for these workers. In January 2023 DHS announced streamlined procedures for exploited immigrant workers to apply for deferred action status and employment authorization making it more likely that they report or cooperate in the investigation of labor law violations and making labor law enforcement at the federal, state, and local levels more effective. With partners we are advocating for a revised policy to extend confidentiality to workers seeking temporary protection so the information they provide cannot be used to deport them. This policy change could substantially increase the cooperation of witnesses and the efficiency of enforcement.

In 2022, in the landmark *Lucas R. v. Becerra* class action litigation undertaken with a QLSP partner, we protected approximately 130,000 children from prolonged detention and inhumane conditions in the custody of the Office of Refugee Resettlement. We expanded due process protections for youth seeking release to family members or challenging placement in a restrictive setting and fought for the rights of detained youth with disabilities to humane care. This litigation has facilitated and made more efficient the work of QLSPs assisting families and detained immigrant minors to be reunified and resulted in the reunification of families across California.

Through our *Flores v. Garland* litigation in 2022, with a QLSP partner, we ensured that thousands of immigrant youth in DHS custody have a protected right to basic care and necessities. On July 29, 2022, we achieved an agreement with the Biden administration that requires the Border Patrol to provide detained minors access to toilets, sinks, showers, hygiene kits, drinking water, age-appropriate meals and snacks, medical evaluations and appropriate medical treatment, clothing and blankets, caregivers in certain facilities, adequate supervision to protect minors from others, and adequate temperature control and ventilation. We continue to monitor Border Patrol facilities that detain minors and are organizing a group of volunteers and QLSP attorneys to conduct site visits and interviews in June-July 2023 to ensure compliance with the *Flores* settlements.

In 2023, with QLSP co-counsel, we are continuing several major litigation cases impacting likely thousands of QLSP clients and hopefully making QLSP's representation of their clients more effective and efficient. We have reached out individually to almost every QLSP to assess their training and technical support needs in the areas in which we have expertise, including immigration law and complex litigation. We are currently working on five research projects at the request of QLSPs including research on protections for asylum seekers in certain particular social groups and guidance on pursuing deferred action for immigrant workers. These customized projects are in direct response to requests by QLSPs across the state. We are planning about a dozen trainings based on the input of QLSP staff on what matters most to their organizations and clients.

The ongoing support of the State Bar is what funds the work summarized above.

Other than a final audit, all items required by our 2024 refunding application were timely . submitted, including all required reports regarding our 2022 income and expenses. .

We hope that you will consider granting this extension in light of our Administrator's unforeseen serious family medical emergency.

Thank you for your consideration.

Respectfully,



Peter Schey  
Center for Human Rights and Constitutional Law

///

05/19/2023

Dear Legal Services Trust Fund Commission,

As The Center for Immigrant Protection dba The LGBT Asylum Project, we are in the means of finalizing our 2022 Financial Audit. The anticipated date for the audit is May 30, 2023. The delay in our audit is due to our 2022 Profit & Loss, and Balance Sheet getting finalized in March 2023 and our CPA's full calendar for the standard audit through April 2023.

To avoid delays in the future, we took the necessary steps below:

- In January 2023, we hired a contractor, Rigo Bazan for our bookkeeping, who is directly working with our Director of Operations, Kenan Arun.
- Our CPA team, who is managing our standard financial audit, instructed us to keep a detailed general ledger in addition to a monthly consolidated bank statements.
- Rigo Bazan and Kenan Arun are now meeting on a monthly basis for detailed general ledger per month and providing it to the Board accordingly.
- This fiscal year, our records, Profit & Loss Statements and Balance Sheet will be ready by the first week of January 2024 and we will begin our audit process directly.

We kindly ask you to accept our audit extension request for our application. As a growing non-profit, we truly appreciate your support to our cause and our steady & firm growth in our structure.

Thank you very much for your help and concern on this matter.

Regards,



Kenan Arun  
Director of Operations  
Center for Immigrant Protection  
The LGBT Asylum Project



*The* LGBT  
ASYLUM  
PROJECT

526 Castro Street, San Francisco, CA 94114  
[www.lgbtasylumproject.org](http://www.lgbtasylumproject.org)

**James Marta & Company LLP***Certified Public Accountants**Accounting, Auditing, Consulting, and Tax*

---

May 11, 2023

Colleen Seto  
Program Analyst  
Office of Access & Inclusion, State Bar of California  
845 South Figueroa St.  
Los Angeles, CA 90017

Dear Colleen,

We are the auditors of Coalition of California Welfare Rights Organization. We have experienced delays in the audit process due to the accounting records not being ready to be audited. At this moment, we are receiving our audit requests and plan to begin our audit procedures next week.

The audit completion will take approximately 6-8 weeks from start to finish, unless any unexpected issues are encountered which could cause additional delays. Please allow for an extension through July 31, 2023.

Please feel free to reach out to us if you have any questions.

James Marta & Company LLP  
Certified Public Accountants  
Sacramento, California



# CCWRO

Coalition of California Welfare Rights Organizations, Inc.

5/11/23

Colleen Seto  
State Bar of California  
Office of Access & Inclusion  
845 S. Figueroa St.  
Los Angeles, CA 90017

Dear Ms. Seto,

This letter is to update you on our financial audit ending 6/30/22 which at this time has been delayed. We engaged our auditor, James Marta and Associates in July 2022, but encountered discrepancies in adjusting entries relating to the 6/30/21 audit as well as other QuickBooks entries in 2022 that needed to be adjusted. The adjusting journal entries resulted in QuickBooks variances from our original source documents. Around October 2022, we asked James Marta & Associates if the audit could be put on hold so we could consult with our accountant. At that time, we were also negotiating a new contract with the accountant to expand her services to CCWRO. In January 2023 we began the audit process again. We provided many requested transactional documents to Marta at that time, however, in reviewing the documents Marta identified issues between the 6/30/21 ending balance and 7/1/22 beginning balance. Both our accountant and James Marta & Associates have been working on identifying and resolving the variances. Diane and Grace met with Marta on 4/28/23 and believe that we have identified the cause of the discrepancies and are currently working to correct the adjusting entries. It is because of these delays that CCWRO is requesting an extension to submit the 2021-2022 audit. James Marta & Associates estimates the audit completion will take approximately 6-8 weeks from start to finish, unless any unexpected issues are encountered which could cause additional delays. So, we are asking for an extension through July 31, 2023. Included with this letter is an audit extension letter from James Marta & Associates. Grace Galligher, [galligherg@gmail.com](mailto:galligherg@gmail.com), will be available to answer any questions you may have until 5/26/23 after that please contact Diane Aslanian, [perruzzidiane@gmail.com](mailto:perruzzidiane@gmail.com), with any questions. We appreciate your understanding and patience!

Kevin M. Aslanian, Exec. Director  
Grace A. Galligher, Dir. Attorney  
Erin Simonitch, Senior Staff Attorney  
Andrew Chen, Staff Attorney,  
Homeless Prevention  
Daphne Macklin, Researcher  
David Aslanian, Staff Support  
1111 Howe Avenue, Suite 635  
Sacramento, CA 95825-8551  
Tel. (916) 736-0616  
Fax (916) 736-2645  
Cell (916) 712-0071  
[kevin.aslanian@ccwro.org](mailto:kevin.aslanian@ccwro.org)  
[www.ccwro.org](http://www.ccwro.org)

All the best,

Kevin M. Aslanian, Exec. Dir.  
CCWRO  
(916) 712-0071

cc: James Marta & Associates  
attachment

**Zelnick, Jennifer**

---

**From:** Zelnick, Jennifer  
**Sent:** Wednesday, May 31, 2023 8:40 AM  
**To:** Kevin Aslanian  
**Cc:** Cheng, Michael; James Marta  
**Subject:** RE: CCWRO's 2024 IOLTA Application Audit Letter

Dear Kevin,

No apologies necessary. I'm glad to hear that you're able to move up the timeline to June 30, 2023.

It's up to your discretion whether you want to write another letter or have me attach this email exchange. I believe the LSTFC would appreciate a more formal letter, but if you prefer to have me attach this email, I can do that instead.

Thanks for letting me know.

Sincerely,  
 Jennifer

Jennifer Zelnick (she/her/hers)  
 Senior Program Analyst, Office of Access & Inclusion  
[The State Bar of California](#) | 845 South Figueroa Street | Los Angeles, CA 90017  
 213-765-1210 | [jennifer.zelnick@calbar.ca.gov](mailto:jennifer.zelnick@calbar.ca.gov)

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**From:** Kevin Aslanian <kevin.aslanian@ccwro.org>  
**Sent:** Tuesday, May 30, 2023 7:15 PM  
**To:** Zelnick, Jennifer <Jennifer.Zelnick@calbar.ca.gov>  
**Cc:** Cheng, Michael <Michael.Cheng@calbar.ca.gov>; James Marta <egalindo@jpmcpa.com>  
**Subject:** Re: CCWRO's 2024 IOLTA Application Audit Letter

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Oh. I am so sorry.

I talked to the Auditor and he told me that we should have the complete report by 6-30-23.

I forgot to let y'all know. So sorry.

Does this work or do I have to email something more?

Thanks Jennifer.





Kevin Aslanian, Executive Director  
Coalition of California Welfare Rights Organizations  
1111 Howe Avenue, Suite 635  
Sacramento, CA 95825-8551  
Tel. 916-712-0071  
[Kevin.aslanian@ccwro.org](mailto:Kevin.aslanian@ccwro.org)  
ccwro.org

"The work goes on. The cause endures. The hope is still alive and the dream never dies." T.M. Kennedy

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On May 30, 2023, at 5:52 PM, Zelnick, Jennifer <[Jennifer.Zelnick@calbar.ca.gov](mailto:Jennifer.Zelnick@calbar.ca.gov)> wrote:

Dear Kevin,

I hope you are doing well and that you had a nice long weekend!

I wanted to update you that I will be reviewing CCWRO's 2024 IOLTA application from the program side of OA&I. On that note, I see that CCWRO asked for an audit extension of July 31, 2023. As you know, it is unlikely that the Legal Services Trust Fund Commission (LSTFC) will be able to grant such an extension, because it would not be possible for OA&I and the LSTFC to adequately review the audit. On that note, it is likely that the LSTFC will recommend an earlier audit deadline. While the letter CCWRO submitted certainly suffices, I wanted to give you the opportunity to submit an updated letter with an earlier audit extension request. This is totally optional and up to your discretion, but if you'd like to do so, we would need the letter by **Monday, June 5, 2023, at noon**. I believe OA&I has mentioned the deadline of June 30, 2023, as the likely (but not confirmed) outer limit for submitting an audit.

Again, submitting an updated letter is entirely optional, but I wanted to offer the possibility. If this is of interest, please let me know and I can revert CCWRO's IOLTA application to "revise" status.

Thanks, and have a great night!

Sincerely,  
Jennifer

Jennifer Zelnick (she/her/hers)  
Senior Program Analyst, Office of Access & Inclusion  
[The State Bar of California](https://www.calbar.ca.gov) | 845 South Figueroa Street | Los Angeles, CA 90017  
213-765-1210 | [jennifer.zelnick@calbar.ca.gov](mailto:jennifer.zelnick@calbar.ca.gov)

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# LEGAL ASSISTANCE FOR SENIORS

Health Insurance Counseling & Advocacy Program (HICAP)  
*Ensuring the independence and dignity of seniors by protecting their legal rights through  
education, counseling and advocacy*

May 31, 2023

The State Bar of California  
180 Howard Street  
San Francisco, CA 94105

Dear Eligibility and Budget Review Committee,

This letter is to inform you that unfortunately our fiscal year 2021-2022 audit is not complete, so we were unable to meet both the May 1, 2023 submission deadline, and the May 15, 2023 extension deadline. The two main reasons for this delay are as follows:

- 1) To access a higher level of non-profit audit services, we made a change in auditors from a local CPA firm (Crosby & Kaneda) to a regional CPA firm (Quigley & Miron) with a more established & larger non-profit audit practice. Changes in auditors always take more time as they must review all prior records and documents with a fresh set of eyes as part of the first-year audit engagement due diligence process.
- 2) Compounding the problem has been staff turnover over the past 12 months at both Quigley & Miron and Legal Assistance for Seniors which has caused short staffing on both of our ends and delays in our audit timeline. Our CFO of 35 years retired last year, so this is also the first audit we are undertaking in her absence and the first time working on an audit with our external accounting firm.

We reasonably expect our audit report to be issued by June 23<sup>rd</sup>, and we will gladly submit it sooner if at all possible.

Next year, completing the audit in a timely manner will be the top priority for our finance team. We are currently interviewing for a new, full-time Accounting Assistant position to address our chronic gap in capacity for the volume and complexity of accounting and grant reporting work LAS needs. I expect to have this position filled by the beginning of July, so they can assist with year-end close, setting us up for an early start to next year's audit. Our goal will be to complete the FY22-23 audit by December 31<sup>st</sup>. I will be closely monitoring our progress, with the help of our contract CFO.

We sincerely hope that this bump in the road does not impact our ongoing relationship with the State Bar and we can continue to have an impactful relationship serving seniors in Alameda County. I would be happy to provide any additional information or answer any questions regarding the above.

Sincerely,

A handwritten signature in black ink, appearing to read "Caitlin Chan".

Caitlin Chan  
Executive Director



## Legal Services for Seniors

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### Interim Executive Director

Kellie D. Morgantini

11 Thomas Owens Way  
 Monterey, California 93940  
 Telephone: 831.899.0492  
 Facsimile: 831.401.3185

www.lssmc.net



30 May 2023

Colleen Seto  
 State Bar of California  
 845 South Figueroa Street  
 Los Angeles, California 90017

*RE: Legal Services for Seniors Final Audit Fiscal year 6/30/2022*

Dear Ms. Seto,

I would like to explain our untimely upload of the Audit for Fiscal Year ending 30 June 2022.

Our audit was timely prepared by our auditors and presented to Legal Services for Seniors in September 2022 (when we always require our audit preparers to have our audit done and in our office. The upload of the past year's Audit was an unintended oversight by our office.

As soon as we were made aware that the Audit originally filed was the past year's version, we immediately uploaded the correct Audit; but the upload occurred after the May 15<sup>th</sup> 2023 deadline.

Our apologies for the misfiling. I can assure you our administrative staff and I have reviewed what may have happened and now have in place the safeguards to ensure that next year the correct Audit is uploaded the first time. Thank you again.

Sincerely,

Legal Services for Seniors

Kellie D. Morgantini  
 Interim Executive Director

*Legal Services for Seniors is a non-profit 501(c)(3) charitable organization. &  
 Your donation is deductible to the fullest extent allowed by law. Tax ID# 77-0073127 &*

*Our assistance is provided at no cost to any client. We never charge anyone for our services. Any &  
 donation is much appreciated and helps us provide quality legal representation to all Monterey &  
 County seniors. Your contribution is entirely voluntary. &*



May 23, 2023

To The Legal Services Trust Fund Commission:

On behalf of the National Center for Youth Law (NCYL), we are requesting an audit deadline extension due to extraordinary circumstances. On April 28, 2023, NCYL submitted a draft audit and on May 19, 2023 NCYL submitted the final audit, which was the exact date when it became available.

The following circumstances led to the delay in submitting a timely final audit:

- NCYL is unable to control for our external auditor's timeline for the production of a final audit and this year, our auditor produced the final audit later than they have in prior years, resulting in a delay. This was, in part, due to the auditor who was assigned to be in charge of and lead our audit left the auditing firm mid-way through our audit. This caused significant unanticipated delays from our auditor.
- NCYL's longtime Executive Director Jesse Hahnel left the organization at the end of January 2023, which has reduced NCYL staff capacity and resulted in internal adjustments.
- As NCYL has always submitted timely audits in the past and has not experienced this challenge before, NCYL had made the assumption that by submitting the draft audit that this was sufficient as a placeholder until the final audit was complete. We now understand that this is not the case, but it was not previously clear to us.

NCYL has already submitted its final audit to the State Bar:

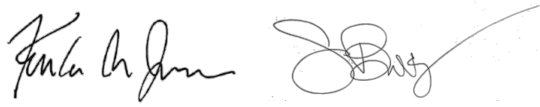
- NCYL confirms that a final audit was submitted on May 19, 2023, which was the earliest possible date at which we could have submitted it, as it was not available prior to that date. It was also submitted just one day following the request by a State Bar employee for us to submit it after the employee flagged for us that the draft version of the audit that had been previously uploaded as a placeholder was not sufficient.

NCYL will take the following steps to avoid submitting a late audit in the future:

- As noted, NCYL has a track record of successfully submitting audited financials to the State Bar prior to set deadlines, even during the pandemic.
- NCYL's Interim Co-Executive Directors, Finance Team, and Development Team have met to discuss this issue and have committed to accelerating our audit process in future years to ensure the deadline for the final audit is met in the future.
- NCYL is also considering working with new auditors in future years who can commit to meeting this deadline. NCYL will do our best to ensure that any auditor we contract with for next year's audit knows that a final audit must be produced by the State Bar's May 1 deadline and that meeting this deadline is a critical priority of our organization.

Thank you for considering this request and please contact us with any questions you may have.

Sincerely,

Two handwritten signatures in black ink. The first signature on the left is 'Karla James' and the second signature on the right is 'Shakti Belway'.

Karla James & Shakti Belway  
Interim Co-Executive Directors

May 15, 2023

**RE: Forthcoming 2022 Financial Audit**

To Whom It May Concern:

I am writing to explain why we are unable to upload our 2022 Financial Audit to our 2024 IOLTA/EAF grant application at this time. As we have communicated via email with Jennifer Zelnick, Senior Program Analyst, State Bar of California Office of Access & Inclusion, on April 20<sup>th</sup> and May 11<sup>th</sup>, Public Law Center (PLC) is experiencing delays in completing our 2022 Financial Audit, due to staffing transitions during this critical period. (See attached email communications.)

Monica Eav Glicken became the Executive Director of Public Law Center in January 2023 after her predecessor, Ken Babcock, had been in the role for 22 years. The audit was a priority and PLC engaged our auditor firm in Monica's first month as Executive Director. PLC also retained the services of Ken Babcock as a consultant on the audit project, to ensure that we would not face delays due to the transition. However, we were significantly disrupted by the sudden departure of our accountant on March 31, 2023 with less than 2 weeks' notice. Again, seeking to avoid any delays, PLC immediately brought on our new Chief Financial Officer, Jeff Bolton, who first joined us on a limited basis as a consultant at the end of March, then joined us on staff full-time on May 2, 2023. Unfortunately, as hard as Jeff has been working, it has simply taken time for him to be able to locate all the missing information and generate the necessary reports in order to complete the tasks that our prior accountant had left.

Thus, despite our best efforts, our auditing firm recently informed us that they need another 2 weeks to finalize the audit. They provided the first draft to us today, which we are uploading with our application. They estimate that a final draft will be completed by May 29, 2023. In light of this, we have requested that the Legal Services Trust Fund Commission grant us an extension to submit our Financial Audit until May 30, 2023, given the circumstances we have noted above. This request is pending.

Now that our new CFO is onboarded, we do not anticipate running into these delays again with future audits. In addition, our executive leadership team is in the process of preparing internal checklists and completing a reorganization of our digital files so that, even in the event of a future staff transition, we would not run into these types of delays again.

We will upload our 2022 Financial Audit as soon as it is completed, or by May 30, 2023, whichever is sooner. Thank you for your patience and understanding during this period of transition. Feel free to contact me with any questions at (714) 541-1010, extension 230, or via email at [mglicken@publiclawcenter.org](mailto:mglicken@publiclawcenter.org).

Best,



Monica Eav Glick  
Executive Director and General Counsel  
Public Law Center



*Printed by: Monica Glick*

*Tags: Inbox, Audit 2022, IOLTA/EAF 2024, Inbox*

*Date: Thursday, May 11th 2023, 10:02:43 AM -07:00 PDT*

*Subject: RE: request for extension on audit and our 2024 IOLTA/EAF application*

*From: Zelnick, Jennifer <jennifer.zelnick@calbar.ca.gov>*

*To: Monica Glick <mglick@publiclawcenter.org>*

*Cc: Jeff Bolton <jbolton@publiclawcenter.org>, Kenneth Babcock <ken@babcockconsulting.net>*

Dear Monica,

Thanks again for your email.

Please submit everything that is required for the IOLTA/EAF application, besides the audit, by the deadline. If you do so, your application will not be considered late. (If, however, the LSTFC were to deny the audit extension request, then the application would be considered incomplete).

The IOLTA/EAF application will not let you submit without uploading something in Form VII where the audit typically goes. PLC should upload a letter explaining the circumstances surrounding the delay, the date it anticipates the final audit will be available, and a summary of what it plans to do to avoid this situation in the future. Also, if PLC has a draft of the audit, please include it in Form VII as well.

Please do not upload anything to the organization profile yet since only the final approved audit goes there.

Please let me know if you have further questions, or if you'd still like to hop on a call.

Sincerely,

Jennifer

Jennifer Zelnick (she/her/hers)

Senior Program Analyst, Office of Access & Inclusion

[The State Bar of California](#) | 845 South Figueroa Street | Los Angeles, CA 90017

213-765-1210 | [jennifer.zelnick@calbar.ca.gov](mailto:jennifer.zelnick@calbar.ca.gov)

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**From:** Zelnick, Jennifer  
**Sent:** Thursday, May 11, 2023 8:41 AM  
**To:** Monica Glicker <[mglicker@publiclawcenter.org](mailto:mglicker@publiclawcenter.org)>  
**Cc:** Jeff Bolton <[jbolton@publiclawcenter.org](mailto:jbolton@publiclawcenter.org)>; Kenneth Babcock <[ken@babcockconsulting.net](mailto:ken@babcockconsulting.net)>  
**Subject:** RE: request for extension on audit and our 2024 IOLTA/EAF application

Dear Monica,

Thanks for following up. I wanted to send a quick email to acknowledge receipt of your message, and to let you know I hope to respond with a more detailed answer by the end of the day.

Sincerely,

Jennifer

Jennifer Zelnick (she/her/hers)

Senior Program Analyst, Office of Access & Inclusion

[The State Bar of California](#) | 845 South Figueroa Street | Los Angeles, CA 90017

213-765-1210 | [jennifer.zelnick@calbar.ca.gov](mailto:jennifer.zelnick@calbar.ca.gov)

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**From:** Monica Glicker <[mglicker@publiclawcenter.org](mailto:mglicker@publiclawcenter.org)>  
**Sent:** Thursday, May 11, 2023 8:32 AM  
**To:** Zelnick, Jennifer <[Jennifer.Zelnick@calbar.ca.gov](mailto:Jennifer.Zelnick@calbar.ca.gov)>  
**Cc:** Jeff Bolton <[jbolton@publiclawcenter.org](mailto:jbolton@publiclawcenter.org)>; Kenneth Babcock <[ken@babcockconsulting.net](mailto:ken@babcockconsulting.net)>  
**Subject:** Re: request for extension on audit and our 2024 IOLTA/EAF application

Dear Jennifer,

ATTACHMENT C  
I'm following up to request a further extension past May 15, 2023 for our audit. As you know, I became the Executive Director of the Public Law Center, after my predecessor, Ken Babcock, had been in the role for 22 years. The audit was a priority and I engaged our auditor firm in my very first month as Executive Director. I also retained the services of Ken Babcock as a consultant on the audit project, to ensure that we would not face delays due to the transition. However, we were significantly disrupted by the sudden departure of our accountant on March 31, 2023. Again, seeking to avoid any delays, I immediately brought on our new CFO, Jeff Bolton, who first joined us on a limited basis as a consultant last month, then joined us on staff full-time on May 2, 2023. Unfortunately, as hard as Jeff as been working, it has simply taken him time to be able to locate all the necessary information and generate the necessary reports in order to complete the missing tasks that our prior accountant had left.

I am afraid that despite our best efforts, our auditing firm has informed us that they need another 2 weeks to complete the audit. Thus, we are asking for an extension until May 30, 2023, given the circumstances I have noted above. I understand that the Legal Services Trust Fund Commission will have discretion over whether or not to approve this additional extension, but again, our auditors inform us that it is unavoidable.

Furthermore, we have prepared our IOLTA/EAF 2024 application except for, of course, the audit. Would it be possible for us to upload the application but indicate that the audit with be forthcoming? Or do we need to request an extension on submitting that application as well?

I'm happy to jump on a call to discuss today, let me know.

Thank you for all that you do!

Best,

Monica Eav Glicker

Executive Director and General Counsel

Public Law Center

(Pronouns: She/her/ella)

*California State Bar Certified Specialist in Immigration and Nationality Law*

601 Civic Center Drive West

Santa Ana CA 92701-4002

Tel. (714) 541-1010 ext. 230

Fax (714) 541-5157

[mglicken@publiclawcenter.org](mailto:mglicken@publiclawcenter.org)

On April 20, 2023 at 5:42 PM PDT [jennifer.zelnick@calbar.ca.gov](mailto:jennifer.zelnick@calbar.ca.gov) wrote:

Dear Monica,

Thanks so much for confirming. At this time, there is no further action required from PLC. I have entered the extension in for May 15, 2023.

Please don't hesitate to reach out if you have any further questions for me.

Sincerely,  
Jennifer

Jennifer Zelnick (she/her/hers)  
Senior Program Analyst, Office of Access & Inclusion  
[The State Bar of California](#) | 845 South Figueroa Street | Los Angeles, CA 90017  
213-765-1210 | [jennifer.zelnick@calbar.ca.gov](mailto:jennifer.zelnick@calbar.ca.gov)

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**From:** Monica Glicker <[mglicker@publiclawcenter.org](mailto:mglicker@publiclawcenter.org)>  
**Sent:** Thursday, April 20, 2023 5:40 PM  
**To:** Zelnick, Jennifer <[jennifer.zelnick@calbar.ca.gov](mailto:jennifer.zelnick@calbar.ca.gov)>  
**Cc:** Jeff Bolton <[jbolton@redwitz.com](mailto:jbolton@redwitz.com)>; Jeff Bolton <[jbolton@publiclawcenter.org](mailto:jbolton@publiclawcenter.org)>; Kenneth Babcock <[ken@babcockconsulting.net](mailto:ken@babcockconsulting.net)>  
**Subject:** Re: request for extension on audit

Thank you so much for your quick reply, Jennifer.

This email is to confirm that yes, we would like to request the audit extension until 5/15/23. We will await your instructions about what further information you will need.

Best,

Monica Bay Glicker  
Executive Director and General Counsel  
Public Law Center  
(Pronouns: She/her/ella)

*California State Bar Certified Specialist in Immigration and Nationality Law*

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[mclicken@publicdefender.org](mailto:mclicken@publicdefender.org)

[REDACTED]

On April 20, 2023 at 5:32 PM PDT [jennifer.zelnick@calbar.ca.gov](mailto:jennifer.zelnick@calbar.ca.gov) wrote:

Dear Monica,

Thanks for your email and for this additional context.

I am able to grant PLC an extension for the audit until May 15, 2023. Unfortunately, OA&I does not have the authority to approve extensions beyond that point (and a draft audit probably would not suffice). I strongly encourage PLC to meet the May 15, 2023, deadline. If PLC cannot meet the extension, the Legal Services Trust Fund Commission will have discretion over whether or not to approve an additional extension, and their approval is not guaranteed.

Please let me know if PLC would like an extension to May 15, 2023. If this will not suffice, we should discuss additional information we will need, and next steps. Of course, I'm also happy to hop on a call and discuss even if PLC will be able to meet the May 15 extended deadline.

Once I hear from PLC, I can mark the extension on SmartSimple (if applicable).

Thanks!

Sincerely,

Jennifer

Jennifer Zelnick (she/her/hers)

Senior Program Analyst, Office of Access & Inclusion

[The State Bar of California](https://www.calbar.ca.gov) | 845 South Figueroa Street | Los Angeles, CA 90017



*Working to protect the public in support of the mission of the State Bar of California.*

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**From:** Monica Glicker <[mglicker@publiclawcenter.org](mailto:mglicker@publiclawcenter.org)>  
**Sent:** Thursday, April 20, 2023 5:18 PM  
**To:** Zelnick, Jennifer <[Jennifer.Zelnick@calbar.ca.gov](mailto:Jennifer.Zelnick@calbar.ca.gov)>  
**Cc:** Jeff Bolton <[jbolton@redwitz.com](mailto:jbolton@redwitz.com)>; Jeff Bolton <[jbolton@publiclawcenter.org](mailto:jbolton@publiclawcenter.org)>  
**Subject:** request for extension on audit

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jennifer,

I hope you are well. I'm reaching out to you about the 5/1 State Bar audit deadline. As you know, I took over as Executive Director of the Public Law Center on 1/16/23. What you may not know is that our Staff Accountant of the past 6+ years left us on 3/31/23 with less than 2 weeks' notice. We were extremely fortunate to be able to bring on board Jeff Bolton (copied here), who is currently helping us on a consultant basis, and who will be coming on staff as our Chief Financial Officer on 5/1/23. We also have brought on my predecessor, Ken Babcock, on a consultant basis to provide additional support with the audit.

That said, although we have done everything we could to minimize disruption and are continuing to work very diligently on the audit, the multiple staff transitions have made it pretty impossible for us to be able to complete it by 5/1/23. As a result, we would like to request an extension for submission, at least until 5/15/23, when we will be submitting our 2024 IOLTA application.

Furthermore, we would like to know whether, if we are not by chance able to finalize completely the audit in time, would it be possible for us to submit a draft audit with the IOLTA application on 5/15/23?

Let me know what you think. If it would be helpful to jump on a call to discuss, please let me know. Thank you in advance for your attention to this, and for all that you do.

Best,

Monica Ray Glicker

Executive Director and General Counsel

Public Law Center

(Pronouns: She/her/ella)

*California State Bar Certified Specialist in Immigration and Nationality Law*

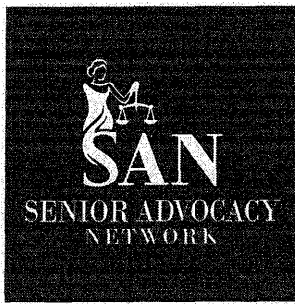
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**SENIOR ADVOCACY NETWORK-SENIOR LAW PROJECT**  
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May 26, 2023

State Bar Commission  
Legal Services Trust Fund Commission  
The State Bar of California  
845 South Figueroa Street  
Los Angeles, CA 90017

Dear Commission Members:

**Explanation for delay in submitting a timely audit**

Please accept this letter as an explanation for the delay in Senior Advocacy Network (SAN) submitting a timely audit. This letter also serves as our formal request for a two-week extension to submit our financial audit as required by the IOLTA application process. SAN has always complied with the requirements of the applications and grants we apply for and strives to maintain this reputation with all our funders. We are hopeful we can work with the LSTFC on this oversight given the situation described herein.

The Senior Advocacy Network has seen tremendous growth recently with additional funding and additional staff. In 2022 we experienced the first year that our budget and expenditures exceeded the threshold amount of \$500,000 thus requiring us to complete an audit by the State Bar. Unfortunately, we misinterpreted the criteria for when an audit was required and instead provided only a financial review.

SAN has experienced several challenges within the last few months. In April, our bookkeeper left our organization with very short notice just prior to the end of our fiscal year. We have now retained the services of a new fiscal management service that works specifically for non-profits. We also had to replace our previous CPA which was difficult because many local firms did not want to take on a new non-profit client. We have now found a CPA who only recently started working with us.

Finally, I was diagnosed with a major health problem in late November. While I continued to work, my condition required several months of medical treatment. At my suggestion, our Board of Directors began recruiting a Deputy Executive Director and in February, Hannah Brady was promoted to that position. A significant portion of her new responsibilities include assisting me in the financial and grant management duties of our expanding organization.

The combination of these events contributed to our inadvertent delay in submitting a timely audit.



Legal Services Trust Fund Commission  
May 26, 2023  
Page two

**The date SAN anticipates submitting a final audit**

I have spoken tonight with our CPA and he believes he can complete the audit within the next 14 days by June 8, 2023. The financial aspect of the audit is complete and he will make it a priority to complete the remainder of the necessary parts of the audit.

**Steps to avoid submitting a late audit in the future**

SAN will avoid submitting a late audit in the future by:

- thoroughly reading all materials received from the State Bar in a timely fashion.
- reaching out to our State Bar representative with questions.
- proactively engaging our CPA to ensure that a timely and appropriate audit is submitted
- taking whatever other steps or recommendations from the State Bar to insure compliance

It is our hope you will allow SAN the additional time to submit our audit. We are the only legal aid in the Central Valley that provides free legal services solely to older adults. State Bar funding we receive makes a tremendous difference in allowing us to provide much needed services to older adults in Stanislaus County.

If you have further questions or require additional information please contact me at the phone number or e-mail address above.

Very truly yours,



Joyce M. Gandelman, Esq  
Executive Director

cc: Laura Biewer, President  
SAN Board of Directors



Law offices of

## SENIOR LEGAL SERVICES

Defending the Rights of the Elderly

**Main Office:** 317 Soquel Avenue, Santa Cruz, CA 95062-2305

**Telephone:** 831.426.8824 | **Fax:** 831.426.3345 | **Website:** [www.seniorlegal.org](http://www.seniorlegal.org)

5/31/2023

Dear Legal Services Trust Fund Commission and Eligibility and Budget Review Committee,

This letter is to explain why our audit was not timely submitted with our 2024 IOLTA / EAF Application.

1. The audit was completed by the granted deadline extension of 5/15/23. It appears that Smart and Simple allowed us to submit the application with the audit missing from Section VII uploads.
2. Final audit is now being resubmitted 5/31/23 to the Smart & Simple IOLTA / EAF Application. It was also uploaded to the Organization Profile on 5/17/23
3. Late audits will be avoided in future by more careful attention to the upload process.

Your Truly,

Tanya Ridino, Executive Director

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**Watsonville Office** (Limited Hours) 114 E. Fifth Street | **Hollister Office** (Limited Hours) 440 San Benito Street

SLS is funded by the Seniors Council of Santa Cruz and San Benito Counties,  
the State Bar of California, Santa Cruz County, San Benito County, the Cities of Santa Cruz and Watsonville,  
Community Foundation Santa Cruz County, United Way and the Community Foundation of San Benito County.