



The State Bar of California

Legal Services Trust Fund Commission Eligibility Budget and Review Committee Teleconference

Open Session Minutes
Friday, July 14, 2023
12:00–4:00 p.m.

Time Meeting Commenced: Eligibility Budget and Review Committee meeting commenced in open session at 12:03 p.m.

Time Meeting Adjourned: 1:18 p.m.

Chair: Catherine Blakemore

Committee Coordinator: Erica Carroll

Members Present: Louise Bayles-Fightmaster, Catherine Blakemore, Angie King, Hon. Clifford Klein (joined late), James Meeker, and Xavier Vargas

Members Absent: Banafsheh Akhlaghi

Advisor Non-Voting Present: Hon. Brad Seligman

Liaisons Present: Lorin Kline, LAAC,
Zach Newman, LAAC,
Laura Brown, Judicial Council

Liaisons Absent: Salena Copeland, LACC
Melanie Snider, Judicial Council

OPEN SESSION

1. Call to Order

The Legal Services Trust Fund Commission (LSTFC) Eligibility Budget and Review Committee meeting was called to order by Chair Blakemore.

2. Roll Call

Roll call was taken, and a quorum was established.

Call for Public Comment

Chair Blakemore called for public comment, inquiring as to whether any person(s) wished to comment on any agenda item. There were six members of the public who wished to speak.

A. Erin Scott

- Erin Scott, Executive Director, Family Violence Law Center (FVLC), spoke of FVLC's holistic delivery model and asked the committee to support the

approval of its primary purpose and function of providing civil legal services to indigent persons without charge as demonstrated and included in their 2024 IOLTA/EAF application.

B. Gregory Armstrong

- Gregory Armstrong, Deputy Director, Legal Aid Society of San Bernardino (LASSB), spoke of LASSB's pro bono program and thanked the State Bar staff for their updated position of recommending approval of LASSB's pro bono allocation under Test C on the 2024 IOLTA/EAF application.

C. Sara Levine

- Sara Levine, Pro Bono Director, Bet Tzedek Legal Services, spoke of Bet Tzedek's pro bono program and expressed gratitude for the tentative approval of Bet Tzedek's pro bono allocation under Test C on the 2024 IOLTA/EAF application.

D. Andrea Ciaston

- Andrea Ciaston, Grants Manager, Veterans Legal Institute (VLI), spoke of VLI's pro bono program and expressed gratitude for the tentative approval of VLI's pro bono allocation under Test C on the 2024 IOLTA/EAF application.

E. Cynthia Chagolla

- Cynthia Chagolla, Chief Program Officer, Law Foundation of Silicon Valley (LFSV), spoke of LFSV's pro bono program with additional information and context for the committee to reconsider staff's recommendation to not approve the pro bono allocation under Test C on the 2024 IOLTA/EAF application.

F. Thais Forneret

- Thais Forneret, Director of Development and Operations, Worksafe, Inc., expressed appreciation for staff's tentative recommendation to approve Worksafe, Inc.'s carryover request.

3. Approval of Minutes

3.1 Open Session Minutes: June 16, 2023

Approval of June 16, 2023, Open Session Minutes

The minutes were approved, contingent upon staff's confirmation that committee member Meeker was absent for the approval of the April 26, 2023, Open Session Minutes.

Moved by Meeker, seconded by King.

Ayes – (5) Bayles-Fightmaster, Blakemore, King, Meeker, Vargas
Noes – (0)
Abstain – (0)
Absent – (2) Akhlaghi, Klein

Motion carries.

4. Updates

4.1 2023 IOLTA/EAF Grant Allocation Adjustments

Presenters: Rocío Ávalos, Program Director, OA&I
Erica Carroll, Lead Program Analyst, OA&I

Program Director Ávalos provided an update on Loyola Marymount University's (LMU) 2023 IOLTA/EAF grant allocation. LMU's monitoring visit in the latter part of 2022 included a finding requiring additional deductions for LMU's criminal legal services' activities, which resulted in a small reduction to the organization's 2023 IOLTA/EAF grant awards. The adjustment amounts fall within the self-executing threshold for budget revisions that do not require staff or committee approval. Ávalos also clarified that adjusted grant funds go back to the originally assigned county, as opposed to being reallocated on a statewide basis in the following year.

At the last LSTFC meeting, the commission approved the 2024 IOLTA distribution and a two-year spend down period. Staff was asked to explore increasing that to three or four years spend down period. As part of the exploration, staff will send a survey to grantees for community feedback and ideas to brainstorm.

Lead Program Analyst Carroll explained that the IOLTA/EAF funding formula calculations are based on the American Community Survey's poverty population by county data. The 125 percent of federal poverty level is utilized as required by statute. Once the 2024 funding distribution amount and percentage by county are determined, the funding formula calculations can be made but may not reflect the final per county amount because funds from prior years may get rolled in and therefore, result in a slight deviation from the 2024 distribution amount. Staff will explore developing a chart that illustrates statewide funding allocations by county.

5. Business

5.1 Action on Worksafe's 2022 IOLTA/EAF Carryover Requests

Presenter: Erica Carroll, Lead Program Analyst, OA&I

Lead Program Analyst Erica Carroll provided a brief overview of the IOLTA/EAF carryover requests approval process and reported on Worksafe, Inc.'s 2022 IOLTA and EAF carryover requests.

The committee passed the following:

RESOLVED, that the Eligibility & Budget Review Committee recommends to the Legal Services Trust Fund Commission approval of Worksafe, Inc.'s requested 2022 IOLTA and EAF carryover amounts, along with the requirements that IOLTA funds not spent by June 30, 2023, and EAF funds not spent by December 31, 2023, be returned to the State Bar.

Moved by King, seconded by Bayles-Fightmaster.

Ayes – (6) Bayles-Fightmaster, Blakemore, King, Klein, Meeker, Vargas

Noes – (0)

Abstain – (0)

Absent – (1) Akhlaghi

Motion carries.

5.2 **Action on Pending 2023 IOLTA/EAF Budget Revisions**

No action required for this agenda item 5.2 as there were no 2023 IOLTA/EAF budget revision requests for consideration at this meeting. This will be a standing agenda item.

5.3 **Action on Applications That Do Not Meet Presumption of Primary Purpose and Function**

Presenter: Erica Carroll, Lead Program Analyst, OA&I

Carroll provided a brief overview of primary purpose and function for “qualified legal services projects” and “qualified support centers.” The presumption of primary purpose and function is met if 75 percent or more of its expenditures for the most recent reporting year were incurred for such services. Carroll reported on two organizations, Centro Legal de la Raza and Family Violence Law Center that did not meet the 75 percent primary purpose presumption. Carroll provided additional information and narrative descriptions for both organizations, with the staff’s recommendation to approve both Centro Legal de la Raza and Family Violence Law Center.

The committee passed the following:

RESOLVED, that the Eligibility & Budget Review Committee finds that Centro Legal de la Raza and Family Violence Law Center have demonstrated their primary purpose and function of providing civil legal services to indigent persons without charge through the narrative explanations included in their 2024 IOLTA/EAF applications.

Moved by Bayles-Fightmaster, seconded by Meeker.

Ayes – (6) Bayles-Fightmaster, Blakemore, King, Klein, Meeker, Vargas

Noes – (0)

Abstain – (0)

Absent – (1) Akhlaghi

Motion carries.

5.4 **Action on Applications Seeking Pro Bono Allocation under Test C Analysis**

Presenter: Erica Carroll, Lead Program Analyst, OA&I

Carroll summarized the pro bono allocation, substantial numbers threshold, and principal means tests under Test A, Test B, and Test C. Test C requires a narrative explanation of pro bonos as their “principal means of service delivery” and requires committee review.

The 2024 IOLTA/EAF application cycle includes 19 applications requesting the pro bono allocation. Nine applications are qualified under Tests A and/or B and 11 applications are seeking the pro bono allocation under Test C. (One organization qualified under Tests A or B for all its counties except one, which required analysis under Test C.)

Additional comments were provided by Cynthia Chagolla, Chief Program Officer, Law Foundation of Silicon Valley (LFSV) in support of their pro bono program.

The committee passed the following two resolutions:

RESOLVED, that the Eligibility & Budget Review Committee recommends the following 2024 IOLTA/EAF Test C pro bono applicants as eligible for the pro bono allocation:

1. Bet Tzedek
2. Casa Cornelia
3. Harriett Buhai Center for Family Law
4. LACBA Counsel for Justice
5. Lawyers’ Committee for Civil Rights
6. Legal Aid Society of San Bernardino (San Bernardino County only)
7. Public Counsel

8. Public Law Center
9. Riverside Legal Aid
10. Veterans Legal Institute

Moved by Klein, seconded by Vargas.

Ayes – (6) Bayles-Fightmaster, Blakemore, King, Klein, Meeker, Vargas

Noes – (0)

Abstain – (0)

Recuse – (1) Recusal as to individual organization: Meeker as to Public Law Center

Absent – (1) Akhlaghi

Motion carries.

RESOLVED, that the Eligibility & Budget Review Committee recommends the following 2024 IOLTA/EAF Test C pro bono applicants as ineligible for the pro bono allocation:

1. Law Foundation of Silicon Valley
2. Legal Aid Society of San Bernardino (Riverside only)

Moved by King, seconded by Klein.

Ayes – (6) Bayles-Fightmaster, Blakemore, King, Klein, Meeker, Vargas

Noes – (0)

Abstain – (0)

Recuse – (1) Recusal as to individual organization: Bayles-Fightmaster as to Law Foundation of Silicon Valley

Absent – (1) Akhlaghi

Motion carries.

5.5 **Review and Discuss Other Eligibility Issues**

Carroll reported that there are no updates and no new eligibility issues.

5.6 **Identify/Discuss Programs for Eligibility Review Conferences**

Carroll stated that scheduling is in process for Coalition of California Welfare Organization's eligibility review conference. Carroll will send an updated Doodle poll for meeting dates. There are no other eligibility review conferences identified as of now.

6. **ADJOURN**