

AGENDA ITEM

JULY 54-151

DATE: June 20, 2011

TO: Members, Volunteer Involvement Committee
Members, Board of Governors

FROM: Justice Maria Rivera, Nominations Committee, Legal Services
Trust Fund Commission

Stephanie Choy, Managing Director, Legal Services Trust Fund
Program

SUBJECT: Legal Services Trust Fund Commission, Extension of Terms

EXECUTIVE SUMMARY

The terms of the three senior State Bar-appointed members of the Legal Services Trust Fund Commission, including the co-chair and vice chair, expire at the close of the 2011 State Bar Annual Meeting on September 18, 2011. Because the delay in the State Budget impacts Equal Access Fund deadlines, the commission will not be able to complete its grant review before Annual Meeting. It is requested that the terms of these three State Bar-appointed members be extended to conclude at the end of the first Commission meeting following Annual Meeting so that they may participate in the discussion and vote on critical Equal Access Fund matters.

BACKGROUND

The Legal Services Trust Fund Commission administers the Interest on Lawyers' Trust Accounts Program, the Equal Access Fund, and the Justice Gap Fund as well as the Temporary Emergency Legal Services Voluntary Assistance Option.

The Equal Access Fund, initially created by the Budget Act of 1999, has been continued in each subsequent Budget Act, including the 2011 Budget Act. The basic Equal Access Fund allocation under each Budget Act is allocated to the Council, to be distributed in grants to legal services providers through the Commission. The Legal Services Trust Fund Program's practice has been to notify eligible programs of their EAF grant allocations in late June and require the return of proposed budgets in August. Each grantee can create multiple projects, and each of those projects must be reviewed

and approved by the Commission. No less than six weeks is required to complete this review process.

However, the State Budget must be passed in order for the Judicial Council to set the distribution amount. When the State Budget is late, and the Judicial Council cannot set a distribution amount in early July, the Legal Services Trust Fund's process of notifying grantees of their EAF allocations and subsequent return of project budgets is also impeded. This is particularly true in a year such as this one, where the cuts to the Trial Court budget are extensive, and the impact on the Equal Access Fund is unknown. Completion of the EAF budget review cannot take place by the time of the State Bar's Annual Meeting.

ISSUE

The difficult economy has resulted in extreme hardship for the 95 legal aid programs that receive IOLTA and Equal Access funding to provide legal aid to the indigent. Members of the Trust Fund Commission play a critical role in ensuring that funding dollars are used in accordance with statutory and contractual purposes. Because a strong, knowledgeable Commission is critical now as legal aid programs are fighting for their very survival, there is particular concern that the Board of Governors extend the terms of three senior State Bar-appointed members until the conclusion of the first full Commission meeting following the State Bar Annual Meeting.

CONCLUSION

The terms of the three senior State Bar-appointed members of the Legal Services Trust Fund Commission, including the co-chair and vice chair, expire at the close of the 2011 State Bar Annual Meeting on September 18, 2011. Due to the delayed State Budget process, the commission will not be able to complete its Equal Access Fund grant review before the State Bar Annual Meeting. It is requested that the terms of these three State Bar-appointed members be extended to the first full Commission meeting following the State Bar Annual Meeting so that they may participate in critical decisions regarding administration of the Equal Access Fund.

FISCAL / PERSONNEL IMPACT:

None

RULE AMENDMENTS:

None

BOARD BOOK IMPACT:

None

RECOMMENDATION

The Legal Services Trust Fund Commission recommends that the Board of Governors extend the terms of the following members of the Legal Services Trust Fund Commission through the conclusion of the first full Commission meeting following State Bar Annual meeting. David Hopmann, San Francisco, Co-Chair; Ellen Pirie, La Selva Beach, Vice Chair; and Kathleen A. Consolatti Meehan, Fresno.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Volunteer Involvement Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Volunteer Involvement Committee recommends that the Board of Governors extend the terms of the following members of the Legal Services Trust Fund Commission through the conclusion of the first full Commission meeting following State Bar Annual meeting: David Hopmann, San Francisco, Co-Chair; Ellen Pirie, La Selva Beach, Vice Chair; and Kathleen A. Consolatti Meehan, Fresno.

PROPOSED BOARD RESOLUTION:

Should the Board concur with the Volunteer Involvement Committee's recommendation, the following resolutions would be in order:

RESOLVED, that upon the recommendation of the Volunteer Involvement Committee, the Board hereby extends the terms of the following members of the Legal Services Trust Fund Commission through the conclusion of the first full Commission meeting following State Bar Annual Meeting: David Hopmann, San Francisco, Co-Chair; Ellen Pirie, La Selva Beach, Vice Chair; and Kathleen A. Consolatti Meehan, Fresno.