



The State Bar of California

Legal Services Trust Fund Commission (LSTFC) Eligibility and Budget Review Committee Teleconference

Open Session Minutes
Friday, March 1, 2024
11:00 a.m.–3:00 p.m.

Time Meeting Commenced:

The Eligibility and Budget Review Committee meeting commenced in open session at 11:03 a.m.

Time Meeting Adjourned:

2:31 p.m.

Chair:

Catherine Blakemore

Committee Coordinator:

Danielle MacRae

Members Present:

Catherine Blakemore, Eloina Gonzalez, Angie King, Hon. Clifford Klein, Maria Morales, Xavier Vargas

Members Absent:

None

Advisors Present:

None

Advisors Absent:

Judge Brad Seligman

Liaisons Present:

Salena Copeland (LAAC), Melanie Snider (Judicial Council), Laura Brown (Judicial Council)

Staff Present:

Danielle MacRae, Doan Nguyen, Christal Bundang, Jennifer Zelnick

OPEN SESSION

1. Call to Order

The Eligibility and Budget Review Committee (committee) was called to order by Chair Blakemore.

2. Roll Call

Roll call was taken, and a quorum was established. Chair Blakemore called for public comment, inquiring as to whether there were person(s) who wished to comment on any agenda item. The following comments were provided to the committee.

1. Kevin Aslanian, Coalition of California Welfare Rights Organization (CCWRO)
Provided comment for agenda item 6 and was available to answer any follow up questions from the committee.
2. Betsy Butler, California Women's Law Center (CWLC)

Provided comment for agenda item 6 and was available to answer any follow up questions from the committee.

3. Silvia Argueta, Legal Aid Foundation of Los Angeles (LAFLA)
Provided comment for agenda item 6 and was available to answer any follow up questions from the committee.
4. Heather Hostler, California Indian Legal Services (CILS)
Provided comment for agenda item 6 and was available to answer any follow up questions from the committee.
5. Gabriella Perez, Inland Empire Latino Lawyers Association, Inc. (IELLA)
Provided comment for agenda item 6 and was available to answer any follow up questions from the committee.
6. Cynthia Chagolla from Law Foundation of (LFSV)
Provided comment for agenda item 6 and was available to answer any follow up questions from the committee.

3. Approval of Minutes

3.1 Open Session Minutes: November 3, 2023

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

Moved by King, seconded by Morales.

Ayes – (5) Blakemore, Gonzalez, King, Morales, Vargas

Noes – (0)

Abstain – (0)

Absent – (1) Klein

Motion carries.

4. Administrative Updates

4.1 Staff Report on Prospective Applicants for 2025 IOLTA/EAF funding

Presenter: Danielle MacRae, Lead Program Analyst, Office of Access & Inclusion

About a dozen prospective applicants expressed interest in applying for the 2025 IOLTA/EAF grants. A webinar for prospective applicants will be held later this month.

4.2 Overview of Impact Litigation and Advocacy Work (ILAW) Reporting and Review Process

Presenter: Danielle MacRae, Lead Program Analyst, Office of Access & Inclusion

Following the March 15 deadline, staff will do an initial review of all submitted reports and raise any substantive questions or concerns at the April meeting.

5. Grantee Related Updates

5.1 Updates on 2023 Monitoring Visits and Closeout of Former Grantee Records

Presenters: Danielle MacRae, Lead Program Analyst, Office of Access & Inclusion
Jennifer Zelnick, Senior Program Analyst, Office of Access & Inclusion

OA&I fiscal staff is working with grantees to resolve discrepancies in order in order to close out the 2022 IOLTA/EAF grants. The 2022 grantees were permitted to spend the 2022 EAF grant over a two-year period. Currently, 54 out of 103 grants have been closed out. The remaining grants are pending various carryover requests, budget deviations over 10 percent, and ongoing reconciliation or unspent funds.

There were 34 monitoring visits were conducted in 2023, and staff will be conducting 45 monitoring visits in 2024. This includes visits with the 10 new grantees, which will be conducted in person, and a follow-up visit with Coalition of California Welfare Rights Organizations (CCWRO) based on findings identified during its 2023 visit. Commissioners are encouraged to participate in the 2024 visits. Program Director Nguyen reminded the committee that OA&I will be phasing out of all remote visits and will be adopting a hybrid approach.

Additional updates were provided regarding CCWRO's monitoring visit, and HP 3 desk review, and 2024 Eligibility Review Conference. CCWRO now has additional requirements from the HP Committee to ensure full compliance with its HP grants.

6. IOLTA/EAF Budget Revision and Carryover Requests

6.1 Discussion and Action on 2022 EAF Budget Revisions and/or Carryover Requests in Excess of 25 Percent of the Grant Award

Presenter: Danielle MacRae, Lead Program Analyst, Office of Access & Inclusion

Historically, the Legal Services Trust Fund Commission (LSTFC) has approved budget revisions requests over 25 percent that are within the recommended personnel/non-personnel and administrative/program budget ratios. For carryovers, the LSTFC has had some hesitancy about approving large carryover amounts, with concerns that doing so would create a reserve for the organizations.

There is a pending State Bar rule change regarding budget modifications and carryover requests. Under the proposed rule changes, the LSTFC will consider several factors when reviewing requests, such as amount of the request, impact on services and deliverables, and the grantee's ability to spend funds. For carryovers, the LSTFC would only approve carryovers over 50 percent only in extraordinary circumstances.

The committee received one 2022 EAF budget revisions request from Public Advocates (25 percent) and two 2022 EAF carryover requests from IELLA (47 percent) and Riverside Legal Aid (25 percent). Staff recommends approval of all the 2022 requests. Grantees approved for carryovers will be permitted to spend EAF funds until June 30, 2024. Unspent funds will need to be returned to the State Bar.

RESOLVED, that the Eligibility & Budget Review Committee recommends approval of all 2022 EAF budget revision and carryover request equal to or in excess of 25 percent of the grant award, as reflected in Attachment B of staff's March 1, 2024, memorandum.

Moved by Gonzalez, seconded by King.

Ayes – (6) Blakemore, Gonzalez, King, Klein, Morales, Vargas

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

6.2 Discussion and Action on 2023 IOLTA/EAF Budget Revisions and/or Carryover Requests in Excess of 25 Percent of the Grant Award

Presenter: Danielle MacRae, Lead Program Analyst, Office of Access & Inclusion

RESOLVED, that the Eligibility & Budget Review Committee recommends approval of 2023 IOLTA/EAF budget revision requests from Legal Services of Northern California and Greater Bakersfield Legal Assistance in excess of 25 percent of the grant award, as reflected in Attachment B of staff's March 1, 2024, memorandum, to the Legal Services Trust Fund Commission.

Moved by Morales, seconded by King.

Ayes – (6) Blakemore, Gonzalez, King, Klein, Morales, Vargas

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

CCWRO also submitted a 2023 IOLTA/EAF budget revision and carryover request. However, based on the information CCWRO provided and despite multiple attempts, the requests do not appear accurate. CCWRO's Executive Director, Kevin Aslanian clarified that the consultants budget line item was for IT consultants. The committee decided to delegate authority to a working group to review CCWRO's updated request and develop a recommendation to the LSTFC.

Six organizations submitted 2023 IOLTA/EAF carryover requests between 25 and 50 percent: 1) California Rural Legal Assistance (IOLTA 29 percent; EAF 27 percent), 2) Legal Services of Northern California (EAF 30 percent), 3) Public Law Center (EAF 28 percent), 4) Legal Aid Society of San Bernadino (EAF 26 percent), 5) Disability Rights California (25 percent), and 6) Mental Health Advocacy Services (EAF 25 percent). Grantees approved for carryovers will be permitted to spend EAF funds until June 30, 2024. Unspent funds will need to be returned to the State Bar.

Reasons for the carryover requests included difficulty spending increased 2022 grant award simultaneously with 2023 grants, hiring difficulties, and decreases in services due to COVID. Staff recommends approval of these requests.

RESOLVED, that the Eligibility & Budget Review Committee recommends approval of all 2023 IOLTA/EAF carryover requests equal to or in excess of 25 percent of the grant award but less than 50 percent of the grant award, as reflected in Attachment B of staff's March 1, 2024, memorandum, to the Legal Services Trust Fund Commission.

Moved by King, seconded by Klein.

Ayes – (6) Blakemore, Gonzalez, King, Klein, Morales, Vargas

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

Six organizations submitted 2023 IOLTA/EAF carryover requests over 50 percent: 1) CWLC (EAF 100 percent), 2) LAFLA (EAF 69 percent), 3) Greater Bakersfield Legal Assistance (EAF 25 percent), 4) CILS (EAF 54 percent), 5) IELLA (EAF 52 percent), and 6) LFSV (EAF 50 percent).

Committee members sought additional information about the grantees' capacity to spend 2023 grant funds within the six-month carryover period together with their 2024 awards. Representatives from organizations provided this information during this meeting and answered additional questions raised by the committee.

RESOLVED, that the Eligibility & Budget Review Committee recommends approval of 2023 EAF carryover requests equal to or in excess of 50 percent of the grant award but

less than 70 percent of the grant award amount, as reflected in staff's March 1, 2024, presentation, to the Legal Services Trust Fund Commission.

AND IT IS FURTHER RESOLVED, that the Eligibility & Budget Revision Committee recommends approval of California Women's Law Center's 2023 EAF carryover request in excess of 50 percent of the grant award, as reflected in staff's March 1, 2024, presentation, to the Legal Services Trust Fund Commission conditional upon California Women's Law Center providing additional information to State Bar staff by March 15, 2024, demonstrating their ability to spend down the State Bar grant funds by relevant grant period end dates.

Moved by King, seconded by Klein.

Ayes – (6) Blakemore, Gonzalez, King, Klein, Morales, Vargas

Noes – (0)

Abstain – (0)

Absent – (0)

Motion carries.

7. IOLTA/EAF Expense Reporting Requirements

7.1 Discussion and Action on 2024 IOLTA/EAF Expense Reporting Requirements

Presenter: Christal Bundang, Lead Program Analyst, Office of Access & Inclusion

An overview of the current reporting requirements and staff's initial recommendations for the 2024 IOLTA reporting requirements was presented. Staff will gather additional feedback from grantees on March 7, 2024, and present recommendations at the March 29 LSTFC meeting.

8. Adjourn