



The State Bar of California

Legal Services Trust Fund Commission Teleconference

Open Session Minutes
Friday, March 29, 2024
12:00 p.m.–4:00 p.m.

Time Meeting Commenced:

The Legal Services Trust Fund Commission (LSTFC) meeting commenced in open session at 12:06 p.m.

Time Meeting Adjourned:

4:04 p.m.

Chair:

Erica Connolly

Committee Coordinator:

Doan Nguyen

Members Present:

Amin Al-Sarraf, Jacqueline Alikhaani, Catherine Blakemore, Erica Connolly, Jason Galkin, Eloina Gonzalez, Toni Hoang, Angie King, Joseph Lee (arrived after 4:10 p.m.), Tammy Mahoney, Patience Milrod, Maria Morales, Jodi Prior, Jonathan Sandville

Members Absent:

Venetta Campbell, Efrain Escobedo, Eric Isken, Hon. Clifford Klein, Hon. Diana Kruz, Xavier Vargas

Advisors Present:

Justice Victor Rodriguez, Judge Brad Seligman

Advisors Absent:

Hon. Bryant Yang

Liaisons Present:

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

Staff Present:

Christal Bundang, Shannon Crossley, Raul Duran, Elizabeth Hom, Danielle MacRae, Christopher McConkey, Doan Nguyen, Angela O'Hara, Kimberly Warmesley, Jennifer Zelnick

OPEN SESSION

1. Call to Order

The LSTFC was called to order by Chair Connolly.

2. Roll Call

Roll call was taken and a quorum was established.

Chair Connolly reminded commissioners to complete Form 700 by the upcoming deadline on Monday. For technical assistance, reach out to State Bar staff (staff), as well as Raul, and Brady.

Call for Public Comment

Chair Connolly 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 LSTFC:

1. Kevin Aslanian

Kevin Aslanian, Executive Director of CCWRO, provided comments regarding agenda item 4.2. Aslanian stated that CCWRO appreciated the technical assistance and did not oppose the resolution. However, he expressed concern that he felt CCWRO was being chastised for receiving technical assistance.

3. Consent

3.1 Open Session Minutes: December 13, 2023

3.2 Open Session Minutes: February 2, 2024

3.3 Approve the 2021–2023 Homelessness Prevention (HP 2) Deliverable Revisions, the 2022–2024 Homelessness Prevention (HP 3) Deliverable Revisions, and the 2023–2024 Homelessness Prevention (HP 4) Budget Revisions (Homelessness Prevention Funds Committee)

3.4 Approve 2022 EAF Carryover and Budget Revisions (Eligibility & Budget Review Committee)

3.5 Approve 2023 IOLTA/EAF Carryovers and Budget Revisions (Eligibility & Budget Review Committee)

3.6 Approve 2023 Partnership Grant Carryover Requests (Partnership Grants Committee)

RESOLVED, that the Legal Services Trust Fund Commission approves the consent calendar as posted on the agenda.

Moved by Milrod, seconded by Sandville.

Ayes – (14) Al-Sarraf, Alikhaani, Ball, Blakemore, Connolly, Galkin, Gonzalez, Hoang, King, Mahoney, Milrod, Morales, Prior, Sandville

Noes – (0)

Abstain – (0)

Absent – (7) Campbell, Escobedo, Isken, Klein, Kruz, Lee, Vargas

Motion carries.

4. Grants Administration

4.1 Action on California Women’s Law Center and Coalition of California Welfare Rights Organizations’ 2023 IOLTA/EAF Carryover and Budget Revision Requests (Eligibility & Budget Review Committee)

Presenters: Danielle MacRae, Lead Program Analyst
Angela O'Hara, Senior Program Analyst
Catherine Blakemore, LSTFC Member
Maria Morales, LSTFC Member

California Women's Law Center (CWLC) timely submitted a 2023 EAF carryover request for \$225,046, or 100 percent of its grant. The Eligibility and Budget Review Committee (EBR Committee) recommended approval conditional on CWLC providing additional information about its plan to spend down grant funds. Upon submission of additional documentation, CWLC revised its carryover request to \$50,000, or 22 percent. Staff recommend approval of the request.

RESOLVED, that the Legal Services Trust Fund Commission approves California Women's Law Center's 2023 EAF carryover request of \$50,000, as reflected in the March 29, 2024, memo to the Legal Services Trust Fund Commission.

Moved by Blakemore, seconded by Morales.

Ayes – (15) Al-Sarraf, Alikhaani, Ball, Blakemore, Connolly, Galkin, Gonzalez, Hoang, King, Lee, Mahoney, Milrod, Morales, Prior, Sandville

Noes – (0)

Abstain – (0)

Absent – (6) Campbell, Escobedo, Isken, Klein, Kruz, Vargas

Motion carries.

Coalition of California Welfare Rights Organizations (CCWRO) did not provide complete and accurate information about its requests to modify its 2023 IOLTA and EAF budgets or carry over unspent funds by the January 31, 2024, deadline. At its March 1, 2024, meeting, the EBR Committee tasked a working group to review CCWRO's requests and make a recommendation to the LSTFC.

CCWRO requested an IOLTA budget revision of \$68,923 or 19 percent, an IOLTA carryover request of \$10,260 or 3 percent, an EAF budget revision of \$69,906 or 31 percent, and an EAF carryover request of \$68,293 or 30 percent. The working group recommended CCWRO's IOLTA budget revision request because the amount was under 25 percent, the explanation was reasonable, and it conformed with spending ratio guidelines. The working group recommended denying CCWRO's EAF budget revision and carryover requests due to their inadequate explanations. CCWRO's three percent IOLTA carryover request is self-executing due to the low percentage of funds.

RESOLVED, that the Legal Services Trust Fund Commission approves Coalition of California Welfare Rights Organizations' late 2023 IOLTA budget revision request as reflected in the March 29, 2024, memo to the Legal Services Trust Fund Commission;

AND IT IS FURTHER RESOLVED, that the Legal Services Trust Fund Commission denies Coalition of California Welfare Rights Organizations' late 2023 EAF budget revision and carryover requests as reflected in the March 29, 2024, memo to the Legal Services Trust Fund Commission.

Moved by Galkin, seconded by Ball.

Ayes – (15) Al-Sarraf, Alikhaani, Ball, Blakemore, Connolly, Galkin, Gonzalez, Hoang, King, Lee, Mahoney, Milrod, Morales, Prior, Sandville

Noes – (0)

Abstain – (0)

Absent – (6) Campbell, Escobedo, Isken, Klein, Kruz, Vargas

Motion carries.

4.2 Action on Coalition of California Welfare Rights Organizations' 2021–2024 Homelessness Prevention (HP 3) Formula Grant (Homelessness Prevention Funds Committee)

Presenter: Jennifer Zelnick, Senior Program Analyst

The LSTFC passed a resolution on December 13, 2023, to ensure CCWRO brought its HP 3 Formula grant into compliance. Although CCWRO submitted all required documentation by the January 31, 2024, deadline, staff's analysis found that CCWRO remains out of compliance with federal grant requirements and CCWRO still lacks sufficient internal and quality controls.

RESOLVED, that the Legal Services Trust Fund Commission (LSTFC) determines that the materials submitted by Coalition of California Welfare Rights Organizations (CCWRO) do not satisfy the resolution passed by the LSTFC on December 13, 2023, and CCWRO remains noncompliant with federal grant requirements; and it is

FURTHER RESOLVED, that the LSTFC requires CCWRO to submit allocation reports and staff time sheets each month beginning with January 2024 in order to receive its remaining 2021–2024 Homelessness Prevention (HP 3) formula funds through monthly reimbursement. CCWRO must receive its remaining HP 3 formula funds through reimbursement until the LSTFC finds that CCWRO has complied with the below requirements; and it is

FURTHER RESOLVED, that the LSTFC requires CCWRO to revise its HP 3 formula grant on the quarter nine expenditure report due April 26, 2024, to reflect its actual expenditures through March 31, 2024; and it is

FURTHER RESOLVED, that the LSTFC requires CCWRO to provide revised, accurate, and complete allocation reports and accounting reports through March 31, 2024, to staff by April 26, 2024; and it is

FURTHER RESOLVED, that the LSTFC requires CCWRO to submit a revised spend down plan and a budget revision request for its HP 3 formula funding from January 1, 2024–December 31, 2024, to staff by April 26, 2024; and it is

FURTHER RESOLVED, that the LSTFC requires CCWRO to participate in a second HP 3 desk review in 2024.

Moved by Blakemore, seconded by Hoang.

Ayes – (15) Al-Sarraf, Alikhaani, Ball, Blakemore, Connolly, Galkin, Gonzalez, Hoang, King, Lee, Mahoney, Milrod, Morales, Prior, Sandville

Noes – (0)

Abstain – (0)

Absent – (6) Campbell, Escobedo, Isken, Klein, Kruz, Vargas

Motion carries.

4.3 Approve Los Angeles County Bar Association Counsel for Justice and Legal Aid Society of San Bernardino’s 2022 Partnership Grant Carryover Requests

Presenter: Angela O’Hara, Senior Program Analyst

The LSTFC reviewed two carryover requests that exceeded 25 percent of the grantees’ total grant because they were not reviewed by the Partnership Grants Committee at its February 6, 2024, meeting.

RESOLVED, that the Legal Services Trust Fund Commission (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.

Moved by Ball, seconded by Milrod.

Ayes – (15) Al-Sarraf, Alikhaani, Ball, Blakemore, Connolly, Galkin, Gonzalez, Hoang, King, Lee, Mahoney, Milrod, Morales, Prior, Sandville

Noes – (0)

Abstain – (0)

Recuse – (1) Recusal as to individual organizations: Galkin as to Legal Aid Society of San Bernardino.

Absent – (6) Campbell, Escobedo, Isken, Klein, Kruz, Vargas

Motion carries.

4.4 Approve Delegation of Authority to Reallocate California Housing Finance Agency Foreclosure Prevention Grant Funds (Executive Committee)

Presenter: Chris McConkey, Program Supervisor

Seven months after the California Housing Finance Agency Foreclosure Prevention (CalHFA) grant period began, Public Counsel voluntarily relinquished \$216,594. Following the midpoint for the CalHFA grant period, at least three grantees indicated that they might seek more funds if available. Staff recommends reallocating the relinquished funds and any State Bar administrative funds that might go unspent.

RESOLVED, that the Legal Services Trust Fund Commission (LSTFC) Delegates to the LSTFC Executive Committee authority to reallocate any California Housing Finance Agency Foreclosure Prevention Grant funds that are currently available and that might become available later.

Moved by Blakemore, seconded by Hoang.

Ayes – (15) Al-Sarraf, Alikhaani, Ball, Blakemore, Connolly, Galkin, Gonzalez, Hoang, King, Lee, Mahoney, Milrod, Morales, Prior, Sandville

Noes – (0)

Abstain – (0)

Absent – (6) Campbell, Escobedo, Isken, Klein, Kruz, Vargas

Motion carries.

4.5 Approve Delegation of Authority to Approve the 2024–2025 CARE Court Grants Request for Proposals and to Recommend Awards (CARE Court Grants Committee)

Presenter: Chris McConkey, Program Supervisor

The Budget Act of 2024 will provide the funding for the Community Assistance, Recovery, and Empowerment (CARE) Act's CARE Court program starting on July 1, 2024. The CARE Court Grants Committee proposes releasing a conditional RFP in the spring to allow the LSTFC to determine 2024–2025 awards and funding for public defender offices around June 30. Subject to the forthcoming budget act and any changes to the CARE Act, the Committee recommends that the RFP use the same scoring rubric and reporting requirements as last year.

RESOLVED, that the Legal Services Trust Fund Commission (LSTFC) delegates to the LSTFC CARE Court Grants Committee (Committee) authority to approve a request for proposals including award timeline, application topics, scoring rubric, and reporting requirements, for 2024–2025 CARE Court grants and to recommend awards to the LSTFC.

Moved by Sandville, seconded by Milrod.

Ayes – (14) Al-Sarraf, Alikhaani, Ball, Blakemore, Connolly, Gonzalez, Hoang, King, Lee, Mahoney, Milrod, Morales, Prior, Sandville

Noes – (0)

Abstain – (1) Galkin

Absent – (6) Campbell, Escobedo, Isken, Klein, Kruz, Vargas

Motion carries.

4.6 Approve 2024 IOLTA Reporting Requirements

Presenter: Christal Bundang, Lead Program Analyst

A high-level overview of current reporting requirements and the Homelessness Prevention Impact Fact Sheet was presented. At a grantee evaluation workshop held on March 7, 2024, attendees expressed concerns about staff's initial recommendations to increase IOLTA services reporting requirements and eliminate the Legal Aid Evaluation Reports. Staff now recommend maintaining the current Legal Aid Evaluation reporting requirements, not requiring IOLTA-specific outcome reporting for 2024, and engaging with grantees and stakeholders in 2024 to develop a potential reporting framework for IOLTA.

RESOLVED, that the Legal Services Trust Fund Commission not require grantees to report on IOLTA-specific outcomes for the 2024 grant year.

Moved by Milrod, seconded by King.

Ayes – (12) Alikhaani, Ball, Connolly, Galkin, Gonzalez, Hoang, King, Mahoney, Milrod, Morales, Prior, Sandville

Noes – (0)

Abstain – (2) Al-Sarraf, Lee

Absent – (7) Blakemore, Campbell, Escobedo, Isken, Klein, Kruz, Vargas

Motion carries.

5. Reports

5.1 Report from Directors of the Office of Access & Inclusion

Presenters: Doan Nguyen, Program Director,
Erica Connolly, LSTFC Chair

Presentation and discussion only.

Various updates were reported including:

- IOLTA revenue is at almost \$190 million, surpassing prior projections.
- OA&I is currently undergoing five audits.
- The State Bar released its annual Diversity Report Card on March 25, 2024.
- The Partnership Grant (PG) RFP was approved by the PG Committee but was not noticed in today's agenda. The LSTFC will approve the RFP out of process at its next meeting.
- A potential amendment to Business & Professions Code section 6033. Currently, the LSTFC receives between \$5–8 million annually through opt-in and opt-out fees. Some of those funds are used for the Legal Aid Leaders Fellowship. In order to respond to organizations during disasters and emergencies, the proposed change would enable the LSTFC to deploy those funds strategically, based on needs.

5.2 2016–2022 Bank Grant Evaluation Report (Bank Grants Committee)

Presenter: Jennifer Zelnick, Senior Program Analyst

Presentation and discussion only.

Between 2016–2022, the LSTFC distributed over \$47.5 million in Bank Grants for 142 multi-year awards and 74 planning grants. This included five rounds of funding as well as one round of planning grants. The LSTFC distributed the final round of funding beginning on January 1, 2024, for two-year competitive grants to ten programs with the remaining \$4.5 million. Zelnick reported that 2016–2022 Bank Grant recipients recovered \$257 million for clients and saved clients \$36 million. The 2016–2022 Bank Grants also focused on serving veterans, seniors, and children.

5.3 Report on the Homelessness Prevention 2, 3, and 4, Grant Annual Evaluations (Homelessness Prevention Funds Committee)

Presenter: Jennifer Zelnick, Senior Program Analyst

Presentation and discussion only.

During the 2023 reporting period, Homelessness Prevention 2, 3, and 4 grantees addressed nearly 23,000 homelessness prevention legal needs through attorney-client relationships. HP grantees saved clients \$9.6 million and recovered \$8.27 million for

clients during the reporting period. Additionally, during this time the HP grantees provided almost 119,000 individuals with nonrepresentational legal help through self-representation clinics, outreach events, workshops and trainings, and hotline calls. HP grantees focused on serving underserved Californians including rural Californians, persons with disabilities, seniors, persons with limited English proficiency, and veterans.

5.4 Report on 2021–2022 Provisionally Licensed Lawyers Grants

Presenter: Chris McConkey, Program Supervisor

Presentation and discussion only.

The 2021–2022 Provisionally Licensed Lawyers (PLL) grants enabled grantees to hire law school graduates with a temporary provisional license issued by the State Bar around the start of the COVID-19 pandemic. These individuals could carry a provisional license under the supervision of a licensed attorney. The Executive Committee approved 20 grants, totaling over \$1.35 million. While three PLLs served every county, 17 PLLs served 43 counties including approximately 30 rural counties. Fifteen PLLs worked on COVID-19, natural disaster, and/or rural legal aid. The average award was approximately \$68,000 and lasted for 12–13 months. PLLs worked on various areas of law, but housing was most common. PLLs worked on more limited-scope than full-scope cases. Three quarters of grantees offered the PLL a permanent position after the grant period. Eighty percent of PLLs rated their overall experience as excellent, 70 percent of PLLs hoped to continue working in civil legal aid.

5.5 Update on Legal Services Trust Fund Commission Five-Year Strategic Plan

Presenters: Cassandra Pye, President, Lucas Public Affairs
Eric Saldivar, Account Supervisor, Lucas Public Affairs

Presentation and discussion only.

Pye updated the LSTFC on progress toward the LSTFC five-year strategic plan and facilitated a discussion about the draft mission and vision statements and strategic priorities. Pye reported that the working group continues to meet, and they received about 65 responses to a survey from grantees. Additionally, Pye reported that they have conducted two of the fifteen in-depth interviews so far. Commissioners discussed whether the draft strategic priorities accurately captured the LSTFC's work and workshopped phrases and ideas to consider including in the next draft.

5.6 Judicial Council Report on Program Developments

Presenter: Melanie Snider, Judicial Council

Presentation and discussion only.

The Judicial Council is working on the CARE Act to prepare the courts for Cohort Two. The Judicial Council will hold two convenings in April for self-help staff. The Judicial Council continues to work on its Racial Justice Toolkit and language access services. Additionally, the Judicial Council is beginning to work on next year's contracts to ensure timely signing.

5.7 Legal Aid Association of California Report on Program Developments

Presenter: Salena Copeland, Legal Aid Association of California (LAAC)

Presentation and discussion only.

LAAC sponsored a mandatory pro bono reporting bill which will be heard on April 2 by the Assembly Judiciary Committee. LAAC is also working with State Bar staff to revise Business & Professions Code section 6033 to ensure it reflects community feedback. LAAC recently convened a meeting for grantees to learn more about community justice workers. LAAC's website will soon have a data clearinghouse page with information for grant reporting. Finally, LAAC and OneJustice recently held a three-day retreat for executive directors that focused on nonprofit governance and community representation.

Adjourn