



The State Bar of California

Legal Services Trust Fund Commission Eligibility and Budget Review Committee Teleconference

Open Session Minutes
Friday, November 3, 2023
12:00 p.m.–3:00 p.m.

Time Meeting Commenced: Eligibility and Budget Review Committee meeting commenced in open session at 12:04 p.m.

Time Meeting Adjourned: 2:11 p.m.

Chair: Catherine Blakemore

Committee Coordinator: Erica Carroll

Members Present: Catherine Blakemore, Eloina Gonzalez, Angie King, Maria Morales

Members Absent: Louise Bayles-Fightmaster, Hon. Clifford Klein, Xavier Vargas

Advisors Present: None

Advisors Absent: Judge Brad Seligman

Liaisons Present: Salena Copeland (LAAC), Laura Brown (Judicial Council)

Staff Present: Rocio Avalos, Erica Carroll, Lauren McGary

OPEN SESSION

1. Call to Order

The committee 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 there were person(s) who wished to speak. Kristen Henderson from the Center for Gender and Refugee Studies – California, Tim Denari from Greater Bakersfield Legal Assistance, Inc., Jennifer Rodriguez from the Youth Law Center, Mark Conley-Buchsieb from the Lawyers Committee for Civil Rights, and Dorsey Nunn from Legal Services for Prisoners with Children identified themselves and indicated that they would be available to answer the committee's questions.

3. Approval of Minutes

3.1 Open Session Minutes: August 10, 2023

RESOLVED, that the Eligibility and Budget Review Committee approves the minutes as posted on the agenda.

Moved by King, seconded by Morales.

Ayes – (4) Blakemore, Gonzalez, King, Morales

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

4. Updates

4.1 Update on IOLTA/EAF Grants Administration

Presenter: Erica Carroll, Lead Program Analyst, Office of Access & Inclusion

Carroll provided an update on the calendaring of 2024 meetings and requested that members notify her about dates to avoid to ensure maximum participation from committee members. She reported that the staff is in the process of brainstorming changes to IOLTA reporting given the new four-year spenddown period starting in 2024. She confirmed that meeting location notice requirements have been suspended through the end of the year. She provided an update on the status of Coalition of California Welfare Rights Organization's (CCWRO) compliance with the eligibility conditions the Commission adopted for the organization: the response to the monitoring report from this year's site visit came in late; the monitoring report identified steps that the organization had not yet taken; the 2024 IOLTA/EAF budget was submitted late. There was also concern about the accuracy and timeliness of the reporting of Homelessness Prevention funds, including concerns about overspending and the comingling of funds for the HP2 and HP3 grants. The staff will conduct a follow-up monitoring visit in 2025 to address these concerns and will welcome any committee member to participate in that process.

4.2 Update Regarding Status of 2023 Monitoring Visits

Presenter: Erica Carroll, Lead Program Analyst, Office of Access & Inclusion

Carroll provided an update on 2023 monitoring visits. Out of the 34 total visits scheduled for 2023, 29 are complete, including 2 follow-up visits, and 5 remain. Committee members may notify staff if there are specific monitoring visits that they would like to participate in.

5. Business

5.1 Recommend Approval of Greater Bakersfield Legal Assistance's 2022 IOLTA Budget Revision to Legal Services Trust Fund Commission (LSTFC)

Presenter: Erica Carroll, Lead Program Analyst, Office of Access & Inclusion

Carroll reported on Greater Bakersfield Legal Assistance, Inc.'s (GBLA) request for a 25 percent budget revision to its 2022 IOLTA budget. Given the organization's explanation for the revision and the fact that it is in support of continuing services to clients and maintaining operations, the staff recommended approval of GBLA's budget revision request.

The following motion was then proposed:

RESOLVED, that the LSTFC's Eligibility and Budget Review Committee approves the personnel and nonpersonnel expense ratio deviation in Greater Bakersfield Legal Assistance's 2022 IOLTA budget revision, and it is

FURTHER RESOLVED, that the Committee recommends approval of the budget revision to the LSTFC.

Moved by King, seconded by Gonzalez.

Ayes – (4) Blakemore, Gonzalez, King, Morales

Noes – (0)

Abstain – (0)

Absent – (0)

5.2 Recommend Approach to Carryover Period for Grants with Multiyear Spenddown to LSTFC

Presenter: Erica Carroll, Lead Program Analyst, Office of Access & Inclusion

Carroll presented on the IOLTA and EAF grants with extended spenddown periods and on the current carryover period practice. Staff received questions about whether there would be an additional carryover period to spend down funds at the end of the 2022 EAF grant's two-year spenddown period and at the end of the 2024 IOLTA grant's four-year spenddown period. Staff's recommendation was to treat the extended spenddown periods as a preapproved carryover, and that there would be no additional six-month carryover period to spend down funds; any funds not spent at the end of these extended spenddown periods should be returned.

Salena Copeland commented that organizations assumed that the prior practice of a six-month carryover period would still be in place for the awards with multiyear

spenddowns. LAAC's position is that for the 2024 IOLTA grant, there is time to tell organizations that there will be no six-month carryover period after the end of the four-year spenddown period, whereas carryover for the 2022 EAF grant should be permitted, because organizations have limited time left in the spenddown period. Staff indicated its proposal was intended to provide a consistent rationale across grants but did not oppose this more flexible approach.

Chair Blakemore called for public comment. Stephanie Valencia from California Rural Legal Assistance, Inc., Tim Denari from Greater Bakersfield Legal Assistance, Inc., and Michael Selland from California Indian Legal Services made separate comments.

The following motion was then proposed:

RESOLVED, that the LSTFC's Eligibility and Budget Review Committee recommends that the LSTFC establish that the extended spending periods afforded to grantees for 2024 IOLTA awards represent preapproved carryovers, with no further carryover permitted beyond the four-year spending period for 2024 IOLTA awards, and it is

FURTHER RESOLVED, that this same policy will apply to subsequent approved multiyear spending periods for IOLTA and/or EAF grants unless and until the LSTFC decides otherwise.

Moved by King, seconded by Morales.

Ayes – (4) Blakemore, Gonzalez, King, Morales

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

5.3 Action on 2024 IOLTA/EAF Budget-Related Issues and Recommend Approval of 2024 IOLTA/EAF Budget Proposals to LSTFC

Presenter: Erica Carroll, Lead Program Analyst, Office of Access & Inclusion

Carroll briefed the committee on the 2024 IOLTA/EAF budget proposal process and requirements. There were several changes to the 2024 budgets, including the multiyear spenddown period for the IOLTA grants, new Loan Repayment Assistance Program guidelines, and the change to the definition of "civil legal services." The matters requiring committee approval include deviations from recommended expense ratios, late and/or substantially incomplete submissions, capital additions, and nonqualifying activities. The following grantees had budgets with deviations from the recommended expense ratios: Center for Gender and Refugee Studies - California; Greater Bakersfield Legal Assistance, Inc.; LACBA Counsel for Justice; and Family Violence Appellate Project.

The staff recommended that the committee approve these organizations' deviations from recommended expense ratios.

There was a motion to approve the deviations from recommended expense ratios.

Moved by King, seconded by Gonzalez.

Ayes – (4) Blakemore, Gonzalez, King, Morales

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

Carroll reported on the late and/or substantially incomplete budget submissions, which included the submissions from Asian Pacific Islander Legal Outreach (APILO), Coalition of California Welfare Rights Organizations (CCWRO) and Lawyers' Committee for Civil Rights (LCCR). Mark Conley-Buchsieb made a comment on the reasons for LCCR's late budget submission.

There was a motion to approve (without conditions) the late budget submission from LCCR.

Moved by King, seconded by Gonzalez.

Ayes – (4) Blakemore, Gonzalez, King, Morales

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

There was a motion to approve the late budget submission from APILO and to send them a letter with a reminder about the importance of compliance with grant deadlines and with the mention that late submissions will be tracked for future accountability.

Moved by King, seconded by Morales.

Ayes – (3) Blakemore, King, Morales

Noes – (0)

Abstain – (1) Gonzalez

Absent – (0)

Motion carries.

The committee discussed the suggestion that State Bar staff offer CCWRO more support and that committee members have a meeting with CCWRO's leadership to ask them what additional support they need.

There was a motion to approve the late budget submission from CCWRO and to have a meeting with their staff and board leadership to impress upon them the seriousness of their compliance with eligibility conditions and grant requirements and to determine what additional assistance they may need.

Moved by King, seconded by Morales.

Ayes – (4) Blakemore, Gonzalez, King, Morales

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

Carroll reported on the proposed capital additions in the Legal Services of Northern California's (LSNC) IOLTA budget. The staff recommended approval of LSNC's proposed capital additions.

There was a motion to approve the staff's recommendation to approve LSNC's proposed capital additions in the amount of \$28,750.

Moved by Morales, seconded by Gonzalez.

Ayes – (4) Blakemore, Gonzalez, King, Morales

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

Carroll reported that there were no budget proposals needing committee approval due to non-qualifying activities.

The following motion was then proposed:

RESOLVED, that the Committee recommends to the LSTFC approval of all 2024 IOLTA/EAF budgets from organizations listed in the November 3, 2023, meeting materials contingent upon satisfactory completion of any staff-requested corrections by the time of the LSTFC's November 9 meeting.

Moved by King, seconded by Morales.

Ayes – (4) Blakemore, Gonzalez, King, Morales
Noes – (0)
Abstain – (0)
Absent – (0)

Motion carries.

5.4 Identify Programs for Eligibility Review Conferences

Carroll reported on organizations that may require eligibility review conferences, including Youth Law Center (YLC) and Legal Services for Prisoners with Children (LSPC). Staff is currently working with these organizations and reviewing their materials. Carroll reported that staff may want to bring committee members into the discussion to offer an opinion on the qualifying nature of some of the activities. Staff wants the ability to schedule (if necessary) eligibility review conferences before the next EBR committee meeting in order to address eligibility or qualifying activity questions before the next application cycle.

There was a motion is to give staff the authority to schedule, if necessary, eligibility review conferences for YLC and LSPC to discuss specific unresolved eligibility questions.

Moved by Morales, seconded by King.

Ayes – (4) Blakemore, Gonzalez, King, Morales
Noes – (0)
Abstain – (0)
Absent – (0)

Motion carries.

6. Adjourn

The meeting adjourned at 2:11 p.m.