



# The State Bar of California

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## Legal Services Trust Fund Commission (LSTFC) Rules Committee Teleconference

Open Session Minutes  
Wednesday, November 1, 2023  
12:00 p.m.—3:00 p.m.

**Time Meeting Commenced:** The LSTFC Rules Committee meeting commenced in open session at 12:00 p.m.

**Time Meeting Adjourned:** 3:00 p.m.

**Chair:** Mildred Patience

**Committee Coordinator:** Doan Nguyen

**Members Present:** Jacqueline Alikhaani, Amin Al-Sarraf, Louise Bayles-Fightmaster, Catherine Blakemore, Venetta Campbell, Erica Connolly, Jason Galkin, Jonathan Sandville, Patience Milrod

**Members Absent:** None

**Liaisons Present:** Salena Copeland, Laura Brown, Melanie Snider

**Liaisons Absent:** None

### OPEN SESSION

1. **Call to Order**  
Chair Milrod called the meeting to order.
2. **Roll Call**  
Roll call was taken and a quorum was established.

Chair Milrod called for public comment, inquiring as to whether there were persons who wished to comment on any agenda item. No comments were made.

3. **Approval of Minutes**

- 3.1 **Open Session Minutes: August 2, 2023**

**RESOLVED**, that the Legal Services Trust Fund Commission Rules Committee approves the minutes.

*Moved by Connolly, seconded by Bayles-Fightmaster.*

*Ayes – (8) Alikhaani, Bayles-Fightmaster, Blakemore, Campbell, Connolly, Galkin, Sandville, Milrod*

*Noes – (0)*

*Abstain – (1) Al-Sarraf*

*Absent – (0)*

*Motion carries.*

#### **4. Discussion and Action Items**

##### **4.1 Approve Recommendations Regarding State Bar Grant Expenditure Deductions**

Senior Program Analyst Christal Bundang presented fiscal codification topics and recommendations for discussion, as well as proposed a resolution for the committee to vote on. An overview of the 2024 IOLTA / EAF Grantees was shared next, which specified the amounts of IOLTA / EAF grants received by QLSP's. Staff described the current approach to IOLTA and EAF Grant expenditures, which is that they are deducted from an organization's expenditures when determining qualified expenditures used for calculating allocations. Ultimately, the committee voted on the proposed resolution 4.1: Approve Recommendations Regarding State Bar Grant Expenditure Deductions

**RESOLVED**, that the Legal Services Trust Fund Commission Rules Committee approves recommendations regarding State Bar Grant Expenditure Deductions.

*Moved by Blakemore, seconded by Connolly.*

*Ayes – (9) Alikhaani, Al-Sarraf, Bayles-Fightmaster, Blakemore, Campbell, Connolly, Galkin, Sandville, Milrod*

*Noes – (0)*

*Abstain – (0)*

*Absent – (0)*

*Motion carries.*

##### **4.2 Approve Recommendations Regarding Pro Bono Allocation**

Senior Program Analyst Angela O'Hara presented on this topic, starting with a review of the last Rules Committee meeting feedback on the project. Staff summarized the Pro Bono Allocation working group's updated recommendations, which included modification to initial the recommendation to accommodate concern that it did not explicitly state applicants meet both the substantial numbers and principal means standards.

**RESOLVED**, that the Legal Services Trust Fund Commission Rules Committee approves the following working group recommendation:

Adopt new State Bar Rules 3.680(F)(G) (Option 1) as set forth in Attachment B of the working group's November 1, 2023 memo to establish clear guidance in determining eligibility for the pro bono allocation.

*Moved by Blakemore, seconded by Galkin.*

*Ayes – (9) Alikhaani, Al-Sarraf, Bayles-Fightmaster, Blakemore, Campbell, Connolly, Galkin, Sandville, Milrod*

*Noes – (0)*

*Abstain – (0)*

*Absent – (0)*

*Motion carries.*

#### **4.3 Approve Recommendations Regarding Carryovers and Budget Modifications**

Lead Program Analyst Danielle MacRae presented the State Bar's current practices, prior recommendations, and feedback from the June 2023 committee meeting. Staff utilized this updated information to revise their recommendations to the committee.

Since the June Rules Committee meeting, the commission voted to allow a multi-year spend-down period for 2024 IOLTA grant distributions. Additionally, the committee will afford grantees opportunity to use larger distributions to do longer-term planning, along with expanding the definition of extraordinary circumstances to include organization-specific factors. Under these new, revised recommendations, committees, rather than the commission, may review and approve budget modification requests greater than 25 percent.

**RESOLVED**, that the Rules Committee of the Legal Services Trust Fund Commission approves the working group's amended recommendations related to carryovers and budget modifications as set forth in the Proposed State Bar Rule Language attachment to the working group's November 1, 2023 memorandum and forwards these recommendations for review and approval by the Legal Services Trust Fund Commission.

*Moved by Bayles-Fightmaster, seconded by Milrod*

*Ayes – (5) Alikhaani, Blakemore, Connolly, Galkin, Sandville*

*Noes – (0)*

*Abstain – (0)*

*Absent – (2) Al-Sarraf, Campbell*

*Motion carries.*

**4.4 Approve Recommendations Regarding Unspent and Relinquished Grant Funds**

Senior Financial Analyst Heidi Slater presented about what to do with unspent or relinquished grant funds. Currently, there are no rules for when there are unspent funds at the end of the grant period, or relinquished funds during the grant period. The current practice for IOLTA, EAF, and Partnership funds is to hold unspent or relinquished funds for redistribution in subsequent grant periods.

**RESOLVED**, that the Rules Committee of the Legal Services Trust Fund Commission approves the working group recommendations related to redistributing unspent funds and reallocating relinquished funds, as referenced in Attachment B.

*Moved by Milrod, seconded by Alikhaani.*

*Ayes – (7) Al-Sarraf, Bayles-Fightmaster, Blakemore, Campbell, Connolly, Galkin, Sandville*

*Noes – (0)*

*Abstain – (0)*

*Absent – (0)*

*Motion carries.*

**ADJOURN**