



The State Bar of California

OPEN SESSION

AGENDA ITEM

4.3 MARCH 2024

LEGAL SERVICES TRUST FUND COMMISSION

DATE: March 29, 2024

TO: Members, Legal Services Trust Fund Commission

FROM: Angela O'Hara, Senior Program Analyst
Esteban Cano-Gutierrez, Senior Fiscal Analyst

SUBJECT: Approve Los Angeles County Bar Association Counsel for Justice and Legal Aid Society of San Bernardino's 2022 Partnership Grant 2.0 Carryover Requests

EXECUTIVE SUMMARY

Organizations that receive Partnership Grant funding may request a modification of their approved grant budget or request a carryover of their grant award. During the grant period, organizations may submit requests to modify approved grant budgets on a rolling basis. For Partnership Grants that ended on December 31, 2023, final requests to modify approved budgets or to carryover funds were due January 31, 2024.

Requests equal to or exceeding 25 percent of the total grant award require Legal Services Trust Fund Commission (LSTFC) review and approval. The Partnership Grants Committee usually reviews requests in advance of the LSTFC meeting and makes a recommendation to LSTFC whether to approve. Unfortunately, staff overlooked two carryover requests that exceeded 25 percent of the grantees' total grant awards prior to the Partnership Grants Committee meeting on February 6, 2024. Therefore, these two requests are being brought directly to the LSTFC for approval at its March 29, 2024, meeting.

BACKGROUND

Grantees seeking to modify their budgets or to carryover funds to the following grant year must submit a request. The spenddown period to carryover funds for grants that ended on December 31, 2023, will be from January 1, 2024, to June 30, 2024; unspent funds after June 30, 2024, must be remitted to the State Bar. In the Legal Services Trust Fund Program General Grant Provisions, provision 7.01 states that recipients shall not materially deviate from the approved

budget without first obtaining prior written approval. Budget modification requests must fully delineate the reason for the revision and any effect on services provided. According to the Commission's Functional Matrix, changes that are less than 10 percent of the total award are allowed. State Bar staff (staff) may review and approve requests that are between 10 and 25 percent of the total award, while those equal to or greater than 25 percent require Committee and LSTFC approval.

Staff review each budget modification and carryover request and calculate the percent of the total award that the request represents to determine if it requires Committee and LSTFC approval. Staff review the stated reason for a budget modification and/or carryover and the potential effect on services provided and assess the budget narratives to determine whether the proposed use of funds is reasonable (e.g., would continue to fund qualifying work or would not pay for a different project's costs, etc.) Past explanations for requests that have been found reasonable include, but are not limited to, unanticipated staffing changes, hiring delays, unexpected receipt of additional funding, and changes in legislation that impacted project goals. Past explanations that have been found unreasonable include an organization failing to clearly address how it will spend carryover funds along with new allocations, high budget deviation amounts, and repeated requests for modification or carryover year over year.

DISCUSSION

Staff received six budget revisions and two carryover requests for 2022 Partnership Grants 2.0 (Attachment A). Two carryover requests exceed 25 percent of the grantees' total grant award and require LSTFC approval (Los Angeles Bar Association Counsel for Justice, 28 percent, and Legal Aid Society of San Bernardino, 32 percent). The Partnership Grants Committee usually reviews requests in advance of the LSTFC meeting and makes a recommendation to LSTFC whether to approve. Unfortunately, staff overlooked these carryover requests prior to the Partnership Grants Committee meeting on February 6, 2024. During review of Partnership Grant evaluations that were due in March, staff discovered the two unprocessed carryover requests. Because the oversight was due to technical errors, the carryover requests have not been marked late and staff recommends considering them as if they were submitted timely.

1. Los Angeles Bar Association (LACBA) Counsel for Justice, DVRO Remote Access Project (28 percent)

LACBA reported having difficulty hiring a project attorney to carry out the proposed work, and the directing attorney left the project at the start of 2023, further delaying implementation. LACBA noted that qualified staff are now in place for all critical positions.

Staff finds LACBA's explanation for the carryover and plan to spend down the remaining funds to be reasonable and therefore recommends approval. See Attachment A for full description.

2. Legal Aid Society of San Bernardino (LASSB), Domestic Violence and Homelessness Prevention (32 percent)

LASSB reported challenges in personnel recruitment and logistical issues related to its expansion to the Riverside Superior Court. Physical space was not initially provided at the court, limiting implementation of the project as planned and impacting expenditures. LASSB regained momentum after working with the court to establish on-site presence and adjusting its delivery model. LASSB plans to use the funds to train staff members, expand virtual assistance, enhance on-site services, and increase outreach efforts.

Staff finds LASSB's explanation for the carryover and plan to spend down the remaining funds to be reasonable and therefore recommends approval. See Attachment A for full description.

RECOMMENDATION

Should the LSTFC concur with staff's recommendation, adoption of the following resolution is recommended:

RESOLVED, the LSTFC approves Los Angeles County Bar Association Counsel for Justice's 2022 Partnership Grant 2.0 carryover request in excess of 25 percent of the grant award, as reflected in Attachment A to this memorandum;

AND IT IS FURTHER RESOLVED, the LSTFC approves Legal Aid Society of San Bernardino's 2022 Partnership Grant 2.0 carryover request in excess of 25 percent of the grant award, as reflected in Attachment A to this memorandum.

ATTACHMENT

- A. 2022 Partnership Grant 2.0 Budget Revision and Carryover Requests

**2022 PARTNERSHIP GRANT 2.0 BUDGET REVISIONS AND/OR CARRYOVER REQUESTS
IN EXCESS OF 25 PERCENT OF GRANT AWARD**

Organization	Project Name	Grant Type	Grant Amount	Budget Revision Amount	Budget Revision Percentage	Carryover Amount	Carryover Percentage
LACBA Counsel for Justice	DVRO Remote Access Project	2022 PG 2.0	\$300,000	20,555	6.9%	\$84,420	28%

Rationale:

Carry Over Explanation:

LACBA Counsel for Justice is requesting a carry-over to finish spending down DVRO Remote Access Project funds. The carry-over amount is \$84,420.

The Remote Project began in 2022, but it took longer than anticipated to hire a Project Attorney to carry out proposed work. Additionally, in the first week of January 2023, the Directing Attorney left the project and the then Project Attorney was promoted to Directing Attorney. Despite attempts to fill the role, the Project Attorney position was vacant almost all of 2023. A qualified bilingual candidate with experience working with vulnerable populations was found in November 2023, but needed time to transition to the project. This attorney began working January 2024, making the carry over balance critical to fund the position.

82% of Carry-Over funds will be utilized towards personnel costs for the Directing Attorney, Project Attorney, and Project Coordinator for salaries and related benefits. These three roles directly contribute to the development, implementation, and maintenance of the Remote Project tools, such as the automated reminder system and related Project reports.

Non-Personnel unspent funds make up 18% and will be used for the following categories:

\$1,447 for Office Supplies, like toner and paper, as well as replacing materials (headsets, keyboards) approaching their end-of-life utilization.

\$45 for Printing and Postage to cover any mailing expenses to send documents to litigants.

\$1,446 for Technology to cover ongoing subscriptions that the Reminder System relies on such as bit.ly, MailChimp, Twilio and the host server. These programs are used to generate the technical assistance links, emails, and text messages that the Reminder System rely on to function. Any remaining balance will be used to pay the consultant for maintenance/upgrades as needed to FileMaker, which is the case management system the Reminder System uses.

\$2,000 for Training to cover the Directing Attorney's registration and related trip expenses to the International Conference on Sexual Assault, Domestic Violence, and the Cycle of Justice taking place Spring 2024.

\$220 for Insurance to cover a share of required Insurance coverage for program staff.

\$10,000 for Other to cover a professional animation consultant to finalize a series of English instructional videos about the restraining order process (from Emergency Protective Orders through expectations at the DVRO hearing) as well as Spanish versions of these videos and related voiceover work. Remaining funds in this category will be used for interpreter services via LanguageLine and parking expenses that are used on as-needed basis by program staff.

Budget Revision Explanation:

LACBA Counsel for Justice is requesting a budget revision and carry over to finish spending down DVRO Remote Access Project funds. The Project began in 2022, but it took longer than anticipated to hire a Project Attorney to carry out proposed work. Additionally, in the first week of January 2023, the Directing Attorney left the project and the then Project Attorney was promoted to Directing Attorney. Despite attempts to fill the role, the Project Attorney position was vacant almost all of 2023. A qualified candidate was found in November 2023, but needed time to transition to the project. We are requesting certain funds be reallocated to cover personnel costs for the Directing Attorney, Project Attorney, and Project Coordinator. Consequently, some non- personnel expenses were not fully utilized in developing the Project. We are requesting some reallocations of non-personnel items to continue delivery of proposed items in the original proposal, including educational outreach materials such as videos.

Budget revisions include changes in FTEs to personnel, specifically lawyers and other staff. For non-personnel, changes include reducing the following: office supplies, printing & postage, technology, and insurance. These reductions are based on actual usage and projected usage for the following 6 months. Increases include Other to account for additional parking expenses for staff providing services in the course of the project and funds to be utilized to complete an English series of videos and create Spanish versions of said videos, covering restraining order fundamentals for educational use by the general public. These funds will be used to hire a professional animation consultant and voice-over professionals.

Organization	Project Name	Grant Type	Grant Amount	Budget Revision Amount	Budget Revision Percentage	Carryover Amount	Carryover Percentage
Legal Aid Society of San Bernardino	Domestic Violence and Homelessness Prevention	2022 PG 2.0	\$264,790	\$25,586	9.7%	85,238	32%

Rationale:

Carry Over Explanation:

Description of Circumstances Leading to Under-expenditure:

The under-expenditure of grant funds by LASSB was primarily due to challenges in personnel

recruitment and logistical issues related to its expansion to the Riverside Superior Court. These obstacles delayed project implementation and affected the pace of fund utilization. The initial lack of physical space at the court necessitated a shift to virtual services, which, while innovative, did not fully meet the needs of those requiring in-person legal assistance. The subsequent establishment of an on-site presence at the Riverside Superior Court and the introduction of a hybrid program to address attorney shortages were positive steps forward but also led to temporary underutilization of funds.

Plan to Spend Down Funds by June 30, 2024:

To address the under-expenditure and fully utilize the grant funds within the next 6 months, LASSB plans to:

1. Educational Trainings: LASSB will allocate resources to ensure staff members remain updated on the latest domestic violence legislation, enabling them to adequately support on-site personnel and effectively assist applicants.
2. Virtual Assistance: LASSB will use allocated funds to expand its virtual assistance program, leveraging resources such as the legal advice line and off-site clients who can provide clinic services, to support victims who are apprehensive about engaging with the court system.
3. Enhance On-site Services: LASSB will dedicate budget towards expanding its on-site presence to facilitate increased applicant intake. The Deputy Director will collaborate with on-site staff on peak days to ensure that applicants receive necessary protection services and support.
4. Documentation: LASSB will continue to focus in the expansion of its Domestic Violence automation system, utilizing allocated funds to increase service capacity and improve document preparation processes to better assist applicants.
5. Increase Outreach Efforts: Implementing targeted outreach campaigns to raise awareness of LASSB's services, particularly in underserved and rural areas. This strategy aims to increase the number of households served, thereby maximizing the impact of the grant funds.
6. Monitor and Adjust Budget Allocation: Regularly reviewing and adjusting budget allocations to ensure resources are directed to the most critical areas of need, facilitating better use of the funds.
7. Evaluate Program Impact: Conducting ongoing evaluation of the program's impact on the community to identify areas for improvement and ensure that the expenditure aligns with the intended outcomes.

Explanation for Carryover Request:

The request for a carryover is directly attributed to the delayed start at the Riverside Superior Court, which resulted in fewer clients being served initially and, consequently, lower expenses. However, the significant increase in the number of households served in the early months of 2024 compared to the entire period post-initiation in 2023 demonstrates a clear trajectory of increased service delivery and fund utilization. LASSB is committed to continuing its on-site activities and expanding its reach to serve an estimated 600 household members by the end of

2024. This plan not only addresses the immediate need to spend down the funds but also underlines LASSB's commitment to providing crucial legal aid services to future victims, thereby ensuring the long-term sustainability and impact of the program.

These steps illustrate a thorough and considered approach to resolving the initial challenges faced by LASSB and demonstrate the organization's commitment to making the most effective use of the grant funds to serve the community.

Budget Revision Explanation:

The Legal Aid Society of San Bernardino (LASSB) has experienced a remarkable increase in service demand following the strategic expansion of its operations in Riverside County. This expansion involved the deployment of two paralegals on-site at the Riverside Superior Court and the provision of a virtual attorney service. The initiative's success has led to a notable enhancement in our capacity to deliver timely legal assistance, including the facilitation of same-day protective orders for families in need.

The high demand and effectiveness of these services have precipitated an unanticipated rise in operational costs, exceeding our preliminary budget forecasts. This surge is attributable to the direct impact of our expanded service offerings and the resultant operational needs.

To address this situation and ensure the uninterrupted provision of these critical services, LASSB proposes a budget revision. The revision focuses on an increase in non-personnel expenses, with a significant portion allocated to direct personnel costs, reflecting the necessity to support the enhanced scope of services.

The urgency for this budget adjustment stems from the immediate and tangible impact of our services. Since initiating on-site services in June of the previous year, LASSB has assisted 233 victims of abuse. In just the first few months of the current year, we have already served 100 individuals, with projections indicating we will assist around 600 people through our court project in 2024. The expansion and popularity of our programs have not only increased the demand for assistance but have also significantly benefited victims. These individuals, who might otherwise face denial due to paperwork errors, are now receiving the necessary protections to ensure their safety.

This budget revision is crucial to sustain and potentially expand our service delivery, enabling us to continue meeting the urgent legal needs of our community effectively.

**2022 PARTNERSHIP GRANT 2.0 BUDGET REVISION AND/OR CARRYOVER REQUESTS
BETWEEN 10 AND 25 PERCENT OF THE GRANT AWARD
(FOR REFERENCE ONLY: STAFF-APPROVED)**

Organization	Project Name	Grant Type	Grant Amount	Budget Revision Amount	Budget Revision Percentage	Carryover Amount	Carryover Percentage
Neighborhood Legal Services	International Service - Hague Remote Self-Help	2022 PG 2.0	\$255,000	\$56,118	22%	N/A	N/A
Neighborhood Legal Services	A2J: Navigating a Remote World	2022 PG 2.0	\$255,000	\$43,665	17.1%	N/A	N/A

**2022 PARTNERSHIP GRANT 2.0 BUDGET REVISION AND/OR CARRYOVER REQUESTS
BELOW 10 PERCENT OF THE GRANT AWARD
(FOR REFERENCE ONLY: SELF-EXECUTING APPROVAL)**

Organization	Project Name	Grant Type	Grant Amount	Budget Revision Amount	Budget Revision Percentage	Carryover Amount	Carryover Percentage
LACBA Counsel for Justice	DVRO Remote Access Project	2022 PG 2.0	\$300,000	\$20,555	6.9%	N/A	N/A
Legal Aid Society of San Bernardino	Domestic Violence and Homelessness Prevention	2022 PG 2.0	\$264,790	\$25,586	9.7%	N/A	N/A